

government, they ought to be able to recover the actual amount of their loss, and the actual amount of their loss as all of us well know whether it is in a small business context or in another context, is not only what you have lost or what the government has refused to pay you, but what your costs of collection are. Now as I indicated before, the Governor's conference on small business has endorsed this theory in our laws contrary to Senator Johnson's, the inferences of his remarks, these awards are purely discretionary by the court. If you all will read the bill why you will see that it is awardable purely at the discretion of the court. The court is not mandated to dig into the deep pocket and I am sure the courts in the State of Nebraska won't do so unless they feel that the small business that is up against the wall by the government or has to sue the government or the individual is justified in recovering his costs. Now let me just say in closing that the idea for these two bills, one involving political subdivisions and one involving the State of Nebraska, was first brought to my attention by the Contractors Association in Omaha, the large roadbuilders contractors who are frequently involved in disputes with the Department of Roads, and they want more leverage than they have right now in attempting to settle those disputes, because right now a political subdivision or the State of Nebraska can simply stonewall a complaint all the way through and after two years of litigation their exposure is the same \$3000 that it was before the suit was started, and frankly it puts the small business men and other people at a terrible disadvantage in dealing with government when if government refuses to pay a \$3000 claim, after two years of litigation all you can still get is \$3000. You can't recover any of the costs it is taking you to get there. Again it is in the discretion of the courts. Many states have adopted this approach. The federal government has adopted this approach. This approach has been talked about at the Governor's conference of small business and I think it makes a great deal of sense to enact. It was reported out by our Judiciary Committee and I would ask that this bill be advanced to Select File. Thank you.

SPEAKER MARVEL: The motion is the advancement of 340 to Select File. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Hoagland. Record the vote.

CLERK: 15 ayes, 21 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion lost.