

May 11, 1981

LB 273

this amendment is tempering, maybe tempering dramatically, that original LB 120. Number one, I am saying first of all, it is simply an optional thing with the court. They would look at all the facts and find out for example if there was willful not following of the law. If there was something grossly wanton, let's say, in the conduct of the public official, before they even decided who paid the damages. Acting in bad faith, let's say, the public official was. Then if they decided that and there were damages awarded and attorneys' fees had to be paid, the payment would be by the public entity, the subdivision of government rather than by the individual himself. So I am, quite frankly, I am changing 120 a tremendous amount and I don't want anybody to be confused on that point. All that is left of the original 120 then would be simply the possibility for a court to award damages or a a payment of attorneys' fees, just a possibility and they may do it and then the subdivision would do it. I urge you to adopt it.

SENATOR CLARK: The question before the House is the return of 273 for a specific amendment as explained by Senator DeCamp. All those in favor vote aye. All those opposed vote nay. Voting aye.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The bill is returned. Senator DeCamp, on the amendment. Move adoption of the amendment. Is there any discussion?

SENATOR DeCAMP: Yes, move adoption.

SENATOR CLARK: If not, all those in favor vote aye. All those opposed vote nay. Record the vote.

CLERK: 31 ayes, 0 nays on adoption of the DeCamp amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Senator DeCamp.

SENATOR DeCAMP: Move it be advanced.

SENATOR CLARK: The motion is to readvance 273 to E & R. All those in favor say aye, opposed no. The bill is re-advanced. Another motion.