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March 27, 2006 LB 786

Senator Landis...Senator Landis, I'll ask you,...

SENATOR CUDABACK: Senator Landis, would you yield to a question?

SENATOR BEUTLER: ...if you would respond. Let's say...and I'm just exploring your philosophic position, to a certain extent. Let's say Senator Louden's amendment passes. The court portion is taken out. But what is left in there is still an important, important difference, in the sense that the standard has changed--malfeasance, misfeasance, nonfeasance. First of all, let me just ask you, would you support the bill under that condition?

SENATOR LANDIS: Yes. I think the three definitions are helpful, I think, at least reminding the public that they ought to be relevant in their decision-making. Seems fair. So I would vote for LB 786 if the Louden amendment was successful.

SENATOR BEUTLER: Okay. But would you agree...and I'm not sure of myself here, but I ask, would you agree that even if you take that obvious language, obvious reference to the court and direction to the court out, that given the standards that would be there, an officeholder who thought that he or she was being inappropriately recalled for an inappropriate reason might nonetheless go to the court and say, I want an injunction here against this recall petition because the standard is not met? I mean, isn't that a...one, a possibility; and two, a likely scenario?

SENATOR LANDIS: Let me take that just a little bit further. One could not write a law by which an individual would not be able to go to court and seek an injunction. So the existence of the injunction doesn't lie with the passage of LB 786 or not LB 786. I do think this, however,...

SENATOR BEUTLER: But there's no injunction with the current law, because there's no standard.

SENATOR LANDIS: However, you could...