

SENATOR LAMB: I rise to oppose the Chambers amendment on a couple of grounds. First of all, who is going to decide what is ambiguous and what is not ambiguous. I think that would have to be defined very clearly. Is it the officeholder going to decide that? Is it the court going to decide it? Who decides that? But let me just read again. The amendment says if such officer acted reasonably and in good faith, that is my amendment. Now by any stretch of the imagination is an officer or an employee acting in good faith if they are not enforcing the law, if they are violating the law, and I can't see how it could be construed that they are acting in good faith if they are not enforcing the law, they are not complying with the law as written. So I see no reason for this. I had this carefully researched. I don't believe that the Chambers amendment is necessary. I think it might add some confusion. I ask that the amendment to my amendment be defeated.

PRESIDENT: Senator Vard Johnson, did you wish to speak to the amendment to the amendment?

SENATOR V. JOHNSON: Yes, I will take just a couple of minutes to speak to Senator Chambers' amendment. I can appreciate precisely why Senator Chambers has offered this exact amendment because there can be nothing more galling to a citizen than to have some official functionary tell that citizen that he is not going to obey what appears to be a very clear dictate of a statute and so that poor citizen is ultimately compelled to go to court by a mandamus action to get an order from the court directing this functionary to do that which the statute says should be done, and what Senator Chambers is attempting to do through his amendment very simply is to make it clear that any official functionary who acts in the face of an unambiguous statute proceeds at his own risk. I do not think, however, that the amendment, per se, is necessary only because I think that that exact concept is encompassed within the expression of "reasonableness and good faith". I don't think that an official acts reasonably if, in fact, the statute is clear in its command, that is it is unambiguous and he fails to act but I certainly appreciate precisely what Senator Chambers wants to do. I would like to ask Senator Chambers this one question. Senator Chambers.

PRESIDENT: Senator Chambers, will you respond?

SENATOR CHAMBERS: Yes.