

SENATOR BURROWS: Sure.

SENATOR V. JOHNSON: Incidentally I like your bill, it is a sound bill, it is one that every member should support, but, the question I have is this. Who pays the attorney fee? Will it be paid by the individual defendant? That is the public official who fails to carry out his duty? Or, in turn, will it be paid by the city, if it is a city defendant or by the county if it is a county defendant or by the state if it is a state defendant?

SENATOR BURROWS: My understanding of it, and you probably know better than I, that it would be paid by the county defendant if they lose the case.

SENATOR V. JOHNSON: I honestly don't have that good of an understanding of it, Senator Burrows, but I would certainly hope that would be the case mostly because the individual defendants would not have the ability to pay the fee in a case, even though it might be a very modest fee. It seems to be only appropriate for his employer i.e. the city, county or state to pick up that cost.

SENATOR BURROWS: Thank you.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: A question of Senator Burrows if he would yield. Senator Burrows, this just strikes me as one thing that is going to encourage one heck of a lot of lawsuits against public bodies because of the fact that the attorneys themselves will be in a position to generate those law suits because they now, if we pass your bill, they now can get paid from those lawsuits where before they were not out generating those lawsuits because they were not sure of being able to get paid. Now my thought is, would you react to this and give us your idea of is this going to generate through the efforts of the attorneys themselves seeking fees, is this going to generate an awful lot of lawsuits against public bodies?

SENATOR BURROWS: If I can answer that in this way, I don't feel that it will generate any more lawsuits of any significance. I think that it will bring about compliance with the law. We have had individuals on certain county boards around the state that have decided that they want to follow the law only when they agree with the law and I think that it would be common practice where the county attorney might tell the board that is trying to avoid the law that, "Well you owe the sheriff, say a hundred dollars, if you just sit tight he can't afford to sue you because his attorney fees will cost more than the hundred dollars." In this case I think the county attorney would advise that board to pay the hundred dollars, follow the law and if they don't like the