

January 8, 1976

CLERK: (Read title to LB 690, 691, 692, 693, 694, 695 and 696.)

Mr. President, Senator Skarda asked to be excused Friday. That's all, Mr. President.

Mr. President, the next bill on Select File is LB 394. This was a bill first considered in last year. The bill was advanced and then Let's see. The bill failed to advance once, but it was advanced to General File. The bill was then advanced off of General File without any of the amendments being considered. Mr. President, we first have the committee amendments from the Banking, Commerce and Insurance Committee, signed by Senator Murphy.

PRESIDENT: Chair recognizes Senator Murphy.

SENATOR MURPHY: The Chair is pretty lucky, a lot of people don't. Mr. Chairman, the subject of no fault insurance has been one of considerable debate. Last year, due to the form of the legislation being advanced in our federal Congress, I asked this body to adopt a minimal program of no fault insurance which would have given us a four year exemption from what the federal Congress calls their "Title 2 No Fault Program".

The Title 2 federal program was far more restrictive than the proposal I put before this body. For reasons which escape me, the Trial Attorneys Association, very violently, opposed this although it, in all honesty, gave them a much more favorable position for that four year period had Congress, in fact, enacted that bill which would have then given them only one year to come into compliance.

My attempt to salvage the trial attorneys profession,.... Having failed last year, Congress has moved off in still another direction. That exemption is no longer available. So the content of the bill has been pretty well aborted. At the moment the no fault versions that are pending before the House, and on the floor of the Senate, now say that this minimal program is no longer available to the states, that they will, in fact within two years of the federal passage, come into full compliance with Title 2 of the federal law. I am not sure, and I doubt if Congress is sure, what the next move is going to be. They are playing a game of checkers. Each time that bill is in and out of a committee the attorneys in Congress bleed it a little whiter until, I believe by the time it is ultimately passed, it will be very next to meaningless with regard to the original concept of no fault insurance, which was a first party insurance program that would have kept uninsured motorists off the streets, that would have provided coverage for Senator Mills guest passenger, and would have provided coverage for pedestrians.