

General comes before our Business and Labor Committee after the public hearing on the claim bill, after the public hearing, not before the public hearing, and says, hey, we really ought to help these two fellows out and get their court costs and attorney's fee paid. So there was never any public hearing on this point. He obviously convinced enough members of the Business and Labor Committee to put this in the committee amendment so that this would be allowed. But the policy question here is whether the State of Nebraska should compensate, should make whole anyone of its employees that engages in conduct that amounts to deliberate indifference to the rights of an inmate. Now you and I have just gotten through approving a \$50,000 claim for Joe Soukup whose rights year in and year out were very clearly violated by one, if not more, than our state employees and it seems to me that one of the ways that we can help ensure more devotion to duty on the part of our state employees, more diligence in ensuring the protection of persons in their care and custody is to say, look, if you are negligent in the way you conduct your work, that is one thing, we will help you out, but if your conduct is so egregious that some court says that you were guilty of deliberate indifference to their needs, then we are not going to bail you out. You have got to be careful in what you do. Now, ladies and gentlemen, it is not up to you and I to supervise the day to day work of our state employees but it is up to you and I to set important state policy on who is reimbursed and who is not reimbursed and I think we make a serious mistake if we say simply that the warden and the deputy warden or the head of the regional center or the head of the community based programs or what have you shall be bailed out when they flagrantly disregard the rights of some individual that we have reposed in their care because what that will do if we make that kind of a policy statement is we, in effect, will be saying to our employees, don't be careful. You can go ahead and be careless and we will bail you out. I think this is a very serious and a very important policy question and it is for that reason I bring it back to you again for a second consideration and a second examination. I also bring it back knowing that this point never had a public hearing before the Business and Labor Committee. It was done in the last minute affair. It was done after the fact and it was at the bequest of our Attorney General. I ask the adoption of the amendment.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, Senator Johnson, what you are attempting to do is to pay for the attorney fees that are due so that the employees will not have to pay that out of their pocket. Right? Okay, thank you. I would just say one thing and I know