

March 24, 1982

LB 967

States District Court resulting from some costs to plaintiffs' attorneys in an action in Douglas County. The Douglas County Board of Commissioners passed a resolution paying, authorizing the payment of the attorneys fees, costs and so forth and they were ordered by the court as an agent by the State of Nebraska to pay it. They turned around and billed the State of Nebraska. The Attorney General has responded that it appears that the cost of defending the state's statutes in this case should be authorized, payment should be made.

SENATOR KOCH: Thank you, Senator Barrett. I just wanted to make sure that these claims were appropriate but I would remind the body that this state is in severe fiscal responsibility and I think we ought to defer this and have a deficit appropriation next year.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I was really going to ask Senator Barrett almost the same questions I think that both Senator Vickers and Senator Koch asked. Let me make sure I do understand one thing though, Senator Barrett. The claim of \$85,000 for Bruce and Annette Mason I assume is for the legal work that they did on the Horacek case involving the Beatrice State Development Center. Isn't that correct? I think that is where they would have gotten the \$85,000 fee.

SENATOR BARRETT: Claim #072, Senator Johnson.

SENATOR V. JOHNSON: Yes, Beatrice. It was a civil rights action as I recall.

SENATOR V. JOHNSON: Right.

SENATOR BARRETT: Yes.

SENATOR V. JOHNSON: And the truth of the matter is the state is liable because the court said so. Isn't that right?

SENATOR BARRETT: Well the federal court ordered the defendants to pay the attorneys.

SENATOR V. JOHNSON: And we're the defendant.

SENATOR BARRETT: That is right.

SENATOR V. JOHNSON: So we've got to pay it.