

April 21, 1995

LB 337
LR 6

that I requested on LB 337, which is on Journal page 1711, and clarify my reasons for requesting it and my position on this bill. I do favor LB 337, and I feel that it is important to upgrade the initiative and referendum law, and I think it goes a long way towards protecting the integrity of the petition process and helps to ensure that proposals will be technically correct and well understood by the electorate. I requested the AG's Opinion in order to clarify the relationship between LB 337 and LR 6CA. The opinion states that only two provisions of LB 337 are constitutionally suspect; the presumed invalidity of signatures in Section 6 and the one-month voter registration requirement for circulators in Section 4. It also states that Section 4 may conflict with the U.S. Constitution, in which case LR 6CA will have no impact on its constitutionality regardless of the final form of LR 6CA. I am not proposing to amend either Section 6 or Section 4. This is Senator Schimek's bill and I will leave the decision to her whether to change those sections. My point is that with or without those sections, LB 337 is substantial and comprehensive upgrade of the petition process, and it fares quite well under the present State Constitution. It is not necessarily loose in the language of the Constitution, nor to properly execute the provisions of the initiative and referendum process. After all, how much more would you want to do? This bill addresses virtually every aspect of the process, and it is, for the most part, constitutionally sound, so why do we need to loosen the Constitution? I also think it is important to note the final portion of the AG Opinion which states that in order for LR 6CA to be of any assistance to the constitutionality of LB 337, LB 337 would have to be reenacted following the 1996 election. Therefore, we should not let ourselves think we are providing any immediate aid to LB 337 by approving LR 6CA. So I encourage you to support 337, and I will tell you now that I plan to try to restore LR 6CA to the form that it was in prior to Senator Withem's Select File amendment. Obviously, I would like to restore LR 6CA to its original form, but I have lost that battle, and I will not revisit it now. But I do want to remove that Select File file amendment, and I hope you will support my effort to do so when LR 6CA returns to the agenda. I hope...also hope that you will support Senator Schimek's bill today. Thank you.

SPEAKER WITHEM: Senator Schimek.

SENATOR SCHIMEK: Yes, thank you. Mr. President, members of the body, I am trying to debate in my mind here whether I want to