

March 30, 1989

LB 637

Baack. (Read title.) The bill was introduced on January 19, referred to the Government Committee. The bill was advanced to General File.

SPEAKER BARRETT: Would you care to explain your bill, Senator Baack?

SENATOR BAACK: Yes, Mr. Speaker and members, the bill is a very simple one, not that it doesn't make a major change, but it's a very simple bill. What the bill does is it eliminates our existing statutory provision that allows for payment of individuals who are circulating statewide initiative and referendum petitions. And the reason that this change is necessary is that the U.S. Supreme Court in Meyer v. Grant held that states may not prohibit such payment and the Nebraska statute differs a little bit from the one that was in the Meyer v. Grant but the Nebraska Supreme Court has also held that this provision in our law is unconstitutional. And I think that, as a result of these rulings and the fact that the U.S. Supreme Court would probably rule Nebraska's statute unconstitutional, we simply need to remove this prohibition in our statutes to remove a cloud out there for people who are circulating petitions. They don't know whether it's legal or illegal and I think that it's been shown by the Supreme Court that this is unconstitutional to do, to have this prohibition, so, therefore, we ought to remove this cloud in our law. We ought to simply eliminate this right now. I think Senator Withem is going to have an amendment to this that calls for a little bit of regulation of these...of these circulators so that there is some reporting mechanisms in there so we do have some regulation. The Government Committee is also looking at this issue very closely and probably will be coming in with a bill that tries to deal somehow with payment of petition circulators and so that somehow we can have some regulation of the way that circulators are paid. And so we are looking at that. But I think right now we just simply need to remove this from our law because it is unconstitutional. Thank you.

SPEAKER BARRETT: Thank you. An amendment on the desk.

CLERK: Mr. President, Senator Withem, you had an amendment on page...an earlier amendment, Senator, I understand you want to withdraw that one.

SENATOR WITHEM: I want to run AM0878, the one...