

May 11, 1981

LB 548

of the second part of the committee amendments as they have been divided. Is there any discussion? If not, all those in favor vote aye, all those opposed vote nay. Record the vote.

CLERK: 31 ayes, 2 nays, Mr. President.

SENATOR CLARK: They are adopted. The committee amendments are adopted. Is there anything further on the bill?

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: Mr. Chairman, members of the Legislature, I am open to any questions on any other claims if anybody wants to ask any questions at this time.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Now we are back on the bill including both part one and part two.

SENATOR CLARK: The motion before the House is the advancement of 548.

SENATOR NICHOL: So, Senator Maresh, for the record, in cases in the future that have not been through the courts and when claims are made because our institutions have done wrong, regardless of the status of the arts, that institution is liable for the damage whether or not they are proved and whether or not they complied with the status of the arts at the time of the treatment, regardless of time lapsed between the treatment and when the claim is made, is that correct?

SENATOR MARESH: I guess those that voted for the amendment, Soukup amendment to be increased, I guess feel that way but I feel that this was a case by itself because of the uncertainties that we had. We decided to give a modest increase but the Legislature went farther and adopted almost double of what we had proposed, and Senator DeCamp said that he had no chance to go to court. The Attorney General told us that if he could prove that he was incompetent enough not to realize that the statute of limitations has lapsed that he could still go to court. So there was a chance, if the court would have allowed it to be heard because of his mental state, that he could have been heard in court. So that is something I wanted to clarify when Senator DeCamp said that he had no chance