

April 4, 1990

LB 1141  
LR 239

power into some people that have already done a lot of work toward this. The idea of a public hearing has been brought up. What is more public, what is...involves the public more than a constitutional amendment that they vote on in the fall? The issue is well known. The issue is one that we need to address. I would strongly support this amendment and LB 1141, if it's adopted. Thank you. And I would relinquish the balance of my time to Senator Lamb.

SPEAKER BARRETT: Senator Lamb, approximately one minute, or excuse me, four minutes. \*

SENATOR LAMB: Thank you, sir. My light is on, but it's about nine speakers down. I have a question of Senator Warner. And the question is this, Senator, is it necessary to have a constitutional amendment? You know, this is attractive to me, but it's not clear to me why we need a constitutional amendment. We already have a Postsecondary Commission, and could we not legislatively do what you're trying to do in this constitutional amendment?

SENATOR WARNER: The answer to the question is no, Senator Lamb. Under the current Constitution, primarily because of the Regents v. Exon, but I assume there are probably other cases, there are also letters, I believe, I am reasonably certain, on the Coordinating Commission stating that you cannot legislatively give them any power whatsoever. They are an advisory, and under the Constitution that is all they can be.

SENATOR LAMB: Thank you, Senator Warner. That's very helpful to me, because I find this proposal attractive, much more attractive than the previous constitutional amendment, which would really, I think, leave us in a state of chaos for years and years. I just can't see, as I've mentioned before, having seven separate entities with seven separate boards in the State of Nebraska. And I believe Senator Warner picked up on some of my comments before the Education Committee, where I mentioned that we could probably do the same thing with increased powers of the Coordinating Commission. And I stand by that. I think that is much more acceptable, and I have not, I have not had an opportunity to investigate all the possible problems with this, but at first blush this certainly has a lot of merit in my mind, and I certainly would think it's a much better solution to the problem than the LR 239, which we have previously discussed.