

February 13, 1991 LB 88

Senator Kristensen working with me on this because I think we have the two bills in a proper form, one bill dealing with counties and cities and political subdivisions and another bill dealing with the standard of liability that we are applying. Before I close, I just want to make two points about what I, as sponsor of this bill, and Senator Conway have done since it was initially introduced in 1987. We've made two very significant changes or movements in this bill since it was initially introduced. One is we have said that if a defendant is 50 percent at fault and a plaintiff is 50 percent at fault, the plaintiff eats the whole thing, plaintiff recovers nothing. That was a significant compromise that was made when this bill was originally introduced. Two, the Kristensen amendment...

PRESIDENT MOUL: One minute.

SENATOR ASHFORD: ...the Kristensen amendment, the noneconomic, economic dichotomy was an amendment that was a concern of the insurance industry from the very beginning. It was a concern of the business community from the very beginning. And Senator Kristensen has brought that amendment to you. It is on the bill. It is a significant change from LB 88 as it has...as it was originally there. Let me make one last point and that is this standard of liability that we are adopting in LB 88, if we so do adopt it, applies to all cases. And any lobbyist or anybody that has an interest in this type of law can come up with an example where they are treated unfairly by this bill. But that's...and we can't solve everybody's problems by this legislation. All we can do is try to balance out in a reasonable way a fair...and come up with a fair...

PRESIDENT MOUL: Time.

SENATOR ASHFORD: ...and reasonable standard of liability and I believe we have done this in LB 88. Thank you, Madam President.

PRESIDENT MOUL: Thank you, Senator Ashford. Mr. Clerk, do you have a motion?

CLERK: Madam President, I do. Senator Wehrbein would move to reconsider the vote on the Warner amendment that was offered yesterday. The Warner amendment, as you may recall, is on page 569 of the Journal.

PRESIDENT MOUL: Senator Wehrbein.