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LB 60, 729

SENATOR QUANDAHL: Thank you, Mr. President. I would say that if...again, you can draw your own conclusion, because an opinion of the Attorney General is just...just the same as an opinion from a private attorney, an opinion is just that, unless it comes from a court, unless it comes from the district court, unless it comes from the Nebraska Court of Appeals, or unless it comes from the Nebraska Supreme Court. And the way that I read my constitution, the way that I read the way that cases that have interpreted the Constitution of the state of Nebraska as applied to LB 729 it is my opinion that LB 729 is unconstitutional. And I would say that the Attorney General's Opinion does say that it's probable that courts would find it unconstitutional. They didn't say "possible," they said "probable." And so in your...I guess, when you're looking at percentages, that would mean a greater possibility than not that it would be held unconstitutional. Now there was a sheet that was handed out, too, that says basically the Attorney General's Opinion is not definitive. It goes on to explain that the Liquor Control Commission can remove a license. The Department of Environmental Quality can remove a license. I'll say, you know, that is true, that is true, but a license to sell liquor is not a constitutional right. A license to operate an alfalfa dehydrating facility is not a constitutional right. But it is a constitutional right of the people of the state of Nebraska to be able to petition for laws, for constitutional amendments that they feel are in the books. And so there's a distinction there. It's a constitutional right. And I'd also go on to say that if you again look at your gadgets or switch back, LB 60, that we passed early on in this legislative session, LB 60 specifically stated that the Canvassing Board, that would be all of the constitutional officers of the state of Nebraska, the Governor, the Attorney General, the Auditor, the Treasurer, the Secretary of State, when they operate as the Canvassing Board, that that was...we put into statute that that's a strictly ministerial function, not a judicial function, not a quasi-judicial function, but strictly ministerial.

SENATOR CUDABACK: Thank you, Senator Quandahl. We are discussing the Quandahl amendment. Those wishing to speak are Senator Chambers, Senator Schimek, and Senator Dierks. Senator Chambers, you're recognized.