

State of Nebraska is violated and that we are lending the credit of the state to private institutions and I think that I concur very strongly with that opinion. Let me give you just a little bit of history with regard to Section 3 of the credit of the state. It used to read simply, "The credit of the state shall never be given or loaned in aid of any individual association or corporation," and then when we wanted to explicitly make loans to students for example and distinguish the 321 situation. We are talking about loans to institutions, not to students, but when we wanted to make loans to students we asked specifically to go back to the Constitution and put in specific language exempting the loans to students from the credit to the state prohibition and I am suggesting to you that if we want to do what we want to do in 321 we are going to have to go back to the Constitution of the State of Nebraska and do the same thing for loans to the institution. So, in short, it would appear that the bill is in violation of that prohibition. In addition to that if you would look through the opinion you would see that the Attorney General raises questions with regard to the establishment clause of the Constitution, that is, the clause that has to do with the separation of church and state and points out that there are serious questions and possible violations to the Constitution with regard to that provision which would certainly put this bill into litigation and I think it is a problem we should look into more carefully and try to sort out more carefully before we pass the bill. So I just wanted you to have that information and I think that the problem is serious enough that we should vote to bracket the bill until these questions have been resolved. Thank you.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I agree with what Senator Beutler is attempting to do only because had I offered a motion, mine would have been to bring it back to strike the enacting clause, but if they are willing to bracket in this fashion the same purpose will be accomplished and if anybody has doubts about the validity of the Attorney General's opinion, and I do entertain considerable doubt about most of them, this is one subject that I have had occasion to study and I think he is absolutely right in what he is declaring here and that it would be an impermissible action by the state. So I am in support of Senator Beutler's motion.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, I, too, would like to rise and support the motion to bracket.