

April 9, 1990

LB 1141
LR 239

up a court case if we would advance both of these constitutional amendments and both of them would be adopted by the people of our state. I don't think our Constitution, in any way, has ever considered this type of process or this type of enactment. I voted to suspend the rules to allow the Conway amendments to be adopted to both the constitutional provisions. I think we would look very foolish, as a Legislature, and we would not be representing the people of our state in a very reasonable and...

PRESIDENT: One minute.

SENATOR McFARLAND: ...conscientious manner if we end up passing both of these provisions. I would urge you, therefore, to adopt LB 1141, the second provision, and reject LR 239CA. I think LB 1141 is a much preferable way to do it. It makes sense and, furthermore, it avoids, if we just adopt it, rather than LR 239CA, it avoids all the constitutional questions that would arise out of this. I plan to vote for LB 1141 and not for LR 239CA. If, however, LR 239CA would get the 30 votes, then, for consistency, I would have to vote against LB 1141, even though I think it is a better proposal because I don't think we can put on both of these constitutional provisions and submit them both to a vote of the people. Thank you.

PRESIDENT: Thank you. Senator Warner, please, followed by Senator Lamb.

SENATOR WARNER: Mr. President, and members of the Legislature, while we consider the procedural issues that have been raised by Senator McFarland, I would like to read into the record what was provided to you on your desk so that it is clear in the event there is any discussion in later years should this amendment be placed on the ballot and be adopted. It is to the intent of the implementation, which would be what we would normally have with any constitutional amendment. First, I would like to refer to Section 9, which was in LB 1141, and that section would still be applicable to the consideration here as it is the broad intent of the need for a coordinating commission for postsecondary education, and while this reads for that Board of Regents as it was proposed in LR 239, that broad purpose would be the same as was included there which all of you are familiar with. Beyond that, the intent that provisions of LB 1141 as they pertain to the...what was the Board of Regents in LR 239 are allowed in this constitutional amendment would represent how the Legislature intends this constitutional amendment to be