

consequences of what would happen if both constitutional amendment proposals passed and both constitutional amendments were adopted by the people of our state. My understanding is, and I can't find the particular section right now, that if two constitutional amendments that are in conflict are submitted by the people and they are done on a referendum basis, or initiative basis, that then there is a specific provision in the Constitution that says if they are in conflict, you take the constitutional provision that had the most votes and that becomes the dominating provision and the other one falls by the wayside. Anything in conflict is resolved that way, but the Constitution of our state is silent about what is the procedure if the Legislature advances two constitutional amendments and both are adopted by the people of the state, and the constitutional amendments are in conflict. It doesn't say what would happen in that case. My understanding is or my assumption is that the people who have looked over the Constitution, and everything and we have amended it from time to time, just assume that the Legislature would not be foolish enough to pass two contradictory constitutional amendments and put them both on the ballot. What I would like to know and perhaps I could ask Senator Warner, I see he is speaking right now, maybe Senator Warner could respond and tell me which of these constitutional amendments he would prefer and what would be his view if both of them were passed by the Legislature and adopted by the people of the state, what would happen as far as any conflicts being resolved? And with that, I would yield my time to Senator Warner.

SENATOR WARNER: Thank you, Senator McFarland. To answer your first question, as Senator Withem had stated, my preference is 239CA as the first option. If 30 members do not support, do not feel that is the right one, I can also support the proposal for LB 1141. The second part of your question, as I understand it, you are correct that the Constitution is silent upon whether or not two conflicting amendments are placed on the ballot. However, I understand that the statutes are not and the statutes state that if there are conflicting constitutional amendments put on the ballot by the Legislature that the one receiving the greatest...and both met the constitutional requirement for passage, the one receiving the greater plurality, I guess, the greater number of votes would, in fact, be the one considered adopted. I would be quick to agree that someone could question that in court, that the statute doesn't prevail over the Constitution. I am not aware of any prohibition, however, in