

count the number of your friends on one side, the number of friends on the other, make up your mind because it's just awfully technical. I want to spend just a moment to talk about some of the basics that are in this bill and that are amended quite appropriately by the Kristensen amendments which I will be supporting. At the heart of LB 159 is the tort system and we use that phrase with really a limited understanding of what it means. A tort is not a criminal wrong, it's a civil wrong between two individuals where one has been injured by the careless behavior or another. And if you go into court and you want to prove a tort, if you want to prove negligence you prove four things. You prove that there was a duty between the two parties such as inviting somebody onto your place of business, such as inviting them into your house, such as knowing that you're sharing the streets with them and you need to have the duty to be a safe driver on the streets with them. That is the first thing you have to prove. The second thing you have to prove is if there is a violation of the duty of care that a reasonable person wouldn't do. In other words, you have to be unreasonable in some way, careless in some way that a prudent person wouldn't be, that a prudent person would have careful and avoided, but that there has been an act of carelessness that a prudent person wouldn't do. The third thing you have to prove is that this imprudent careless act is the reason that you suffered an injury. And the fourth thing you have to prove is the injury or the amount of damages you've suffered. If you can prove that they have a duty to be careful, that they failed to be as careful as a reasonable person would be, that that carelessness hurt you and that you have damages, you're entitled to recovery. Now you're not recovered...you don't get a recovery because of a punishment, but only as a compensation for your injury at the hands of their carelessness. You know, we bump into each other and we say, excuse me, pardon me, and we go our merry way. Somebody is not looking in the hall, they bump into you and we say, that's okay, it's an accident, and we do that as a kindness. On the other hand when we're on the street and through some carelessness they strike you and injure your car and break your leg, we don't say oh, that's okay, I know you didn't mean it, too bad, it was a careless act, but I'm sure you didn't intend to do it and walk away from it. No, the carelessness there is so important that we place some responsibility for it and we get a compensation for that carelessness when we're injured by it. What 159 attempts to do is to draw reasonable rules for when we will receive money for our damages when we are injured by somebody else's carelessness.