

am not an attorney so I don't know but I know that there is a path, a judicial system, whereby he would not become responsible.

SENATOR F. LEWIS: Senator Kelly. Senator Duis, you asked a question?

SENATOR DUIS: With your indulgence, Mr. President...

SENATOR F. LEWIS: You still have a minute remaining.

SENATOR DUIS: ...I am trying to phrase my short remarks here in the form of a question so that I might bring this back to Senator Murphy before you call upon the next one and I am sorry I didn't have an inflection in my voice at the end of it but it was meant in the form of a question as to whether or not he thought that this might be a better approach.

SENATOR F. LEWIS: Senator Murphy, do you yield.

SENATOR MURPHY: I would respond to his question, Mr. Chairman, in that I have attempted to do exactly what you are saying, Senator Duis, and I concur totally with what you say. I have said in there that if within ten days they have made any entry into a proper court to seek the judicial review you speak of that there shall be absolutely no burden on that individual. However, if they do not act in such a manner responsibly to seek a judicial review that then they must implement the law. I am putting no other burden on them. I am in agreement with what you are saying. They shall have the right and some latitude to seek a judicial review of that question before the court.

SENATOR F. LEWIS: You have about fifteen seconds left.

SENATOR DUIS: I will try and make it fast. Then, Mr. Speaker, Mr. President, I would ask then of Senator Luedtke, who is an attorney, I don't believe you can do what you are requesting to do, Senator Murphy.

SENATOR F. LEWIS: Senator Kelly, I am sorry. Senator Duis' time is up and we will get back to that. Senator Kelly.

SENATOR KELLY: Mr. President, I would like to yield to answer time to Senator Luedtke.

SENATOR F. LEWIS: Fine, Senator Luedtke.

SENATOR LUEDTKE: Mr. President, members of the Legislature, in answer to Senator Duis' question, I think he raises a very valid question. I think that there may be a way of getting a court test, but whether or not the Legislature can compel a court test I believe the Attorney General, himself, even questioned on two or three occasions. In fact, when we attempted to have our legislative attorney's bill, as you recall, last session, this question came up, Senator Duis. I don't know if you recall that. And this was his specific question whether or not from the standpoint of the separation of powers we really had any authority to commence or cause to commence such an action was very doubtful and I do not wish to get into the debate on the