

March 10, 1992

LB 1063

LR 219

up the constitutional amendment to give less flexibility on General File, and we did, and this amendment goes maybe even a little farther than I would like, but the portion dealing with the date should be stricken and I concur with Senator Lindsay and Senator Kristensen in the adoption of that motion.

PRESIDENT MOUL: Thank you, Senator Warner. Senator Wehrbein. Does anyone else wish to speak to this amendment? Seeing none, I will recognize Senator Kristensen for closing.

SENATOR KRISTENSEN: Thank you, Madam President and members. I don't know that anybody has the corner on concern for the constitutional amendment. I think that that is probably, if you are going to look at major things you are going to do this session, certainly you are not going to get a lot of chances to change the Constitution. It comes by sometimes rather infrequently, particularly the sections that you'd like to see changed or altered, and sometimes we like to do that for our specific purposes, and we say, wouldn't it be nice if I could change the Constitution so I wouldn't have this problem. That is things legislatures have done always in the past, and they will always do in the future because the Constitutions are there for restrictions, not only on the executive branch, but on the legislative branch, and certainly the judicial branch to a certain extent, even though they will interpret what that Constitution says, but more in large what it means with its language, and so in the next day as we debate the constitutional amendment, some of these things in statute, LB 1063, there are certainly things in there that you may want to see changed, that you can always have another session of the Legislature for. But the constitutional amendment will not come that way. Now I am comfortable with the way the constitutional amendment is written today with E & R. Senator Lindsay's amendment brings to me a different standard, brings to me a little higher standard of things that we can do. I am not sure I want to do that in the future, and I guess each one of us will have to make that decision. But when I see something like those dates, or that particular date placed in there, I think Senator Schmit, even though there are some things you said today I probably won't agree with you at all, there is certainly one part of that is that date in there does, I think, create the closed class, where you will put in concrete into our Constitution a date that you cannot change, you cannot get rid of, that you will have that bright line that we are going to have to live with that will create two standards. I don't think that is wise constitutional