

to be passing bills that were unconstitutional. I thought that was a very ridiculous thing to be doing in that body, that there ought to be the expertise and recognition of the Constitution and to fit our laws to meet our constitutional guidelines and so when I ran for office, I ran on a number of points and including the fact that I thought we ought to pass laws that were constitutional in this body. I think we have cut down considerably on the problems that we have had with the passage of unconstitutional legislation. I think it has been helpful that we have had a number of young lawyers here that recognize the Constitution and its impact on our legislation but nevertheless we still have had several occasions in the past, this year and last year, where I believe we passed unconstitutional legislation. Well I think we are on the brink of doing that once again with LB 991. Now there is court cases presently pending across this country concerning this bill because this is model legislation from the federal government. Several cities have adopted it. I don't know how many states have adopted it but it is in court. It is being litigated. It is being litigated in Nebraska with the Papillion City Council and their action and there are differences of opinion about where we stand constitutionally on this bill. There evidently has been a recent court case that has upheld somewhat the constitutionality of this bill. On the other hand there have been a number of cases which have upheld the unconstitutionality of this bill so where we stand today I think is up in the air. I think it is subject to question and I think when our Attorney General's office in this state says that this bill is clearly unconstitutional, that there are serious problems with this bill, that we ought to listen to that advice and that legal opinion and to try and follow that advice and to the best interests of the State of Nebraska. I think the bottom line on this whole matter is not whether or not we should try to pass legislation to ban head shops or whether we have to act this year to deal with that problem. My question is that we ought to take our time to pass a bill that deals in a very constitutional fashion, in a very well drafted fashion with the problem that we have got in this state. I am not opposed to banning head shops. I support that effort. I think that that is a necessary step to take but I don't think this is the bill to do that, not at this point and not in this form. I don't see where there would be a problem after the years that we have gone without addressing this issue to wait one more year to do the job right, to sit down over the