

don't want to go back to those days. There was a good reason why we changed the Constitution. What the court did was take a different look at it and say, because of the change we now determine that registered voters are the basis, which is the basis that everyone felt we were using before. They just clarified what registered voters meant. It was, in fact, an interpretation that the Secretary of State did not share, but the court clarified it and that's really what they did. We adopted what had been the practice. Once we adopted it in the Constitution, the citizens of this state as well as this body, because it was the citizens that changed it at the polls, the court said here's what it means and that's where we currently stand and, in fact, no one wants to go back to the pre-'88 language, not even I.

SPEAKER WITHHEM: Time. Senator Warner, followed by Senators Maurstad, Vrtiska, Wesely, Robinson, Pedersen, Will, Dierks and Beutler.

SENATOR WARNER: Mr. President, members of the Legislature, I'll make my comments brief in view of that long list because I really have nothing new to say other than repeat what others have said, but I feel very strongly this amendment should not be adopted. I do believe, as others have said, that it will add uncertainty to a longer period of time. There's no assurance that the court would accept a test case on this, perhaps even until it took effect which would delay it for two years, or in any event it would be uncertain for two years very possibly. I don't think that's a, I think that's a disservice to leave it up in the air in the event that that would happen, but I'm even more concerned that if this is done, it certainly will leave the door open, assuming that it is constitutional, to have the two-tiered system. It will leave the door open for an election in 1998 to do all kinds of things with paid circulators that...and they'll have the argument we've got to do this now because the system might change. I can visualize even an amendment that would in effect wipe out the possibility of a two-tier system. There's just all kinds of things that could happen. My interest in this was a genuine straight up approach in which this system, the two-tier ought to be tried. It ought to be tried in the courts. It ought to be done as quickly as possible. We ought to get the whole issue behind us and I was willing to support going back to the lower number as of four years ago as opposed to the current number, which is higher, that's in the Constitution as good faith as begin the change.