

bill that is designed to give some protection to those affected people, indicating that if the bill is declared...if certain sections of this bill are declared unconstitutional, then the old language that used to be, that's currently in the statutes, currently operative, will come back into place. If the bill is declared unconstitutional, then we come back to what is existing language and that's very important language because nonresident tuition will, in fact, have been repealed by the time that this gets through a court system. That is important language, but what Senator Coordsen is doing is he is adding...he is making this so that if any single portion of the bill becomes declared unconstitutional for whatever reason, then the entire act basically is unconstitutional and we go back to our current nonresident tuition formula. And in essence, we leapfrog backwards two years to what existed, to what existed before we passed LB 940. So I'd object to that. The second thing I'd object to, I just think it's a poor precedent for us to pass laws and then indicate to the Attorney General is directed to file suit immediately on their constitutionality. We could start doing that on any bill that we don't particularly like, move immediately into getting something into the court on a Attorney General...get the Attorney General into court, and I don't even know what side the Attorney General...

SPEAKER BARRETT: One minute.

SENATOR WITHEM: ...would be on. The Attorney General has issued an opinion that basically the draft of LB 259 that we're now working with, with the E & R amendments is, in fact, constitutional in his opinion. Just doesn't seem to me to be good policy to be directing the Attorney General to go into court to argue the constitutionality of bills that the Legislature passes and yet I'm not sure if he is defending it or if he is attacking it, who it is that is on the other side that is going to be making the argument that it is unconstitutional, if he is arguing that it is or who defends that it is constitutional, if he is arguing that it is unconstitutional. I just...frankly doesn't make a lot of sense to me. I'm not going to support this amendment.

SPEAKER BARRETT: Thank you. Any other discussion on the amendment? Senator Lynch, please.

SENATOR LYNCH: May I ask a question of Senator Withem?