

whatever the actuary tells them is needed, up to 125 percent of expected claims. The insurance company that's providing that is, of course, covered by state law. Example three, in example three the employee has a deductible, and then there is a greater amount of self-funding, let's say up to \$30,000 of the deductible. Here, again, an actuarial study, obligation for a set aside fund, continued annual review by an actuary that there is enough money, in the event the insurer is paying claims they have to do it in a timely fashion, they have to provide a copy of the plan, they have to provide copies of the claim forms. In the event there is a disputed claim, they have to keep the employee notified every 90 days. The basic practices of the insurance code would be given to the public employee as well. And then once you trip the obligation of the insurance company, they, too, then have to meet the same standards that an insurance company does. And in their case it is because the Insurance Department is regulating them and there is that oversight. If you are a public employee and you are aggrieved, and the public employer is not following this law, although they have a set aside program, what do you do? The statute lays out a series of affirmative obligations on the part of the political subdivision. And employee, or employee group goes to court, asks for a writ of mandamus, and forces the public employer, under court order, to do that which the law requires them to do. Public employees are regularly unionized. Many of them have legal counsel that's fully capable of doing this. Court orders and writs of mandamus are well familiar practices in district courts, and there is, in the bill itself, a cause of action declared for a failure to meet any of the standards of the bill by a public employer, therefore, you have the court ordered remedy of the writ of mandamus. And a failure by a public employer to do this bill could mean jail. If they don't carry out their affirmative obligations,...

SPEAKER BAACK PRESIDING

SPEAKER BAACK: One minute.

SENATOR LANDIS: ...and they refuse to carry out the court order, it's contempt of court and you're in the slammer. So that's a pretty serious hammer to drop here. Example four is available to one and only one public employer in the state, that's the City of Omaha. It has two obligations, the annual actuarial review, and the obligation to have a set aside and restricted fund for the monies that are going to pay their