

March 24, 1982

LB 967

SENATOR BARRETT: That is right. A judgement can be brought and the state would have to pay.

SENATOR V. JOHNSON: Now claim #035, the one to pay to Douglas County, Nebraska, that is also an attorney's fee and isn't that in connection with the civil rights action commenced by Dr. William Orr against the State of Nebraska challenging the constitutionality of some abortion statutes that we passed?

SENATOR BARRETT: I believe that is correct, Senator Johnson.

SENATOR V. JOHNSON: And the courts have held they were unconstitutional ENHSA has ordered Douglas County to pay the fee and they in turn are asking the state to pay the fee?

SENATOR BARRETT: That is correct.

SENATOR V. JOHNSON: And we're legally liable. Isn't that right?

SENATOR BARRETT: That is correct.

SENATOR V. JOHNSON: Thank you very much.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I just wanted to comment on, I guess on Senator Vickers, because I voted no on the adoption of the amendment until I quickly ran over and asked Bill and what he told us, you know, we have no choice so there's no point...and I assume all the rest of you knew that that voted yes. I just didn't happen to know it. Well I'm sure most of you did but aside from that, I want to comment on the judgments, that is the attorney fees that are court ordered and just remind you that Senator Remmers had a bill that has been passed, I believe, and set up a separate fund to be reimbursed after the fact as a claims bill but as these lawsuits develop and if we get more of them on a civil rights basis and if the state has to pay the cost, I think it is important that as we pass legislation that has potential for a civil rights action as far as the federal government is concerned, in federal court rather, that we identify those dollar amounts very clearly and here is a case where \$170,000 of tax funds are being used. I'm not arguing whether it is right or wrong what we did but I think it is important that we understand in the future these will be handled in a separate fashion and I think that is going to at least call our attention to the passage of legislation that has questionable constitutional problems as far as a civil rights action in a federal court so the issue will