

damages are awarded a person, an employee, or whoever works for the state and has the punitive damages assessed will not be able to get them from that fund that is set up. They won't be reimbursed from that fund. However, if they should want to come to the Legislature through the claims procedure and that would come before the Business and Labor Committee, as those claims will do, that person would be allowed to do that so the door is not slammed on them altogether. The policy, you can say, is not to reimburse punitive damages, with a proviso. And what made me go for the amendment is the possibility of a member of the public being damaged by a state employee whose conduct is going to result in punitive damages being awarded against that employee because of the nature of the act. Perhaps a great amount of monetary damages will not be won by the harmed party. Maybe the greater damage would be the kind that would result in the granting of punitive damages. I told Senator Warner that I'm not so anxious to see that an employee is held accountable for his or her conduct that I would put into the statute a proviso that would make it impossible for a wronged individual to recover even if it's in the form of punitive damages. So if I were the employee and somebody had been wronged by me, maybe I felt I could make a case to the Legislature, maybe I would borrow some money, maybe I would come up with it somehow and pay the person, then I would come back for reimbursement. Maybe I would try to go to the Legislature if I could work it out, even before I had made the payout. And the case might be to make sure that the wronged individual has a chance to recover. If I am as poor as Joe's turkey, as an employee, and somebody wins punitive damages against me, it's a judgment that is empty and hollow because I have nothing with which to respond. So if we adopt the amendment that is being offered, as a general rule, punitive damages will not be reimbursed but the possibility is there for a case to be made by the Legislature on a case by case basis. And although I am shaky in the knees, although my spine is quivering, although a part of my judgment says no, another part of me says, ah, but yes.

SPEAKER BARRETT: Further discussion on the amendment. Seeing none, Senator Warner. Thank you. The question is the adoption of the Warner amendment to LB 77. All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the Warner-Chambers amendment.