

February 13, 1991 LB 88

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

PRESIDENT MOUL: The Warner amendment is adopted. I'll recognize Mr. Clerk.

CLERK: Madam President, Senator Ashford would move to amend the bill. (Ashford amendment appears on page 658 of the Legislative Journal.)

PRESIDENT MOUL: Senator Ashford.

SENATOR ASHFORD: Thank you, Madam President. Are there any other amendments on the desk at this time, Mr. Clerk?

CLERK: I have nothing at this time, Senator.

SENATOR ASHFORD: Thank you. This amendment is quite simple. It simply makes clear in the bill that the law of wrongful death will remain in force and effect in Nebraska and will not be affected by this...by LB 88. What the law of wrongful death is, as we discussed it a little bit in the debate on 88 in the last couple of days, it's an action brought by the beneficiaries or relatives of a decedent who is killed in a...as a result of the negligence of someone else. And the damages that flow from that action is a wrongful death case. There are specific items of damage that the law in Nebraska provides for in wrongful death actions. Basically what they are, I was looking for the jury instruction, I don't have it, but I'll try to do it from memory. There is lost income, which effectively is the economic damage, the lost income that the family derives from a father or mother who is killed as a result of the negligence of someone else, the loss of household services, basically the services that are provided by that individual to the family, loss of care, comfort and support, which can be...are various items of damage that are specifically set forth in Nebraska law and have been consistently applied for years. And this amendment simply makes certain, and I believe Senator Kristensen is in agreement with it, makes certain that that law will not be affected by this change in 88. Thank you.

PRESIDENT MOUL: Thank you, Senator Ashford. I'll now recognize senators wishing to speak on the Ashford amendment. Senator Warner, followed by Senators Pirsch, Abboud and Conway. Senator Warner.