

next upcoming bills but I feel that the next two bills that are coming up are even more constitutionally suspect in that area.

SENATOR F. LEWIS: Thanks, Senator Luedtke. Now, Senator Kelly, you may continue with the rest of your time.

SENATOR KELLY: Mr. President, members of the Legislature, the examples are numerous whereby state agencies violate the law of the State of Nebraska with impunity. Now this Legislature is the people and this Legislature does pass the laws that this state will live by. Anybody who violates those laws is subject to the penalty provided in the law. There is no penalty provided in the law for an agency head that does not follow the law except maybe malfeasance in office or impeachment. These are extremely tough, dangerous things to do to a person because they have, the agency head, they have a constitutional responsibility also to make a judgment of what it is that they are to do in running their agency. When an agency head believes that a law is unconstitutional, it would make him do something against the Constitution to follow that law. All right, now we have a conflict of judgments. The Legislature's judgment has been set into statute that this is constitutional and it should be done. The agency head has made a decision that it is unconstitutional and he won't do it. This can stand for years after years after years and the people of Nebraska do not have the protection of law while this Mexican stand off is in place. Senator Murphy's LB 45 would limit this stand off and set perimeters of time when the people of Nebraska would find out which one was correct, the Legislature or the agency head. It does nothing more than that. It does not cause anybody to take a particular stand. It does not cause anybody to do anything against their own judgments. It merely puts a time perimeter on when something should be done. We have an example over in the registered nurses examining board whereby they asked for legislation and were supported by the Nebraska Nurses Association for legislation and this Legislature agreed with them and passed it. When the law was on the books and they attempted to implement it, they decided that they couldn't do it and they didn't want to do it and the reason they didn't want to do it is because it was extremely difficult and so, therefore, they are deciding what to do. Just think of that. The citizens of Nebraska are at this moment without the protection of law as it affects nurses...

SENATOR F. LEWIS: One minute, Senator Kelly.

SENATOR KELLY: ...licensing board and there is nothing anybody can do about it. That is a bunch of garbage. This group right here has a responsibility to do something about it and this is a very clean, quick, concise way to get this procedure to an answer. LB 45, in my opinion, is excellent law and this Legislature should support it and support it loudly, and even if possible, unanimously.

SENATOR F. LEWIS: Senator Richard Lewis.

SENATOR R. LEWIS: Thank you, Senator Frank Lewis, and fellow members. Senator Murphy, I think you have an excellent bill. I would like to support it and I would like to amplify just a little of what Senator Kelly was speaking