

state of the state's costs, including a reasonable attorney's fee." How and who will determine whether or not the conduct is covered by that section?

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Frankly, I...give me...I better have some time to look at that. Well, it is...it is suggested to me that since it is established by the judgment that that would determine the interpretation of the statute.

SENATOR CHAMBERS: But the judgment doesn't mention the statute. The judgment...whoever is advising you, can you ask them, are they aware of judgments that refer to this section of statute and said, the conduct complained of was not covered or was covered by this section any judgments that go that far?

SENATOR WARNER: I see no one that can specifically answer that question to the extent that I...I want to go back and review it, Senator Chambers.

SENATOR CHAMBERS: You're right, there is no...I just...

SENATOR WARNER: ...to answer correctly.

SENATOR CHAMBERS: There is no answer. I mean, there is nobody who makes that determination but the Legislature can when we review these claims and that's being taken away from us. Oh, and that's the only question I have at this point.

SENATOR WARNER: I would not agree that the...that this...that the bill results in taking that away from the Legislature, for a couple of reasons, one of which, as this bill is drafted, a level of funding, if any, that's in that indemnification fund would be one block or any limitations that were put on that...

SENATOR CHAMBERS: But Senator Warner...

SENATOR WARNER: ...appropriation could...

SENATOR CHAMBERS: ...that does not go to specific cases. That puts an amount in the fund and then first in, first out. Whoever comes with a claim that the risk manager decides should be indemnified will get their money and no contemplation is had of specific claims when the money is put in that fund.