

March 11, 1988

LB 1041

SPEAKER BARRETT: Senator Marsh moves the previous question, shall debate now close? Five hands? I do. Shall debate cease? Those in favor vote aye, opposed nay. Record.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Closing, Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. I appreciate the comments from Senator Haberman and Senator Wesely and Senator Warner. In no way is this meant to be an affront to Senator Wesely and LB 219, or to the PERB board. It is just...it is an issue with regard to claims and court action that is being taken that I don't think the Legislature should come down through intent language, in LB 1041, as one side or the other. I think that the PERB board clearly was following laws as they were laid out in LB 219 and passed in 1983 by this body. But we have subsequently, just last year in LB 60, changed that law so that the lawsuits that are before the courts would not be there because of that change. I think that that means that what we have here is a situation that the Legislature has decided that in 1987 things are in better shape, after LB 60, and that we ought to let the court determine what they want to do at this time. It is my opinion that we are going to have to pay these individuals, not only their lump sum but the possibility is there that there might be other damages that are awarded by the courts. These two claims that were brought to us were denied by the Claims Board, and the Business and Labor Committee decided not to overturn that decision, but wanted to bring this issue to the body. Rather than bring another bill out and discuss it in that form, when I saw the intent language in LB 1041 we decided that this was clearly the best way to address the issue in the shortest amount of time and let the body know that this situation is something that we're going to be dealing with in the future, depending on what the decision by the courts is. But I think that it makes good sense for us, at this time, not to have this intent language. And I agree with Senator Warner that \$1,000 is not necessary either. I would urge the body, at this time, to support my amendment and then oppose the committee amendments, because there is basically no reason to give them \$1,000. The real reason behind the amendment, the committee amendments was the intent language. I would urge the body to support this amendment. Thank you, Mr. President.