

April 5, 1989

LB 541

PRESIDENT: Okay, shall we go on to LB 541, please.

CLERK: Mr. President, LB 541 is a bill that was introduced by Senator Lindsay. (Read title.) The bill was introduced on January 18. It was referred to the Business and Labor Committee. The bill was advanced to General File. I have committee amendments pending by the Business and Labor Committee, Mr. President. (See page 993 of the Legislative Journal.)

PRESIDENT: Senator Coordsen, are you going to handle those?

SENATOR COORDSEN: Yes.

PRESIDENT: All right.

SENATOR COORDSEN: Thank you, Mr. President and members of the body, LB 541 is a bill that addresses the question of indemnification of employees of the State of Nebraska. As I understand the situation that currently exists, the State of Nebraska cannot be sued for tortious acts of its employees, but the employees can be sued, and because of our indemnification statutes, the state is liable for the results of those suits without really being a party to that. LB 541 as originally introduced created a system for addressing tort claims, suits against employees of the State of Nebraska. It was pointed out to us by the State Claims Board that a much better system existed in simply amending the State Claims Act, which is AM0456, the committee amendments to the bill, which replace the bill. It adds in the State Claims Act on line 9 and throughout the act, I am talking about the amendment now, "or any employee of the state." No suit shall be maintained against the state or any state agency or any employee of the state. And the amendment goes on, on page 3, to include that a claim against the state for money only on account of damage to or loss of property or on account of personal injury or death caused by a negligent or wrongful act or omission by the employee while acting within the scope of his or her employment occurring on or after the effective date of the act, which relates to the payment of such claims. With that, I would like to ask the Chair to allow Senator Lindsay the remainder of my time.

PRESIDENT: That will be fine. You have almost three minutes, Senator Lindsay.