

January 12, 1982

LB 340

for the adoption of the committee amendments.

SPEAKER MARVEL: Okay, the motion before the House is the adoption of the committee amendments to LB 340. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Hoagland, do you wish to explain the bill?

SENATOR HOAGLAND: Mr. Speaker and colleagues, I addressed this bill and the subsequent bill indirectly in my remarks about LB 192. These bills are all following one another on the agenda and they all basically deal with the same issue, and that is if you are put in the position, if you are an individual or a business man or anyone put in the position of being sued or having to sue the government, the prevailing thought these days is that the court should have the authority to award attorney fees so that you will be able to recover if you are successful not only the out of pocket loss but also the attorney costs you have incurred in bringing the case through to trial. This bill was voted out by the Judiciary Committee. I would ask its... I would ask this body to move it over to E & R Initial at this time and I would be pleased to try to answer any questions any of you might have.

SPEAKER MARVEL: Senator Vard Johnson, do you wish to speak to LB 340?

SENATOR V. JOHNSON: Mr. Speaker and members of the body, as much as it hurts me to speak against a measure brought by my office mate, to speak against a measure which benefits my own profession, I have to do so and I certainly hope you will listen to why I am doing it. What this bill does very simply is it says that if the defendant in an action is a local government i.e. a city or a county or a school district, and if it has to account in damages for some harm which its employee has negligently caused somebody i.e. a school bus driver carelessly drove the school bus and some other automobile driver was injured, and if the other automobile driver has to bring a claim against the employee and against the local school district under the political subdivisions tort claims act, then when the other driver is ultimately compensated our local school boards shall be responsible for the other driver's attorney's fees. Now if