

SENATOR LINDSAY: Thank you, Mr. President and colleagues. The committee amendments to LB 541 simply take, what the bill does is set forth basically the State Tort Claims Act, it sets forth the whole act with respect to state employees. What the amendments do is simply take the State Tort Claims Act and add to it the term "or any employee of the state." As Senator Coordsen stated, the reason for this is that right now, this is going I guess a little bit to the heart of the bill, but that is what the committee amendments actually do, the reason for it is to close a loophole, and that is that what currently happens now is that the lawsuits are filed directly against the employee, rather than against the state, thus circumventing the State Tort Claims Act, or removes that claim from the protections which this state intended to give when it gave up its sovereign immunity. It should be made clear that these are claims for which we are going to hear in a couple of bills sometime in the next couple of weeks for indemnification. It is that type of a case. When we have cases that the state ultimately ends up paying the bill for, it has been the policy of this state that certain safeguards be implemented for those cases. Those safeguards would be extended to the employees for those cases which arise out of their employment for which the state would be required to do the indemnification. For the record, and so that everybody is clear on that, this would not apply to the federal cases, the 1983 actions, civil rights actions, those type of things. Those are federal cases not governed by this law. We are talking about just claims that arise basically out of the negligence of an employee while performing a state function, and I would join with Senator Coordsen that in...urging you to adopt the committee amendments.

PRESIDENT: Mr. Clerk, you have an announcement to make.

CLERK: Mr. President, there will be an Executive Session of the Revenue Committee right now in the Senate Lounge, Revenue Committee in the Senate Lounge right now.

PRESIDENT: Okay, Revenue Committee, pay attention to that, please. Thank you. Senator Wesely, please.

SENATOR WESELY: Mr. President and members, one brief question of either Senator Lindsay or Senator Coordsen. I followed with interest the changes in the liability and tort claims legislation we have had this session, and I have only got one