

January 12, 1982

LB 192, 423

CLERK: 25 ayes, 16 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Ready for 192?

CLERK: Yes, sir.

SPEAKER MARVEL: LB 192.

CLERK: Mr. President, LB 192 introduced by Senator Remmers and Mr. President, I have a request from Senator Vickers to add his name as co-introducer to 192. (Read title). The bill was originally read on January 14 of last year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President. The Legislature did consider the bill on May 1st of last year. I now have pending, Mr. President, the Judiciary Committee amendments.

SPEAKER MARVEL: LB 192. Senator Chambers, do you wish to be recognized?

SENATOR CHAMBERS: Yes. Mr. Chairman, the committee amendments that were offered are not too difficult. They primarily are for the purposes of clarification. And if any of you are interested enough in the bill to follow, I would like to tell you the page and the location of the amendments so you will see that all they do accomplish is clarification. Then there is the addition of the severability clause. But on page 2 in line 8, rather than the word "an" we put the words "a state" so that you would have a state agency rather than an agency of the state. Then in place of the words "of the state", those three words are stricken and this is added: "as defined in Section 60-109", and that will ensure that the agency mentioned here complies with everything else in the statutes relative to agencies. Then if you come down to lines 19 and 20, after the word "justified" put a period. Strike the rest of the language and the language stricken would be "or special circumstances exist which would make such award unjust". That is really not necessary so it was stricken. On page 3, when we come to line 6, after the comma following the word "act" these words would be inserted: "fees and other expenses shall be awarded as provided in this act", then after the word "only" you insert the word "to". So it would read thusly: "Notwithstanding any other provision of this act, fees and other expenses shall be awarded as provided in this act only to those prevailing parties who are", and then it goes on. Then as I say, the severability clause is to be added. The Clerk mentioned that