

for us to ask them to wait for two years before they can do one of these petition drives. They've already had to go through that wait. So what we do is provide for them the thing that we've always had for them and we provide that the two-tiered system which is a brainchild of this Legislature can be tested in the Supreme Court for constitutionality without interrupting the petition process. I would urge your support for this amendment and I thank you for your support.

SENATOR CROSBY PRESIDING

SENATOR CROSBY: Thank you, Senator Dierks. For discussion on the Dierks amendment, Senator Warner.

SENATOR WARNER: Madam President, members of the Legislature, I rise to oppose the amendment. I was surprised of the number of votes it had yesterday, but to me there's a very fundamental issue here. I happen to think this is a much broader issue than just the State of Nebraska. I believe that if the bifurcated system is constitutional and I think the odds are far better than most people believe, that there is going to be a lot of states, and we all know a number of states prior to the Supreme Court decision had attempted to prevent paid circulators. That was thrown out. But if this system is acceptable, then there is going to be a lot of states will follow and that means that you're going to have a lot of groups who want to use paid circulators, the Californians and all the rest, that are going to be interested in doing whatever they can to prevent that issue even from getting to court and it would seem to me the very simple way to do it is to adopt this amendment, lower the petition number, run a petition in 1998 that wipes out the constitutional amendment of the bifurcated system and then you have nothing, it never gets to court. It never gets the test. And I think that that is so fundamental that we recognize the volunteer citizen participation as opposed to the special interest paid circulator that can happen and that we protect the citizens' rights to object to what is being done or bring about a change but through their volunteer efforts and recognize that with a lower count. So I would hope that those of you who voted for this yesterday on the assumption that you were just kind of doing something just in Nebraska, will give some thought to what you're really doing is probably preventing even a two-tier system, the bifurcated system by even getting to court to be tested. I also suspect that it's very possible you can't get to court until 1999 if the effective date is not till then.