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LB 179, 72

effect. Let's say one of Wally Barnett's inspectors from the Fire Marshal's Division goes out to look at a project on site and he determines that some kind of a foam used on the outside of a building is flammable, and he tells the contractor, well, you should have come to me before you put that on according to state law, and I am going to direct you to hold the project up until that flammable material is removed. Now, the contractor will then turn around and say to that employee, look, I will hold this contract up and I will take that foam off and put new foam on but I am going to sue you personally. It is going to cost me \$20,000 to do that, and if two years from now some judge or some jury rules that you have not acted reasonably and in good faith, you are going to be totally responsible for that \$20,000 plus attorney fees in some instances. Now, it seems to me that that is going to scare the living daylights out of.... that's going to scare the living daylights out of that public employee and instead of doing his job which is to say stopping the building from being constructed, or you can think of a lot of other instances, a county inspector in a restaurant goes in and says, we have had 18 violations because of a dirty kitchen, your kitchen is still dirty, and we are going to make you shut down for a week until you clean that kitchen up. And the manager says, well, I will shut down for a week but I am going to sue you personally and if a jury or a judge a year and a half from now finds that you did not act reasonably and in good faith, you are personally going to be liable for our losses. Now, you see what I mean. I think that is going to deter public officials from doing what they think ought to be done and the better approach is in this amendment which provides that the political subdivision will pay the damages but they can go ahead and discipline the employee if he did not act reasonably in good faith. So I think for the smooth operation of our state and local governments I would recommend the option of this amendment. Thank you, Mr. Speaker. Mr. Speaker and colleagues, I have been informed that a number of legislators would like this whole matter to be laid over so we can examine the issue further, and with the Chair's consent I might ask that that be done.

SPEAKER MARVEL: Any objections? Okay, so ordered. Okay, LB....the next bill is LB 72, Mr. Clerk.

CLERK: Mr. President, as with the last bill, I have a motion to return LB 72 to Select File for a specific amendment. The amendment is found on page 1186 of the Journal. It is offered by Senator Labeledz.