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FLOOR DEBATE

March 30, 2004      LB 868

SENATOR CUDABACK: Senator Chambers, to open on FA1634, which is an amendment to the Raikes AM3463 to LB 868. Senator Chambers, to open.

SENATOR CHAMBERS: Mr. President, members of the Legislature, the way the language exists in the bill that grants the immunity means that the individual who does whatever is done and there is damage or harm, even death, to the child as a result of this person's negligence, the individual who does it is immune from liability. We come to subsection (2) of the amendment which says: "The individual immunity granted by subsection (1) of this section shall not extend to any act or omission of an employee which results in damage or injury if the damage or injury is caused by such employee while impaired by alcohol or any controlled substance enumerated in Section 28-405." I would like to ask Senator Raikes a ques...oh, here's what my amendment would do. In line 4, I would strike the period, place a comma, and say..add, "nor the employer of such employee," and that would mean the immunity granted to the employee does not apply to the employer. And mention was made of the State Tort Claims Act and I don't know whether that protects people from negligence and gross negligence when it comes to their conduct that hurts somebody else. I don't believe that it does, but I want to deal with what's before us, because you might put it into law and I will want certain ideas to accompany it. I would like to ask Senator...Senator Brashear is here, so he wins the lottery.

SENATOR CUDABACK: He is...

SENATOR CHAMBERS: I'd like to ask Senator Brashear a question.

SENATOR CUDABACK: He is here, Senator, if you care to address him.

SENATOR CHAMBERS: Yes, I would like to ask Senator Brashear a question.

SENATOR CUDABACK: Senator Brashear, will you respond?