

strike that language, I'm in support of his amendment. And I think it is more serious than even he indicated when he was kind of casually discussing it.

PRESIDENT ROBAK: Thank you, Senator Chambers. Senator Jones, to speak to the Bernard-Stevens amendment. Senator Beutler, to speak to the Bernard-Stevens amendment. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President, members of the Legislature. Senator Chambers, let me try to tell you as much of what I understand of this section and why it's there, and what it refers to. The section that they reference that is the removal by judicial proceeding of county officers is basically, if you will, almost a criminal action. It's called what they call penal in nature, in other words the burden of proof is higher. So you have to prove the element similar to what you would, at least it's my understanding, the similar elements of intent, well, first of all, you got to have a duty. What this section does is, from a policy point of view creates a duty that if they file this petition and say we want to consolidate, that you can't ignore it, in other words it's a duty that you at least got to address it. Then the issue is would you intentionally do it. And I think you go to any or all individuals who would do that. Would the proof problems be hard? Staying away so a quorum, unless you made some pretty dumb statements, would be real hard to ever prove that. Yeah, I think you're right, that's hard to do. On the other hand, if somebody stands up and says, I think this is just outrageous, I'm not even going to consider it, the people don't know what they're talking about, and they take a pretty cavalier attitude, is there a greater likelihood they could be removed? Yes. The reason that it's in there is basically as sort of a reinforcement for the petition process of just those consolidations. Is it crucial to the bill? Probably not, no. But that's the reason it's in there. It is a method, because otherwise if you take this out, you'll never be able to remove a county official who basically stands up and says, I'm...this is nuts, I'm not going to do this, I'm not even going to consider it. Then they can bring a mandamus. but the mandamus would basically be to make an attempt to do it. And you make your simple attempt and you go away. I mean is it as tight as it could be? If you were on Judiciary Committee might you draw this? If you're going to make it a tighter penalty you might draw it tighter. Is it designed to be an impetus to make those