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FLOOR DEBATE

March 27, 2006 LB 786

Brashear. Senator Cornett. Senator Cunningham and Senator Cornett. The house is under call. All members are present. Been a request for a board vote. The question before the body is, shall AM2915 be adopted to the Mines AM2867? All in favor of the motion vote aye; opposed, nay. Question before the body is amendment presented by Senator Louden, AM2915. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 26 ayes, 7 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The motion was successful. The Louden amendment has been adopted. I do raise the call. Back to discussion of AM2867. Senator Wehrbein. Senator Wehrbein waives his opportunity to speak. Further discussion? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I did not vote. I had spoken in favor of Senator Louden's amendment. I listened to Senator Beutler's discussion, because, having taken the court intervention out, the standards nevertheless are there. With those standards, a person cannot be recalled successfully unless one or more of those standards would be met. Senator Schimek, as I listened to her, began to push me even more away from Senator Louden's amendment. When a reason is stated in statute as to why something can occur, that reason must be met. So if an injunction were not available prior to the election taking place, it would mean that the court will be asked to overturn the results of the election should a majority of the voters say recall this person. Now it's possible that after sufficient signatures were found to have been collected, the person to be recalled may, at that point, challenge the appropriateness in court. And when I say "may," I use that word because I'm not sure. I think the law is ambiguous at this point. Some point must be reached when one or more of these standards must be shown to exist. If merely voting in favor of recall, once sufficient signatures have been obtained, there is no purpose in having the standards. The only determining factor will be that a majority of people voted yes. If the vote is unsuccessful, there is no issue. If insufficient signatures would be gathered, there is no issue. Only when there are sufficient signatures to warrant the scheduling of a