

explained by Senator Chambers and just adopted did put a period there and did strike the rest of that sentence. It says, "or special circumstances exist which would make such award unjust". In place of that the amendment then would say that the court in its discretion may reduce the amount to be awarded pursuant to this section or deny an award to the extent that the prevailing party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy or when an overriding public interest exists which would make an award unjust. This language, by the way, is practically word for word from the federal statutes dealing with this area. So this is the concern that I had that I raised last year on consent calendar on 192. With the adoption of this amendment then I think that LB 192 is in very good shape and would urge the body's adoption of this amendment and the passage of LB 192.

SPEAKER MARVEL: The motion before the House is the adoption of the Vickers amendment as explained. Senator Hoagland, do you wish to be recognized?

SENATOR HOAGLAND: Mr. Speaker and colleagues, I would just like to rise in support of Senator Vickers' amendment. LB 192 and the two bills that follow on the agenda today, 340 and 341, basically all deal with the same issue, and that is whether or not people who sue or who are sued by the government should be permitted to recover attorney fees over and above the other costs of the action. You all will recall that there was a state conference on small business that was convened by the Governor about nine or ten months ago, and one of the issues that was raised there is whether or not small business men when they sue or are sued by the state and forced to incur considerable legal expenses should not have some recourse when the suit is over with if they have been vindicated as defendants or successful as plaintiffs. And there was considerable sentiment at that conference that provisions should be made that if businesses are sued by the government or in a position to have to sue the government they should be able to recover their attorney fees. Now these three bills, 192 and the two following bills, all deal with that subject. 192 are situations where small businesses and others are sued by the government and the two subsequent bills are situations where they are required to sue either local governments or state government for one reason or another. And I think the prevailing trend nationwide where we are having more and more governmental regulation and government activities are more and more involved in our daily lives is to permit some kind of recovery that will approach the actual costs of being involved in litigation,