

February 12, 1991 LB 88, 262

the individual victim is the same. The act of negligence may be different in that it is committed by a person who works for a municipality but the damage is damage all the same, and in some cases, the tragedy is the tragedy all the same. But let me suggest that you may decide that that is okay, that a politically subdivision should be treated differently. What I would suggest to you is that you have already done that. There are caps that apply to political subdivisions, that we have placed on political subdivisions as a matter of a public policy. And there are other areas of the law that apply to political subdivisions only that do not apply to other negligence cases, but let me just describe to you. Senator Warner suggests that he would support the amendment on LB...the 88 standard, at least until it were amended on LB 262. Senator Warner, may I ask you just a brief question so that I fully understand what your commitment is on that. Let's assume for the moment that the amendment to LB...the LB 88 standard does not...is not the end result of LB 262, that, in fact, that the body decides that in LB 262 that a lesser standard, for example, the slight gross standard, would apply to political subdivisions. If that were the option that was presented to the body, whether it be a comparative negligence standard that is in 88 or the slight gross standard which now exists is the issue to be voted on as it applies to political subdivisions or the state, is your commitment that you would stay with the standard in 88 or would you consider the standard that...the slight gross standard that now exists?

SPEAKER BAACK: Senator Warner, do you respond?

SENATOR WARNER: Sure. Senator Ashford, I think what I have been trying to say, at least conceptually, which is about all we can deal with I guess at this point, because LB 88 is not in its final form, that I have indicated that the same provisions, I can make a commitment as they stand now. I can't obviously promise to make a commitment as it would be amended. And I am not suggesting there is an amendment I am opposed to. I see an amendment on my desk which I think I can support for LB 88, but at least to the extent that it stands, why I don't think I have a problem with the exception that there are some of those areas of governmental subdivisions in the state which were contained in the Kristensen amendment that I do support.

SENATOR ASHFORD: I think that that brings up a very good point why this amendment should not go on, because...