

February 21, 1995 LB 830

comply with this section in every way in a good faith manner if there were someone residing in the area that you were unaware of that didn't have an address or postoffice box or something of that nature,...

PRESIDENT ROBAK: One minute.

SENATOR BROMM: ...to me, I would hate to think that that would give rise to an injunctive action or something. So my intent would be substantial compliance.

SENATOR BEUTLER: Okay, Senator, thank you. I want to address that same question to Senator Coordsen, if I may, since I only have one minute left. And if you've been following the conversation, Senator Coordsen, is this...is your amendment also designed to operate under a substantial compliance rule or a...or what's called a mandatory rule?

SENATOR COORDSEN: With the addition, because that would be the notice, you know, the delivery of the notice would be where you would get into the compliance or whatever, and I think with the...with the Bromm amendment, yes; add the original language, no, it would be...you might have to say 100 percent compliance, and I could recognize the problem created by that.

SENATOR BEUTLER: So, if I understand you, Senator, if Senator Bromm's amendment is attached to yours and yours is adopted, then your intent would be that these...those who are required to give the notice would make a good faith effort to do so, but if they happened to miss one or two and could show that it was an accident or unintended, that would not have the consequence of opening everything up to litigation. Is that right?

SENATOR COORDSEN: That would be my intent, for the purpose of this conversation, that it would...

PRESIDENT ROBAK: Time.

SENATOR COORDSEN: ...would make...am I next? No.

PRESIDENT ROBAK: No, Senator.

SENATOR COORDSEN: All right. We'll carry it on. I've got my light on.