

SENATOR DECAMP: I have an amendment to the committee amendments. The original bill is 1 million, and as I say by committee amendments it goes up to 5 million as an aggregate for any incident. My amendment would cut it to 500,000, and a maximum of 2.5 million. Why do this? Limit liability further, limit cost. Is it right or wrong? I am not sure that right or wrong is exactly the right term but it is what most other states when they do impose limits have done. In other words, the maximum limits I think of any other state that do allow limits or that do have limits is 500,000. I think the maximum amount of any other state in terms of aggregate is 5 million. I would come to about 2.5 million and be ahead of most of them. You have to make your own judgment call on that. I definitely don't want that to injure the bill because I do believe we ought to get some limits imposed. This is a major, major item for the cities, subdivisions of government. It is a tool, so to speak, to help them to help themselves. It allows them to solve a problem of property taxes, insurance, the whole picture there, and I would remind you that we are talking about subdivisions of government. Once upon a time the theory used to be there is absolutely no liability, no exposure, no obligation of the city or school district or whatever to pay. That went under the theory that was developed hundreds of years ago out of ancient England, the king can do no wrong, sovereign immunity. In the 1960s and 1970s at the federal level, under the Federal Tort Claims Act, that philosophy was changed somewhat. The allowance was made at the federal level for the federal government to be sued and held responsible under certain circumstances, Federal Tort Claims Act. Some states, Nebraska particularly, came along and went as far or further, and we will pass out something on this right now, than any other states in allowing the state to be sued, and, interestingly enough on this point, despite the fact that we have the most liberal laws in the United States, believe it or not, here in Nebraska on allowing people to sue government here, despite that, the court, the committee, and everybody else found that even under those most liberal, there was no liability, for example, in the Commonwealth matter, under the discretionary acts there. My point is when you view the fact that we are imposing limits on liability and limiting how much you can get from government, or limiting what you can get from a lawsuit, remember, that it was only in 1969 or '70 that we opened it wide open and said you can sue and get this unlimited recovery. So this would move Nebraska from the