

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 19, 1999

LB 661

people and not come out of the woodwork on this one? And I don't expect an answer.

SPEAKER KRISTENSEN: Well, I have one, but...I'll give it later, thank you.

SENATOR CUDABACK: Thank you, Senator Lynch. Senator Kristensen, on the committee amendments.

SPEAKER KRISTENSEN: Thank you, Mr. President. I rise to say that I appreciate the work of the Judiciary Committee and I'm going to vote for the committee amendments. There is another amendment coming which gives you another policy choice that I think if there's controversy in this bill it will be in that amendment. I don't think it's great because there has been quite a bit of give and take between the Judiciary Committee. I just want to outline what I think that that Judiciary Committee protection does and where I don't think the fights are at. I don't think there's anyone who fights about the elimination of the class action suits for the political subdivisions in the state. I...that, Senator Lynch, is the only immunity for the government is the class action. Individuals can still sue. It's that class action where they all join in at once. That's the one to the government. The second thing that the standing committee amendment does is basically say you're going to have those lawsuits with people who have privity of contract. Now privity of contract is an old legal term where you basically have an agreement. If you have privity of contract, whether it's oral or written, you really don't have too many limits on the damages so you're going to be stuck with those. The only thing the financial institutions have out of the committee amendment is a delay in bringing the class action suits. That's really the only thing that's in the committee amendment for the financial institutions is a six-month delay in bringing those suits. They still will bring them, but they just can't do it for six months after the time that the cause of the action accrues. So with that, I support the Judiciary Committee amendment. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Kristensen. Senator Hudkins on the committee amendments.