

laws, to carry laws into, carry them out for the Attorney General to back them up. Certainly, that is part of the Constitution. But not in the face of other serious constitutional attack. I remind you that it is the Governor takes an oath, the Attorney General takes an oath, we all take an oath to uphold the Constitution of the state of Nebraska. That means the entire Constitution and you can't violate one little bit of it. That means the whole Constitution. Senator Murphy was talking about just that part of implementing a law. Now if there were not, under separation of powers, a means whereby the public has recourse to the process of law to declare a law unconstitutional, that would be one thing. But the citizen is still the safety valve for testing constitutionality and for Senator Murphy who speaks so much about the rights of individual citizens to stand here and tell us that the citizen is helpless to act is utterly ridiculous. This is our legal system throughout our history. It has worked; it still works and it will work even better if we will resort to the mandamus method and help defray the expenses of those citizens who do this job. I think the reason the Governor feels so strongly about this is that the Governor, when he was a plain citizen, resorted to the courts, used the courts and I might add successfully to force the Legislature to do some things that he wanted the Legislature to do as a citizen. So, the Governor knows how this thing can work. He knows the practicalities of it. Lastly, I just want to say do not let us be confused by the fact that this law which would say that the agency or somebody would be compelled to file a lawsuit within 10 days, that this is going to do anything. It won't do what Senator Murphy wants at all. All that it will do is delay action further because the first thing they are going to do is file an action. Secondly, they are going to get some kind of a restraining order. They are going to say don't put the law into effect. The court is going to say until we decide this, it won't. Then, they are going to go and delay it for weeks and months and maybe even years. The very thing Senator Murphy laments. So it's not going to do the job. The only way to do the job is to follow the Constitution. The only way to do the job is to follow the legal system that this country has been known for and has worked. Let's continue to make it work and make it work even better. Let's sustain the Governor's veto on LB 45.

PRESIDENT: Senator Reutzel.

SENATOR REUTZEL: Mr. President. Senator Murphy I'm looking at page 1635 of the Journal, the Governor's veto message on LB 45 and in the second paragraph he refers to the Ponca Public Schools in a bill that you had last year. Could you familiarize me with that? I'm not familiar with what he is referring to.

SENATOR MURPHY: To those members who were not here when LB 43 was passed and it was Senator Cullan's predecessor who asked this Legislature to provide that the state would pay the tuition for wards of a court who are placed in a school district other than their own. That was broadened to say that the ward of a state or of any court would have his tuition paid by the state. The rule and regulation that followed that said the ward of the state or any court. And then the great bureaucracy came tumbling down. Ponca School District had 8 students, 2% of its population who were wards of a court but they were wards of an Iowa court.