

which was sent out by Senator DeCamp from the member of the National League of Cities. It so very clearly says with the adoption of this amendment there would be no personal liability for public officials of the political subdivision or the state itself. It should be emphasized that there are already procedures available to remove any public official who acts in bad faith in fulfilling his or her duties. Elected officials of political subdivisions are subject to recall while appointed officials and employees may be disciplined or dismissed. With those safeguards I want to support the amendment which is offered to us by Senator DeCamp.

SENATOR CLARK: I would like to announce that we have 45 students from Senator Wiitala's district. I don't know who is up there watching the store today, Senator Wiitala, they are all down here. They are from Bennington Public Schools. Mrs. Karle and Mrs. Licht are the teachers. Will you stand up and be recognized, please. Welcome to the Legislature. Senator Cullan is next. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay. Voting aye.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate has ceased. Senator DeCamp, do you wish to close?

SENATOR DeCAMP: Mr. President, just to clarify then. We passed LB 120. 120 said in cases of mandamus actions, a mandamus action is essentially when a citizen says, hey, Bernice, or hey, John, you are not enforcing the law. We bring this action to order you to enforce the law or follow the law, whether it is collecting taxes, whether it is a sheriff doing his job or whatever. Under LB 120 we said if a citizen brings that action against a public official saying, you aren't following the law in this or that respect, no matter how trivial it might be, and the public official might have a good reason he wasn't following it. He had a public opinion or he had an Attorney General's opinion or something saying he shouldn't. But in 120 we said, hey, if you are wrong, I mean if you are ordered to follow that law, in other words, if the citizen wins, then the public official has to pay for the costs of the attorneys and so on and so forth. And he has to do it personally. It would not be the public entity paying for it. What I am doing with