

we pass this into law, we in effect are saying that all public bodies have got to answer in attorneys' fees for their torts which is not true for private bodies. In other words, if that bus had been driven by a private owner and the private owner was negligent and he hurt the other driver, when the other driver brought the law suit against the private owner of the bus and ultimately prevailed, that private owner of that bus would not have had to pay an attorney's fee of the other driver. And I will be truthful with you, even though the State of Nebraska and its political subdivisions have got a deep pocket i.e. what they can collect through those tax dollars, I can't see any good reason for us in effect to say that the fat cat State of Nebraska and the fat cat school districts and the fat cat county boards and the like shall be answerable for attorneys' fees when nobody else is ever answerable for attorneys' fees in these cases. Just because we have got the ability to spend tax dollars to pay the attorney's fee doesn't in my opinion, should not make us responsible for the attorney's fee issue. If you and I want to overturn Anglo-American jurisprudence and make the losing party always pay the attorney's fee of the prevailing party, then let's do it, let's do it, and in that case then the State of Nebraska or a local subdivision should have to pay the attorney's fees because the rule applies across the board. But why should we separate out local governments of the State of Nebraska for special treatment on what truly is an ordinary claim and the only reason the state is getting sued, the only reason local governments are getting sued is because they happen to be the employer as opposed to a private employer, why should we treat them differently? I can't think of any reason to do so. And for that reason I oppose this legislation. Incidentally, this will have a high cost in the end to local subdivisions and the next bill to the State of Nebraska by virtue of their having to meet the attorneys' fees for those claims that they unsuccessfully litigate.

SPEAKER MARVEL: Senator Beutler. Okay, the Chair recognizes Senator Hoagland to close on LB 340.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I think that we have been over this ground not only on this debate on 340 and the debate on 341 which I assume will follow, but also the debate on LB 192. And let me just say in response to Senator Johnson's arguments that similar provisions have been enacted by a number of states and at the federal level by the United States Congress, and the theory is that when people are sued by the government or have to sue the