

\$10,000 fine, we substituted a maximum of \$30,000 fine. In other places where the Nebraska maximum is currently 50,000, we change it to 150,000, and that amendment comes down from the nationally suggested fine of \$250,000. Why did we do that? Well, first, we did it because we think there are sufficient hammers in the bill at these levels to effectuate change and compliance with the law. The Insurance Department said these are sufficient sanctions for us to have to get compliance. They will take out the profit of wrongdoing. On the other hand, the insurance industry in this state did not want to have some of the experiences that have occurred in other states to occur here. I will tell you it is well known in the industry that the State of Missouri flies off the handle and applies very, very stiff penalties for limited occurrences, and the industry is very shy of the kind of overzealous regulation that the State of Missouri has done in the past. And, frankly, our department says, you are right, we would say that that is an excessive response. If we simply bring these penalties up to a kind of a cost index rationality of tripling them, we will have sufficient hammers. We have not had difficulty with companies disobeying our orders. Our sanctions are sufficient if we keep them on this level. Another thing that the committee amendments do, besides changing some of the nationally suggested sanctions down to, basically, tripling our existing ones, is to indicate in yet another place in the bill that there are two kinds of unfair trade practices. One of them is to flagrantly and consciously disregard the Unfair Insurance Claims Settlement Practices Act or any rule of the department or, secondly, do and act not necessarily flagrantly or in conscious disregard but often enough that it has become a settled business practice. Now that standard appears in the unfair trade practices portion of the bill but we need to make sure that that standard also applies in the Unfair Claims Settlement Practices Act part of the bill. Two levels, first, a knowing flagrant violation trips a sanction. Secondly, something that is not a flagrant violation but simply constitutes a practice that occurs more than once and on a basis sufficient to draw the conclusion that it is a general business practice also trips liability. I will tell you there is an informal agreement reached, which I can report to the body, and that is that in rule and reg there will be a discussion between our domestic insurance industry and our department to try to come up with a definition of general business practice, what that means. Currently, the NAIC does not offer that language. We don't have it in our books, nor do we have it in our regs but the industry was interested in