

March 16, 1990

LB 1141

LR 239

none of them wanted to look over here and defend that proposition very strongly, so that is questionable. And I think Senator Bernard-Stevens' point of go to the people with just the amendment out there and saying we will fill in the details later, or giving them some details that we could change later, which of those are preferable, I think the latter is preferable, particularly when you look at this Legislature that will be here in the 1991. Half of the members are relatively guaranteed of being here because they are not up for reelection. The other half of us who are up for reelection,...

SPEAKER BARRETT: One minute.

SENATOR WITHEM: ...history demonstrates that the fairly large majority of those of us who are up for reelection return. A number of people are unopposed. A number of other people will win their reelections probably, some of us are hopeful that we will, anyway. So the Legislature next year probably won't look radically different than it is now. So if this proposition is acceptable to this Legislature at this point, I don't think there is a strong reason to suspect that it will be radically changed and subverted between now and when those new dastardly people that will be taking our place down here come and do take our place. So I think it is, recognizing the concerns Senator Haberman brings up as valid ones, I think still the preferable thing is to pass this legislation on along to give people an indication of what the system will look like in its totality, instead of just the structural outlines of it that would be there if only the constitutional amendment stood on its own.

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Mr. President, and members of the body, Senator Withem, I would like to bring to your attention one other item. It is going to be in the Constitution that we make these changes. It is going to be in the Constitution of the State of Nebraska. Now shouldn't we first, before we take 1141 and pass it, get an Attorney General's Opinion or get somebody's opinion that if LR 239CA does pass, everything in 1141 is constitutional because we could have a problem. Once we put something in that Constitution, you very, very seldom get it out. So we come back down here with good intentions, and we say 1141 is the bill we want, this is the way we would like to set it up, and, lo and behold, we have a new Attorney General, and he says, hey, wait a minute, folks, you can't do that. It is