

January 19, 1981

LR 6
LB 311-356

read some bills in now, we will recess until 3:30 and come back and hopefully there will be more bills to process and then I would like to have a meeting with the chairmen in Room 1520 at 9:00 tomorrow morning. The Clerk now will....Senator Carsten.

SENATOR CARSTEN: Mr. President, I am hopeful to have a meeting of the Revenue Committee at 3:00. We may be a little late getting back in Exec Session, so I just wanted to alert you of that.

SPEAKER MARVEL: Okay. Senator Carsten is calling a meeting of the Revenue Committee for three o'clock this afternoon. In which room? 1520. Okay, Mr. Clerk, go ahead.

CLERK: Mr. President, first of all, Senator Marsh has an explanation of vote to be inserted in the Journal. (See page 244 of the Legislative Journal.)

New bills, Mr. President. Read by title LB 311-355 as found on pages 244 through 255 of the Legislative Journal.

Mr. President, new resolution. (Read LR 6 as found on pages 255 and 256 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to have the names of all the members added as co-introducers to LR 6.

SPEAKER MARVEL: Okay, the motion before the House is the unanimous consent request that all names be added to the resolution which was just read. Is there objection to that motion? If not, the motion is so ordered.

CLERK: Mr. President, pursuant to our rules....

SPEAKER MARVEL: It will be in the Journal?

CLERK: Yes, sir, it will be taken up some time later.

Mr. President, LB 356. (Read title to LB 356 as found on pages 256 and 257 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the motion by Senator Marsh to recess until 3:30 p.m. All those in favor of that motion say aye. Opposed no. We are recessed until 3:30 this afternoon.

Edited by:


Marilyn Zark

March 11, 1981

LR 12
LB 17, 22A, 168A, 258A,
132, 133, 245, 349

CLERK: Senator Remmers would like to add his name as co-introducer to LB 132.

SPEAKER MARVEL: Any objection? So ordered.

CLERK: Mr. President, Senator Clark and Warner offer amendments to LB 133; Senator Vickers and others would like to print amendments to LB 245.

Business and Labor Committee will hold an exec session Thursday, March 12 at one o'clock in Room 1019.

Banking Committee reports LB 349 to General File.

New A bills, 22A by Senator Landis. (Title read.)
168, a new A bill offered by Senator Carsten. (Title read.)
258A by Senator Hefner. (Title read.)

Banking Committee reports LR 12 back to the Legislature for their consideration.

Senator Warner moves to place LB 133 on General File notwithstanding the action of the Banking, Commerce and Insurance Committee.

Priority bill designation by Senators Goodrich, Labedz, and the Constitutional Revision and Recreation Committee.

Senator Koch would like to print amendments to LB 17 in the Journal, Mr. President.

SPEAKER MARVEL: As we adjourn this morning, I would remind you of the deadline on the 13th of this month as far as priority bills are concerned, and if we can be of assistance to you, why please let us know. Senator Maresh, will you adjourn us until nine o'clock tomorrow morning?

SENATOR MARESH: Mr. Speaker, I move that we adjourn until tomorrow, March 12th, 9:00 a.m.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried and we are adjourned until 9:00 a.m. tomorrow, March 12th.

Edited by:


Mary A. Turner

March 27, 1981

LB 349, 407

SENATOR GOODRICH: Mr. President, are there any other amendments on the bill at all? Since we spent that much time on it why can't we just vote and be done with it?

PRESIDENT: Well the time is up. The Speaker has ruled that it was way up a long time ago. We just decided to go ahead with the...get the amendment out of the way but the time was up about fifteen minutes ago. We about doubled the time. It is not fair to the others, the Speaker said, so we will go on then with the next bill on consent calendar which is LB 407.

CLERK: Mr. President, LB 407 introduced by the Government, Military and Veterans' Affairs Committee and signed by its members. (Read.) The bill was first read on January 20, referred to the Government Committee. The bill was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, this bill LB 407 was brought to us by the Historical Society. The federal government changed the laws that deal with the historical societies over the country last year and all this bill does is to put the right numbers in the statutes so that we can receive the funding from the federal that we have in the past for preservation of historical buildings. That is all it does. It is necessary for them to receive this funding that they have in the past. I will be glad to answer questions but I think it is just about the simplest bill you will ever find. Thank you. Advance.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next item is 349.

