

tried the same way.

PRESIDENT: Time.

SENATOR SMITH: Thank you.

PRESIDENT: Thank you. Senator Pirsch, please, followed by Senator Elmer.

SENATOR PIRSCH: Thank you, Mr. President and members of the body. Now, I get a chance to address the bill. And, first of all, I have a disclaimer. I want to tell you I'm not a trial attorney and I'm not a defense attorney. But I have certainly heard a lot of testimony on tort reform in my ten years on the Judiciary Committee. And quite frankly Senator Conway's original LB 425 was what I thought to be a good beginning to tort reform. And, you know, we started tort reform, or started talking about it in the first place because of the double digit inflation rates, of escalating insurance premiums, a whole lot of factors that caused us all to become alarmed, as we are now, with the health care costs and the rising insurance for health care. But as Senator Conway pointed out, we pulled sections out of LB 425 and it was a very lengthy and multifaceted bill. And as we pulled them out, the Legislature passed those. And I think that was tort reform, and I supported them. Nebraska started, as I hope you have handouts, being the leader in this slight versus gross, which is really one of the first comparative faults that came into existence, I believe, in 1913, and I may stand corrected. At that time people were just out, if they had fault. But we were the leader, in 1913, to establish that slight versus gross. And juries now use some sort of percentage deciding simply to determine if the damages claimed are so many dollars then did the plaintiff's negligence, indeed, contribute to the tort; and, if so, how much to determine if their contributory negligence was slight. Or, was it to the degree that it might be as much, indeed, as the defendant's. As Senator Smith pointed out, indeed, if we change this that plaintiff might have more negligence than any of the individual defendants. The jury also will have to determine what percentage of the tort claim is the defendant's negligence. And then they have to determine if that defendant's negligence was gross, and what that gross contribution amounted to. There is so much to talk about on this issue because it is a complicated issue. And I really appreciate the members being willing to talk about this and to ask questions and to debate