

April 25, 1989

LB 811

CLERK: Mr. President, Senator Coordsen would move to amend the bill. (The Coordsen amendment appears on page 1894 of the Legislative Journal.)

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President. This is, Mr. Clerk, amendment number 1291?

CLERK: Yes, sir, it is.

SENATOR COORDSEN: All right, thank you. Mr. President and members of the body, the last time we looked at this bill, this is the claims payment bill, we added back in...or took out of the claims payment bill two claims that, quite frankly, we can't take out. This amendment that I'm offering you this morning would strike the Chambers amendment and reinstate the two denied claims. We, in this body, can make law and there is no one that will deny that we can do that within the framework of the Constitution. But once we've made law and once we've put into place the statutes that govern the State of Nebraska, we cannot disobey that particular law. If we think it's wrong, we can change it. But, while we have our statutes in effect, what we do in this body must be, can be nothing else than in accord with what we have placed in statute. There was an emotional appeal made and perhaps from the basis of emotion was justified and we voted to deny two claims, whether you agree with the claims or not, that are legitimate, that are legal, that do fit within the framework of our statutes and we can do nothing else but put those back in. This case was heard before the Equal Opportunity Commission. This case was heard in appeals court where a change was made but the change was not made in the method of paying the claims. The state is still liable. There was no willful or wanton conduct of responsibility on the part of these employees that was ever charged. The state was found liable for damages in the appeals court. A claim was filed. There were no punitive damages which could have been placed upon the employers to pay. These claims are fully within our current statutes and the Chambers amendment striking the two \$750 claims should be stricken from LB 811. If we think that our statutes are wrong, change them. But while they read as they do, while the conduct of state employees and the charges that may be brought against them read as they do, we, in this body, have no choice but to comply with what we have enacted into law. With that, I would urge the adoption of this amendment.