

March 19, 1979

LB 288

render the whole contract null and void. Probably it should have been put in by the committee. It didn't get done.

SPEAKER MARVEL: Senator Rumery, do you wish to be recognized? The motion is on the adoption of the DeCamp amendment to LB 288. All those in favor vote aye, opposed vote no. We are voting on the amendment to LB 288. Have you all voted? We are voting on the DeCamp amendment to LB 288. The motion is the adoption of the DeCamp amendment to LB 288. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: 26 ayes, 0 nays on the adoption of the amendment.

SPEAKER MARVEL: The motion is adopted and the amendment is adopted. Senator Venditte.

SENATOR VENDITTE: Mr. Chairman and members of the Legislature, I guess to be formal for just about a minute and a half, let me read the statement of intent and I think that would probably best serve to describe the bill itself. LB 288 would prohibit the use by architects and engineers of "hold harmless" clauses in construction contracts. A "hold harmless" clause which this bill would outlaw is a clause which holds the owner and the architect harmless for their negligence and places that liability on the contractor. In other words, a "hold harmless" clause would provide that if there is any injury as a result of the construction project, even though the injury was due to the negligence of the architect or the owner, they would be held blameless and the general contractor would have to suffer the liability. This bill merely states that this type of clause cannot be used and would leave the relationship between contractor and architect-owner as it should be where each is responsible for his own, excuse me, Senator Marsh, for his or her own negligence. If the liability occurs because of a defect in the architect's design, the architect would then be responsible. On the other hand, if the injury occurred because of a defect in construction of the building, the contractor then would be responsible.

SPEAKER MARVEL: Motion is the advancement of LB 288 to E & R for review. All those in favor vote aye, opposed vote no. We are voting on the bill as amended, the advancement of that bill. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays on the motion to advance.