

religious institutions that branch off into education and they are aided in any way by the state, in pushing their religious views the state has become entangled and to some degree there can be an interference with the free exercise of religion. Because you belong to a poverty stricken religion should not keep you from getting certain benefits that the state makes available which means that unless you belong to a religion that has enough money to start a school, the things that are being offered by 321 are not available to you. So, for a multitude of reasons and the Attorney General was correct when he said he could not touch on all of them in the short time he had. This bill should not be passed. My motion is to return it to Select File to strike the enacting clause and, Senator Kremer, one more quote. Had I sat still and not made every effort that I could in the way that I am doing to kill this bill, "My tongue would have cleaved to the roof of my mouth and my right arm would have lost her cunning." I ask that you support this amendment.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, Senator Chambers brings up the great American, Madison, but we have also got to remember when Madison lived. That was a considerable period of time and I respect Madison's views for that time but I would submit to you if we kept those views that those gentlemen had there would be no need to change any law because we would live by that at all times. Secondly, I want to point out to you in this Attorney General's remarks on page 2, and if you will follow with me what the gentleman had to say, he talks about certain provisions in here. I submit to you in the second paragraph if you read that, those are so nebulous that for us to hang our hat on those today I think is not appropriate. Individuals who are interested in this piece of legislation have indicated to me that they are ready to go to court. If the court states that this is unconstitutional then they will seek a constitutional amendment but how can you do that until you find out for certain whether or not this opinion holds water. I doubt that it does because you also look at Section 3 of Article XIII, that article was written many many years ago. That, again, has a nebulous position. So I submit to you we should not indefinitely postpone this bill, we should pass it. Let the test take place to find out whether or not it is unconstitutional. Then, if necessary, we can come with a constitutional amendment to try to correct any problems we may have. And getting back to some other comments that were made, the private colleges do not overbuild. Most of them have a very keen sense about the number of students they will enroll. They are very keen about the kinds of buildings they are going to build and they only build them when they are absolutely neces-