

is the bill we should be considering on this issue, LB 1232, not an amendment to LB 298. So the issue rises again Phoenix-like from the ashes and it is wrong, it is wrong, just as wrong today as it was last year or even 15 years ago. I would hope that the body would defeat the amendment. Thank you, Mr. President.

PRESIDENT: I have a number of speakers here. Senator Landis, do you want to go now or after the others? Go ahead.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, this language is not LB 157 from last year which this body failed to pass into law. The Legislature works in mysterious ways but one of the things that happens is when the body's sentiment shifts back and forth and the bill gets up to Select File but it can't make it across to Final Reading, people reassess their positions and some grease starts getting into the system and people start saying, well, maybe my demands are a little too high, a little too great. That is what happened on 157 last year and the reason that this bill is different is because, in essence, it has to start with the plaintiff's offer. Secondly, the defendant is in a position to absolve themselves completely from prejudgment interest responsibility by accepting a reasonable offer. 157 started on the premise that you pay...you would pay prejudgment interest without regard to the nature of the settlement offers up until the time of the granting of an award by the court. The terms are not the same. This is more evenhanded. There is an advantage for defendants in this bill as there is an advantage for plaintiffs and ultimately what this bill does is it gets people talking fair, reasonable offers early in the process rather than at the last possible minute. And, secondly, it promotes settlements. That is what you want to have happen. You know, if we didn't have negotiated settlements in court cases, we would have to quadruple, quintuple, the amount of money we spend on courts. We would have to have one or two more judges for every seat that is out there right now and you would have a clogging of the court that you couldn't believe. Over 90 percent of legal cases are settled. You have to have grease in the system. You have to have those pressures that bring people to agree, without going to trial, for us to exist with the kind of stripped down judiciary that we have in the State of Nebraska. This measure does that and it doesn't do it by giving only one