

makes law, but a court that makes determinations of what is right and wrong in individual situations such as this, and we have no opportunity to hear, or probably will have no opportunity to hear anyone on this floor representing the stand of claim #116 and 117. In the absence of misfeasance or willful and wanton misconduct of duty, the State of Nebraska in their indemnification statutes is required to pay costs such as these even if they are truly, as Senator Chambers alleges, punitive. We have no choice under the laws of the State of Nebraska today but to allow these two claims to be included as part of LB 811. So with that short comment, I would say that our responsibility is to defeat the Chambers amendment. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, members. This is an example of an issue of why I have struggled both on the Banking Committee and on the floor to consistently try and keep the Legislature involved in the claim process. There have been efforts through some legislation, indemnification legislation, to take the Legislature out of having the review function and I think the Legislature needs to have that function because on occasion, rarely, but on occasion we find different claims that are approved that we don't like to have approved, as in this instance, in other cases where they have been denied where we think they ought to be sustained. The Legislature is ultimately the voice of the people and the policy-making body for the state and I think this is yet another example of why we need to be involved in the process. I do recall this issue from last year and, in fact, as Senator Chambers says, this is the same situation, we rejected it once last year. It would seem appropriate to be consistent and reject it again.

PRESIDENT: Thank you. Senator Chambers, please. Senator Chambers, did you wish this to be your closing? There are no other lights on but it doesn't necessarily have to be.

SENATOR CHAMBERS: All right, if there are no other lights, this will be my closing.

PRESIDENT: All right.

SENATOR CHAMBERS: Members of the Legislature, we can indemnify people for anything we want to. Somebody could walk out of here as an employee of the state and be doing certain things that are