



DEPARTMENT OF JUSTICE

STATE OF NEBRASKA • STATE CAPITOL

TELEPHONE 402/471-2682 • FAX 402/471-3297 • LINCOLN, NEBRASKA 68509-8920

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,

A handwritten signature in cursive script, appearing to read "Robert M. Spire".

ROBERT M. SPIRE
Attorney General

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

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