

please check in. Still looking for Senator Lynch and Senator Beutler. Would the senators please be seated so we can proceed with the roll call vote. Please proceed, Mr. Clerk.

CLERK: (Roll call vote taken. See page 2778 of the Legislative Journal.) 9 ayes, 29 nays, Madam President.

PRESIDENT MOUL: The amendment fails. Now we will raise the call. Is there anything further on the bill?

CLERK: Madam President, Senator Abboud would move to amend by striking Section 10 (sic) of the Kristensen amendment. (See FA206 on page 2779 of the Legislative Journal.)

PRESIDENT MOUL: Senator Abboud.

SENATOR ABOUDD: Madam President and colleagues, this particular section carries a couple of different issues in it. Again, this is an amendment that I believe was raised with LB 88 at that time, when the bill was originally debated. And it was raised with the question of how far liability should be placed on the state and other political subdivisions. This particular issue involves when the state commits an act in the construction or the maintenance of highways, that the liability that should be placed upon the state should not be at a level that is placed on other individuals within the state. In looking at the amendment that Senator Kristensen offered that became the bill, this particular amendment that would be stricken on Section 10 (sic) of the...excuse me, this particular section that would be stricken deals with the issue of whether the state would be liable for the malfunction or destruction or unauthorized removal of traffic road signs, which I think is probably okay with me. If you have a bunch of students, they are kids, they come along, they remove something, obviously, the state should not be liable for that particular action. But, involving the level of when is, in fact, the state going to be liable, let's assume that the state is involved with an accident as a result of some destruction that has taken place along the roadway. A sign is knocked down or a traffic signal is damaged and the state, because of some negligence on their part, chooses not to replace it. Let's assume that there is a curve in the road or other sign warning of a hazard along the roadway and the state chooses not to replace the sign for a year period. Now, to me, that says that the state should be somewhat responsible for their actions. The state instead says that if a sign falls down