

April 4, 1995

LB 337  
LR 6

distribute, and I will just comment on the purpose for this, and then withdraw it. And if it appears as though from discussions with people it would be a relatively noncontroversial thing to do, I may offer it at a later time. If it causes a lot of conflict and controversy, I probably won't. The idea for this amendment came to light, it came to my mind the other day when Senator Beutler was referring to another amendment that would have placed a restriction on the time limit, Senator Wesely's amendment that would have put a time limit around which measures could be brought before the population. His would have said six months to circulate signatures. There was an amendment by Senator Bernard-Stevens to change that to one year. Senator Beutler objected to that saying that's the sort of thing that should be in statutes. I looked at what the Constitution allows the Legislature to do in terms of...in terms of passing legislation. We have, over the years, passed a lot of legislation putting some requirements on individuals that are circulating petitions. Looking at the clear language in the Constitution, it says the only thing the Legislature can do is pass legislation that facilitates the process. The word "facilitate" caused me some problems, that there might be a court challenge on any of the standards that we currently have in law or that we'd like to place in law with LB 337, arguing that those measures did not facilitate, the definition of "facilitate" being to make easier. The amendment that I have and that I will ask you to take a look at at a future date would be one that would...one that would strike the word "facilitate" and place language more neutral that would make it clear that the Legislature does, in fact, have the ability to pass legislation implementing the requirements for...make...by putting requirements on individuals for circulating initiative petitions and referendum petitions. At this point I kind of advised you of what I would like to do. Mr. Clerk, I'd like to withdraw that amendment at this point and we'll have discussion on that at some future time.

SENATOR HALL: It's withdrawn. Mr. Clerk, next item.

CLERK: Senator Withem would offer amendment 1311, Mr. President. (Withem amendment appears on page 1396 of the Legislative Journal.)

SENATOR HALL: Senator Withem, to open on AM1311.

CLERK: (Read amendment.)