

surcharge on football tickets, no big deal, just let them do what they want to do. I think you're going to see a lot better control over these types of projects, if the body that is making the decision is one whose sole responsibility is to look at higher education. They will, if the coordinating commission functions as it's envisioned, they will be making all of their decisions as to how they relate to the strategic plan for higher education in Nebraska. These decisions of payment of revenue bonds, and approval of revenue bonds will be decided against that backdrop. We, as a Legislature, quite frankly, have no backdrop against which we examine these. We're told they're spending more money at the university, and we get our hackles up, and then they say, but it's not tax money, and we say, okay, fine, go ahead and do it. I think if you're concerned about these projects you ought to be putting them over to the coordinating commission as opposed to before the Legislature. So I will be voting for Senator Beutler's amendment.

PRESIDENT MOUL: Thank you, Senator Withem. I'll now recognize Senator Warner, followed by Senators Wehrbein, Schmit, Beutler, and Moore. Senator Warner.

SENATOR WARNER: Yes, Madam President, members of the Legislature, I'd rise to support the concept contained in Senator Beutler's amendment as well. First, there's been some discussion about the constitutional authority. The constitutional authority to do this is found in Article XIII, Section 1 of the Constitution, which provides that, reading directly, bonds for, and I want to state, to make this plain, bonds for new construction shall first be approved as the Legislature shall provide. So the authority rests in a different section of the Constitution to provide this authority to the coordinating commission rather than the retention of...retention of direct authority here. Secondly, the approval that we're talking about here is approval of a project as opposed to approval of the bonds. You could read the constitutional amendment, if you chose to, that even the Legislature is restricted only to whether or not the bonds are to be issued. Indirectly, obviously, that also becomes the project, but directly you could question that. But, finally, there isn't a doubt in my mind that for the Exec Board to give approval of any of these, when the Legislature is not in session, is clearly not constitutional. I think very clearly the Legislature...the Executive Board does not have the authority to act for the Legislature. And I know 22 years ago,