

even want to go, but we're going to make that change even though they aren't ready for it. Another reason to vote against the Wesely bill (sic), I'm pretty convinced that this would take a constitutional amendment. I think the question is there as to whether the Kearney change takes it or doesn't. That's why we're talking about a test case, declaratory judgment, all of that type of rhetoric. To take one institution from...constitutionally created body, the board of trustees and move it from their jurisdiction, it's possible we can do that through legislation and we're going to test that to see if we can. I think it's probably pretty clear that you can't leave a Constitution created body in the Constitution and take away all of its functions, take all three, all four of the campuses that are there. What remains for the other three is a very good question Senator Wesely raises. That is a central question of the study. It is a central question of the study whether you have Kearney in the bill or whether you don't. That's part of what the study is all about. Those are some reasons why I'm not going to vote for the Wesely amendment. You know, I think it's more one of those filing an amendment to raise a point and he has raised some excellent points. I think I'm convinced that there are answers to these or will be answers to these at the conclusion of the study. I don't think we need to adopt the Wesely amendment and I would urge you to vote against it.

SPEAKER BARRETT: Thank you. Senator Warner, Senator Scofield next.

SENATOR WARNER: Mr. President, I'd rise to oppose. I think enough has probably been said this morning to point out the distinctive difference that currently exists for Kearney State College and the other three state colleges. But what Senator Wesely really is talking about in this amendment is a single governing board of all higher education is the issue he is trying to get to. And I would suggest that it does increase a...or build in a whole new constitutional issue and it's a well-founded fact that you cannot do indirectly what you are, or what the Legislature is prohibited from doing directly. And I don't believe that you could back into a single governing board as is proposed here and what his comments related to past studies, that proposed single governing boards as has been introduced many, many times in this body over the last few years and rather consistently rejected. Whether or not that will change with additional study remains to be seen. The point is that the proposal, if Kearney is so unlikely to be inconsistent