

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

April 4, 2001

LB 242

you have a forum where you discuss a ballot issue in the courthouse? Existing law would suggest that you cannot, but obviously rules and regulations from..or rulings from the Accountability and Disclosure Commission say that it's permissible. Oftentimes in our communities those are the only places where you can legitimately hold that kind of a forum. The...there is another exception in subsection (3) in that a governing body may discuss and vote upon resolutions supporting or opposing ballot questions. Governing bodies are asked to do that all the time and, in fact, sometimes they are the ones who put ballot questions on the...on the ballot. Obviously, they've had to have a resolution. Putting the issue on the ballot, arguably, that is a resolution in support. They've got to be able to do that in order to carry out their functions. I think that's a sensible exception. Subsection (4), no public official would be prohibited from responding to the press or the public expressing their opinion regarding a valid question. How often has somebody come up to you and said, what is your opinion, or, an extension of that, do you have any information about this particular issue? Have you ever refused to give anyone information? Have you ever refused to give...

PRESIDENT MAURSTAD: One minute.

SENATOR WICKERSHAM: ...anyone your opinion because you said the law prohibits me from giving you an opinion? Subsection (5), it says that members of the Legislature can express their opinions on ballot questions, and then Senator Quandahl wants to strike the last part of that so that we would be prohibited from communicating that opinion to our constituents. I think the concern is that we would use mail and those kind of things to distribute our opinions. But certainly if we're...we should not...constitutionally, I don't think we could be prohibited from expressing an opinion. The issue is how we communicate that to constituents. And then there is, in subsection (6), again, an allowance for employees to work on political issues off...off their govern...off their employment time. I think that also meets federal constitutional requirements. There is a provision in the bill that deals with how you address conflicts of interest when there are contracts that come before boards for discussion. Currently, there are two rules that are applicable.