

February 22, 1991 LB 88

you help me with that?

SENATOR ASHFORD: Yes, Senator Kristensen, my understanding is that, and that's why this definition is in Section 1, that that language that you referred to applies to the class of torts which are covered by the bill and does not preclude the economic-noneconomic issue, later in the bill, if contributory negli...if the jury is not instructed on the issue of contributory negligence. If the facts of a particular case do not justify an instruction on the issue of contributory negligence, that does not preclude the apportionment of damages vis-a-vis the bill as it now reads, economic-noneconomic.

SENATOR KRISTENSEN: Good, thank you, Senator, because that's important for me to do. And we do the same thing, that also goes when you put in the other language about wrongful death, the same thing occurs. You just want to make sure that wrongful death actions are included under LB 88 that wrongful death actions will still be part of economic-noneconomic and all those sorts of things. Is that your intent as well?

SENATOR ASHFORD: Yeah, it's absolutely our intent that wrongful death actions will be treated in the same way as all other tort actions under LB 88.

SENATOR KRISTENSEN: Thank you. And then the final things that I wanted to talk about Senator Warner talked about, and that was in the enacting date. And it's your intention that when we say, on lines 6, 7, and 8, actions accruing prior to such date shall be governed by the laws in effect immediately prior to this date, that the existing slight gross statute, when we carved up my original amendment we didn't include the repealer. It's your specific intention that we don't need the repealer because of that language.

SENATOR ASHFORD: That's correct.

SENATOR KRISTENSEN: And how did you reach that...

PRESIDENT MOUL: One minute.

SENATOR KRISTENSEN: ...conclusion?

SENATOR ASHFORD: I reached that conclusion both by discussing the matter with attorneys who have worked the bill on...and also