

March 2, 1990

LB 1222

SENATOR WESELY: Yep, I'd rise in support. I think it's a good amendment.

SENATOR CROSBY: Yeah, thank you.

PRESIDENT: Senator Crosby, would you like to close on your amendment, please.

SENATOR CROSBY: Thank you. Just a very brief closing to remember, as I said as I finished, remember, we're here to help the children. Thank you.

PRESIDENT: The question is the adoption of the Crosby amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 25 ayes, 0 nays on Senator Crosby's amendment, Mr. President.

PRESIDENT: The Crosby amendment is adopted. Anything further on the bill, Mr. Clerk?

ASSISTANT CLERK: The next amendment I have is from Senator Chambers. (Chambers amendment appears on page 1130 of the Legislative Journal.)

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I've discussed this amendment with Senator Hartnett. It's found on page 9 of the bill, and it relates to the limited immunity that members and agents and employees of the Foster Care Review Board would have when they're participating in the preparation of reports. The way the bill writes, they are immune from civil liability, unless a false statement is maliciously made. I think that allows for too much carelessness. We're dealing with very sensitive matters, so I'm changing the standard to one of negligence. And negligence is the failure to exercise due or reasonable care. So, if a mistake is made, but a person makes a mistake while exercising ordinary or reasonable care, that mistake will not subject a person to liability. But, if it's made through negligence, meaning an absence of care, then they would face liability, and I would want there to be more caution than ordinarily is rendered when these kinds of reports are