CLERK: Mr. President, LB 349 offered by Senator Haberman. (Read.) The bill was originally read on January 19, referred to the Banking, Commerce and Insurance Committee. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Haberman.

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SENATOR HABERMAN: Mr. President and members of the Legislature, this is a very simple, uncontested bill. It merely says the state savings and loans, if they want to put in a branch have to conform to the same rules and regulations as a bank does and that is all it does. As I say, there is no opposition to it and I move the advancement of the bill, Mr. President.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, a question of Senator Haberman if he will yield, please.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Yes, I will.

SENATOR DWORAK: Senator Haberman, do the federally chartered savings and loans have to conform to the State Banking Department if they wish to branch?

SENATOR HABERMAN: No, they do not, Senator Dworak.

SENATOR DWORAK: Why are we putting a restriction on the minority of savings and loan which are state chartered that the federal savings and loans do not have? Why are we discriminating against our own state institutions when the federal institutions do not have similar restrictions? Why would these institutions be picked out for this meritorious legislation and I understand they are quite few in the State of Nebraska?

SENATOR HABERMAN: Senator Dworak, it takes sixty days. There are seven savings and loans in the State of Nebraska that are state savings and loans. It takes sixty days for them to become federalized if they wish to do so and not be touched by the state. Now I feel this way. If we are going to...the savings and loans now are banks. They are doing everything banks are and they have come into Imperial. They have come into Ogallala. They have come into Benkleman, all real small towns...(interruption)

SENATOR DWORAK: Thank you, Senator Haberman.

SENATOR HABERMAN: ...and they should have to...(interruption)

SENATOR DWORAK: Thank you, Senator Haberman, this is my time. You answered my question and I appreciate it. Here we have a piece of legislation for, how many state savings and loans? Thirteen? Eleven? We are discriminating against a very small

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minority. We are making great arguments as to why these people should have another restriction on it while the bulk of the savings and loan industry does not have a similar restriction. I can't understand it. I think the concept of the bill is good. I think if we were, in fact, going to restrict branching on all savings and loans, that might be a very potentially good thing but to sit around here and nit pick with such a small percentage just does not make sense to me. I cannot support this particular motion and I think the bill should be killed.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Well, Mr. President and members of the Legislature, I agree entirely with Senator Dworak. I think that if the piece of legislation which is going to impact only upon the state savings and loans, I concur with him also and if it could be applied to the entire savings and loan institution it might have some merit but at this point in time we are going to handicap those few that are presently chartered by this state. If you want to drive them into a federal savings and loan charter, Senator Haberman, that may be a laudable goal but it is not and should not be done in this manner. Therefore, I concur with Senator Dworak. The bill ought to be killed and you ought to proceed in the normal manner if you want to wipe out the state charter savings and loans. I ask that the bill be killed.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, Senator Rex, I hate to do this to you but you indicated there was no opposition on the bill. There was opposition on the bill as the committee statement shows and also I would like to state that what you are actually accomplishing here with this legislation is the driving of the thirteen, not the seven you indicated. There are thirteen state charter savings and loans and you are driving those into a federal charter. The savings and loans that you are literally picking on are not the ones that are doing the branching out as you deal with in your bill. The federally chartered savings and loans are the bulk of those that are branching out and consequently we will have no state chartered savings and loans in the state within a year after the processing of this legislation. The thing that I would have to point out, not only to Rex but to the body, is the fact that state chartered savings and loans are usually, now there is a couple of large ones, but they are usually, the state chartered savings and loans

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are the small ones that are having a tough time making a go of it now. They are not the ones that want to branch out. They don't have the resources with which to branch out. They have to do that in an orderly fashion in order to keep from developing financial difficulties for themselves. So consequently I would wholeheartedly urge the body not to proceed with the bill.

SPEAKER MARVEL: Senator Koch. Mr. Sergeant at Arms, I think Senator Koch is out in the rotunda. Would you tell him we are ready for him. We are on LB 349. There have been four speakers and it is your turn.

SENATOR KOCH: Thank you, Mr. Speaker. A question of Senator Haberman if he would yield.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Yes.

SENATOR KOCH: What are the provisions that these S & Ls must go through now to establish a branch in a community before they are approved?

SENATOR HABERMAN: They just go out and establish one.

SENATOR KOCH: They just go out and put one in without any support from the department?

