

May 10, 1983

LB 215

CLERK: Mr. President, 215 was last considered on Select File on May 3rd. At that time E & R amendments were adopted. There was an amendment by Senator Wiitala that was adopted. I now have pending, Mr. President, an amendment by Senator Beutler.

PRESIDENT: Senator Beutler.

SENATOR BEUTLER: Mr. President and members of the Legislature, the amendment I am presenting today I think is a friendly amendment in the sense that it is a compromise amendment that I think Senator Wiitala has agreed to. Basically it does two things. The first part of it is a clarification amendment relating to the amendment that was adopted on General File having to do with the grandfather clause and is very technical in nature and represents nothing new from what was presented to you and adopted by you last time around. It merely represents an additional clarification on that question. The part of the amendment that is new simply strikes one line in the bill which is on page 6 of the bill if you would like to look at it, which is basically a punitive damages provision. It says that the Department of Insurance can recover three times the amount of any fee that is involved in a violation of this particular section of law. And since we don't have punitive damages in Nebraska, it didn't seem to me like...to be a good place to start the idea here in this particular bill, and so we have agreed to strike the punitive damages provision on page 6. That is what the amendment is all about. I would move its adoption.

PRESIDENT: Senator Wiitala, do you wish to speak on this amendment?

SENATOR WIITALA: Thank you, Mr. President. Mr. President and colleagues, I would rise in support of Senator Beutler's amendment to 215. Those who have been working with the bill, on the bill, those who have been interested, those who have had reservations about the bill in the past, have agreed to this compromise. Basically, I agree with striking the language on page 6 and feel that the rest of the portion of Senator Beutler's amendment just clarifies the bill just in more detail. I would hope that the body would see fit to adopt this amendment. Thank you.

PRESIDENT: Is there further discussion? If not, the question is the adoption of the amendment offered by Senator Beutler. All those in favor vote aye, opposed vote nay. Have you all voted? The Clerk will record the vote.