

SENATOR DeCAMP: No, no, no. Senator Dworak would not have done that intentionally. It was strictly a fluke of fate. Senator Dworak was trying to make sure that abuses were not committed by the big insurance companies and somewhere along the way he put them all out of business, or so they argue as a possibility. So what he wants to do with his bill now is to make sure that this possible interpretation is corrected. However, there seems to be a movement developing for putting them all out of business.

SENATOR FOWLER: Question of Senator DeCamp. Are you comfortable with the amendment that the abuses that Senator Dworak tried to correct would be corrected and yet the businesses would be able to continue? I guess Senator Dworak could answer that too.

SPEAKER MARVEL: Do you yield? Who do you pose the question to?

SENATOR FOWLER: Senator Dworak.

SPEAKER MARVEL: Senator Dworak, do you yield?

SENATOR DWORAK: Senator Fowler, in the first place, it is very debatable as to whether the amendment was faulty. In my opinion it was a well conceived amendment that did not put anyone out of business. There was some question by the Insurance Commissioner, however, as to interpretation. All this does is clarify that interpretation. Essentially, what we are trying to do or what Senator DeCamp did last session was create a class of insurance agents that are called consultants. A consultant goes in and for a predetermined fee will survey a client's risk and advertise for bids and place the business. What my amendment said is if you are acting as a consultant, if you have predetermined there shall be a fee, then you shall not receive a fee plus commission. The reason for this is because a consultant could be in an unfair competitive situation. For an example, he could charge \$2000 to consult on a relatively large firm. Then when bids were advertised for, submitted and received, he could say, if you take my company I will waive my fee, in other words, getting a \$2000 competitive advantage. All I am saying is if you are serving under the guise of an impartial, unbiased consultant, then you shall not receive a consultant's fee plus a commission. So, essentially, the problem with the amendment was, number one, timing between new business and renewals. The Insurance Commissioner offered an amendment which Senator Haberman carried to the floor,