

LEGISLATIVE BILL 98

Passed over the Governor's veto April 3, 1978

Introduced by Murphy, 17

AN ACT relating to state officers; to provide duties for the Governor and Attorney General with respect to implementation of acts of the Legislature; to provide penalties; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Pursuant to his constitutional duty to take care that the laws be faithfully executed, whenever it shall come to the attention of the Governor that any agency charged with the implementation of any act of the Legislature is failing to implement such act, he shall immediately in writing order the agency to commence implementation unless (1) the act shall have been held unconstitutional by final judgment of the Supreme Court, (2) the agency shall have been enjoined from implementation by court order, or (3) an action challenging the constitutionality of the act is pending in a court of competent jurisdiction. He shall furnish a copy of such letter to the Attorney General together with a written order to commence or cause to be commenced an action in a court of competent jurisdiction to compel implementation if the agency has not, within ten working days, commenced implementation. It shall be the duty of the Attorney General to comply with such order.

Sec. 2. The knowing failure or refusal of either the Governor or Attorney General to perform the duties imposed upon them by section 1 of this act shall constitute a misdemeanor in office within the meaning of section 5 of Article IV of the Constitution of Nebraska and render the offender liable to a fine of one hundred dollars and to impeachment.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.