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FLOOR DEBATE

March 21, 2005      LB 516

the liability language in lines 11 through 14 of the bill, which says, except for failure to use reasonable care and for intentional acts, the commission shall be immune from liability. Which is to say, it shall not be immune from liability if somebody failed to use reasonable care; which seems to say that they are subject to a tort action based on the duty to use reasonable care. Is that your intent?

PRESIDENT SHEEHY: Senator Baker, would you yield?

SENATOR BAKER: Yes, I would. And that language came from existing statute, Senator Beutler. It's something we need to look at. It's interesting that you brought it up. But right now, it...we can document the fact that it is in there in other statutes. So we need to look at it. And I understand your point. To answer your question, is that our intent, was, yes, it was to eliminate the liability issue.

SENATOR BEUTLER: It was to eliminate ordinary negligence as a basis for a lawsuit?

SENATOR BAKER: Yes.

SENATOR BEUTLER: Okay. Well, we have the intent clear, then. And we can talk about the language. But I don't think the language that's there, Senator, does what you want it to do.

SENATOR BAKER: I understand that. And I'd be glad to work with you between now and Select File if we need to amend that.

SENATOR BEUTLER: Thank you, Senator Baker.

PRESIDENT SHEEHY: Any further discussion from the floor? Senator Baker, you're recognized to close. Senator Baker waives closing. The question before the body is, shall LB 516 advance to E & R Initial? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 516.