

repealer clause with regard to the existing law when we passed 88...

SENATOR KRISTENSEN: Yes.

SENATOR BEUTLER: ...and some discrepancies with regard to when things take effect and an allegation that there is a four-month, possibly a four-month lapse which is not agreed upon but that is part of the confusion apparently. If we wanted to, couldn't we just go back and correct those two things without doing all of these other things?

SENATOR KRISTENSEN: Yes that is possible to do although there is...

SENATOR BEUTLER: In other words we passed 88 and now the people who want 262 are holding 88 hostage because there was an alleged mistake made in 88. Isn't that true? Isn't that what is happening?

SENATOR KRISTENSEN: I don't think that that is a correct characterization. I think that there is also other things caused by the passage of 88 that caused concerns for the things that 262 originally spoke about. And, if you will, if you want to draw that bright light and say, it is a hostage, I don't think that is a fair characterization. I think what is a fair characterization is to say that with 88 there are some impacts here and the impacts have been witnessed. With that impact is the jeopardy of the three or four-month gap. With that is the increased exposure now because of the supreme court decisions that have occurred on the public duty doctrine and these are ways to take care of that. These are ways...the real war is not here. This is not the true debate on LB 262's immunities and so on, because those immunities, there were a lot more. What this is were the ones that are basically to the point that are the obvious ones, the ones that should be taken care of and the ones people could agree too. So with that, I don't think it is a matter of holding hostage, because you have got the Governor's office that says this is something we should take care of, these are also impacts that can go with it.

SENATOR BEUTLER: Okay. Let me ask you this on a different subject. The provision relating to inspections has the language "reckless disregard" and I'm speaking on page 6, line 13, if you imposed a gross negligence standard there instead of reckless