

April 5, 1989

LB 541

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Lindsay, would you like to talk to us about the bill, please?

SENATOR LINDSAY: Thank you, Mr. President, colleagues. At this point I think I will go through some of the specific provisions of what the State Tort Claims Act. I don't want to get too repetitive because I am sure you are all familiar with that act but, basically, what the thrust of 541 is to bring the state employees under the purview of that act for those acts or omissions which occur while they are acting in the scope of their employment, or arising out of their employment with the state. These are the types of claims that what will happen now is the state will be required to indemnify the employee anyway. The net effect is that the state is going to have to pay under 541 or under the current law. That will not change who ultimately ends up shouldering the burden. What 541 would do is that it would provide those same safeguards which the State Tort Claims Act currently provides for the state, itself, extend those onto the employees, and those safeguards we are talking about would be, for example, having the case tried to a judge instead of a jury to avoid the potential of the extremely high awards. It would have a claim first be subjected to...submitted to the State Claims Board to avoid the litigation, if that is possible, would give the state that opportunity to do so. It would also, as Senator Wesely pointed out, it would provide for legislative review of those cases. If there is a judgment, I believe it is in excess of \$50,000, that the Legislature does have the right to review that judgment and to appropriate or not appropriate, as the Legislature deems appropriate. With that, unless there are questions, and I would be happy to field questions if anybody has any, I would urge the advancement of the bill.

PRESIDENT: Thank you. Senator Nelson, please.

SENATOR NELSON: I am sorry. I didn't know my light was on. I am sorry.

PRESIDENT: Did you wish to close, Senator Lindsay? There are no other lights. Okay, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.