

SENATOR DeCAMP: No, no, no. LB 120 was a bill we passed already, sent to the Governor. It was signed. After this occurred, after it was signed, put into effect, apparently an Attorney General's opinion came down and said, what you are doing, is you are making the public official personally liable for some, a very broad range of things and something called mandamus actions. And...and...

SENATOR HIGGINS: That was this year.

SENATOR DeCAMP: ...a number of people determined that would be an unworkable system...

SENATOR CLARK: You have one minute left.

SENATOR DeCAMP: ...and so instead we would use this bill to say the court "may" impose those costs and if the court does impose it, it would be up the subdivision to pick up the expenses which is the way they do it in most states that have even addressed this question and so I was just going to use the bill at this point for this particular amendment and then get into the other. That will give me four or five minutes to figure out all the answers to all those questions.

SENATOR HIGGINS: Okay, thank you.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I rise to support Senator DeCamp. We recall that Senator Lamb attempted to solve the problem in LB 179. We also had two Attorney General's opinions, one by Senator Johnson requested by him and one by myself. Senator DeCamp is merely attempting to take the onus of the burden off of the public official because of error of mission and because of ambiguity of the law that may occur and the court could, not mandatorily, but by for good reason, assess a reasonable attorney's fees against the government where the action might have originated but I think it is only appropriate that the people elected to public office, whoever they might be, be protected against abuses which might occur by plaintiffs that may take you to the highest court in the state and as you know, those fees become many times very high and unreasonable for the public official. Therefore, I ask for the adoption of Senator DeCamp's amendment to LB 273.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Chairman, I think it is very important that each of the persons in the Legislature read the handout