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LB 1405

most important things I've ever signed; it is a promise that I made to 1.6 million Nebraskans that I would uphold the Constitution of this state and of the United States. And I think what's happening here is Senator Brashear and Senator Hilgert are forcing us to violate an oath, a promise that we made to the state of Nebraska and to the 1.6 million Nebraskans. I'll tell you this, that there are no leaflets that can be put out, no lies, no late night phone calls that will make me knowingly break this promise that I have made. I don't support this bill, it is unconstitutional. The proponents know that it is unconstitutional, and I will vote for this bracket motion. Thank you.

SPEAKER KRISTENSEN: (Visitors introduced.) Senator Matzke.

SENATOR MATZKE: Mr. Speaker and members of the Legislature, I have distributed this morning a copy of the opinion of the Nebraska Supreme Court in the case of Board of Regents of the University of Nebraska v. James J. Exon, Governor of the State of Nebraska. This is a case that was decided by our Supreme Court in 1977. It remains the landmark leading case on the issue that is before us today. What happened in the background of this case is that, back in 1975, this Legislature passed a bill in cooperation with the Exon administration to try and set forth the manner in which salaries and raises were handled by the University of Nebraska. It also involved other specific statutory provisions relating to personnel and new facilities, control, data processing and purchasing. What happened was the Board of Regents filed a declaratory judgment action to determine whether this act of the Legislature was in violation of the Nebraska Constitution. The court held that these act...this act passed by the Legislature did violate the Nebraska Constitution, Article VII, Section 10, which is the provision of the Nebraska Constitution which provides for the Board of Regents. Now I'm going to quote a couple of paragraphs out of this opinion, because our Supreme Court states it far better than I could. At the bottom of page 4, I'm going to read the paragraph which says, and I quote, "The Legislature can not use an appropriations bill to usurp the powers or duties of the Board of Regents and to give directions to the employees of the University. The general government of the University must remain vested in the Board of Regents. In prescribing the