

for a writ of mandamus and I'll just read the amendment (read amendment). This is the amendment that was offered to 45 and by Senator DeCamp, I think that we are all familiar with the arguments that would allow the state to pick up the tab if an individual wishes to force enforcement of a certain act and so that is the amendment and I think that we have discussed it pretty thoroughly before, so I would just move for the adoption of the amendment.

SENATOR MARVEL: You heard the motion and the second. The question has been called for. I recognize Senator Newell who asked for the question. The question is shall the debate cease? All those in favor of that motion vote aye. Opposed vote no. Have you all voted? Clerk will record.

CLERK: 6 ayes, 16 nays.

SENATOR MARVEL: Debate does not cease. The Chair recognizes...is Senator Decamp here? He asked for...do you want to be recognized? Then Senator Chambers. Then Senator Murphy.

SENATOR DE CAMP: Mr. President, I had not thought that I would get in any way involved in this bill, LB 46. I thought that I had given all of my arguments on LB 45 when I suggested you adopted the amendment. As you may have discovered by now this is the identical amendment which I offered for LB 45 when I suggested that LB 45 may be unconstitutional and I guess Senator Cullan is now offering it as a substitute for LB 46. I need not repeat the arguments, I think that this is one method of making the rights of the citizen stronger in enforcing laws and determining constitutionality. At the same time I want to make it very clear, extremely clear that LB 46 as Senator Murphy has amended it is what I consider a constitutional method of also attempting in a different way to accomplish this goal. I personally happen to feel the amendment that Senator Cullan has offered, which is my amendment from 45, is maybe the better way, but let me not suggest that what Senator Murphy is offering in his amendment would not work or is unconstitutional cause it is not, I'm sure that it is constitutional. That is all that I have to say.

SENATOR MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, Senator DeCamp, if I am ever on trial for my life please don't defend me in the way that you defended this amendment. I think that what Senator Cullan's amendment is offering an opportunity to do is to tamper with the existing law as little as possible while still accomplishing the goal of allowing any citizen to see that any law is enforced or that any public official ceases to do what he or she ought not to do. Now to try to put that in a nut shell, if a public official for any reason refuses to carry out a duty that is imposed by law, this provision makes it possible for a citizen at no expense to himself or herself to take that official to court and try to get a court order to compel compliance with the legal duty imposed. The current law says that the state may pick up these charges and costs. I think that the state should have an obligation to do so, especially if the situation exists because of an argument between the Attorney General's interpretation of a bill and the legislature's feeling about the