

February 23, 1973

amount, and that I presume would be left to those, who would have the responsibility to do this, and I think this, I read most of these bills, and I think we've all got the responsibility to do what we think we should do, if we understand what is before us, and I don't mean to say that most of the time you don't, but many times it takes a lot of time to read these bills, it takes a lot of time to understand them, and when you do understand them, then I think you ought to be confronted with the problem and do whatever your best judgement indicates you ought to do and that is the position you are in now.

SPEAKER: We have before us of course now, the Carpenter amendment to this bill, Senator Richendifer, stand by, go ahead.

SENATOR RICHENDIFER: Mr. President and members, I will have to support Senator Carpenter whole heartedly. I have worked in the subdivisions of these Governments. Now the responsibility of these people, inspections of sewage disposal plants, water plants, many times they have to be around machinery where work is being done, and I do note that if I had of gotten hurt, I was on my own, and if you elect these people to these positions, they should have some measure of recourse, if they do get hurt performing their duties. The word may, it's, it leaves this that maybe the other board members would agree or disagree with you, whether you should be insured or not. I think it should be shall. We are subjecting the subdivision people in to many areas where if they did get hurt, many of them do not have the resources to take care of themselves and I would support Senator Carpenter's motion.

SPEAKER: The Chair recognizes Senator DeCamp, then Senator Kelly. No you're passing to Senator Kelly, go ahead. The Chair recognizes Senator Kelly.

SENATOR KELLY: Mr. President and members of the body, this bill refers to personal liability insurance of the governing board members, nothing to do with getting hurt except if you do it wrong. I believe that this permissive legislation is correct, I would oppose the amendment on the basis that these are governing bodies, which they ought to be able to govern themselves and we should allow them to govern themselves. If we say shall I think we should appropriate all of the premiums out of the general fund.

SPEAKER: The Chair recognizes DeCamp, Senator DeCamp.

SENATOR DECAMP: Mr. President and members of the legislature, I'm not sure the entire bill or amendment is understood. As I understand it, this would insure personal liability for any claim arising against a member, now I'm going to give you a very real example of one case here in Nebraska, and why we need not only the bill, but I think the Carpenter amendment, and the case was one I was actually involved in. It occurred in O'Neill, Nebraska, a young student there had his hair a little longer than the other students, and he refused or felt he did not need to cut his hair, and the school board at that time at the O'Neill public school had a rule that he did have to cut his hair. They therefore prevented him from going to school, until he agreed to cut his hair, which he didn't never do. I filed an action trying to get the young student reinstated in school, under the contention that existing law as handed down by the Federal Court indicated he did not need to cut his hair. Ultimately a separate action was filed against every member of the school board by the American Civil Liberty Union, I had to come to the legislature and stepped out of the case at that point, the American Civil Liberty Union filed a personal law suit against every single member of the school board for about forty or fifty thousand dollars, and the case was very strong, the student was admitted back into school without cutting his hair and a precedent was established for Nebraska, that you don't have to cut your hair to go to school in Nebraska,