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LB 661

SENATOR CUDABACK: Senator Kristensen, to open on your amendment.

SPEAKER KRISTENSEN: Thank you, Mr. President, members of the Legislature. The amendment that I propose to you has two parts to it. First is a modification and change in the definition of computer date failure. Senator Beutler, I would call your attention and look at AM1827 which is the amendment that I have. I believe it should be on your computers. That that first part is a change in the definitions that more accurately reflect the computer date failure time. The second portion of this deals in the damage area. And it is a little more complicated, but in fact I think it probably makes a little clearer the amendment. What this amendment does is it still retains immunity for the government, state and political subdivisions from immunity from class action lawsuits. It also limits those lawsuits that are brought against the subdivisions in the state to those who are in privity of contract, but removes the limits on the recovery of damages. So you're going to have to have privity of contract with the state or the political subdivisions. And that is...can be oral, can be written, but it makes that change. The amendment also keeps in the delay on the financial institutions for 180 days, but it then does the following. It limits lawsuits to those in privity of contract, but removes any limits on the recovery of damages so you're going to put privity of contract into the financial institutions. But once you have that privity of contract, then we're not going to make any restrictions on damages. You're just...if you're in privity of contract and you have...and show that damage to the financial institution, you're liable for the full amount of damages that can be proved, and there's no restriction. That restriction was there earlier in the original green bill, and my amendment would strike out those references which make reference to consequential or special damages so it would just merely in Section 2 add financial institutions along with public defendants that they'd have to be based on a contract which the particular plaintiff was a party. I would urge the adoption of this amendment. I understand that there may be a request for division to make it easier to discuss the amendment, and I would yield my time at this point back to the Chair.

SENATOR CUDABACK: Thank you, Senator Kristensen. Senator