

February 27, 1981

LB 476

CLERK: 25 ayes, 1 nay on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: Motion is carried. The committee amendments are adopted. Now do you wish to advance the bill now?

SENATOR LABEDZ: Yes, Mr. Speaker, I move for the advancement of LB 476 to E & R for Initial. Senator Cullan, limited liability means that political subdivisions would only be liable for negligence that is willful and malicious. The bill is necessary because the financial stability of our municipalities and political subdivisions is being threatened by an increase in tort litigation against them. The shield of tort immunity which had protected governmental entities from lawsuits under the reasoning that the king can do no wrong was abandoned in Nebraska. This is why we must amend the Recreation Liability Act which was passed before the abandonment of government immunity to include political subdivisions. Again I say this is not complete immunity. Political subdivisions would still be liable for willful and malicious conduct and it applies only to land that is devoted to recreational purposes. The committee attached the emergency clause which we just adopted to make sure that if passed this protection would be provided by this summer when political subdivisions are very vulnerable to lawsuits and it is greatest at that time. So I urge you to advance 476 to provide this necessary protection for political subdivisions. Thank you.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I would like to ask Senator Labeledz a question. How do you stand on the guest statute?

SENATOR LABEDZ: I voted the other day to repeal it.

SENATOR NICHOL: Now how is that being consistent with this when you will say, "Let's have it fair"? And then we want to exclude a certain section of government from liability. How is that in any way consistent or fair?

SENATOR LABEDZ: We are still making it a very high immunity by saying that it has to be the negligence that is willful and malicious.

SENATOR NICHOL: That is exactly what was in the guest statute before we were trying to repeal that.

SENATOR LABEDZ: Right. That is correct.