

May 22, 1981

LB 506

SENATOR MARESH: It bothers me that we would be passing a bill that he won't agree with because one time I had the experience with losing an act that was passed by the Legislature, signed by the Governor, LB 884 in 1978, which allowed loans to medical students with the forgiveness provision if they located in doctor short areas, and by his not approving the rules and regulations, it was null and void for the rest of the time and we had to come back next year with a bill that he approved. So this is concerning me that we would pass something that he might strike and not allow to be enacted because he has to approve the rules and regs and that is part of your bill. So I would certainly encourage you to try to get something enacted that he would approve before we pass it. Could you hold this bill up to get another opinion on the final bill so we would know what we are doing?

SENATOR CULLAN: Mr. President, I believe there is no constitutional problems with the bill. The record is adequate. If the Attorney General...I just will not...do not see any reason to wait.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I draw to your attention on page 7 of the bill, Section 7, a very short paragraph which reads, "If any section of this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof." Since that section is in this bill, I expect to give it my support. I urge you to do likewise.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Just a couple of comments, Mr. President. If I understood Senator Cullan correctly, he distinguishes between grants and contracts, and if you will look on page 2 of the bill, both of those words are still in the Final Reading copy. We are still talking about grants as well as contracts. And, furthermore, I would refer you to the last page of the Attorney General's report and I might just read a part of that. It says, "LB 506 as amended would permit the grant of approved money to a denominational school or college not exclusively owned or controlled by the state or a governmental subdivision thereof for purposes not within the exception expressed in Article VII, Section 11." Now here is the important part, "The fact that the state might benefit from the research conducted under such a grant does not affect our conclusion that the bill is unconstitutional. As pointed out above, the Constitution is an absolute