

January 29, 1991 LB 125

SENATOR HABERMAN: Do you have any reply as to Senator Warner's question as to going back instead of starting now and going forward?

SENATOR ELMER: The bill's intent is to be a prospective bill as cases are introduced. It cannot be applied to cases that have already been decided. But he is correct that if a person appeals to the Supreme Court under any existing law, rule, ordinance, that, if it was found unconstitutional, the Supreme Court, in its own discretion, could award those legal fees.

SENATOR HABERMAN: Do...is there any other state that has this type of legislation?

SENATOR ELMER: I do not know, Senator Haberman.

SENATOR HABERMAN: So, then you don't know what other states have...what it's cost them, or there is no record or history as to this type of legislation then?

SENATOR ELMER: If there exists this ordinance or this law in other states, and if that record is available, I'm unaware of that, Senator Haberman.

SENATOR HABERMAN: Senator Elmer, would you share with us where the idea or the bill came from? Who brought the bill before the body, is there a group, or a person, or an association?

SENATOR ELMER: Certainly. It's a matter of the committee record. Walter Radcliffe, as an individual, brought me the idea.

SENATOR HABERMAN: Is Walter Radcliffe representing any particular group, or did he just do this because he's such a nice guy?

SENATOR ELMER: That question has several parts. (Laughter.)

SENATOR HABERMAN: Well, I'll withdraw the "nice guy" part, and then just ask the question, is he representing a particular group?

SENATOR ELMER: Senator Haberman, he's representing only himself in that interest.