

SENATOR LINDSAY: Mr. President, I would move the advance...or the adoption of the E & R amendments.

SPEAKER BARRETT: Shall the E & R amendments to the bill be adopted? Those in favor say aye. Opposed nay. Carried. They are adopted.

CLERK: Mr. President, Senators Warner and Chambers would move to amend the bill. (The Warner-Chambers amendment appears on page 1446 of the Legislative Journal.)

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, LB 77, you will recall, is a bill that was discussed a few days ago on General File which dealt with indemnification process relative to state employees and primarily that they would be brought into a federal court in relation to some performance of their job. In some of the discussion on General File there was concern expressed that punitive damages, which would be one of the three things that may be filed as a judgment against an employee perhaps should not later be reimbursable to the state for...that this individual should not be reimbursed by the state for those punitive damages. What this amendment does is excludes punitive damages from the possibility of the individual being indemnified for those and would leave that as a decision which the Legislature would subsequently make through the claims process should the individual choose to do it. In the process, should the case be appealed to a higher court, the bonding mechanism that is required in the federal court would still cover the punitive damage during the appeal process but once that was completed and if the state or the state employee still lost, then the punitive damages would be a personal obligation although they would be free, under the provisions of this amendment, be able to request reimbursement through the legislative small...or legislative claims process. And that's the purpose of the amendment.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, were this April 1st, you might this were an April Fool's joke with Senator Warner and I being together on an amendment. But we had discussed it, it is a serious amendment. And what it does is to take the position, generally, that where punitive