

March 16, 1990

LB 1141
LR 239

personally, I don't really care if 1141 passes or not, myself. I know Senator Withem and Senator Warner would like to see it passed into law. I don't really care that much one way or another, because in my view if it would be passed by the voters, that would be LR 239CA. If it would be approved by the voters, then the Legislature would come back and I am sure you and I and other people would now look very seriously of what we did pass if 1141 passes and say, is this what we want, and we would then be going back and making changes in regards to a bill that would change the statute that was passed. Or the Legislature would come back, if we don't pass 1141, and say the people have spoken, we had a system, such as 1141, I am sure Senator Withem and other people would say, here is the bill that we are going to introduce now that will enact what LR 239CA would have done, since the voters have approved it, and we will have advanced a reason to change that as well. The only time that we'd pass...if this would pass before us now, the 1141, the only way that it would be binding on a future legislature is if LR 239CA would pass the public, and the Legislature next year would say we don't want to make any changes to 1141. We are not concerned with that. We will allow that statute to remain in place. Then we would, in fact, have bound another Legislature as we do with all statutes that we pass if that body does not want to make a change. And that is virtually how I view that. I think we are better off having discussion and the people aware of 1141, at least in its conceptual form, rather than having LR 239CA out there, if it does get out there, without any idea of what it would look like, and I think this is the better of the two alternatives. And, Mr. Speaker, how much time do I have remaining.

SPEAKER BARRETT: Two minutes.

SENATOR BERNARD-STEVENS: That is incredible. Senator Withem, do you...

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yes, Senator Haberman does raise an interesting point of can we bind future legislatures. Obviously, the answer is no. The way the bill is written, however, it becomes operative on July 1, 1991, if a constitutional amendment authorizing such legislation is adopted. So it will go into the statute books. Whether we have the power to do that is the question we are investigating, and I noticed the staff people,