

May 7, 1979

LB 348

SENATOR NEWELL: The third one was some changes on definitions which tighten down the definition of damage.

SENATOR KREMER: Yes, and this is the one that I am concerned about. Tell us about it.

SENATOR NEWELL: Okay, these are some proposals that Senator Beutler came to me with, and I told Senator Beutler that if anyone had any questions about these I would turn it over to him to have him defend. For that reason, if you could ask Senator Beutler what those changes were I think we will all be happy.

SENATOR KREMER: Senator Beutler, would you explain?

SENATOR BEUTLER: Yes. Basically, Senator Kremer, my idea was to limit somewhat the concept of damages contained in 348. Right now it basically states that all damages resulting from the towing. It is possible to imagine some obscure type damages that might result from the towing, so I have inserted the word "reasonably foreseeable". Now that is a term of art that basically leaves it to the courts to decide in tough cases what was foreseeable and what was not. But that is the basic idea.

SENATOR KREMER: And that is the extent of the amendment? Reasonably.

SENATOR BEUTLER: Pardon me sir?

SENATOR KREMER: That is the extent of that third amendment?

SENATOR BEUTLER: Yes.

SENATOR KREMER: You use the word "reasonably"?

SENATOR BEUTLER: It inserts in three different places before the word damages, the words "reasonably foreseeable".

SENATOR KREMER: Thank you.

PRESIDENT: Any further discussion on the Newell amendment? Question then is the adoption of the Newell amendment. All those in favor vote aye, those opposed vote nay. On LB 348. The Newell amendment. Voting on the adoption. Record the vote.

CLERK: 31 ayes, no nays Mr. President.

PRESIDENT: Motion carries, the amendment is adopted. Senator Wesely.

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