

at all certain that they can't agree. It is not impossible. The bill reminds me a little bit of a stonecutter who is hammering away at a rock. The stonecutter might hit that rock a hundred times and nothing happens but perhaps on the hundred and first blow the rock splits neatly in half. It wasn't the hundred and first blow that did the work. It was all of the work and the perseverance and the effort that went into it previous to that one hundred and first blow. This bill is reminiscent of that little story. I think a compromise can be reached. But speaking of compromises, I must hasten to add that Senator Landis in his wisdom made an admirable effort to reach a compromise at one point which apparently failed. Much reference has been made again to delays by insurance companies which I would refute from the minutes of that particular meeting in which Senator Landis had such an important part to play. There is no set pattern apparently on the part of insurance companies to delay. Mr. Buntain, a Lincoln attorney whose firm does a lot of defense work for both Nebraska insurers and out of state insurers, said that they receive instructions from both types of insurers to move cases quickly through settlement or trial so that the defense costs can be minimized. The only support of the claim of insurer delay was the general statement from the plaintiff's attorney that it does occur. Although they had previously said that all insurers delayed cases routinely, this was modified at the compromise meeting when it was claimed that only out of state insurers did so. If such delays were, as the plaintiff's attorneys claim, a matter of common practice, that would certainly violate Sec. 44-1525 that I mentioned during the discussion of this bill on General File in which unfair claims practices are defined. That type of action would be punishable by fines up to \$100,000 per year and perhaps revocation or suspension of a company's license. So I think that some of the claims that have been thrown around on the floor are perhaps embellished just a bit. We do have a problem with this bill still and I think a bracketing motion would be in order in order to continue the negotiations which have been under way in the past. Thank you, Mr. President.

SPEAKER NICHOL: Senator Haberman, then Senator DeCamp.

SENATOR HABERMAN: Mr. President and members of the body, I would like to make three points. First of all, the bill as amended, the operative date for all of the action commences January 1, 1986. So nothing happens until January 1, 1986,