

and by actual costs I mean not only recovering the amount you are suing for but recovering what it costs you to get that amount provided, of course, the judge thinks you are entitled to it. And all three of those bills leave it ultimately in the judge's discretion as to whether or not these fees should be granted. So I think following the sentiments of the Governor's conference on small business it makes sense to adopt all three of these bills. For that reason I rise in support of Senator Vickers' amendment which effectuates that and then will support the bill as amended. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Vickers, do you wish to close on your amendment? The motion is the adoption of the Vickers amendment. All in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the Vickers amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Remmers, do you wish to explain the bill?

SENATOR REMMERS: Mr. Speaker and members of the Legislature, during the previous session I was co-introducer of LB 192 with Senator Maresh, and since he has resigned, Senator Vickers has agreed to co-sponsor this legislation with me, and I have agreed to the amendments that he suggested. I think they make the bill...make a much better bill out of it. LB 192 is known as the equal access to justice act and is based on the federal act of the same name. The bill basically says that if a state agency sues a small business or individual, and the agency is found to have been in the wrong, the court is compelled to award attorney and expert witness fees to the prevailing party. Also, if an individual or business asks for judicial review of an agency's decision or mandate and the agency is found to be in the wrong, the court must award these same fees to the prevailing party. LB 192 will not present the same problem that we had in the bill the last session. I believe that we had a bill once before, LB 120, but I think this held individuals responsible for their actions and this is not the case in this bill. Under the provisions of LB 192, it is the state agency that must pay the bills if the agency acted in bad faith. If the agency did not act in bad faith, the money would come from the general fund. Agencies would be required to report the amount of fees paid out annually to the Appropriations Committee of the Legislature. It is important to emphasize that in no case will any individual be compelled to pay under the provisions of LB 192, that is