

SENATOR WESELY: Is this provision on set aside, was that in the original or is that in the amendments that you've offered?

SENATOR LANDIS: The phrase "100 percent of" is in the amendment we just adopted. When I read the language, I saw that there were two potential interpretations for that which we had meant to be a 100 percent but which did not, on its face, clearly mean that. I saw it, others saw it, but critics looked into it and said it doesn't say that exactly and I could see where they meant that. We've now taken out and we've put in the phrase "100 percent of expected claims"--totally unambiguous.

SENATOR WESELY: All right. Thank you, Senator Wesely. I appreciate his sensitivity to the issue I'm raising because in most self-funded plans, obviously, you wouldn't have that set aside. You don't have that sort of restriction. You have a more unregulated environment. This is an example of a change that is...would not have been there in the original bill and would not have been clear when the bill is advanced and I think it does improve the situation. But, again, there is a difference between self-funded plans that are not a part of guaranty associations and insurance carrier plans that are, but it looks like an attempt has been made to deal with that issue so I'll ask that this amendment be withdrawn.

PRESIDENT MOUL: Thank you, Senator Wesely. We'll now vote on the Wesely amendment. You withdrew it. Okay. The Wesely amendment is withdrawn. Mr. Clerk.

CLERK: Madam President, the next amendment I have to the bill is by Senator Labedz.

PRESIDENT MOUL: Senator Labedz.

SENATOR LABEDZ: Madam Chairman, I respectfully request that the amendment be withdrawn temporarily.

PRESIDENT MOUL: Amendment is withdrawn.

CLERK: Madam President, Senator Chizek would move to amend the bill. (See AM1965 as found on pages 2479-80 of the Legislative Journal.)

PRESIDENT MOUL: Senator Chizek.