

April 7, 1989

LB 247

there is an amendment filed to put LB 160 into 247 as a new section. Obviously, I want to make it real clear because I would speak to the issue that one of the reasons for enacting it is to enable a test case to be filed as to the constitutionality of the authority of the Legislature in this area which could have a significant impact even on a study to get more clearly defined what, in fact, are the limitations of the Constitution as to what the Legislature can do in some of these areas.

PRESIDENT: One minute.

SENATOR WARNER: Having said that, I want to emphasize that under no circumstances do I advocate, nor would I suggest, that anyone would vote for that amendment to make Kearney a fourth university system on the basis of test case alone. Obviously, if you do not believe that is good public policy, you should vote no. But if it is adopted and if you feel it is good policy and you vote for it, it still would provide that opportunity for a test case which I'm sure would be done and give even more clear definition to the second phase of the study as to what legislative changes can be accomplished within the Constitution affecting all of higher education. We have the study. We have the Constitution. We have constitutional...or at least apparent constitutional limitations at the moment or at least constitutional limitations that are in debate that ought to be resolved and I can see very little benefit from putting some of these decisions off for another four to six years as the amendment would inevitably result in.

PRESIDENT: Thank you. Senator Weihing, please, followed by Senator Withem.

SENATOR WEIHING: Mr. President and members of the Legislature, the original structure of the postsecondary education took place many, many years ago. The State of Nebraska was vastly different. Now we have been discussing particular issues with regards to this postsecondary education. We have great concern with regards to Kearney since Kearney State has been brought up specifically within bills and the likelihood of it being brought in the University of Nebraska system. This particular bill, 247, and with its amendments, and I am for Withem's amendment, but I'm not for the amendment to the amendment. In the original development of our postsecondary education, an interesting thing is that western Nebraska students were actually closer at getting to the campus at that time than they are today. We