

April 6, 1979

LB 80

at the federal level again, and that's costly and time consuming, etc.

SENATOR BEUTLER: Let me ask you one more quick question. The Nebraska interpretation of the word intentional, has it yet addressed the problem of when the degree of carelessness is so great as to be interpreted as intentional? Has that relationship been explored yet in Nebraska law? In other areas, as you are aware, it's often held that an act is, in fact, intentional when the degree of carelessness is so high that all reasonable men would assume that it was intentional. Has there been anything in this regard in this area of the law?

SENATOR HOAGLAND: I can't answer that.

SENATOR BEUTLER: Thank you, Mr. Speaker.

PRESIDENT LUEDTKE: Alright then, now the Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Let me make a short statement, Mr. Speaker and then I'll yield the rest of my time back to Senator Beutler in case he has some more remarks to make. I was disappointed when Senator Stoney brought this memorandum to the attention of the Legislature. I've had a chance to review it, and this memo was written by a law firm who for years and years has had as one of its principle livelihoods representing employers in these kinds of cases. Now these men are in court all the time arguing that the discrimination laws in this state should be as narrowly construed as possible, and they will affect the making of public policy in this Legislature to every extent they can to effectuate a narrow interpretation of that law. Now these kinds of fancy memos are presented by these fancy law firms before the Judiciary Committee all the time, and I think it's important for this body to know that these memos are charged back to the clients, and you know that the clients who are interested in keeping this law narrowly construed are being charged thirty or forty dollars an hour for this time, and when these lawyers come in before the Judiciary Committee and present this testimony on this bill and other bills, they're being paid fifty dollars or sixty dollars an hour not to testify for what they personally believe to be the public interest, but to testify on behalf of their clients. Now I'd like to remind members of the Legislature that you have some of your own lawyers here inside this body, and we have distinctly different impressions of what the law is and what the law ought to