

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 24, 2005

LB 12, 13

SENATOR CUNNINGHAM: Waive.

SENATOR CUDABACK: He waives closing. The question before the body is adoption of the committee amendments, AM0761, to LB 13. All in favor vote aye; opposed, nay. We're voting on adoption of the committee amendments by Business and Labor Committee to LB 13. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SENATOR CUDABACK: The committee amendments have been adopted.

CLERK: Senator Landis would move to amend with AM1671. (Legislative Journal page 1694.)

SENATOR CUDABACK: Senator Landis, to open on your amendment to the bill itself.

SENATOR LANDIS: Thank you, Mr. Clerk, Senator Cudaback. This is the last of the amendments on this measure. It is also a bill that was listened to, heard by the Business and Labor Committee and reported out. It was the companion bill, LB 12. And the provisions are important because this establishes an enforcement mechanism for various administrative and regulatory provisions of the workers' comp law. Problem is, if you're the decider, how do you initiate an action that's going to come back to you if you're the judge, because even in the process of initiating the claim, aren't you making a decision, in part, as to the guilt or innocence of the person that you're charging with whatever the wrong might be? So, having just created the administrator's role in statute in the previous language, the court then said, look, once we do that, let's have the administrator go to the Attorney General, make the complaint to the Attorney General, and the Attorney General come back to this court and file its complaint. Therefore, Section 3 allows the Attorney General to bring an action before the comp court to revoke or suspend a managed care plan that's not being done according to statutes. Section 8 allows the Attorney General to