

wasn't the intent of the Legislature nor was it the intent of the people to have the court interpret what we did as the way they did, but it's a fact of life and we have to try to live with the results or cope with the results. Secondly, I agree with something that I think you said earlier, or somebody said earlier, that there are good arguments on both sides of the issue regarding the constitutionality of the bifurcated system and, thirdly, I think we both believe that volunteer circulators should be encouraged and I would submit to you that that's what the committee amendment is trying to do and that is what LR 22CA was trying to do. I'm not sure that people in my district are really attuned to this question. I think I have had over the course of the last eight months maybe three people in my district contact me about the petition process. One of them is Kent Burnbeck who served on the petition task force and is, of course, supporting as you all know "Cap's" bill without the committee amendment. So I don't think that the public in general is aware of what's happening and what has happened with the petition process. I don't think that we should necessarily go back to what it was because I think circumstances have changed. Before the court decision and the 424, or 248CA passed, we didn't have the Meyer decision. We didn't have the Meyer decision out of Colorado and I want to make this clear because Senator Robak asked me a few minutes ago about this. The Meyer decision out of Colorado said we cannot prohibit paid circulators, we can't prohibit them. Hence, if the state wants to regulate the petition process, it will have to do it in a way, any way except that. So that is why 22CA tried to address the question through the bifurcated system. In response to Senator Witek's comments I would like to say that after the committee amendment is adopted you can still amend the bill. This is not the final picture and in fact I intend to submit an amendment to the bill after the committee amendments pass and I'm sure there may be others who do too. This will not destroy the petition process. As mentioned by Senator Beutler, if we adopt LR 6CA with the committee amendment and it goes across and is passed into law, then it will go before the voters and as soon as it passes, as Senator Beutler said, there's going to be a court test of it. It's not going to slow down the process very much and the overriding good will be that Nebraska has found a way to encourage volunteer petition drives probably in preference to paid petition drives. We're not prohibiting paid petition drives...

SPEAKER WITHEM: One minute.