

SENATOR MCFARLAND: Thank you, Mr. President. Senator Landis, a lot of people are going to be appealing for your vote because I think your vote is important and I suspect there are other votes in this Legislature who are somewhat in the same position you are because you are having doubts about the bill. And at the same time, you feel that the present system isn't adequate and the...and higher education isn't being coordinated as it could be in our state. I would just ask you to consider a few things. One is I think the language in the amendment that is being proposed is fairly significant. If you will note on the third page, the language being stricken is "The general government of the University of Nebraska shall be under the direction of the Legislature...shall, under the direction of the Legislature, be vested in a board of regents." It talks about general government board of regents but, then, when I look at the change being made, it doesn't talk about general government being under the new board of regents, it says the Board of Regents of Higher Education shall be vested with the authority for coordination. To me that is a significant decrease in power and authority of the Board of Regents, to go from having the general governmental powers to a power to coord...not even a power, an authority to coordinate. If you read Board of Regents v. Exon, and I think you take a look at it, the court in that decision focused on the general governmental power of the Board of Regents in reaching its decision. I will just read one statement from it. It says, "Thus, although the Legislature may add or subtract from the powers and duties of the regents, 'the general government of the university must remain vested in the Board of Regents, and the powers and duties that should remain in the regents cannot be delegated to other officers or agencies.'" If you read the opinion, I think there is a focus upon general governmental powers which would be deleted from the Constitution under this amendment. I also have concerns, if we are really talking about graduate research education and how that is going to be structured and how the funds for it are going to be allocated, I think you really need to look at the amendments that were proposed that did not get on. The first one was the one to combine UNL and UN Med Center. Those are traditionally and historically the institutions granting degrees above the bachelor's level. That, in part, was my reason for thinking that a board of trustees over both of those institutions would insulate those institutions and would protect them and make sure that those two institutions are primarily the higher graduate degree granting programs in the state. I have no problem with