

February 13, 1991 LB 88

it take effect 90 days after we adjourn, those kind of considerations. I do not know why that operative date was dropped, because it seemed reasonable, with the substantive change, that there was a time to adjust. And so I would hope that Senator Kristensen or Senator Ashford could perhaps outline for us why that operative date, that was contained in the bill originally, was not retained in the amendments that they drafted. Seems a reasonable thing to do.

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

SENATOR ASHFORD: I support this amendment. That's fine. That was the original intent of the bill and certainly it should remain that.

PRESIDENT MOUL: Thank you, Senator Ashford. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President. I just, one, I'd like to ask Senator Warner a quick question, and then I can proceed on. Senator Warner, your amendment says that this bill will become operative at the end of 1991, beginning 1-1-92?

SENATOR WARNER: Could I ask the Clerk to read, I didn't have copies made.

CLERK: (Read Warner amendment.)

SENATOR KRISTENSEN: Thank you. I want to make sure that we put in again what our intent and what we're doing. The original LB 88 did have an operative date of 1-1-92. The key or the question then becomes, what does that date mean? Does that mean that any lawsuits filed before 1-1-92 operate under the current slight gross, or is it lawsuits that mature or that the accident occurs before that date? And I think there is some question. The law doesn't necessarily answer that for us, and so I think we need to put in what we want it to do and what we want it to say. And I would pro...I don't propose to change Senator Warner's amendment at all, because I think you need an operative date. But I think that what our intent here is, is that this is when those cause of actions accrue, and that's when a lawsuit can be maintained. In a car accident case that's the date of the accident, the date of the injury. There will be a few of the cases that that may not be right. For example, products