

it shows that specifically in Nebraska this is how it's been handled in the past, to the point of saying that even in one instance that the court ruled that the law was null and void on its passage if it was unconstitutional. And the record that we're laying out here clearly shows, not unlike...not like the example that, I think one of the proponents of the measure stated earlier that the Legislature didn't know, in this case the Legislature clearly knows that the law that they're passing is unconstitutional and it's predicated on the passage of a constitutional amendment. And that's...that's what the record will show. Professor Lyons was honest and said, no, not in Nebraska. And he said the case law that is on the other side is as old as the case law that supports it. So it's clearly a fight over which is good law. The fact of the matter is there is none of the law that supports the proponents' position on this issue in the State of Nebraska. The contrary is true. It's slam dunk if you only look at Nebraska law. I just want to build that into the record and let people know that. And I know that this amendment is going to be adopted, like the others, but it's...it's clearly an issue that will be addressed in the courts. As a very good lobbyist and attorney told me the other day, he said, Senator Hall, that's the things that lawsuits are made of. So I still rise to oppose the amendment again.

SPEAKER BAACK: Thank you, Senator Hall. Anyone else wishing to discuss this portion of the amendment? Seeing no one, Senator Warner, do you wish to close?

SENATOR WARNER: Mr. President and members of the Legislature, again, for the record, I would read in part from the memorandum that Senator Withem had handed out which quote, it says, "In order for a constitutional amendment to apply retroactively, the Nebraska case law mandates that the words employed need to show a clear intention that it should have a retroactive effect." Now I don't know the balance of the case, that's not cited, but I'm assuming it is pertinent here and the citation is listed. And so I think that it is appropriate that we do it. I want to go back though to the whole reason this issue came up. And the whole reason it came up, you can recall we had a great deal of discussion that the citizens were entitled to know how a constitutional amendment would be implemented. And the passage of legislation contingent upon amending the Constitution became a...a...I believe a belief in the minds of a great many people across the state that they would not...did not want to vote to change the Constitution without knowing how it was intended to