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

March 13, 2006 LB 786

not is not what my amendment is dealing with. My amendment is trying to make consistent this bill, whose drafting I had nothing to do with. So I believe that either my amendment should be adopted...well, whether you'd strike that language "in office" from the petition process or not, my amendment should be adopted, based on the direction the bill is going. After the bill gets into what I think is tolerably decent shape, then I will discuss other aspects of the bill. But if I would start that discussion now, I would read from the bill and I would say, before I even discussed that particular element of the bill, that the language ought to be changed because it's not saying clearly what it means. And I'd be going from one thing to the other, and my friend Senator Friend would have the opportunity to see me caught in the very trap I said he should not be in. I'm going to give one example. How much time do I have, Mr. President?

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: I can do it. This language appears: "stating allegations supporting the grounds of malfeasance, misfeasance, or nonfeasance." What they should say when they're talking about a petition is that the petition alleges facts which, true, establish these elements, these three things, one or the other, instead of saying "stating allegations supporting the grounds." What you're looking at here is not the grounds. The grounds are malfeasance, misfeasance, and nonfeasance. you're looking at are facts which, if true. Allegations in a petition are supposed to be a recitation of facts. They may be totally false and unprovable. But if true, then you have a basis to go forward with an action. And if you state those kind of facts in a petition when you're trying to file a lawsuit, the court will not give a summary dismissal of your petition, because you have stated facts which, if true, create an issue and would provide a basis for the court to make a decision. I'm asking that my ...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...amendment be adopted, and I will ask for a call of the house, Mr. President.