



DEPARTMENT OF JUSTICE

STATE OF NEBRASKA • STATE CAPITOL
TELEPHONE 402/471-2682 • FAX 402/471-3297 • LINCOLN, NEBRASKA 68503-9920

DATE: December 31, 1990
SUBJECT: LB 708 (1989 - Need-based Student Aid)
REQUESTED BY: Senator Ernest Chambers
Nebraska State Legislature
WRITTEN BY: Robert M. Spire
Attorney General

ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General

You have given me a copy of LB 708, which you introduced during the 1989 session of the Legislature. You have advised me that the 1989 Legislature did not act on LB 708 and that you intend to introduce a bill in 1990 which will be essentially the same as LB 708.

You ask two specific questions about legislation in a form which is essentially the same as LB 708. These questions are:

- 1. Does the Legislature have the constitutional authority to pass such legislation?

Yes it does. Legislation of this nature is within the constitutional authority granted to the Legislature.

- 2. If such legislation is passed, which will prevail in the event of a conflict: NCAA regulations or state law?

State law as enacted by the Legislature will prevail. If there are conflicts between NCAA regulations and Nebraska statutes, Nebraska statutes will prevail. Therefore, if legislation in a form which is essentially the same as LB 708 were enacted, it would prevail over any conflicting NCAA regulations.

Sincerely yours,

ROBERT M. SPIRE
Attorney General

cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

L. Jay Bartel
Elaine A. Catlin
Wynn Clemmer
Delores N. Coe-Barbee
Dale A. Comer
David Edward Cygan
Lynne R. Fritz
Denise E. Frost

Yvonne E. Gates
Royce N. Harper
William L. Howland
Marilyn B. Hutchinson
Donald E. Hyde
Kimberly A. Klein
Donald A. Kohtz

Sharon M. Lindgren
Charles E. Lowe
Lisa D. Martin-Price
Lynn A. Nelson
Steven J. Moeller
Harold I. Mosher
Fredrick F. Neid

Bernard L. Packett
Marie C. Pawol
Kenneth W. Payne
Douglas J. Peterson
LeRoy W. Sievers
James H. Spears
Mark D. Starr

John R. Thompson
Susan M. Ugai
Barry Waid
Terri M. Weeks
Alfonza Whitaker
Melanie J. Whittamore-Mantzios
Linda L. Willard