

March 21, 1989

LB 77

claims came before the Business and Labor Committee is that the agency...if the agency for which the employee works says that the judgment should be paid, the claim indemnified, then the risk manager and the claims board will go along. It's in the interest of an agency to say, pay this claim, indemnify it, because that can keep the agency from facing embarrassment by the matter having additional scrutiny and exposure. That's why the Corrections Department said indemnify and pay these claims because the Corrections Department, through failure of its investigative and disciplinary proceedings failed to correct the misconduct of its employees.

PRESIDENT: One minute.

SENATOR CHAMBERS: There are employees out there who are guards...well, they call them corrections officers, who brag about the fact that it doesn't matter what they do because the state's going to pay the judgment anyway and the department is never going to find they have done anything wrong and that's why it goes to federal court. We, as a Legislature, are fostering these federal lawsuits because we will not require the Department of Institutions to have a proper procedure to protect the rights of inmates. A bill like this allows the payment or the indemnification of one of these claims without going through the legislative process. The risk manager can pay the claim. And they have told us if the department agrees that it should be paid, they pay it. Where is the legislative oversight and involvement? So what will the Legislature do? Say, there were some bad claims paid last time because the risk manager agreed to pay them so this time we will not appropriate money for any claims, that's like closing the door after the horse has left the barn. We should exercise our oversight while the issue is alive which requires or justifies oversight. And I think this bill does take that away from the Legislature. One other point. These departments right now, and agencies, can indemnify any claim of any employee up to \$2,000 without coming through the claims process, without coming through the Business and Labor Committee. So they have a certain amount of discretion already as to claims that they can pay, it comes out of their budget, but they can pay them just like that. If we're going to have oversight, we should have it. If we're not going to have it, we should take away the requirement that any of these claims pass through the Legislature for consideration. All or nothing.

PRESIDENT: Time. Senator McFarland, please.