

SENATOR LINDSAY: Mr. Speaker, I would yield my time to Senator Chambers.

SPEAKER WITHEM: Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, without asking Senator Beutler those convoluted questions that I had asked, I'm going to make some statements, some assertions. When you have language in the Constitution as you have an example of it in what Senator Hall handed you and you have a listing of cases beneath that language, that means that the court has rendered an opinion that involves that language so you know what the court's opinion is relative to it. That means the language has been construed and it has a meaning which will be adopted and utilized whenever that matter comes before the court again. LR 6CA on the other hand is a mixture of a number of things and Senator Beutler doesn't know what the court is going to rule. He doesn't know how the court will rule. But if you take language that has already been construed by the court and ask him, he can tell you what the court is going to do unless the court overrules itself. But in the instance of LR 6CA there is no existing opinion. People seem to be accepting the notion that a court decision is going to have to be obtained in order to determine not only the meaning of the language, but whether the language is constitutional. Senator Beutler expressed the hope that all of this proposition would be upheld as constitutional. When you have to express a hope about something, it means you don't know what is going to happen. There is no certitude, there is no certainty. He cannot even say what the likelihood is. I would not attempt to say what the likelihood is as to what the court is going to determine. The two-tier system is innovative, it's interesting but nobody knows what a court will say about it. If the Nebraska Supreme Court upholds it, somebody could say well I want the federal court to give me the final say on it. And here's how the Nebraska Supreme Court would uphold it. The Nebraska Supreme Court would say that it finds nothing in the federal Constitution, or a federal law, or a federal court holding construing the Constitution or a federal law with which this two-tiered system conflicts and, therefore, the Nebraska Supreme Court would say it's constitutional. But if somebody disagreed with how the Nebraska Supreme Court construed it and said that there is a federal interest, a federal right that is implicated, then the statement of the Nebraska Supreme Court is not final because the federal courts determine federal questions. And if somebody