

February 13, 1991 LB 88

SENATOR WEHRBEIN: Yes, Madam Speaker and members, I was unable to be here yesterday. I have been very concerned about this particular amendment. I know there are a lot of ramifications that perhaps I don't understand in terms of the law but I am concerned that this needs to be considered more fully, this issue. And I simply ask for it to be reconsidered to be sure we understand all the ramifications of what this does to the municipalities. And I simply ask at this time that we consider this particular amendment, reconsider it.

PRESIDENT MOUL: Thank you, Senator Wehrbein. I am now going to remove all the lights and then will recognize senators wishing to debate this motion to reconsider. Faster than I am. I will now recognize Senator Abboud, followed by Senator Warner, Robinson, Ashford, Beutler, Pirsch and Kristensen. Senator Abboud.

SENATOR ABOUD: Mr. President...or Madam President, members of the body, I rise to oppose the motion on the part of Senator Wehrbein to reconsider an amendment that we voted on yesterday. Actually, the amendment itself was to pull political subdivisions out of the bill entirely. And, at that particular time, I think the body made a wise decision in saying that we're going to keep to the same policy that we have in the current law and that current policy provides that, in Chapter 25 of our laws that deal specifically with contributory negligence, we state that the policy in all civil cases involving political subdivisions as well as private individuals should be the same. And why do we do that? We do that for uniformity purposes, for continuity purposes, and, quite frankly, there is just really no argument against having the same standard for everyone. I don't see any reason. I don't think there was a good argument as to why everyone else in the state should have a change to a better system of law, a system of law in which 49 other states have gone to in some form or another than to say that we should cut out one small portion of our law and state that the State of Nebraska and other political subdivisions should stay with the same archaic law. Now we talked yesterday about cost, because really that's what the argument that political subdivisions...you will note, not the State of Nebraska, but political subdivisions are using in opposition to the change to comparative negligence. And, as I stated earlier, in a decision on a fiscal note provided for by Attorney General Spire, he stated that there could actually be a savings to the State of