

U.S. Supreme Court that originated out of Minnesota. It says that in the most...it is most....Excuse me. That the Massachusetts Constitution, that is the basis for Mr. Mosher's opinion to Senator Hefner,...

SENATOR HANNIBAL: One minute.

SENATOR HALL: ...is a different constitutional provision than that which is in the Nebraska Constitution. These different elements, and the most recent...the other one...the other two cases are the case that dealt with the busing issue, and then most recently, which we passed here, the tuition tax credit proposal. Those are the four cases that were dealt with in the 1980s that were all passed, supported because of the change in the Constitution in 1972 that allowed for aid to nonpublic schools, but not what we would call a direct appropriation to those institutions. That, ladies and gentlemen, allows for LB 346 to pass constitutional muster. And I believe that the opinion, although probably done in good faith by Mr. Mosher, is one that is ill-conceived and lacks background, background that can be found very close to home in four decisions over the last ten years by the Nebraska Supreme Court.

SENATOR HANNIBAL: Time.

SENATOR HALL: Thank you, Mr. President.

SENATOR HANNIBAL: Thank you, Senator Hall. Senator Hefner, please, followed by Senator's Nelson, Abboud, Dierks and Schmit.

SENATOR HEFNER: Mr. President and members of the body, the Revenue Committee heard this bill last session. There was very good testimony, there were good arguments for it and against it. I would like to support this bill. And I did advance it out of committee. But I told the committee members then that I did have a few problems with it. I didn't know whether this bill would be constitutional as it was written. And so I did vote it out of committee, I want everybody in this body to know that, I voted it out of committee. But now I have some reservations about it. Like Senator Hall said, I did request an Attorney General's opinion, I received it, and I want to read a few parts of it. And I'm not an authority to say whether it's correct or not. I would like to believe that it is correct. But Harold Mosher wrote, and Attorney General Spire signed the letter, too, but they say LB 346 is unconstitutional because it authorizes a