

continue to focus on. The state of Nebraska does not have the liability cap like the political subdivisions have. We are at risk. Maybe that is an appropriate balance to our public policy of having to pursue individuals that break our laws. But the whole fact is that we've tried to make provisions that will balance the reduction of changing from a strict liability standard to a negligence standard, so that law officers and the political subdivisions would, in fact, be liable and negligent...when they were negligent and that other sources could be recovered. You know we all have certain responsibilities as individuals. We have to look at providing the financial security for our families to the ability that we...that we are able to. That, of course, means having medical insurance, having disability insurance, having those types of coverages that protect me for unforeseen tragic accidents that might befall myself or members of my family. It seems to me to not be entirely good public policy that we treat innocent victims from a police pursuit completely different from any other liability situation that government is involved in. It boils down to, years ago, government was granted complete immunity from all of its actions. This would be at the other end of the specter (sic) where government is going to be completely responsible for anything that occurs as a result of a police pursuit. So I just ask the membership to continue to listen to the discussion. And as I have indicated before, this is not an attempt on my part to try to be intellectually dishonest or dishonest, period, relative to the changes that we're trying to bring before the Legislature to address the situation that we have. So with that I continue to oppose the amendment. The fleeing driver needs to continue to be a part of any comparative negligence situation so that all sources of potential recovery can be sought.

SENATOR BERNARD-STEVENS: Thank you, Senator Maurstad. Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, Senator Maurstad, either you tricked me during our last exchange or you haven't read your bill. I admit that I hadn't read it as carefully as I should have or I would of caught it. The first part of your bill establishes a negligent standard. And included in the allocation of fault is the driver, the fleeing driver. I had asked you if the fleeing driver is found to be 98 percent negligent and the officer 2 percent, then the person