

build it; and we have been told it must comply with certain specifications but we have not been given those specifications. We have been warned that unless we build a house to federal government specifications, and those specifications are not available, we shall be penalized. I have been sitting here debating just how far I want to crawl out on that limb and hand the saw to a number of other persons outside of this Legislature to saw it off on me. I think I made the point unmistakably clear that we have been told to do something which cannot be done but I believe that we are at the point now where it is better to allow Section 3 to remain in the bill since if we take it out we are doing what has been told us many times that we will be out of compliance and we will be the whipping boy of the body under the entire state. I think that I will not vote for LB 7 because I told you it will not work but the Attorney General's letter gives us absolutely no guidelines as to what we should do. There is nothing in there, and as Senator Johnson has said, it points out the things that are wrong, why we think it won't work, it might not work, but there are no guidelines, no case law. Without those guidelines I will not, for one, attempt to amend the bill any further. Therefore, Mr. President, I would support the Warner motion of the severability clause because I want to call attention of the government, both the Attorney General's Office, the Executive, and the federal administration that I find fault with the program but I do not believe it is within my ability to correct those faults within the space of time allotted to me. So I would support the Warner motion and I would doubt very much that anyone is going to challenge that bill, that we are going to lose any money because of its inclusion in the act.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, because of various interests I have had, it has been necessary for me to read a lot of Nebraska Supreme Court opinions and I can't give you the cites right now but I could find some by tomorrow if you needed them where the court has said repeatedly that the severability clause is not necessary. As was stated in the case that Senator Beutler read, the presumption of constitutionality is accorded to any act of the Legislature and the only time an entire act will be struck down as unconstitutional is if the portion that is unconstitutional was the reason for enacting that piece of legislation. If the reason for its enactment is unconstitutional and that is struck down, then the whole act falls. But it is clear from everything that has been said about both of these bills that the only reason they are being offered and acted on at all is because of federal