

February 13, 1991 LB 88

the law. Madam President, I would like to have a roll call vote in reverse order, please.

PRESIDENT MOUL: Thank you, Senator Wehrbein. I believe all the senators are present now. We will proceed with the vote. It's a roll call vote in reverse order and it is on the Wehrbein motion to reconsider the Warner amendment. All those in favor please vote aye, opposed nay.

CLERK: (Roll call vote taken. See page 656 of the Legislative Journal.) 24 ayes, 18 nays, Madam President, on the motion to reconsider.

PRESIDENT MOUL: The motion to reconsider fails. We will now proceed to debate on the main motion to advance. The call is raised and we do have a motion, Mr. Clerk.

CLERK: Madam President, Senator Schellpeper would move to amend the bill. (The Schellpeper amendment appears on pages 656-57 of the Legislative Journal.)

PRESIDENT MOUL: Senator Schellpeper.

SENATOR SCHELLPEPER: (Microphone not activated) debating LB 88, it's getting harder and harder for a lay person to understand what we're really doing. This amendment will put part of the language into lay terms so that an average person will know what you're really doing. LB 88 does not address the issue of assumption of risk. This amendment will attempt to put into statute what is the current law of the State of Nebraska. We're not trying to do anything new. We're just putting into law...into the statute what is Nebraska's current law. And I think if you will read what we passed out, you can see exactly what we're trying to do. It says that the plaintiff knew of and understood the danger, that the plaintiff voluntarily exposed himself or herself to that danger, that the plaintiff's injury occurred as a result of his or her exposure to that danger before the plaintiff is barred from recovering any damages. And I think if we're going to have something into law, it should be in the statute and this will do just that. I think it explains it very simply. It puts it into the statute exactly the way that an average person can understand what their liability is. Thank you.

PRESIDENT MOUL: Thank you, Senator Coordsen...Senator