

May 3, 1995

LB 172

SENATOR CROSBY: Thank you, Senator Matzke. The question is the adoption of the Matzke amendment to LB 172. All in favor vote aye, opposed no. Record, please.

CLERK: 27 ayes, 0 nays, Madam President, on the adoption of Senator Matzke's amendment.

SENATOR CROSBY: The amendment is adopted.

CLERK: Senator Lindsay would move to amend the bill.

SENATOR CROSBY: Before we continue with the Senator Lindsay amendment, I'd like to call the Legislature's attention to...under the north balcony or south, I think under the south balcony (laugh) the guests of Don Preister and Dan Lynch today is Ruth Blankenship, who many of you know and you might want to say hello to her. She's a long-time resident of Omaha and she's with the Corrigan Senior Senator (sic) there. Would you all welcome Ruth Blankenship. Thank you for being here today, Ruth. Senator Lindsay, to open on your amendment. (Senator Lindsay's AM1965 appears on page 1951 of the Legislative Journal.)

SENATOR LINDSAY: Thank you, Madam President and members. This amendment is on your desk in the form of AM1962 (sic), although I want to make sure everybody's aware there was one, I think it was Bill Drafter's that suggested it to us, an inconsistency in the language. There's one change on line 3 where it says "patient's consent". That should be changed to injured person's consent and that is because throughout the statute the term "injured person" is used rather than the term "patient". So on your... the amendment we have is AM1962 (sic) with that change and it may have come back down on a Bill Drafter's version on it. The... the thrust of this is when you... when you're dealing in a... in a personal injury situation, which is what this whole bill deals with, if someone gets injured and they have to file suit to try to recover damages in order for anybody to get paid, whether that be the hospital, the doctor, the lawyer, the landlord, the patient, whoever, in order for anybody to get paid they have to file suit and collect from the party responsible. When you file suit, you have costs involved in that suit. Those costs are borne by the injured person. Those costs have to be paid by that injured person regardless of whether that injured person wins or loses the lawsuit. That is a debt that they have to pay. Those costs will not be paid