

May 4, 1979

LB 158

eral for the mortgage so that is only a natural concomitant of its being able to acquire all the property of the project. The second provision indicates that the redevelopment authority can make loans and advances to persons who are completing the project or engaged in the completion of the project. That probably is a very necessary tool to ensure that the redevelopment project will be completed because it may well be that there are some elements of the project that would require some fairly immediate financing and assistance for the project to get completed and the persons who were doing the work might not have the opportunity to quick like obtain that money from private sources and would have to turn to the public to do that. But I think that what Senator Koch points out about the constitutional question is most interesting inasmuch as bonds are to be sold as a result of LB 158. Before those bonds will be sold, I cannot help but believe that there will be a piece of litigation brought in the district court, in Lancaster County, challenging the constitutionality of this act and that litigation will be fairly contested and vigorously resisted by the Attorney General and the court will make a decision and the case will then be appealed to the Nebraska Supreme Court for a final determination. Now it is important for us to put in the act every provision that is reasonably necessary even those which could be constitutionally suspect so that in the end when the court looked at this act it gives a fairly conclusive determination on all the possible constitutional violations, and if there are some part of the act found unconstitutional, that of course is stricken down with the severability clause but then the bonds that are sold can be sold with the assurance of the bond counsel for the underwriter that the bonds themselves are not subject to statutory or constitutional infirmity. And that is very important for the marketability of the bonds, and for that reason, I think this language needs to be retained in this act.

SPEAKER MARVEL: Senator DeCamp. The question has been called for. Do I see five hands? Okay. The issue before the House is shall debate cease? All those in favor vote aye, opposed no. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Motion carries. Debate is ceased. The Chair recognizes Senator Murphy to close on his amendment.

SENATOR MURPHY: Well, gentlemen, once again I am not an