

no difficulty in holding our employees harmless when they are careless or negligent. I have every difficulty in the world in holding our employees harmless when they engage in deliberate acts to harm our people because they ought to know better. And what we have in this case is a finding by a tough United States District Judge in Omaha looking at all the facts saying that these people were deliberately indifferent to the needs of an inmate at the penitentiary and to that inmate's constitutional rights, i.e., the due process of law. They should have known better and they didn't act. Now the best way that you and I can ensure our employees will be faithful to our statutes and to our Constitution is to tell them that we will not bail them out. We will not bail them out when they act in flagrant disregard, in effect, to our Constitution and to our statute and I think it is only appropriate that we not pay that judgement but rather that the warden and the deputy warden pay that judgement out of their own pocket and that is what this amendment would do. I ask your support.

SENATOR WESELY PRESIDING

SENATOR WESELY: The motion is the Johnson amendment. Those in favor vote aye, those opposed no. The motion is the Johnson amendment. Record the vote.

CLERK: 26 ayes, 6 nays, Mr. President, on the adoption of the Johnson amendment.

SENATOR WESELY: The Johnson amendment is adopted.

CLERK: Mr. President, the next amendment I have is from Senator Warner. (Read Warner amendment as found on page 2143 of the Legislative Journal.)

SENATOR WESELY: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I raise this amendment more I think to call your attention to an issue because I have some reluctance to pursue it but there is one claim included in this which involved a case where an estate had no heirs and under the statutes it goes to the state and it is put in the permanent school fund as I recall which under the Constitution cannot be removed. However, in this case subsequent to the time of the finding of no heirs and the money being placed in the fund, it is only in the amount of \$13,000. An heir was found and so we are asked to replace that with general fund money. What my amendment does is would require the money to be paid out of cash funds from the Board of Educational Lands and Funds that they have on hand. I'm not