

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

March 2, 2004

LB 998

right; I agree with that. This fund does not have...the statutory language that creates this fund does not create any kind of liability on anybody once the fund has been exhausted. Is that true? There will just be an empty cup there, so to speak?

SENATOR BRASHEAR: Senator Chambers, that's the part that I want to think about.

SENATOR CHAMBERS: Oh, okay.

SENATOR BRASHEAR: I'm just not certain that...I don't think the act anywhere says, to the extent of the fund and then all claims shall die or be void ab initio or not exist. I don't know the answer to that.

SENATOR CHAMBERS: Thank you. And...okay, and I will proceed, because I don't know the answer either. But I will go back to what I was saying before I ran out of time, about this family that has a child who was grievously injured. And a judgment was obtained, an amount was awarded, but the cap imposed by this stingy,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...hard-hearted Legislature left that family high and dry. I was saying that all of society should help those who need it, and I mean that. But when we have a set of circumstances where the perpetrator is available, and the perpetrator has the means to respond to make that family whole, to the extent that financial compensation or recompense can, that individual should not be let off the hook by the Legislature imposing an artificial, arbitrary cap that has no relationship whatsoever to the nature of the injuries or the amount of money that the family so injured will have to spend. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, there are no further lights on. You're recognized to close on FA1494.