

wanted to accept responsibilities basically for mistakes we might make in enacting statutes that turned out to be unconstitutional either in violation of the state Constitution or the federal Constitution and in that regard you all saw fit last year to strike from the Elmer amendment a provision that said that award shall not be made under this section unless the Supreme Court finds that at the time the statute or ordinance was enacted, it violated clearly established constitutional rights, et cetera. In other words I had attempted to convince you that unless it was a violation of already clearly established constitutional right, that is a blatant disregard by this body of the Constitutions and in that case we ought not to allow the state to be charged for these awards. However, you all rejected that. So what I want to propose to you today, and it will be passed out to you in just a minute, is this amendment which says this. When legislation proposing a criminal penalty is advanced to enrollment and review for review or for engrossing by the Legislature, the Attorney General shall, within five calendar days after such advancement, provide to the Legislature a legal opinion as to whether the legislation is in violation of any provision of the United States Constitution or the Constitution of Nebraska. A final vote of the Legislature on such legislation shall not be taken until such five-day period has passed. So all I'm saying to you is if you're going to bring upon yourselves the responsibility for unconstitutional legislation and keep in mind that at least, it seems like at least once a year we do that, at the very least we ought to be sure we get a legal opinion on that matter and get our Attorney General on record that what we're doing is constitutional, so we have one, at least the opinion of the highest lawyer in the state that what we're doing is constitutional. And if he says it's not constitutional, then we ought to take a deep...have a serious second thought about it because if it turns out he's right some significant legal fees will be paid by the state. So I'm not trying anymore to undo, Senator Elmer's bill. I think that we had a long debate on it last year and I think you have spoken. You want to do this. But I hope it makes sense to you not only just to get an opinion, but to be sure that we have an opinion each time on this so we can guard against unwise action in the best way possible. Thank you.

SPEAKER BAACK: Thank you, Senator Beutler. Senator Landis, on the Beutler amendment.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I rise