

February 13, 1991 LB 88

SENATOR LANDIS: Preponderance of the evidence, same thing as the standard in any...

SENATOR PIRSCH: Preponderance of the evidence.

SENATOR LANDIS: ...civil trial. It's the same standard that the plaintiff has in proving their case.

SENATOR PIRSCH: Correct. Okay, thank you very much. I, I do like the Schellpeper because it is the...it spells out, a little better, what the defendant responsibilities are. And I don't know if I will support the Will amendment. But it does make LB 88 a little better.

PRESIDENT MOUL: Thank you, Senator Pirsch. I'll now recognize Senator Schellpeper, followed by Senators Landis, Kristensen, and Moore Senator Schellpeper.

SENATOR SCHELLPEPER: Madam President, I think we have a new amendment coming up. So we'll...if you would just take care of that, we'll...I think it will solve some of the problem. I'll let Senator Will explain it.

PRESIDENT MOUL: I'll recognize Senator Will, and I'll ask you if you intend to withdraw your previous amendment to the amendment.

SENATOR WILL: Madam Chairman, I would ask the indulgence of the body to withdraw my previous amendment and substitute another amendment that I think is more agreeable to folks. And it would be exactly the same as the amendment that I just proposed, with the exception that the word...the two words "unreasonably and" would not be included in the amendment that I would like to substitute.

PRESIDENT MOUL: We are now discussing the second Will amendment to the amendment. Remove the lights and all those wishing to speak on this, please proceed. Senator Ashford.

SENATOR ASHFORD: Thank you, Madam President. Very briefly, what we have done here, I believe, is properly reflects what current Nebraska law is. And what we are doing, if you recall the amendment, we're taking off...out the second part of the amendment to the amendment which deals with the unreasonably and