

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB1184

Hearing Date: Thursday February 10, 2022
Committee On: Judiciary
Introducer: Geist
One Liner: Change provisions relating to duties of the Attorney General to defend the Nebraska State Patrol

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing Brooks, Slama

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Suzanne Geist
Gary Young
Joe Kelly

Representing:

Introducer
State Troopers Association of Nebraska
Nebraska Attorney General's Office

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Section 81-2009 requires the Attorney General to defend, or designate a private attorney to defend, all civil and criminal actions instituted against the superintendent or employee of the state patrol arising from their employment. This section also requires the superintendent to provide at least three legal counsel to assist county attorneys and advise the state patrol.

LB1184 would amend Sec. 81-2009 to provide that the action may be defended by a private attorney chosen by the employee and that reasonable attorney fees be paid pursuant to Sec. 81-8,239.05.

LB1184 would also amend the subsection related to agency counsel and prohibit them from representing patrol employees that are the subject of an inquiry by a grand jury or prosecutor.

Explanation of amendments:

AM1962 would reorganize the original bill and make one substantive change. In a civil action, the Attorney General would continue to represent employees in civil actions. In a criminal action or grand jury, the amendment would clarify that the

Attorney General would represent the employee unless there is a conflict of interest. In that situation, the employee would choose a private attorney and fees would be paid by the state.

Steve Lathrop, Chairperson