

February 22, 1991 LB 88

SPEAKER BAACK: You've heard the closing on the motion to bracket. We will now proceed to vote. All those in favor of bracketing the bill vote aye, opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 14 ayes, 23 nays on the motion to bracket, Mr. President.

SPEAKER BAACK: The motion to bracket fails.

CLERK: Mr. President, Senator Pirsch would move to return the bill.

SPEAKER BAACK: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker. I had put this motion up when there were none that I knew of that were going up, because I wanted to speak on it one last time. Senator Conway answered my question, what's the hurry? They got 25 votes here today, and I guess that's as good an answer as any. I did want to say before we did go to a vote that the reason I am not voting for LB 88, I understand that the...as I quote the historical perspective, that our law is viewed by most legal commentators as archaic and, of course, the gross versus slight is archaic compared to a comparative negligence, which is a lawyer's dream. When you understand that those even 40 to 49 percent at fault could sue and probably likely settle, even though most of these suits do not go to court, and they could settle under this comparative negligence, where under slight gross the lawyer probably wouldn't even touch the case. It is my opinion that our present system is working and we have some of the lowest insurance rates, as well as what I think are fair settlements and awards. I really feel that our entire country has become extremely litigious, and in Nebraska LB 88 will probably help Nebraska come along in that regard. With that, we have time for the vote. I just wanted to say that again I am opposing LB 88.

SPEAKER BAACK: Discussion on the motion to return? Senator Abboud. Senator Ashford. There are three, Ashford, Beutler, Crosby. Senator Beutler. Senator Crosby. Senator Pirsch, do you wish to close?

SENATOR PIRSCH: I'll withdraw the amendment.