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LB 998

SENATOR CUDABACK: Would you respond to a question from Senator Chambers, Senator Brashear?

SENATOR BRASHEAR: Yes, Mr. President.

SENATOR CHAMBERS: Senator Brashear, first of all, mentioned in this section that I'm proposing to strike from the committee amendment is the name of a bill, or a law. It's called the Hospital-Medical Liability Act. That is not the act, or is it, that relates to the cap on recoveries?

SENATOR BRASHEAR: Senator Chambers, that is the act that contains the cap and the procedure for making claim.

SENATOR CHAMBERS: So perhaps an argument could be made that anything in that act may be opened up, by this bill and the reference to that act, for potential amending. That's a possibility, isn't it?

SENATOR BRASHEAR: That is a possibility.

SENATOR CHAMBERS: But that's not my interest. I wanted Senator Don Pederson to maybe have a little heartburn for a second. Senator Brashear, you have some information that might help out, based on the question I had asked earlier about what happens should the fund be exhausted by claims. Would you like to elaborate on that subject?

SENATOR BRASHEAR: I'd be happy to do so. Thank you. The...you had used the phraseology, of which I'm not being critical: when the fund is empty. And so then you and I talked about what happens to a claim when the fund is empty. And having refreshed myself, I simply want to make it a part of the record, and I thought it would be helpful in terms of what you were doing, to talk about the fact that technically, the fund never gets empty, because of the power...when the providers agree to the protections and limitations of the act, they accept responsibilities and duties under the act, which is to pay the premium as it's assessed. And whenever the administrators under the act determine that the fund is imperiled in any way--this is before it's empty--they have the power to do a surcharge to