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LB 1141
LR 239

allocating those funds, and they might not get it anyway, and it would deter them from trying to end run the Board of Regents. However, if the present system is adopted in the form that is suggested in this amendment, you will only encourage the end run process, because once the Board of Regents makes the recommendation, then the state college or UN-L or UN-O, or Med Center, or whatever goes directly to the Legislature for this specific project. And, if the Legislature approves it, it goes back to that institution directly, without any further consideration by the Board of Regents. And, if the Board of Regents has already rejected that consideration initially, then the board, in effect, becomes merely an advisory board. And I don't think that's the idea that we want to promote or implement in this particular provision. I think what we want to do, if we're going to say that the Board of Regents should coordinate higher education, then not only must they be given the authority and the responsibility of sending a budget request to the Legislature, but also they should have the responsibility and authority of distributing those funds once the Legislature appropriates those funds. That would be consistent with the philosophy that was expressed in the Board of Regents v. Exon decision. I think that is the way that would be the best way to have that entire system coordinated. For that reason, I think this amendment is appropriate. And I might add that I think it is appropriate to have it in this particular amendment and not in LB 1141. And the reason I believe that is again because it is such an important provision it should be something that should not be subject to change without the approval of the people of the State of Nebraska. The concept is integral...

PRESIDENT: One minute.

SENATOR McFARLAND: ...to this entire process. And, if we just put this provision in the statute, or in LB 1141, and said that that process worked, the Legislature, at any time, or any time a controversy occurred in the future, or some kind of whim of the Legislature could withdraw that provision, and again make the Legislature the delegating authority for each of the appropriations back to the individual institutions. I don't think that should be the process. I think we want to have a permanent situation whereby once the Board of Regents makes the request to the Legislature, they have already done the prioritizing of what programs or what funding requests are appropriate. And then if they are...if the appropriation comes back through the Board of Regents, then they can distribute it,