

SENATOR DeCAMP: Mr. President, members of the Legislature, I want to pass out something and while I am passing out I will read, that is if I can find anybody interested in passing out. You remember LB 120 was the bill of Senator Burrows that we passed having to do with mandamus actions and attorneys fees with respect thereto. We discovered or we felt, a number of people felt that the way the bill was drafted would cause all kinds of problems. We had several meetings. We kind of finally settled upon this as a solution and basically what it says is this, and in a mandamus action it says, "In addition to damages the court may also award costs and reasonable attorney fees. The costs and attorneys fees shall be paid by the governmental body represented by the public official or employee." So it would leave it up to the discretion of the court and, of course, the fees, if they were awarded, would revert back to the public body. There would be no personal liability for public officials of a political subdivision or the state itself. I would emphasize that there are already procedures available to remove any public official who acts in bad faith and so on and so forth. This is a discretionary, not mandatory. I would urge the members to adopt this. I think it corrects the problems that were envisioned as resulting from passage of LB 120 or the potential problems. You remember on LB 179 we did attempt a correction and we determined for whatever reasons that that correction was not a workable one and so that amendment was removed and this is the suggested solution at this time.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Senator DeCamp, would you yield to a few questions on this?

SENATOR DeCAMP: Sure.

SENATOR HIGGINS: As I understand this bill, what we are going to do is create an insurance risk manager's job and the estimate the Claim Board makes from this new program and its director is about 55 thousand dollars. Now right now the state's life and health insurance is written by private enterprise. The auto liability is written by private enterprise and bonds are written by private enterprise. The state is self-insured when it comes to Workmen's Comp. Buildings and personal property are not insured and the several airplanes that the state owns are insured by private enterprise. Also in the legislative fiscal note here it says, "The risk management program potentially could result in significant long-term savings to the state, however, by consolidating such functions and providing funding