

March 18, 1981

LB 17

SENATOR STONEY: All right I am speaking specifically now about LB 2 which was enacted during the special session in 1978 that provided and gave people an opportunity with the local option.

SENATOR CARSTEN: I would defer to Senator Koch if I may, Senator Stoney.

SENATOR STONEY: All right. Senator Koch, could you respond to that question, please?

SENATOR KOCH: Yes, the present statute that we passed in special session was 5%.

SENATOR STONEY: Well, Senator Koch, I am wondering if 5% at that time seemed to be a realistic percentage, why we want to double that at the present point in time? Is it to make it more difficult for people to have an opportunity to place these issues before the public?

SENATOR KOCH: I don't know how we arrived at that 5% figure originally. We probably took it out of the Constitution, Senator Stoney, because in the Constitution it says 5% to initiate a petition and take it to a vote of the people but that is a statewide basis I just alluded to a moment ago. I am talking about locally. I believe that 5% is not an unreasonable figure. In fact, I think it is rather easy to obtain, therefore, that is why I am defending 10%, because I believe in initiative petition, I really do and I would never introduce a bill to take it away from the people like some states do. They have none in twenty-two states in this nation but I think if we are going to do it, Senator Stoney, that we ought to make it so that it is not unreasonable, and yet by the same token, that people cannot initiate this to take advantage of local elected officials because they have some kind of a concern that may not be totally logical.

SENATOR STONEY: Thank you, Senator Koch. Senator Koch I think just addressed a concern that I have and it deals with the initiative petition and the citizen's rights to go before the public and to place these items on the ballot. He alluded to the fact that the Constitution of this State of Nebraska provides that the percentage only be 5% and this does deal with statewide petition but I see no reason why we should not keep this consistent, why there should not be uniformity when we are dealing with local government subdivisions as well. I think it is an attempt to disenfranchise, to a certain degree, those individuals who have felt that they have not been able through elected officials to impact on the decisions that these officials are making and as a last resort they then, through the initiative process, can place