

February 12, 1991 LB 88, 262

cities, counties and states, you must be responsible for acts of your own negligence. Now, Senator Warner may argue that this matter can be handled in LB 262 and all we're doing is taking it out so that we can put it back in in LB 262, but that argument is adding a step to this that is not necessary. You are, in effect, if you pass this amendment, you are, in effect, saying you're going back to the law which says that political subdivisions have no standard of liability. They could argue that they could not be...an action could not be brought against them at all and you're forcing a vote and you're forcing 262, the proponents of LB 88, to actually endorse LB 262 in order to make LB 88 workable and that is, in effect, what you are doing. Otherwise, now, and here's what the effect of that would be. If you bring a lawsuit against three individuals, one of which is a political subdivision, under LB 88 the judge determines the degree of fault of that municipality. Remember also that the municipality has caps as well. Under this amendment, if it were to pass and if the old standard of liability would apply, a judge would be asked to apply a totally different standard of liability to political subdivisions. Now that's an issue that can be discussed in LB 262. It can be discussed in LB 262. Possibly this body may say that political subdivisions should have a different standard of liability, but that is an issue that can be discussed in the bill that is on the floor, that it has in it the issue of political subdivisions and the State of Nebraska and not LB 88 which deals with the overall standard of liability. So in conclusion, two things. One is, it is not germane as the Chair has ruled because it's dealing with two separate sections.

PRESIDENT MOUL: One minute.

SENATOR ASHFORD: And even though, even though that LB 88 may have some impact on political subdivisions, there are lots of bills that are not germane to each other which impact each other, that you have a vehicle out there in LB 262 which Senator Kristensen and I agreed was the vehicle to deal with municipalities out there on the floor already and that is the vehicle that should be used. So a vote against the Chair would, in effect, strip political...if the amendment goes on, would strip political subdivisions and counties totally out of liability whatsoever unless, until they are put back in in LB 262. That is a step which is not consistent with our rules. Let LB 88 be voted up or down on its...on the issue that it presents and that is whether or not we should adopt a