

March 6, 1985

LB 157
LR 61

recognizes Senator Landis on a point of personal privilege.

SENATOR LANDIS: Thank you. Mr. President, members of the Legislature, last week we had an issue on LB 157, the prejudgment interest fight. I'm trying to make a preliminary report to you this morning, just about three minutes, to tell you where we are in our discussions and to make a report back to the body. I am passing out to you a transcript of some of the issues and offers that have been made by both parties. Let me tell you that both parties have made offers for settlement. The trial attorneys have offered to delay implementation of 157. They have offered to lower the interest rate on 157, and they've offered a rule that says if the defense makes an offer to confess judgement, and that offer proves to be higher than the court award, no prejudgment interest. Those are three substantial offers. In return the insurance companies and the business interests have also made offers. Attached is, for example, a piece of language that Larry Frazier brought to the group. It is the final piece. What it is is a mechanism by which a court could award prejudgment interest in the event there was delay, or it could assess costs against a plaintiff if the plaintiff was delaying. The insurance companies have also indicated they would like to examine language that permits prejudgment interest on specials, which means medical expenses, and lost wages that are incurred prior to judgement. The discussions will go forward. We've had two meetings. There has been movement on both sides. I'm drafting some language. The language may not meet the approval of both sides when it comes to you, but there will be pieces that will be mutually acceptable, and we will have defined the issue that is in direct controversy as well. We can make those issues up or down votes that choose one side or the other. I would suggest to the body we would be ready to do that on Monday of the coming week. If you have any questions about the material, come and see me. I'll try and do my best to answer you.

PRESIDENT: Thank you. The Chair would like to announce that Senator Chronister has guests in the north balcony this morning. They are 31 tenth through twelfth graders from West Point High School, accompanied by their teacher. If you would all stand, we would like to welcome you to the Legislature this morning. Glad you are here to watch us in the lawmaking process. LR 61.