

February 28, 1980

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anything. The one objection that he has and it is underlined there, "or any such subsequent or similar legislation", and his interpretation is that we might with that phrase delegate our legislative authority to Congress. That particular phrase will be taken out by an amendment offered by Senator Fowler and therefore will not pose a problem. The second and last item in this letter addresses itself to the revolving loan fund. If you would please read the last sentence of the letter, it says, "the mere establishing of a fund would not appear to involve a constitutional question." The rest of it is pure projection. Obviously, that kind of revolving loan fund could not be used to build up anybody's private business. That would be unconstitutional. It would be illegal. There is no intent to do that. So that leaves you with this letter by the Attorney General and both points in my opinion certainly will be taken care of, and therefore I am certainly against moving this bill back to committee.

SPEAKER MARVEL: Senator Goodrich, and then Senator Wesely and then Senator Nichol.

SENATOR GOODRICH: Mr. President and members of the body, I rise in opposition to sending this bill back to committee for two or three reasons. Number one, the objections that Senator Murphy makes is on page 2, line 20. That has been explained by Senator George, will be amended out of the bill. That is the way to handle that one. The one about the revolving fund which is page 11, lines 16 and 17...the way to do that if you have any question in your about it is amend that out also. That will solve that one. But as far as what Senator Murphy says about the meat of the bill, the bottom of page 5 and the top of page 6, I would like to read you the paragraph that the Attorney General writes us on that one. It says, "as a constitutional matter the only question is whether these would be public purposes." We believe they are. And then he goes on to cite a case where parking, for example, was tried and found to be a public purpose. So there is absolutely no question about the meat of the bill at the bottom of page 5 and top of page 6 as far as the Attorney General's opinion is concerned. If you want to eliminate the other two, do it by direct amendment, and not by sending the bill back. This is a simple bill. It is not a bill that is hard to understand. It is a bill that can be understood. It can be amended right here on the floor to resolve any complication...or any questions about constitutionality that the Attorney General raises. I would suggest that we not return this bill, but that we continue to work on it right here and right now,

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