

handle. They have the staff, they have the experience and they have the interest and understand the applicability of this particular issue as it addresses all other areas of liability. I just want to caution in a very small way that when we talk about terms of liability we all recognize that we have in some instances reached a situation where we can establish areas of liability that are so dominant that we just bring everything to a standstill. We know that, as was pointed out earlier to us when the committee, over some objections, adopted the rebuttable presumption, that you cannot force someone to insure a facility, an individual, a company or an operator. Absence of that insurance, then there is no protection, there is no protection whatsoever. So if we were to get those standards to a point that insurability then became questionable, we have, in fact, not served the public, we have created a disservice to the public and I think that is what the three attorneys who have addressed this issue have tried to explain to you. The facts are that there may be some good arguments in behalf of what Senator Abboud has said. On the other hand, I think that we should look at the liability issue, and from the standpoint of not just the particular situation which faces us here today, but from the standpoint of how it addresses every area and aspect of liability in the State of Nebraska. I know the committee has been doing that for some time. I think they are particularly well-qualified to do that, and I also support the amendment.

SPEAKER BARRETT: Senator Smith, please, followed by Senator Elmer.

SENATOR SMITH: Thank you, Mr. Speaker, members of the body, I rise to support the Schmit-Kristensen amendment for the liability issue study. I'm not going to expand further upon what these other people have said before me because they've done a better job than I could say as attorneys, but what I would like to do is talk a little bit about something else in regards to the same issue and I would like to ask Senator Schmit a question if I might.

SPEAKER BARRETT: Senator Schmit.

SENATOR SMITH: Is he gone? Senator Kristensen, could I...

SPEAKER BARRETT: Senator Kristensen, would you respond.

SENATOR SMITH: Senator Kristensen, in reading the amendment, it