

The present system causes an action of mandamus from the citizens to enforce the law and government, the licensing board, violates the law as it is written and they do it with impunity. The only thing that would happen if you had a writ of mandamus to enforce that law is that it would be enforced but there would be no penalties or not chastising of any kind for the year when the government violated the law. That's unequal justice at the very best. Back to LB577 which says is constitutionally suspect it is in place and it is working. Probably at this particular time and our drought cycle is one of the more important laws on the books and it carries the stigma with it but it is being enforced as though it were good law, and in my opinion it is good law. It is being enforced. The government in the second case with the water law is following the law and implementing it. If there is a complaint against the law it would go to court and if it is unconstitutional those parts would be deleted as we all know. I think that it is completely wrong to turn this system around to where the people pass a law and the people have to get the government to enforce it. That is what the Constitution says is that the Governor will enforce the laws, not the Legislature, not the people but the Governor. The executive branch of government is the enforcer and they are not doing it. Now you people who are so expert in the law who know that LB45 doesn't work, what do you come up with? What is already in the statutes. Is this truly a question that can not be answered? I don't believe so. I believe that 45 is an answer. I believe that it should be put on the books and lets get it into court. I have do doubt but what it will be in court very quickly and then we will know if 45 is struck down as unconstitutional, we will know that that didn't work. But, if we just take the sitting on the hands attitude, that there is a good chance that 45 is not correct and make the judgment that the Supreme Court and only the Supreme Court should make, make it on the floor of this legislature, we have two wrongs, and that does not make a right. Senator DeCamp, just one question for the rest of my time and you may have it, please explain to me what your amendment does differently than what is in the law.

PRESIDENT: You only have one minute left.

SENATOR DE CAMP: My amendment eliminates the bill in its original form. Maybe that is the most important thing. The second thing that it does is try to strengthen the existing system of government so that when, lets take your nurses case, so that when an agency refuses or declines for some reason or other to immediately implement the law that you could bring that action that you apparently brought or talked about bringing and if you were correct you would get your cost of bringing this action, attorneys fees, costs and all of this. I could go into an hour explanation of what you are doing here, but basically what you are doing is flipping topsy-turvy the system. You think that you are going to make the Governor or the Attorney General more responsible, you are destroying the legislature of the State of Nebraska by setting up a new standard that all acts passed by us are basically presumed to be unconstitutional until proved constitutional when now the system is the other way. That is the essence of what you are doing in LB45. Because to protect themselves...

PRESIDENT: Your time is up Senator Kelly. Senator Shirley Marsh.

SENATOR MARSH: Mr. President, members of the Legislature, the proponents and the opponents would have you see this as a black