

February 21, 1980

LB 94

I would simply make two points. If the problems that Senator Chambers has mentioned are accurate, we will, indeed, make an effort to correct those on Select File. I don't believe that this affects tort liability or anything at this point in time but I do want to say for the record that it is not my intention to restrict in any way, shape or form the right of action an individual now has in the area of tort liability for negligent or intentional infliction of mental or emotional distress, and if that is the case, if this bill does happen to contain an error that would limit that, we will indeed correct it and make sure that we do not limit those rights of actions. Senator Murphy raised a point and I'd simply point out to Senator Murphy that in Section 59-1602 does contain some very broad language. It says simply, "Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce shall be unlawful." That is very broad authority to the Attorney General under this particular act, under the consumer protection act, that I think is probably more broad than Senator Murphy would believe but we can discuss that later. At this point in time, I would simply urge you to adopt the amendments and then to advance the bill.

PRESIDENT: The question then is the adoption of the second set of amendments, the committee amendments, on LB 94. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 32 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

PRESIDENT: Motion carries. The committee amendments are adopted. Senator Cullan.

SENATOR CULLAN: I would simply ask the bill as amended be advanced to E & R Initial.

PRESIDENT: Now the Chair recognizes Senator Murphy.

SENATOR MURPHY: I would simply point out that the ultimate interpretation of the court on any statute ultimately gets back to the legislative intent and I am sure that examination of the transcripts dealing with 1028 can in no way be related to the undertaking business under any guise. I grant you that interpreting consumers protective act is a very broad based proposition but I would remind you that if you go back and look at that session in which it was passed and twenty-five was adopted, that twenty-six and twenty-seven were definitely rejected by this Legislature,