

March 28, 1995

LB 337

LR 6

by limiting it to the period of time that's closest to the election, which is what we're doing, it has the effect that the Legislature will not know what's being filed and what's being done in terms of initiative and referendum at the time that it meets before that general election period. Now this goes back to my theory on the matter, and my theory on this matter is that you are not going to stop direct democracy and you probably don't want to, at least to a certain extent. That's the whole direction of everything that's happened, historically, in America. And I think that under controlled circumstances it's very reasonable and it's had a very good effect on American politics. But with paid petitioners I think that there has to be another kind of check, and the only other reasonable check that I can see is that the Legislature has an opportunity to review the petitions and to offer to the public an alternative petition in the event that it sees the petition as unreasonable. If you're going to do that, there are a couple of ways of doing it. LB 337 can be amended to require the filing of the petitions nine months in advance of the election date. That would give the Legislature an opportunity to review a petition and to act on it. However, think of that in conjunction with the present amendments. If you require the filing of the petitions nine months in advance of the general election, then you cannot require that the signatures be required within six months or a year of the election. They are contradictory directions. And so for that reason I would strongly urge that both the Wesley and the Bernard-Stevens amendments be defeated, because if they are not defeated it will preclude the possibility of establishing a system whereby the Legislature can know a reasonable amount of time in advance what is being done and can react thereto. And secondly, and most importantly, in light of the ambiguities in terms of the direction that this Legislature wants to go and in terms of the direction that the society may want to go, I think it would be a mistake to put a provision like this, which is procedural in nature and which we may want to change from time to time, it may make sense to change from time to time, it would be a big mistake to put this item in the constitution. This can be dealt with in statute. This kind of thing is typically dealt with in statute and perhaps it should be addressed in 337, if in effect this debate is important and should take place.

SPEAKER WITHEM: One minute.

SENATOR BEUTLER: In any event, it's wrong in this bill, and I