

March 19, 1981

LB 179

amendment be adopted.

PRESIDENT: Any further discussion on the Lamb amendment to LB 179? Senator Burrows.

SENATOR BURROWS: I think it is a very, Mr. Chairman, I think this is a very reasonable amendment and I support the Lamb amendment. I think he has come up with some very reasonable language. Thank you.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have got to ask Senator Lamb a couple of questions which would give me an opportunity to digest what he has put in. Senator Lamb, exactly what does your amendment cover now, which individuals?

PRESIDENT: Senator Lamb, would you respond?

SENATOR LAMB: Yes, sir. Well, my understanding, Senator Chambers, is the problem with LB 120 is that the officeholder would be responsible for attorney fees in these cases where someone brings an action against the subdivision and then wins. This amendment would relieve the officeholder of that responsibility if he acted reasonably and in good faith in the performance of his duties but it would require that...it would leave in the requirement that the public subdivision would be responsible for those attorney fees.

SENATOR CHAMBERS: All right, Mr. Chairman and members of the Legislature, I would like to amend Senator Lamb's amendment and not being aware that this would come up this morning I will have to get the language but this is what the amendment would do or say. Since he has used the language "good faith" and "reasonably", I would like to say in the amendment that the "disobedience of the unambiguous directives of a statute" or "unambiguous statutory directives will not be considered reasonable or good faith action by the official or employee". And I will tell Senator Lamb what it is saying. If there is a statute which is not ambiguous, which clearly defines the duty of an official, if that official disobeys that statute or decides on his or her own volition that this statute ought not be complied with, disobedience to such a statute will not be considered good faith or reasonable. So if Senator Lamb doesn't understand what I am saying, I would like him to make that known so I can clarify it further but that is the amendment I would like to offer and I will write it out.