

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 13, 2006 LB 786

CLERK: Senator Chambers would move to amend. (FA552, Legislative Journal page 984.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your amendment to the committee amendments to LB 786.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, there are two songs that might apply to what I'm going to do. One is by Roberta Flack. It's called "Killing Me Softly." My aim is not to kill this bill, softly or otherwise. There's another one, the words of which I don't know all of, but it talks about this woman who wants a man with a slow hand, a man who's got an easy touch, one who really understands, who doesn't come and go in a heat and a rush. So I'm going to work with a semi-slow hand this morning, to make as clear as I can what it is that I'm doing. Senator Mines' bill, as originally drafted, dealt with the airport authority in his area. And I looked in the paper this morning and saw where an individual who had initiated a recall against himself and a couple of others to make a point, and the recall was unsuccessful, wound up resigning, and another person was appointed. I don't know whether, with the way the bill is drafted now, a person who has been appointed to an elected position would be subject to recall. Everything talks about a person who has been elected. But this was an example of one appointed to fill out a term, but that person was not elected to the office. I just thought I'd mention that. The first amendment that I offer is on page 1, in line 17. There are three bases for launching a recall and having a person recalled if any one of them is proved--that's malfeasance, misfeasance, nonfeasance. Malfeasance is when a person wrongfully does...carries out his or her duties by performing an act that is inappropriate. The bill says, one that is unlawful or one that is wrongful. That's malfeasance, like "mal" for malice or evil. Misfeasance is where a person performs his or her duties, but in a way that is careless, heedless, and not showing the care that is due. Misfeasance is described in the bill as the negligent performing of one's duties. Nonfeasance, as those first three letters would suggest, involve a person not doing at all what he or she is required under the law to do. When you go into this bill, it's