

March 13, 1991

LB 224

PRESIDENT MOUL: You've heard the motion to adopt the amendments. All those in favor please say aye. Opposed nay. The amendments are adopted.

CLERK: Madam President. I do have an amendment from Senator Abboud, two amendments. The first, Senator, I understand you want to withdraw. It was the one we printed yesterday. Is that correct?

SENATOR ABOUD: Yes.

CLERK: Madam President, Senator Abboud would then move to amend. I have AM546 in front of me, Senator. I believe copies have been distributed. (See pages 1039-40 of the Legislative Journal.)

PRESIDENT MOUL: Senator Abboud.

SENATOR ABOUD: Madam President, colleagues, we are on amendment AM546. This amendment has been distributed on the floor since nine o'clock this morning. This particular amendment is as clarification of the amendment that we...to the bill, LB 224, that was adopted on General File. This particular amendment, again, has been agreed upon by the Department of Insurance as well as the trial attorneys, as well as the insurance industry representative of Farmers Mutual. The amendment that we adopted on General File was essentially the same as this amendment but the language itself in finding the definitions in the statutes weren't all that clear and they felt that it would be better to go with language that is clearly understood by the courts. So that's why this amendment was brought in. I would urge its adoption to LB 224.

PRESIDENT MOUL: Thank you, Senator Abboud. Does anyone wish to speak to this amendment? Senator Landis.

SENATOR LANDIS: Encourage the body to support the Abboud amendment. There has been, as Chris mentioned, a considerable amount of negotiation on this on the working of the language and, basically, it seeks to make sure that there is not double recovery through this mechanism, but that there is adequate recovery by making sure that subrogation is not used to defeat a fair settlement for the injured party. And, for that purpose, I think Senator Abboud's language is adequate in meeting that and