

the hour that it was done and those kinds of considerations need to be taken into consideration if in some way the liability of an accident or a damage to someone comes up, needs to be treated differently. My position is that if we exclude governmental subdivisions in the state from the provisions of 88 I'm not suggesting that we exclude them permanently. What I am suggesting is that they be dealt with in the way that has been ruled in forms of germaneness the only way we can and that's in a separate piece of legislation and the vehicle for that was earlier discussed in LB 262. I would certainly be in support putting in the provisions of LB 88, at least as they stand now and can't make a commitment as to how it might be amended because I don't know. None of us do. But I certainly would make the commitment as it stands now to support those identical provisions as are contained in 88 and hopefully as they might be amended. It seems to me that that gives us the opportunity to, in fact, deal with uniformity between the two and yet at the same time, because there is no other way to do it, at the same time permit us to acknowledge those areas in which there is a significant difference between government and between the private sector in some areas and be dealt with appropriately. I'm not suggesting by the amendment that the state and local government be excluded. Unfortunately we can't deal with both bills at the same time, but at least from my personal position, it's not to exclude them, it's to include them but include them under the section of law in which they are affected and I hope the body would adopt the amendment.

SPEAKER BAACK: Thank you, Senator Warner. We'll now proceed to Senator Ashford.

SENATOR ASHFORD: Thank you, Mr. Speaker and members, it may very well be that the members of this body feel that municipalities and political subdivisions should be treated differently for their negligence. Though I would suggest that inspections can, or the failure to inspect properly can create the same kind of damage as the failure to adequately inspect a product that is put into the marketplace, or adequately design a product that is placed in commerce and causes a significant amount of injury to an individual. And that the failure to, for example, to inspect an elevator, or to properly inspect a roadway, or to properly design an intersection, or whatever the case may be that can be proved to cause damage to someone, albeit probably not a very frequent occurrence, the damage is the damage all the same, and the damage to the individual, to