

February 13, 1991 LB 88

PRESIDENT MOUL: Thank you, Senator Kristensen. I'll now recognize Senator Schellpeper, followed by Senator Beutler. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Madam President. I just want to say also that I think everything is pretty well worked out now, and I think, with the word out of there, that it's a very reasonable amendment now. So I think we can, by taking out that "unreasonable", I think it makes it much more easier for the average lay person to understand what we're really trying to do here. So I would support the Will amendment and then the amendment. Thank you.

PRESIDENT MOUL: Thank you, Senator Schellpeper. I'll now recognize Senator Beutler.

SENATOR BEUTLER: Speaker, I call the question.

PRESIDENT MOUL: I see no other senators wishing to be recognized, so I think we'll just proceed with closing. Senator Will.

SENATOR WILL: Thank you, Madam President. I would, in closing on my amendment, echo Senator Kristensen's sentiments. I think that the intent is that as we shift our statutory negligence laws to comparative fault, it's important that we recognize the current state of affairs when it comes to assumption of the risk. And the intent of my amendment and I think the intent of Senator Schellpeper's amendment is to simply put in statutes what is the current practice and what is the current jury instructions in Nebraska with respect to assumption of the risk. With that, I would encourage you to adopt the Will amendment.

PRESIDENT MOUL: Thank you, Senator Will. We will now proceed on the motion which is to amend the Schellpeper amendment on LB 88. All of those in favor please vote aye, opposed nay. Please record, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Madam President, on adoption of Senator Will's amendment to Senator Schellpeper's amendment.

PRESIDENT MOUL: The amendment to the amendment is adopted. Now we'll proceed with debate on the Schellpeper amendment. I'll recognize Senator Lindsay.