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LB 548

involved in indifference or malfeasance in office or deliberate indifference to...has there ever been a claim like this before?

SENATOR MARESH: Not to my knowledge.

SENATOR FOWLER: Okay.

SENATOR MARESH: I don't remember any like this before.

SENATOR FOWLER: Okay. Well, I think we are setting, as Senator Johnson indicates, a precedent, and maybe it is a worthwhile precedent, maybe not, but I think we should be very careful as to the standard. If, in fact, the deliberate indifference that the court indicates here would be grounds that an employee should be dismissed and perhaps since it is the warden and not just a guard, there was no dismissal of the employee. If, in fact, it is that serious of an offense, then I don't think that we should add to the injustice by us picking up the cost and I think that Senator Johnson raises a very good question. I think that we are setting a major precedent here and I think it is one that not to say that we could not pay this claim at some later date but I think it needs more study and I would think that perhaps we should follow Senator Johnson's amendment, strike this from this year's claim bill, have the Business and Labor Committee look at some standards to use with regards to this, since this is the first time that we have had this claim, and maybe next year award it or maybe not. But I think without some sign of overall guidelines and overall policies, we may be setting a precedent that can create problems because I do not think that we could deny other employees who have been deliberately indifferent to other citizens rights this same sort of protection if we decide to do it in this case. So I think Senator Johnson is advising we go on the side of caution with this claim, not to say that it could not be reintroduced next year, but to say that let's have some standards and some clear legal guidelines before we do this.

SENATOR CLARK: Senator Johnson, do you wish to close?

SENATOR V. JOHNSON: Yes, Mr. Speaker. I would like to make just a couple of quick points in closing. The first point is this is that without any question the conduct that the court found, now we didn't find it, the court found it, the warden and deputy warden were guilty of, specifically, deliberate indifference to the Constitution and protected rights of the inmate is fairly serious conduct. I mean it was not as though it was a simple oversight