

February 12, 1991 LB 88, 262

action on the plaintiff that would reduce their settlement, is that fair to say?

SENATOR KRISTENSEN: Well, Senator Pirsch, I think that that is going to be true, whether you are under today's law, LB 88 or LB 262. The nature...

SENATOR PIRSCH: Right, that's...

SENATOR KRISTENSEN: ...of a lawsuit is always going to be an adversarial procedure.

SENATOR PIRSCH: Sure, and I guess what I am saying is that that person who might not be wearing a seat belt would be adjudged today as having probably slight, while the gross was, indeed, the driver, is that not fair to say?

SENATOR KRISTENSEN: I don't think you can make that generalization.

SENATOR PIRSCH: Okay. Well, I was just curious as to how that would be a contributing factor. You say it would not be a contributing factor, but would be considered in the mitigating circumstances of the award, and I guess none of us really knows how that would work out. Thank you.

SPEAKER BAACK: Thank you, Senator Pirsch. We will now proceed to Senator Ashford.

SENATOR ASHFORD: Question.

SPEAKER BAACK: We have a request for the ceasing of debate. Do I see five hands? I do. We will now proceed to vote on ceasing debate. All those in favor of ceasing debate vote aye, opposed vote no. Have you all voted? We are voting on ceasing debate.

SENATOR ASHFORD: Mr. Speaker, may I have a call of the house, please.

SPEAKER BAACK: We now have a request for a call of the house. All those in favor of the house going call vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.