

SENATOR BERNARD-STEVENS: Correct.

SENATOR WARNER: And so under that there would have to be a showing that they...was willful neglect of duty, willful action on their part not to proceed with the petition that people had requested.

SENATOR BERNARD-STEVENS: All right, so in the law now is a mechanism where if there is a willful attempt not to...to obstruct what the petition and the people want to do, there is legal recourse now. But in the law now it doesn't talk about whether it's been a good faith effort or not, under the current law, is that correct?

SENATOR WARNER: Not that I'm aware where those words are used, but that would become a part of the proceedings...

SENATOR BERNARD-STEVENS: Right.

SENATOR WARNER: ...to show, through (inaudible) proceedings or removal of office whether or not in fact there had been.

SENATOR BERNARD-STEVENS: Yeah, thank you, Senator Warner. I guess that goes to the crux of the argument. And again, it's going through with maybe a finer comb that people are willing to do so. I do have some other questions on the bill that I'll come up with. Whether I'll do an amendment or not, it depends on the discussion, I think. But in this case there is already in statute a mechanism that if a board willfully does not...willfully inhibits or tries to inhibit the will of the people through a petition process, or there's gross negligence, that the people right now have an ability to take action within court, and to, I suspect, do a recall or some type of process. The only thing that's being added in this particular section, subsection 2, is they've added the word "good faith". And that's fine, but I think that causes some areas of confusion because I don't think anyone here can define good faith. And I think most people in here, if they know they're not doing it in good faith, know how to say things and know how to proceed so that it appears that you're paying in good faith, when actually you're trying to be an obstruction. So I don't see any real value to this particular portion of it. But again, if no one has any concerns and they want to keep that portion in there, that's fine, I bring it up just for discussion purposes at this