

March 23, 1981

LR 46  
LB 40

Legislative Journal.)

SPEAKER MARVEL: We aren't through the roll call yet.

CLERK: 20 ayes, 21 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion lost. Do you have anything else to read in?

CLERK: One other item, Mr. President. Mr. President, a new resolution, LR 46 offered by several members. (Read. See page 1081, Legislative Journal.) That will be laid over, Mr. President.

SPEAKER MARVEL: Okay, Senator Hefner, do you want to move we adjourn until nine o'clock tomorrow morning.

SENATOR HEFNER: Mr. President, I move that we adjourn until nine o'clock tomorrow morning, March 24th.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned.

Edited by:

  
Mary Turner

March 25, 1981

LR 46  
LB 39, 39A, 50, 72, 73,  
104, 167, 171, 194, 197,  
197A, 252, 425, 475, 500

SPEAKER MARVEL PRESIDING

SENATOR BEYER: (Prayer offered.)

SPEAKER MARVEL: I have a note here that indicates that today is the 35th birthday of Senator Howard Peterson and this occurred on the weekend, March 22, and there will be rolls served in his honor and we wish Senator Peterson the best for the year to come. Have you all recorded your presence? Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 252 to General File with amendments. (Signed) Senator Kremer.

Your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 39 and recommend that same be placed on Select File with amendments; 39A Select File; 167 Select File with amendments; 197 Select File with amendments; 197A Select File. All signed by Senator Kilgarin as Chair.

Your committee on Enrollment and Review respectfully reports we have carefully examined LB 72 and find the same correctly reengrossed. (Signed) Senator Kilgarin.

Senator Wagner would like to be excused for the day.

And, Mr. President, LB 73, 194, 50, 171, 194, 425, 475, and 500 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 73, LB 104, LB 50, LB 171, LB 194, LB 425, LB 475, LB 500. Item #4, resolution.

CLERK: LR 46 is offered by (read LR 46.)

SPEAKER MARVEL: Senator Lamb, this is your resolution.

SENATOR LAMB: Mr. Chairman and members of the Legislature, this is a resolution which honors Senator Nichol's mother who recently passed away. The fine lady has been a long time credit to the State of Nebraska. I urge the adoption of this resolution.

March 25, 1981

LR 46  
LB 355

SPEAKER MARVEL: All those in favor of the resolution as presented by Senator Lamb vote aye, opposed vote no. We are voting on LR 46. Have you all voted? Record the vote.

CLERK: 38 ayes, 0 nays on the adoption of LR 46, Mr. President.

SPEAKER MARVEL: Are you ready for Select File? Okay, item #5, Select File, one hour and thirty minutes.

CLERK: Mr. President, LB 355 was considered by the membership on March 3rd at which time the E & R amendments were adopted. I now have a series of amendments. The first is offered by Senator Kilgarin and it reads as follows: Read Kilgarin motion as found in the Journal on page 734.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: The motion I am offering, Mr. President and members of the Legislature, was offered simply because in all the material I read on LB 355, they said, quote, this is from a synopsis of 355 passed out by Senator Clark, first paragraph, "It applies only to new policies and not to policies already owned by people". