

March 4, 1996

LB 952

SENATOR BOHLKE: Do I have to prove that the officer was negligent?

SENATOR MAURSTAD: Even now you have to prove that there is approximate cause to the...

SENATOR BOHLKE: Okay, thank you. Wait one second. Senator Lindsay, do you think now I have to prove that that officer is negligent?

SENATOR LINDSAY: Senator Bohlke, you do not have to prove ..you have to prove proximate cause, as Senator Maurstad said, proximate cause is one element of negligence. There's five elements of negligence. Under current law you would have to prove proximate cause. Under the Maurstad bill you would have to prove all five elements of negligence.

SENATOR BOHLKE: Thank you. I really...as all of us sometimes when we can relate to something that we understand and have observed, and I've heard Senator Chambers speak to this issue many times, I've seen the editorials, I've followed the issue, and certainly the liability from some of the cities that they've said that the huge exposure that they have. But I truly believe in the situation that I described to you is a situation that when this would begin to happen to someone, when this would happen on...

PRESIDENT ROBAK: One minute.

SENATOR BOHLKE: ...their street, in their town, they would be in an outrage that this would be the bill that we would have passed. Therefore, until I hear something radically different, I will be opposed to this bill.

PRESIDENT ROBAK: Thank you, Senator Bohlke. Senator Maurstad.

SENATOR MAURSTAD: Thank you, Madam President. Relative to the amendment before us and the reason why it would be good public policy is the intent of the first section is to make those responsible parties responsible for their actions, and as result share in the damages that result. And so this is intended to be a clarifying amendment and a definition that would allow and would state, very plainly, that vehicle owners would have to be contributorily negligent before they would become a part of this