

CLERK: Senator Beutler would move to amend the resolution. (See FAC42 on page 2011 of the Legislative Journal.)

SENATOR CROSBY: Senator Beutler to open on your amendment.

SENATOR BEUTLER: Senator Crosby, members of the Legislature, it appears that the Legislature has basically made up its mind to advance this particular proposition. Assuming that you're choosing to do so, I wanted to ask you to insert a little bit of language that would simply assure, which this resolution does not otherwise do, and direct the Attorney General to take the position on behalf of the recipients. I mean the Attorney General can take any position here I assume although its unusual for the Attorney General to take a position against the interest of the state since he's the attorney for the state. I somehow don't quite see how this is going to happen. And I guess I find unusual, to say the least, for Senator Chambers to argue that the state should throw the case. My God, what if some public defender had suggested with regard to a criminal defendant that the case should be thrown because the evidence is so obvious? And that's even different in this case because the evidence is clear that the state's at fault. I mean it's astounding actually when you stop to think about it. In any event, here's the language I would ask you to insert in this particular paragraph. In paragraph 1 where it says: the Nebraska Legislature requests the Attorney General for the state of Nebraska, on the authority invested in him, et cetera, et cetera, "to initiate an action at the earliest possible date to determine the following", then it lists all the issues. Instead of saying "to determine the following", I say "to obtain a ruling favorable to the benefit recipients on the following", putting the Attorney General, at least insofar as he feels some necessity to respond to this Legislature... And actually I assume he can ignore this altogether. I'm not sure why we're going about all this now that I stop to think about it. He'll probably just tell us, as the Supreme Court is likely to tell us with regard to the Appeals Court, forget it, boys and girls. In any event, at least if we're going to say this we're saying to him, please argue the side of the recipients. Don't ask me how that's possible again since he represents the state, but it's the Legislature that's asking him to be in this position. And if, in fact, we're going to ask for this impossibility, then at least let us ask...let us be clear as to what we want him to do.