

February 1, 1991 LB 17, 88

motion on the Clerk's desk to kill the bill. I withdrew that motion this morning because I was back here and I had to be absent yesterday for a funeral and I was willing to debate the bill and discuss it. But I think maybe Senator Withem has a good idea. I also have an amendment, which has been on your desk, on the bill. But I applaud Senator Withem for being willing to take the time and discuss the bill. So I have no objection to the bracket motion.

SPEAKER BAACK: We have a motion to bracket with unanimous consent. Is there objection to this motion? If not, so ordered. We will now proceed to LB 88.

CLERK: Mr. President, LB 88 was a bill introduced by Senators Ashford and Conway. (Read title.) The bill was introduced on January 10, referred to the Judiciary Committee, advanced to General File, Mr. President. It was discussed yesterday briefly. I do have amendments pending.

SPEAKER BAACK: Yeah, Senator Ashford, would you like to kind of update us on the bill and where we're at right now?

SENATOR ASHFORD: I'll try, Senator Baack.

SPEAKER BAACK: Thank you.

SENATOR ASHFORD: Mr. Speaker, thank you. We have been trying to work something out. Apparently, Senator Kristensen has just told me that it can't be done. So I guess we're back to where we started. Basically, as I said yesterday, I have this great feeling when the words 88 come out of my mouth this floor just clears but I...and it did yesterday, and I understand that, by the way. If I had to listen to this, I would probably leave too, or I would leave. But, basically, LB 88 is the third revisit of the joint and several liability bill that was introduced first in 1987. Where we are now is LB 88 is basically identical to LB 1178 which passed in 1988 and LB 159 which was heard last year. The bill does two things. It abandons the slight gross standard of liability, the slight gross standard of contributory fault which current law basically says that if a claimant brings a lawsuit in the State of Nebraska, he or she must not only prove the negligence of the defendants and that that negligence caused damage but he or she must show also that his or her negligence was slight as compared to the gross negligence of the defendants. It's an extra