

SENATOR V. JOHNSON: Mr. Speaker, members of the body, somewhat like Senator DeCamp it is rarely that I rise to support a kill motion, understanding the ultimate significance of that, but yesterday as I was studying over LB 476 recognizing that it was coming up on General File, I began to realize what this bill meant and it seemed to me that what this bill means is something that you and I really would not want to have happen. The City of Omaha has a number of municipal swimming pools. I know because I use them and as I understand this bill, if I use a municipal swimming pool and if, in fact, one of the rungs on a ladder is missing a bolt and a nut and therefore the rung is loose and if I am walking up the ladder and if I fall and injure myself on the cement below in the pool, I won't be able to collect 10¢ from the City of Omaha for my injury under this bill unless I can show that the city acted in a willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity. Now it seems to me that it would be very difficult to translate what is a simple act of negligence into that extraordinarily high standard of care and frankly, when I pay by seventy-five cents to go swimming in a pool in Omaha, I want to make sure at least that some ordinary standards of care apply in that pool, or when I send my children over there, I don't want them to come home with chlorine poisoning because somebody carelessly pumped too much chlorine in the water but it goes on. A lot of our smaller communities have historical societies. They have buildings that they have dedicated to public use for historical purposes or archaeological purposes. I know I have been to Willa Cather Museum in Red Cloud and I have seen a lot of other facilities throughout the state that our small communities have, and again, this bill defines that kind of an activity as a recreational activity, i.e., enjoying historical, archaeological, scenic or scientific sites, and it seems to me that this bill would provide an extraordinarily high... I should say it would provide a very low standard of care on the part of those municipalities and, therefore, if I was injured in looking at the Willa Cather facility in Red Cloud for example, if I fell down a rickety stair that ought to have been repaired but the City of Red Cloud carelessly failed to get repaired, I would have no recovery against the city. Now I say, why should that be the case? If any business, Harold Warp, when he runs his Pioneer Village in Minden, Nebraska, I assume that is a private operation, the standard of care there is a fairly high standard of care. He owes every guest that comes into that property a pretty high duty to make certain that his conditions are safe and if they are not, by golly, and we get injured, we can turn around and recover against