

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

April 18, 2001 LB 659, 781

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB 659.

SPEAKER KRISTENSEN: The bill advances. We next move to LB 781. Mr. Clerk.

CLERK: LB 781, Mr. President, introduced by Senator Wehrbein. (Read title.) Bill was introduced on January 17, referred to the Judiciary Committee for public hearing, advanced to General File. I do have committee amendments, Mr. President. (AM1352, Legislative Journal page 1403.)

SPEAKER KRISTENSEN: Senator Wehrbein, you're recognized to open on the bill.

SENATOR WEHRBEIN: Mr. Speaker, members of the body, I will open briefly on the bill. Suffice it to say the Judiciary Committee amendment will become the bill and I'm going to just give a brief introduction as to the reason for the bill. The original intent of LB 781 and, by the way, this is about the third time I've introduced a bill similar to this, but the original intent was to provide for a rebuttable presumption in a civil action for damages involving livestock on a Nebraska highway. Specifically, the green bill or the bill...copy states that if the livestock owner shows that the livestock escaped a legal fence, as defined by Nebraska state law, there would be a rebuttable presumption that the livestock was outside the enclosure through no fault or negligence of the owner. However, the pending committee amendment, one which I fully endorse and support, would strike the original provisions of LB 781 in order to establish sound principles that are to apply in all civil actions involving motor vehicle collisions with escaped livestock. And I will let Senator Brashear, who worked with us very diligently over the last few years actually, and particularly the last few months, to arrive at some common ground that I believe will be more acceptable to the broad public as...in general, and I applaud the committee for working through that. We've had several conferences and discussions on...on this. It is obviously...a lot of it is a lawyers' issue, because of the...the philosophy and the discussion behind