

March 5, 1982

LB 807

SPEAKER MARVEL: All those in favor of the motion vote aye, opposed vote no. Record the vote.

CLERK: 29 ayes, 0 nays, on adoption of the amendments, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Senator Landis, do you wish to advance the bill?

SENATOR LANDIS: I do. I would like to explain just basically what I am attempting to do with LB 807. This bill has been before the Urban Affairs Committee and reported out unanimously. It was also discussed with the Government and Military Affairs Committee over the interim and discussed with the members of that committee. There are at the present time in our statutes five different kinds of municipal initiative and referendum methods. It varies by the classification of city. It varies by the form of government such as a commission type, a city manager type, a strong mayor type. In other words, we have five methods of doing one policy. The Urban Affairs Committee, in the study this summer, agreed that this should be brought together and made one viable policy that would be applicable to all of the classifications of cities. That is what we seek to do in LB 807. Essentially then we've telescoped down into one place an easily readable format for anybody who has a question about initiative or referendum in any of the cities of the state. And by the way, each of the steps that we took were in conjunction and consultation with the League of Municipalities and you'll find in your committee statement that they approve of the bill and spoke on its behalf. I can tell you that on Select File I will be offering just a couple of clarifying amendments that the League has brought to me and that Senator Beutler has brought to me but that all parties remain essentially supportive of the bill. There are some substantive changes between what we've had in the past and we will have with this but essentially they work to make initiative and referendum clearer. We've had some difficult statutory interpretations by the Supreme Court that have essentially marred the interpretations of those two processes. One of the virtues of 807 says, initiative puts matters on the books, referendum takes things off. That is the way the textbooks will always describe these processes to you and because of Supreme Court decisions those two processes have been merged into one. We divide them again and put them back into the form they were always meant to be. We also create a requirement that is going to make things a lot simpler for people. It is possible now to get all the way through the petition process bringing your petitions in and then have them thrown out on a technicality because they don't comport with statutes. This bill now authorizes perspective petitions to be approved before they are circulated