

March 28, 1979

LB 291

SENATOR MURPHY: Article 3, subsection (a) The Board may sue and be sued.

SENATOR KOCH: I will allow Senator Lewis to answer that question. I am sure he has a good reason for that section to be there, if you don't mind. Would you defer that question to Senator Lewis?

SENATOR MURPHY: Surely.

SENATOR LEWIS: Senator Murphy, first of all, I don't know where you got the impression that you can't sue the state or any of its subdivisions. If that is true, we sure had a lot of litigation going on from time to time. Our school board has been sued three or four times. The University has sued three or four times. The Regents even sued you. There is no difference. I don't know, I think maybe you misunderstand the current legal protection that the state has now. It has none. Anybody can sue the state.

SENATOR MURPHY: You are a little more glib with that than I am, Senator, and frankly I question it because I think there are very definite restrictions but I will defer to your statement for the moment. Further in this matter of questions in the same section, you provide that this compact may contract with other personnel and I am curious to know what our state money contracts with other personnel, where we would be headed with this, and would it under the present restriction of other articles of the Constitution notwithstanding no funds shall be paid to educational institutions not wholly owned or controlled by the state?

SENATOR LEWIS: I ran this...Senator Koch, I will speak to this in a few minutes. I ran this issue by the Attorney General at the early stages of the drafting a couple of years ago. We were aware of the constitutional prohibitions and that is in that bill. That is in the bill, that they cannot expend our money in ways that are constitutionally prohibited from us and I have got that section. I will find it for you.

SENATOR MURPHY: Fine. Going on to section (j), Senator Lewis, I realize that the cost of this thing, the initial cost, looks rather trivial but I see in section (j) that this compact may maintain one or more offices and I just have a feeling that this is one of those things we are going to get into as we have so frequently in the past where early on it is too early to determine what it is going to cost, and by the time we find out what it is going to cost,