

February 18, 1986 LB 298

CLERK: Mr. President, I now have a series of amendments. The first is by Senator Beyer. Senator Beyer's amendment is on page 597 of the Journal.

PRESIDENT: Senator Beyer.

SENATOR BEYER: Mr. Speaker, pass over that amendment, please.

PRESIDENT: The amendment will be passed over.

CLERK: The next amendment I have is by Senators DeCamp, Lundy and Hannibal. That amendment is on page 624 of the Journal.

PRESIDENT: Who is here to handle that amendment? Oh, Senator DeCamp.

SENATOR DECAMP: Mr. President, members of the Legislature, we have a short session and a short number of days so I will try to make this eminently simple. I rather suspect, I rather suspect that every member of the Legislature over the past year or two has studied this to some degree and has been contacted by probably both sides with respect to the issue. The issue is prejudgment interest. What this amendment attempts to do is take what "the trial lawyers" who, basically, are the major force on one side, take what they were unwilling to accept a year ago and accept it, put it into law and make that the settlement. On the other hand, the proposal was effectively offered, was effectively offered by what I suspect today will be the opponents, basically, the insurance industry. And what it would do, very simply, it would set prejudgment interest at the current T bill rate plus 1 percent and it would allow prejudgment interest, and this is the most important or one of the two or three most important parts, only if the plaintiff has, in fact, made an offer to settle and that offer was refused and then the judgment ends up being for more than that offer. Now this was the essence of what the insurance industry said was the way they wanted to do it. That is what the amendment offers. The amendment exempts the state and its political subdivisions and employees acting "within the scope of their employment". And it exempts Chapter 42 actions, property settlements and divorce proceedings. There is no controversy on that stuff. It exempts actions on contracts that have a different specified