

city, county, school district, NRDs, SIDs, these subdivisions then look at the claim, decide whether it is a legitimate claim or not in their eyes. If they see it as a legitimate claim, they settle the claim. If they say, no, it is not a legitimate claim, then the claimant has the ability to sue and they have two years to bring suit from the date of occurrence against the political subdivision. Now, what LB 289 was attempting to do was to tighten the tactical parts of the existing law. What happened in 1983, there was a case out in Buffalo County where an injured party had an attorney who failed to make the notification of claim within the one-year period. Now a notification of claim is quite simple. The counsel just failed to hit the claim date one year. So the claim then, the claimant then decided to sue the employee and this happened to be against the Nebraska Public Power District, sued the employee, and won. There was a negligence there but it left NPPD out of the process. They had no notification there was even a claim there until after the period was over. They sued the individual. They won the case. We have another provision that is not statute but it is policies called indemnifications which basically says that NPPD if they have an employee that gets sued, they are going to back them up and pay it. So essentially what happened was the claimant sued the employee as an individual knowing that they were going to get reimbursed from the political subdivision, in this case Nebraska Public Power District. It, out of a quirk in the law or out of a case where it was actually almost a negligent act on the attorney, it established a situation that could provide for a tactical advantage by allowing your one-year claim period to run out purposely and then suing the individual and it can cause a lot of problems, a lot of grief on the individual and it can cause a lot of problems on the political subdivision because of the extra time limit. What LB 289 was trying to do is say, yes, you can still sue us, yes, we still have liability potential out there, yes, we are still going to take care of our claims. But you have got to do that within the one-year time. Even if you are going to sue the individual, you have got to tell us that you are going to if we don't settle the claim within one year. That is what LB 289 was trying to do. Now the Judiciary Committee, my good friend, Senator Hoagland, as Chairman, also had a bill up, LB 522, that was dealing with the same act but doing just about the opposite situation and they can...what the committee did was bring a little of the language out of our bill into that bill and