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LB 729

SENATOR CHAMBERS: Mr. President, members of the Legislature, I will limit my remarks this time to Senator Quandahl's amendment. And in this regard, regardless of who would happen to be sitting in the Attorney General's Office, I would be opposed to it. My opposition is to any state official doing what this bill suggests. If, instead of the Attorney General, the Auditor was suggested or the State Investment Officer, it makes me no difference. The type of determination being made here is not appropriate at the stage of proceedings called for by this bill. And I still maintain that a negative decision will probably be appealed, a determination to put it on the ballot would probably be appealed, because both sides would be interested in having a court declare, one way or the other. If the court declared that the proposition should be on the ballot, nobody can persuade me that the people who are circulating that petition would not make reference to that court opinion and the decision in their propaganda material in support of their petition. And they could justifiably do it and the Legislature could not prohibit them from doing it. The Legislature could prohibit any comment about it being placed on the ballot or in the petition, perhaps. But there still is a First Amendment to the U.S. Constitution, and the Legislature cannot prohibit a person from quoting from, interpreting, or making whatever use he or she chooses of an opinion written by a court justifying a decision rendered. And certainly a person could not be prohibited from declaring the decision that the court made. The court said that my petition is legally sufficient, and I'd be just quoting from the language of the statute, legally sufficient means that it meets every requirement of the law, it passed muster by the court, and these other people said it should not even be on the ballot. Do you see what kind of people we're dealing with? But they cannot allege that about me because I'm wearing on my shirt the caption and the first page of the court's opinion, which says that I am right, our petition is right. Then the other side would say, well, the court didn't say that what you're doing ought to be done. Yes, it did, said it should go on the ballot, and then if we're in a debate I would say, does the law say that the Secretary of State can refuse to put it on the ballot because it's not legally sufficient? They'd have to say, yes. And, if they'd refuse, just read the statute right there. Well, that's what it says. So then they'd acknowledge, well, yeah. Did the court find this petition to be legally sufficient? And they'd