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FLOOR DEBATE

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Well, my problem with the bill--and it's not with LB 786 and it's not with the amendment, but it's the Government Committee amendment--they essentially recall an official, more often than not, because they feel the official fails to represent the interests of the district, that they don't like the decisions they're making. And the truth of the matter is that the League of Municipalities and others want to substitute a legalistic ground by which you can take it to court and determine whether something exists or not, when in fact the ugliness and the "personalness" comes out because people who are represented by an official say, I don't like the job you're doing, I don't like the decisions you're making, I think you've come to the wrong conclusions; you've closed a school, you've built a lake, you've raised a tax, you've done your job, and I don't like what you're doing. And that's the very unpleasant reality of recall. And by the way, I think that's the nature of recall. I think that's the nature of the recall. You know, in a parliamentary system they have something that says, the failure to have confidence in the government. All it means is, we just don't support your policies anymore. And they do it in the middle of an election, and they produce another election whenever the government doesn't have the confidence of the public. Not because they're wrong or because...I'm sorry, not because they aren't coming to work, not because they have money under the table; they've lost the confidence of the public. And unfortunately, I think recall serves that purpose for us, as ugly as it is. I got to ask you this, what happens if you take the case to the court and the court says, yep, by a preponderance of the evidence this constitutes malfeasance? Not a misdemeanor, which would have beyond a shadow of a doubt, but a preponderance of the evidence, a court determining that there's 51 percent that this...

SENATOR CUDABACK: One minute.

SENATOR LANDIS: ...is malfeasance. Then you're going to go to the public for a vote, in which the petitioners will say the court has ruled that by a preponderance of the evidence--this will be easy to say--there has been malfeasance. Not, this would constitute malfeasance, but there's been malfeasance. I think it will muddy the waters, and you'll have the court's declaration used as proof by the petitioners that the factual