

could be removed, all they have to do is show did we do it in good faith. You know, well what in the world does that mean? And I think we all know that we don't know what that means. (B) you can vote against something and state a belief, that you really think something is stupid, which would be kind of refreshing in politics to have somebody actually come out and say what they actually believe without worry of the political consequences. But if we had to be...if you don't know what the word "good faith" means, and you know that they can't prove it in any court of law because it's so undefined, why do you want to put the burden in this particular legislation? I don't see there's a reason for it. Again, if the argument is, if somebody said something is incredibly stupid and so it can be construed from that that the reason they voted no was 'cause they didn't give a good faith effort, I would argue that, no, that was a good faith effort. His belief was that it really was stupid and he acted in good faith to try to stop it. You know so what is a good faith effort? It's not definable, it doesn't make sense to make people try to prove this in a court of law, which you cannot prove in my judgment. And so to have it in here merely causes confusion, I think, to the public who are always going to disagree on whether it was a good faith effort, depending upon whether they approved of the petition or they didn't approve the petition. One person's bad faith effort is another person's good faith effort. And so this section does not help the bill. It would not hurt the bill to have this section removed. So I would again urge the adoption of the amendment.

PRESIDENT ROBAK: Thank you, Senator Bernard-Stevens. Senator Chambers.

SENATOR CHAMBERS: Madam President, members of the Legislature, in looking at a case note, under the section of statute that talks about removing people from office, the court had said that what is required is legal malice or evil intent. And that's an extremely high standard. And I don't think it would ever be reachable under the language in this provision that we're talking about. First of all, as Senator Kristensen pointed out to me, the petition would not come into play unless the county board had not taken the initiative to enter into a consolidation agreement. So nothing in here, from what I read, requires an agreement to be reached, and there doesn't even have to be an attempt to reach an agreement. But if counties chose not to do so, then a petition could be offered. Let me ask Senator