

address was this whole question of paid circulators because we knew of a number of instances...

SPEAKER WITHEM: Time.

SENATOR SCHIMEK: ...in other states where a great deal of money had been spent from outside the state to get petition issues on the ballot.

SPEAKER WITHEM: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I'd rise to support the committee amendment, that not really anything different I guess from what others have said but I believe strongly that the committee amendment which maybe needs some modification, but provides an opportunity for a concept which I think could be unique and one which I think would address many of the problems that people are concerned about with the utilization of paid solicitors and how that could potentially be...create a problem for Nebraska similar to other states that have many, many, many types of issues placed on their ballot essentially because there are firms for hire that will do it. The issue has come up whether the two-tier system is constitutional or not and obviously as has been pointed out, there's only one way to know and that is to have an issue go to the courts and make a determination. The proposal and the concept contained in the committee amendment does exactly that. It provides the opportunity to have a two-tier system, number one, but should the courts find that, either the U.S. Supreme Court or the State Supreme Court, find that to not be constitutional, then the system that would remain in place is essentially the old system or the system that LR 6 was proposing as the only system. There are those who suggest well we ought to change first to LR 6, change that and then come back again in a couple years to try the other. It seems to me that any of those approaches we're putting off at least for four years or perhaps longer, trying to determine whether this kind of a system is constitutional. I'm convinced that it is reasonably well...has a reasonable basis for constitutionality based upon some of the other opinions that have been drawn from people recognized for their constitutional legal background and for those reasons the committee amendment ought to be adopted at this point as a concept that we would try. Certainly we all recognize when a constitutional amendment is placed on the ballot by the Legislature it takes at least 30 votes.