

time representing an employee who may be found individually liable, because there can be some differences of philosophy as how the case should be litigated, what the strategy may be used, and there may be conflict between the defense that is used and the individual might want to use a certain way of handling a particular defense. The state, on the other hand, might want to take a different approach to this. Right now the process is that if an employee comes before the Attorney General's office, the Attorney General makes the determination whether or not to represent that individual employee, whether there...and there may be an inherent conflict but they make that determination. If the individual wants separate representation...

PRESIDENT: One minute.

SENATOR McFARLAND: ...he or she can ask for that separate representation but has to pay their own attorney fees if they ask for that separate representation. If they are successful down the road, then that...then they get reimbursement for those attorney fees but the problem is most employees don't have the funds to...outlay to hire their own private attorney to defend themselves and I'm troubled by that process as well. There are a lot of necessary revisions that need to occur in this existing process. I would just...I am in the process of drafting amendments that I probably will offer on Select File. I have extreme reservations about this process, particularly because we're taking decisions out of the hands of the Legislature, putting it in the hands of the Attorney General's office and also as a concern for the individual defendants. How are they represented? And I have feelings that there are certain conflicts of interest where the Attorney General's office represents someone and I am not sure that the Attorney General clearly defines the conflicts between the responsibilities toward the state and the responsibilities toward the individual defendant. And maybe I will have a little more to say on this later. Thank you.

PRESIDENT: Thank you. Senator Warner is next, but may I introduce a guest, please, of Senator Dennis Byars. In the east balcony we have Dan Martz of Beatrice, Nebraska who is a student visiting us today. Would you please stand and be recognized, Mr. Martz. Thank you for visiting us today. Senator Warner, please, followed by Senator Chambers.

SENATOR WARNER: The question that was asked initially and I,