

of the commission include a district court judge violates the distribution of powers clause found in the Nebraska Constitution. As to Judge Murphy's counterclaim for an attorney fee, the Nebraska statutes provide that if, through quo warranto, one is found guilty of unlawfully holding or exercising any office judgment shall be rendered that such respondent be ousted and altogether excluded from such office and also pay the cost of the proceedings. However, the Supreme Court concluded that this particular situation was unusual. Judge Murphy was appointed to the commission under statutory law specifically because he was a district court judge and, for this reason, the Supreme Court awarded Judge Murphy an attorney fee and costs, and that's what this resolution is about, the awarding of fees, and I...it's 6,000 Kate? Kate, what's the amount, 6,000? Six thousand, seventy-two dollars, and that's what the resolution's about, to award these costs as awarded by the Supreme Court, 6,032 dollars. That's what the resolution's about, as awarded by the Supreme Court.

SENATOR WILL: Thank you, Senator Wehrbein. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. Senator Wehrbein, just a couple of questions. I'm assuming that the state is going...this would be the court costs that the state has to pay for because of the suit filed by the Attorney General?

SENATOR WEHRBEIN: Yes.

SENATOR WILL: Senator Wehrbein.

SENATOR WEHRBEIN: Yes.

SENATOR BERNARD-STEVENS: And I appreciate that. You know, and I wish some other members of the body might be here 'cause it'd be more entertaining on the discussion and I'm...I guess I'm just too tired to get up to...get up to the level. But I do have to say something that.... Senator Wehrbein, let me ask you one other question. How long was Judge Murphy on that board?

SENATOR WEHRBEIN: I do not know.

SENATOR BERNARD-STEVENS: But for quite awhile?