

I'd like to talk a little bit about the constitutional issue. First off, Mr. Mosher is very knowledgeable on this subject. He's ably represented the State of Nebraska on four previous occasions in which the State of Nebraska has argued against programs for assistance for students attending nonpublic institutions. In these four cases, arguing for the State of Nebraska, he's lost. I'm sure he's done a very fine and admirable job, but he has lost. The first one, in 1981, involving postsecondary scholarship award programs to nonpublic institutions, Mr. Mosher lost that decision. A second one which came in 1982, with the School District of Lincoln, involving school transportation for students involved...attending nonpublic institutions, he lost. A third one with Creighton, in 1984, involving cancer research grants, he lost. And then this last year, in 1989, a case that came down April 7th from the Nebraska Supreme Court again, these are all four decisions from the Nebraska Supreme Court, he lost that decision as well. I think he believes firmly in the philosophy that no money should go to nonpublic institutions for whatever reason. Unfortunately the justices of the Nebraska Supreme Court have disagreed, and they have said in no uncertain terms that these types of policies are, in fact, constitutional. Now, let's take a look at the decision that Senator Hefner requested from the Attorney General's office. In that decision which he requested the opinion and which they came out in that decision on March 9, 1989, he states, once again, that this is in fact unconstitutional. But what is interesting to me is in that time, from March 9, 1989 to February 12, 1990, there has been no additional Attorney General's opinions requested, which is interesting because of the Cunningham decision which came down April 7, 1989. We've had a major...an additional major decision by the Nebraska Supreme Court which further provides that this type of legislation is constitutional. Now this isn't something that the Nebraska Supreme Court is pulling out of the air. They're relying upon the 1983 decision made by the United States Supreme Court which clearly provides that this type of legislation is clearly constitutional. I have no problem supporting this legislation because of that constitutional protection provided by the United States Supreme Court. And in four separate decisions in which our Nebraska Supreme Court has had the opportunity to examine assistance to students...for students attending a nonpublic institution, they have clearly said this is constitutional. This law is modeled after the Minnesota law which was constitutional by the United States Supreme Court and the Nebraska Supreme Court as all 50 states