

attack on any one segment, it would be an attack on the entire bill. I do not think we can run that risk. And that's the reason I am offering this amendment. I don't care if you're a friend or foe of 511 there is simply too much at stake to have the entire bill declared unconstitutional. And that, of course, again is the reason for the savings clause. We have had people and schools in the State of Nebraska rely already upon the provisions in 511. If we...if it is...if it was adopted unconstitutionally, we need the savings clause to, in effect, ratify and confirm what they have already done in reliance on our legislative actions. Very simply, that is the amendment. I know the Clerk wasn't real thrilled about reading 511 again, but I'm sure he's up to the task. And I would ask your indulgence in adopting this amendment.

PRESIDENT MOUL: Thank you, Senator Wickersham. Senator Withem.

SENATOR WITHEM: Yes, Madam President, members of the body, I am going to support Senator Wickersham's amendment. I guess I don't necessarily...I'm not quite as concerned about the language in the Supreme Court decision on the Zybur case as he is. I think it could...can be read either way, number one. Number two, I think the time honored legislative practice of offering amendments to bills the next to the last day of the session, provided the subject matter has been before the Legislature in some previous form before, is perfectly acceptable. And I'm somewhat concerned about the Legislature knee jerk reaction to a Supreme Court, language in an aside in a Supreme Court decision. Were the school affiliation procedure not as important as it is, I probably would not be supporting the Wickersham amendment and would be preferring to fight the battle for legislative prerogatives and using powers available to us. But the affiliation bill that was passed two or three years ago and then adjustments were made in it last year, and it wandered through the legislative process and was introduced as one bill, became amended into another bill in committee, and then for purposes of making sure it was passed it was amended from LB 719 into LB 511 last year. That bill is of such critical importance to many rural areas in our state, where they are now currently going through the very painful process of making determination of what is the future of the Class I schools, to leave a prospect out there that because of some legislative procedure that bill may be overturned and yet new hoops would be established or new procedures would be created, the possibility of that happening, I think, would be so