

March 26, 1984

LB 286, 711, 711A, 852, 890, 930, 1027

Senator Schmit has amendments to 852; Senator Vickers to 930; Senator Vickers to 286. (See pages 1874-1879 of the Legislative Journal.)

Other bills on Select File, Mr. President, LB 711, 711A and 890, all on Select File. (See pages 1882-1883 of the Legislative Journal.)

Mr. President, the next item I have to the bill is by Senators DeCamp and Howard Peterson. (Amendment is found on page 1883 of the Legislative Journal.)

SENATOR CLARK: The Call is raised. Senator DeCamp.

SENATOR DECAMP: Mr. President, this amendment removes the contiguous state limitation and it removes the industrial. In other words, if there is a failed institution, whether it happens to be Commonwealth or somebody else, because we might have more, the law would apply and whether the offer came from New York or United Banks of Colorado it would apply. It is that simple.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, in rising to talk on this amendment, I am going to reflect as I go as to what position it is I want to take, I want you to know a couple of things. The contiguous state provision in LB 1027 was placed in the bill for the purpose of narrowing the scope of the interstate banking allowance that LB 1027 would provide. Our committee counsel, Richard Kopf, told us as we were putting this in that that contiguous state limitation was of constitutional question. And the question obviously doesn't have to do with the Nebraska Constitution but rather with the United States Constitution and the applicable bank laws that have been passed by Congress. So the contiguous state limitation is constitutionally suspect. In fact, committee counsel indicated that it is conceivable that some New York bank might actually have it stricken out by a court along the way but there weren't any really good cases in points so he was not totally certain of that issue.