

February 24, 1995 LB 830

SENATOR CHAMBERS: Look in line 16.

SENATOR LINDSAY: Okay.

SENATOR CHAMBERS: We have got this obligation established now which cannot be challenged by any citizen. By mandamus, suit, action or proceeding at law or inequity to compel the city, its members, officers and so forth, to perform each and every term, provision and covenant contained in any contract...

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: ...of the contracting body. So even if these people, the city council or whoever it is, decided we have made a mistake, they can be by mandamus compelled to deliver on that contract based on the language in this law. Would you agree with that?

SENATOR LINDSAY: Absolutely, it's a contract. It can obviously be performed, I mean it can obviously be compelled to perform a contract.

SENATOR CHAMBERS: And the question that I'd ask you now, at what point could the terms of the contract be challenged if this matter goes to final judgment and the Attorney General does not do anything and the bill says it's conclusive as to all matters adjudicated, all persons including all taxpayers and citizens. In the mandamus action no citizen could raise any matter that could have been brought up in this first one because the conclusive judgment has been entered. Isn't that right?

SENATOR CROSBY: Time. Thank you. Senator Bernard-Stevens is the next speaker.

SENATOR BERNARD-STEVENS: Madam Chairman, and, Senator Chambers, if you'll remember last year I yielded you four different times, time, so your credit is kind of in doubt because I've never gotten any repayment on that. Well that's correct, but just to remind you of the credit that's out there, I again yield my time to you.

SENATOR CROSBY: Senator Chambers.

SENATOR CHAMBERS: Madam President, members of the Legislature,