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March 27, 2006 LB 786

pages 1192-1197.)

SENATOR CUDABACK: Senator Mines, you're recognized to open on AM2867 to LB 786.

SENATOR MINES: Thank you, Mr. President, colleagues. You might remember LB 786. That is a recall bill, and we had some discussion about whether or not local officials...local elected officials should be recalled based on three provisions--malfeasance, misfeasance, and nonfeasance--as opposed to their current status, which is a reason or any reasons for recall. LB 786 amends...the amendment would change current recall law to limit the reasons...that we do have three specific reasons. Under current law, as I mentioned, an individual that chooses to recall a local elected official need not have a reason at all. Our language simply says that they must have a typewritten, concise statement of 60 words or less, and it does...and the reason or reasons for which recall is sought is the only standard by which that recall can be taken. I happen to believe that recall of an elected official must be based on something more substantial than simply disagreeing with an official's vote or decisions in office. AM2867 makes changes to the procedure. Here's what it does. If you'll remember, in our debate on General File, Senator Chambers had several amendments that were technical in nature and, quite frankly, made the bill better. This amendment has incorporated his floor amendments, and we agree on all those changes. The most significant change in this amendment, it would change the process by which an elected official can be...can file with the district court. Under this amendment, if you look at page 5, the procedure is changed to something more similar to the standard under a 12(b)(6) motion, which is essentially the Federal Rules of Civil Procedure motion for failure to state a claim upon which relief can be granted. Again, this was after long discussion and thought. And again, I'll credit Senator Chambers with the view. Under this provision, the court presumes the allegations in the statement are true, and they construe them in that light most favorable to the principal circulator or circulators, and without a hearing, without cost of any party, whether the allegations in the statement establish the existence, not whether the statements are true, but whether