

SENATOR ASHFORD: I'm going to say a few things about this if I could, Mr. President. I don't want to belabor the point. If the principal introducer wishes the bill to be bracketed, then, in all likelihood, it should be bracketed. When I heard this morning that there was an effort going to be made to bracket the bill my initial reaction was to oppose it and my initial reaction was maintained by me until about five minutes ago. The history of this bill is, as many of you know who have been in the body for the last two years, has been a very, very trying and difficult one. This piece of legislation came out of the very heated dispute over LB 425 which occurred in the 1987 session of the Legislature. And, as you may recall, LB 425 was a very complex piece of legislation that totally changed our tort law in Nebraska and had included in it some provisions which were extremely unnecessary, which were, quite frankly, an assault on the way the judicial process has been dealing with tort law for the last 100 years in the State of Nebraska. And after that assault was beaten back by the Legislature in 1987, Senator Conway and I discussed a way of trying to resolve what was at that time believed to be the two biggest problems with the legislation...or with the tort law in Nebraska, that being the slight gross negligence standard and the joint and several liability question or the deep pocket issue. And after spending, quite frankly, all of the summer between the 1987 and 1988 session, Senator Conway and I came up with what last year was LB 1178. LB 1178 is a clean piece of legislation. It deals very effectively with the question of joint and several liability. It is a model act which is designed to balance the interests of the victim of a negligent act and the interest of the...in common parlance, the deep pocket defendant. And the compromise was worked out with judges, law professors, with the insurance industry, with everyone that we could think that had...could I get a gavel, Mr. President. (Gavel.) It was worked out with just about everybody that we could think of that had anything to do with the administration of the tort system in the State of Nebraska, contrary to LB 1148...or LB 425 in 1987, which was put together by a group of business...a business group, without even consulting the Judges' Association or the Trial Bar. Now, we come to 1989 and, as you recall, LB 1178 was approved by the Legislature with a vote of 33 to 10.

PRESIDENT: Senator Ashford, excuse me again. (Gavel.) Let's have it quiet so we can hear the speaker, please.

SENATOR ASHFORD: LB 1178 was approved by the Legislature with a