

February 12, 1991 LB 88, 262

SPEAKER BAACK: One minute.

SENATOR ASHFORD: ...I think what Senator Warner has said and I certainly would suggest, and I am sure that he will stick with this commitment, is that the standard in LB 88 is a fair standard, and that what the political subdivisions are really after is not a different standard than LB 88, but they are after exclusions and exemptions. And when you hear the argument on LB 262, you are going to be presented with amendments which are already on LB 262, which exclude inspections from liability totally. Now that is another argument for another day. But the standard in LB 88, as we have said before, is a fair standard. Senator Warner, with the caveat that he may change depending upon amendments, but generally supports the comparative negligence standard in 88, so there is no reason to now exclude it from 88. There is no reason to exclude it from 88. If we want to talk about exclusions or exemptions of types of liability...

SPEAKER BAACK: Time.

SENATOR ASHFORD: ...inspections by municipalities, and so forth, that is in LB 262. We can deal with it in LB 262.

SPEAKER BAACK: Thank you, Senator Ashford. We will now go to Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to speak against the Warner amendment, and not because I am necessarily against any of the individual things that Senator Warner may be interested in doing down the line, but because I think this whole debate is in danger of getting way out of control again. We have done good work. There is a compromise amendment, as I understand it, now that Senator Ashford and Senator Kristensen have that is going to put 88 together in an integral whole and deals well with the concept of what standard should be applicable to everybody in terms of contributory negligence and some related matters. But if you attach the Warner amendment, then you will have opened up again something that we have about closed, because you will have eliminated that standard as far as all political subdivisions are concerned in the state, and when LB 262 comes along, not only will we have a debate on the exemptions that Senator Warner is interested in, but they will be using as leverage the fact