

we thought out the decision longer, sometimes that is one of our difficulties here on this legislative floor is that the Speaker is being asked to very promptly give opinions, those opinions sometimes are not as well researched as they need to be, but yet the precedent lingers on. Especially if anyone does any research, then the precedent really does linger on and so what we have is a precedent reversing decision by the Speaker. Now I wonder if that would jeopardize the establishment or reestablishment or changing the very basic nature of various other departments, et cetera, from time to time. I think the answer is in the future it certainly would jeopardize those kinds of activities. But I guess one of the questions that this body ought to ask itself and a very serious question at that is will it jeopardize what we have done in the past. Will this ruling create the kind of precedent that calls into question what we did with the Department of Health? If the ruling is withheld, if this Legislature votes to sustain the Speaker, and if the Speaker does not change his opinion, which he may or may not feel he can do at this point, but if he does not change his opinion and we do vote to challenge the Chair, and if the Chair should be sustained, does that create problems or a precedent that may go in fact backward? Do we reconsider what we did in the case of the Department of Health? Now frankly, I am not so sure that I would be opposed to that kind of precedent because I didn't like the Department of Health change that was made but I think that one of the things that stands here before us all as we look at whether we like LB 404 or whether we like the change on the Department of Health or the other precedents that have been set is really probably a much broader question and that question is the question of the legislative power. What rights and responsibilities, what flexibilities will we preserve for ourselves in the future? And I think that is a bigger issue than LB 404. Mr. Speaker, I have said some eloquent things and I know you can't get them to listen but if you could get them to not compete so much I would appreciate it.

SENATOR LAMB: Could we have some quiet and order, please? Senator Beutler, do you have some comments on this problem? I thought you were finished, Senator. I am sorry.

SENATOR NEWELL: No, I was only asking for a little order. I won't be much longer and I think that order is less likely, Senator Nichol says he will now listen and that is a positive sign. I guess I want to reiterate what I said, the precedent that we set today is not revolved and should not be revolved around LB 404. It is whether this Legislature wants to limit its own ability to make changes in various agencies. That is what this proposal is is to make a structural change in an existing agency. Will we limit