

effort merely to delay a decision and I think Senator Smith is correct. We probably can put in some other issues to study in terms of causations and damages and so on. In fact, this might well be an appropriate opportunity to study some broader environmental issues of liability here. You know what about liability for cleanup, what about liabilities for state responsibilities? I think this study would encompass all of that, but just because we withdrew an amendment earlier doesn't mean that my fervor for liability and strengthening it has diminished. In fact, it has probably increased and I think that the study is desperately needed to get the strongest language we can. If we needed this liability this summer, I'd be standing up here pounding on the book saying we've got to have it right now, right now. The other part of this amendment strikes out the rebuttable presumption. That doesn't mean that I'm against rebuttable presumption. I'm sure that Senator Schmit and I may disagree on that some time down the road, but what we're going to do is get a chance to pull in the experts and the other people around this country to discuss the areas of liability. With that in mind, that's the reason we've stricken out the rebuttable presumption language. And so I think it's important for us to examine the whole area of liability, not just for individual claims, but for the liability of the state and for the people and the citizens of this area and our various communities. So with that, Senator Schmit, if you have anything additionally I will yield the rest of the time back to you.

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: I have no further comments. I think I want to emphasize again, as Senator Kristensen has pointed out, that there is a time lag available to us here, and I want to just reinforce what he said and that is that if the recommendation comes back that we need to be more strict than what we have had in the past and need to be concerned again about the rebuttable presumption, certainly I'm more than happy to look at that. The purpose of the study is to provide us information, to give us direction, to assist us so that we do not repeat some of the mistakes we have made in the past and I will be the first to concede we have made some mistakes.

SPEAKER BARRETT: Thank you. The question is the adoption of the amendment to the committee amendments to LB 761. All in favor of that motion vote aye, opposed nay. Record, please.