

all that the lender finds himself in the position of implementing a foreclosure. I have observed and visited with individuals who have been involved in the mediation process and they have told me that almost without exception, if not without exception, they have been able to bring about a better situation, a better development, a better settlement than would be brought about under normal terms of bankruptcy. This bill would use the office of the public counsel as a principal mediator. And, if mediation was elected by the borrower, the public counsel would gather information from the lender, conferences would be held and those conferences would be held so that mutually agreeable solutions could be found to the solutions and to the problems of foreclosure. I think the public counsel could compel the borrower and the lender to submit written plans of settlement and the counsel would issue a formal report expressing the terms of the settlement. Or, if no settlement was reached, recommending terms the counsel deems appropriate for such settlement. It is important to know that the recommendation would not be binding on the parties. No reports or no recommendations would be subject to public inspection, but would remain confidential with both parties. Mr. President and members, I know that this is somewhat of a departure, as I said earlier, from the normal procedure, but in fact it is not from what has happens in actuality. Most of us in the terms of normal business have at one time or another bargained, negotiated, and attempted to reach some sort of compromise in our everyday business dealings. This simply carries that compromise and mediation process over to the lender and borrower situation. I think it is one which deserves your attention. I believe that it is one which will become a part of Nebraska statute in the future. I believe it may be, it may be ahead of its time now, but I believe that the time will come when we will welcome it and it will be recognized as a major step forward. I would ask you and invite you to ask questions. I would certainly invite the discussion of the amendment and hope that it would get some consideration here on the floor today.

SPEAKER NICHOL: Senator Rod Johnson please.

SENATOR R. JOHNSON: Mr. Speaker and members, I reluctantly at this particular point rise to oppose the amendment simply because I know that it is within the call, we have asked this question of the Attorney General and he has ruled that it is within the call, but, I think once again we are muddying the water of the issue that we have before us and I would prefer to