

other profession. Today those are compensable damages you get, you'd be compensated for a loss of that. It was not my intention to remove those in any manner from the economic damages. When the amendment was divided last Friday and the discussion centered on the inspections, part of the division took out a jury instruction that would have given the jury and told them specifically the effect of their findings. Those findings would be this, that if there is a 50-50 split of liability between the plaintiff's, the person suing, and 50 percent of the defendant, that that plaintiff gets nothing. So the jury might sit there and say, well, you know it is a pretty close case, let's just give 50-50, and I say that the plaintiff contributed 50 percent to her injuries, and the defendant say contributed 50 percent to the injuries, and we will go home. The jury should be told that if it makes a 50-50 split, that plaintiff gets nothing. You know, they may think that they are giving the plaintiff half, when, in effect, they are giving them nothing. Matter of fairness and, quite frankly, I think the courts are going to require that you do that anyway to inform the jury of the effect of their findings. To me, if I don't do this, in about two years I am going to see a Supreme Court case that is going to come down and say that you have got to do that, and I am going to have two or three cases that got all messed up, and it would just increase the litigation. I think that that is probably the right thing, the fair thing to do anyway, and I have no problem doing because I think the courts will require us to do it anyway. The final section of the amendment that has been passed out to you talks about subsection (2) "A release, covenant not to sue,..." that was in my amendment, and when it got divided, it just didn't get included. They divided my amendment physically in half and the trouble is that part of what had to go in was in the second half. This just draws it back in. Do I think this makes any substantive changes in what I did in LB 88 on Friday a week ago? No, I don't believe so. I don't think it makes any of those changes. I think it probably clarifies it and helps mesh the two bills together. These are things that I said on the floor in my closing that I didn't have any problem with, with Senator Ashford, that we would come back and do it. To me that is fulfilling the commitment I made to Senator Ashford on the floor here. With that, I would offer these amendments with a closing caveat. This morning you have heard a tremendous amount of discussion about LB 262. LB 262 in my mind goes hand-in-hand. I did not have a chance to speak about that on Senator Warner's amendment. I think Senator Warner's amendment made good sense