

February 12, 1991 LB 88, 262

subdivisions throughout the state because of the possible savings that could occur by being included in this particular bill. Again, in conclusion, I would support the Chair's ruling that this particular amendment is not germane. This particular section of the law is a part...

PRESIDENT MOUL: One minute.

SENATOR ABOUD: ...of LB 262 and I feel that this would be, and is, a better vehicle than a bill that does not deal with that particular topic. Thank you.

PRESIDENT MOUL: Thank you, Senator Abboud. I will recognize the following senators in this order: Senators Ashford, Moore, Kristensen, Pirsch and Bernard-Stevens. Senator Ashford.

SENATOR ASHFORD: Thank you, Madam President. Maybe I could make this more clear. I think that, and I maybe would be helping Senator Warner's amendment by saying this, but if you want to basically scuttle LB 88, then vote to override the Chair because that is, in effect, what is happening. If you take out, if you take out polit... I don't have any problem in debating the issue of political subdivisions and the State of Nebraska and county liability, but it should be debated in the bill that we all discussed last time where it would be debated and that's LB 262 which is the vehicle for discussing the issue of liability for municipalities and counties and the State of Nebraska. However, if you want to, in effect, hold LB 88 hostage to LB 262, then vote to overrule the Chair because that's, in effect, what will happen, because if you vote to hold, to find that this amendment is germane and then vote to put the amendment on, what you have done by doing that, first of all, you've amended another section of the law, that's why it's not germane. You've amended the Political Subdivisions Tort Claims Act. You've opened up the germaneness area significantly for the rest of the session, but in practice what you have done, especially if you vote for the amendment, is you have abandoned any standard whatsoever for liability for political subdivisions other than the common law standard of liability and I would argue that if you go back to the common law standard of liability, the common law standard of liability for actions brought against counties, municipalities and states would be that there is total immunity. The only reason that lawsuits exist today against municipalities, counties and the state at all is by statute. As a matter of public policy we said, yes,