

February 12, 1991 LB 88, 262

CLERK: Madam President, Senator Warner would move to amend the bill. Senator Warner's amendment is on page 569 of the Journal.

PRESIDENT MOUL: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, you will recall from the discussion of LB 88 on General File there was a motion that was offered which essentially affected the State and Political Subdivision Tort Claims Act and it was at that point ruled that it was not germane and, therefore, not taken up but, as I recall, there was discussion on the floor that another bill, LB 262, would be advanced from the Judiciary Committee and in turn would provide the vehicle to make any amendments there in that bill rather than LB 88. The dilemma, of course, with that is that the State Tort Claims Act and the Political Subdivisions Tort Claims Act are both affected by LB 88. And with the ruling that you could not deal with those two acts in that bill, and yet those two acts are affected, it becomes logical, it seems to me, to just simply take them out. And what the amendment does is takes the State and Political Subdivisions out of the act. Now you could ask then where does that leave us? Based on the discussion that I understood, at least, on General File, then there would be an amendment to LB 262 offered, which I certainly would be supportive of, that includes the provisions of LB 88 and makes them applicable directly with the State and Local Subdivisions Tort Claims Act with essentially the same provisions that would be found in LB 88 affecting those two, but also would allow the addressing of some of the issues that I, at least, feel ought to be addressed and were included in the amendment that was offered by Senator Kristensen at the time. So the purpose of this is merely in keeping what I believe was what, perhaps was not what everybody understood, but I think what everybody, or at least I derived would occur and that is to treat the two tort claims, state and local political subdivisions, in LB 262, so I would move adoption of the amendment and allow those considerations to be a part of LB 262 when it becomes before us.

PRESIDENT MOUL: Thank you, Senator Warner. I'll now recognize senators wishing to speak on the Warner amendment. Senator Ashford.

SENATOR ASHFORD: First of all, I would ask for a ruling from the Chair on the germaneness of the amendment.