

therefrom, however, oh, it's a committee bill, however, this particular bill is so ghastly that I felt that I had an obligation to ... well to throw a little murder up there, at least and discuss the bill. Maybe I misunderstand the bill but as I read it, and I hope some of the lawyers in the room would maybe look it over. As I read it, it basically takes us back about one thousand years to the principle that the king can do no wrong. It says basically there is no liability for anything the state does or...and the swimming pools the kids go in and the lifeguards say, well, we don't care, we are busy having chocolate cake or something. Five kids drown and they say, well, they should have swam. It says you've got to prove gross negligence essentially or intentional malicious misconduct. I think it is a dangerous precedent to ever set. We've got pretty well developed laws on the books right now in the area of how responsible the state should be, how responsible subdivisions of government would be and I think the very minimal goals they sought in this particular bill go way beyond...I mean are small compared to what the bill really does and I urge you to kill it and hope Bernice won't do the same to me.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker. As chairman of the Constitutional Revision and Recreation Committee, of course I will have to oppose the kill motion that Senator DeCamp has introduced. I would like to explain further because I don't know whether you recall what I said the other day but LB 476 would include the political subdivisions in the Recreational Liability Act. They would then be given the higher standard of protection which is already given the Recreational Liability Act to private owners. Political subdivisions would then only be liable for negligence which is willful and malicious. This applies only to land which is devoted to recreational purposes. Again, I say this is not a complete immunity. Political subdivisions would still be liable for willful and malicious conduct. I think that probably the principal argument for LB 476 is that it is the taxpayer's money that is being used and expended on these growth of lawsuits against our political subdivisions and, therefore, the City of Omaha primarily asked that this bill be introduced. I urge you to reconsider and not vote to kill the bill until we have further debate. Incidentally, does this motion by Senator DeCamp mean that it has to be laid over for a day or can we take it up today? On General File, it can be taken up immediately?

SPEAKER MARVEL: Yes, it can be taken up. Senator Vard Johnson.