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February 13, 2003 LB 216

Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, I'd withdraw the current amendment.

SENATOR CUDABACK: It is withdrawn.

ASSISTANT CLERK: Mr. President, Senator Beutler would move to amend. (FA1159, Legislative Journal page 511.)

SENATOR CUDABACK: Senator Beutler, to open on your amendment to LB 216.

SENATOR BEUTLER: Members of the Legislature, the amendment is essentially reduced to three things right now, all of which I think are helpful. One is to allow an insurer to file under either the file and use procedure that is being established here or under the old procedure. The rationale again being maybe once in a while along the way an insurer will want to have the director's approval of a form before they begin to use it; most of the time not. But there are certainly circumstances imaginable where that might be the case. The second amendment simply says that the director can preclude people from using file and use, not just in one circumstance, which is a frequent violation of the privilege, but he could also make that choice if there were one incident or one episode that was very, very serious in nature. And the third thing simply makes clearer, clarifies that the director shall review the forms. Senator Quandahl indicated that that's what's intended, that they will review them. This simply takes out an ambiguity in the law and says that they shall review them within a reasonable time which I think would be agreeable to everybody. Those are the three simple changes. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the opening on the Beutler amendment to LB 216. Open for discussion on that amendment, Senator Quandahl.

SENATOR QUANDAHL: Thank you, Senator Cudaback and members of the body. This, obviously, is just kind of a pared down version of the amendment that we were discussing previously, and at this