

May 8, 1981

LB 39⁴

Security Administration Fund which I believe is where it would come from under this amendment, which incidentally now can allow some fees in special cases, though the Director of the Department of Labor has never indicated what a special case is, that that fund is in part federally funded but also in the main employer funded. So in the end some of that money will come from that general pool of employer monies that are out there. Now the real question is, why should an attorney's fee even be paid? Senator Landis has suggested that, well, maybe this could be used I suppose to feather the nest of the Legal Aid lawyers and Legal Aid Societies that take these cases. Actually, very few of these cases are handled by Legal Aid lawyers and Legal Aid Societies. Frankly, there are very few of these cases that percolate through the District and Supreme Court, mostly because the money involved, i.e. weekly benefits for 8 weeks or 10 weeks, or what have you, is very small. But when those cases do percolate through the court, whether they be employer cases or claimant cases because the employer or the claimant is taking an appeal from what was an adverse state decision, it is only fit and proper in my opinion for the state through the Employment Security Administration Fund to foot the bill for the costs in vindicating statutory rights. I think this is a concept that this body is being asked to approve in LB 192. It is not out of keeping with that concept. I think it ought to be a part of this measure, and again I move this amendment to the bill.

SENATOR CLARK: The question before the House is the amendment as explained by Senator Johnson. All those in favor vote aye. All those opposed vote no. Voting no.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more have you all voted? Record the vote. Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 11 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All legislators will return to their seats and check in, please. All unauthorized personnel will leave the floor. Will all legislators return to their seats. They are scattered all over the floor. We are looking for Senator Koch, Senator Cope, Senator Schmit, Senator Johnson, Senator DeCamp. How many are excused? There are seven excused. Senator Hoagland. Senator Hoagland we are looking for. We need a