

SENATOR LUEDTKE: This is supposed to cover a member of the board.

SENATOR PROUD: Now, suppose he negligently injured somebody.

SENATOR LUEDTKE: That couldn't be connected in the performance, intent to performance or failure of performance of official duties unless the board voted to kill somebody.

SENATOR PROUD: Well, now wait a minute, suppose that...

SENATOR LUEDTKE: Well, that's the only way you're...

SENATOR PROUD: Well, let me rephrase the question.

SENATOR LUEDTKE: I think your, for an example, could be...

SENATOR PROUD: I am not trying to kill your bill. I am just asking for information. Just calm down a little bit.

SPEAKER: Stand by.

SENATOR PROUD: Now, if this member of the board is negligently driving his car on county business or whatever business he's employed in or about, is he protected by insurance on this? If he injures me, can I sue him or can't I sue him? That's as simple as I can make the question.

SENATOR LUEDTKE: All right. If it's in the performance, attempt of performance or failure of performance of his official duty as a member of that board, then the answer is yes.

SENATOR PROUD: You say I can sue him.

SENATOR LUEDTKE: If it meets that criteria, yes sir.

SENATOR PROUD: If he's...alright, if he's on his official duties and he negligently injures me, I can sue him individually, is that correct?

SENATOR LUEDTKE: Yes, of course, you could. You could anyway with or without this bill.

SPEAKER: Senator Murphy.

SENATOR MURPHY: The occasion for having voted no on that bill in committee and it has been discussed and cussed and variously moved around was, specifically, that it provides no limits and, therefore, I think "shall" could be very punitive on any community without a limit. It, secondly, provides that there is no deductible. It's fine to protect these people, but to turn them loose with a completely free rein knowing that they are subject to no liability for their actions, I think is the second mistake. I think that if there is to be insurance, there should first be a penalty assessed, limited certainly to the individual and, secondly, there should be some limit, particularly, if you are going to incorporate "shall" in this bill.

SPEAKER: The chair next recognizes Senator Epke, then Keyes, then Cavanaugh.

SENATOR EPKE: Mr. President, I'd like to ask Senator DeCamp a question.

SPEAKER: Senator DeCamp, will you yield to a question? Maybe, you can both speak into the same microphone right there.

SENATOR EPKE: The way the bill is written it says, "may". Now, that would give the boards permission to have the type of coverage that they think is necessary, is that right? Well, then in your previous statement, you said then that they wouldn't be qualified to make this decision themselves, is