SENATOR HABERMAN: That is right.

SENATOR KOCH: Are you sure?

SENATOR HABERMAN: They just go out and branch out.

SENATOR KOCH: You mean they just have liberties to go anywhere they want to?

SENATOR HABERMAN: Pardon?

SENATOR KOCH: They have liberty to place a facility anywhere they want to?

SENATOR HABERMAN: Yes, sir.

SENATOR KOCH: Without any supervision from the Banking Department?

SENATOR HABERMAN: That is correct.

SENATOR KOCH: Well, I will ask a question then of Senator Goodrich then if he would yield.

SENATOR GOODRICH: Yes, I would be glad to. Oh, you want me to answer that question. Okay. There is a procedure which every savings and loan has to go through. The state chartered savings and loan have to come to the State Banking Department and they have to establish that opening of a branch, they have to get permission, number one, to open the branch and they have to also prove to the State Banking Department that the opening of this branch will not impair the stability of their own financial institution and they also have to prove that it will not be detrimental to the community, it is a needed service in that community and not a detriment to that community. Now, in other words, if you flood the community or a given area with branches of a savings and loan you would wind up putting all of them in jeopardy because there is a certain limited number of... limited amount of need in any community. You have to establish the need for a branch in that community before the Banking Department will let you. So, consequently, there is a procedure that they have to go through the Banking Department now.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: The Federal Reserves Branch now by regulation, the Federal Home Loan Branch Bank Board, the regulation say they will look to the state laws in granting branches. The only chance we have to protect state savings and loans banks is to change the state law now. Some years ago there were twenty-seven state chartered savings and loans. Today there are eleven and they control 700 million dollars in assets. By the same token some years ago there were ten to fifteen federally chartered savings and loans in Nebraska. Now there are twenty-six and they control four and a half to 4.8 billion dollars in assets. Now, I say this. Why should they have the advantage over a state bank? They should not have and they do have. All I am saying is, they should have to go through the Banking Department and follow the same rules as to need and to show that they won't harm anybody as the bank does. That is all the bill says and that is what I ask you to do and I ask for the advancement of LB 349.

SPEAKER MARVEL: Senator DeCamp. The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: 28 ayes, 1 nay to cease debate, Mr. President.

SPEAKER MARVEL: Okay, debate ceases. The Chair recognizes Senator Haberman to close.

SENATOR HABERMAN: I will just go ahead with the debate that has already been here, Mr. President.

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LB 349, 427

SPEAKER MARVEL: You waive closing?

SENATOR HABERMAN: Yes.

SPEAKER MARVEL: Okay, the motion before the House is the advancement of LB 349. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Excuse me?

SENATOR HABERMAN: A Call of the House and a roll call vote.

SPEAKER MARVEL: Okay, we can proceed. You have three minutes left of your time. Shall the Legislature go under Call? All those in favor vote aye, opposed vote no. Record.

CLERK: 15 ayes, 2 nays to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. All legislators return to your seats, record your presence. Unauthorized personnel leave the floor. There are six excused. Are you ready to call the roll? Call the roll, Mr. Clerk. Okay, who is missing? Senator Fitzgerald, will you record your presence. Senator Wagner, Senator Dworak, Senator Vickers, Senator Carsten, Senator Beutler, Senator Labedz, Senator Newell, Senator Pirsch, Senator Remmers, Senator Vickers, Senator Warner. Senator Warner, Senator Vickers, Senator Pirsch, Senator Labedz, Senator Newell. Newell, Pirsch, Labedz, Warner, Mr. Sergeant at Arms. Senator Haberman, we are going to have to call the roll because otherwise we are using up time. Call the roll, Mr. Clerk.

CLERK: (Read roll call vote as found on pages 1164-1165 of the Legislative Journal.) 19 ayes, 19 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion lost and the bill retains its present position. What is the next one? Senator Wiitala, do you wish to try 427? There are two amendments on the bill.

SENATOR WIITALA: That would be fine.

SPEAKER MARVEL: Okay, we will proceed with LB 427.

CLERK: Mr. President, LB 427 was offered by Senator Steve Wiitala. (Read.) The bill was first read on January 20, referred to Education. It was advanced to General File, Mr. President. There are no committee amendments on the bill.

SPEAKER MARVEL: Do you want to explain the bill, Senator Wiitala, briefly?