

SENATOR NICHOL: But why is this fairer? We are going to have schools being responsible for ordinary negligence. We are going to have the Legislature responsible. Why should we not have recreational areas responsible for ordinary negligence?

SENATOR LABEDZ: Well, I believe what is happening in the City of Omaha, and we are talking about willful and malicious negligence, we are not talking about the accidents that happen. Say for instance a little child falls off of the slides or falls off of the swings, we are talking about willful and malicious negligence by the City of Omaha, by any city or governmental entity, rather, that obtains land from a private owner and that private owner does have the protection now. We want to also include governmental entities, entities, but they will have a very strict standard of liability under the section that is willful and malicious and I believe that is what the committee decided that this bill was essential for further protection for governmental entities.

SENATOR NICHOL: Well, thank you, Senator Labeledz. I just can't see us in the same year forgiving people who are guests in a car, but at the same time we are saying this subdivision of government shall be free of being responsible for ordinary negligence. I thought the trend was in the other direction. Now there is, if a governmental entity does not buy insurance, which many of them do not especially on the state level where you have spread of risk, but I still think that if we are going to have a guest statute, then we should not allow entities of government to be free of responsibility. Thank you.

SPEAKER MARVEL: The Chair has made note of those who wanted to speak on this issue. Since it is twelve o'clock, we will have to stop and then we can take this up on Monday but those of you who wanted to speak are listed so the record will be complete and the Clerk now needs to read in whatever he has on the desk.

CLERK: Mr. President, the Business and Labor Committee will meet in executive session, Monday, March 2, 1981 at nine o'clock in Room 1019.

Mr. President, Senator DeCamp would like to print amendments to LB 150 in the Journal.

Senator Hoagland asks unanimous consent to add his name to LB 99 as cointroducer.