

judges, the issue would be what is the standard of review on appeal, what will the appellate court look to, to determine whether or not the lower court properly decided the issue. If it is a matter determined by law, it has a much standard...much higher standard for review than other matters; at least that's what I believe that it's intended to do. Now, I think, quite frankly, that if it gets to court that a court will say that does not mean anything to us, that the Nebraska Legislature cannot set for us the proper standard for review, we will review this as we deem appropriate and make a decision based on whatever standard they determine is appropriate and the merits of the particular case. So I say that this is both, I think an attempt at usurping courts authority and also perfectly meaningless because I think the courts will ignore it, but because I think the courts would ignore it, I think we may as well take it out and not bother them with it. And I cannot see that it serves any function other than the one that I have described and believe that it's simply those two provisions should simply be removed.

PRESIDENT ROBAK: Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, I would like to ask Senator Wickersham what page he was on because I was trying to follow what he said, but I don't know that I...

SENATOR WICKERSHAM: Senator Chambers, it's on page 12 at lines 20-26 and on page 17 at lines 3-7. Page 12, lines 20-26...

SENATOR CHAMBERS: Oh, I'm glad Senator Wickersham brought this up. Senator Wickersham, I had marked this in the green copy, in the white copy, the first one that we had, but I hadn't marked it on this one but that was troubling to me because I think, as you pointed out, if you said it's meaningless and useless I think you said, that that's right. The Legislature can say whatever it wants to about what the Constitution means, but that doesn't mean anything when they try to do indirectly what they cannot do directly under the Constitution. When Senator Schmit was here, Loran Schmit, he used to like to mention this story that Abraham Lincoln supposedly told. Lincoln was talking to this guy and he said, if I call this dog's tail a leg how many legs would he have? The guy said, five. Lincoln said, no, he'd still have four. Calling a tail a leg doesn't make it so. You