

January 12, 1994 LR 2

to live with the award, and that award will remain enforceable. It is only in the limited situation when we write a contract and when we don't know the dispute, agree to arbitrate, then a dispute...

SPEAKER WITHEM: One minute.

SENATOR LANDIS: ...arises, and one party says, wait a second, I want to break the contract, I don't want to keep my word, I don't want to arbitrate, and that's what this issue is about. So, with respect to the hypothetical that George brought up, the arbitration that those two parties wanted to have carried out and got an award would be enforceable, and it wouldn't make a difference whether it was a personal injury accident or if it was a policyholder and insurance company. An arbitration award carried all the way to the end is enforceable. It's when one party...what I'm trying to solve is when one party is trying to back out of a contract to arbitrate prior to the time that they have arbitrated. That's a different factual question. I know it's confusing, which is why I spent a lot of time studying and doing the best I can to solve the problems here. But that hypothetical is answered under existing law, the award would be enforceable, George.

SPEAKER WITHEM: Senator Bromm, followed by Senators Wehrbein, Hartnett and Monen.

SENATOR BROMM: Thank you, Mr. Speaker. I think that Senator Beutler made a good point, and so did Senator Abboud, from the standpoint that I respect all the work that Senator Landis has done on the bill, and that he is the manager of the bill, and I respect that. But it comes to a point of trying to determine what the best public policy is here. That is the question, irregardless of whether agreements or compromises have been struck with opponents and proponents of the bill. But from a public policy standpoint, unless each of you understand the language of this proposed amendment and are comfortable with it, and can explain it to your constituents, I don't know how you can vote to put it in the Constitution, no matter how much you like Senator Landis's work on the bill. And I have great respect for the way he's handled this legislation as well as other pieces that I've seen since I've been here. But that really isn't the point for me. The point is that if someone asked me tomorrow what that language means, I don't think I'll be able to tell them, and I'm uncomfortable with that. Now the