

February 1, 1991 LB 88

SENATOR KRISTENSEN: Because then you are going to have other economic things that the cost of finding someone else to take care of the children, to take care of the home if the other spouse is off working. So there is going to be those replacement expenditures and cost. So the cost of replacing that mother, that wife in that home would be an economic damage. What you wouldn't get is loss of companionship, the loss of love, all those things that...the companionships for the husband, if someone couldn't pay and if you did not have a plaintiff...

SPEAKER BAACK: One minute.

SENATOR KRISTENSEN: ...who caused any fault.

SENATOR SCHIMEK: Thank you, Senator Kristensen. In the remainder of the time that I have, I'd also like to address that same question to Senator Ashford, if he has a chance to respond.

SPEAKER BAACK: Senator Ashford.

SENATOR ASHFORD: Thank you, Senator Schimek. Very briefly, the answer to your question in practical terms is, the mother of four who has no job would probably only be able to recover under economic damages, those as Senator Kristensen says, objectively verifiable, which is a very heavy standard, would be probably, he could bring in an economist to testify as to the value of domestic services. That would be it. They would get...she would...the noneconomic damages, the loss of consortium, love, affection, support for her children, that would be limited under Senator Kristensen's bill. Same with a farmer, a farmer who has little income, so anybody with little income would...a farmer, a mother without a job, a father without a job...

SPEAKER BAACK: Time.

SENATOR ASHFORD: ...would recover very little under this.

SPEAKER BAACK: We'll now proceed down the list. Senator Chizek, did you want to talk to the Abboud amendment?

SENATOR CHIZEK: Yeah, I'm going to oppose Senator Abboud's amendment. This whole tort area is one that we've dealt with for a number of years. We had LB 88, Senator Kristensen's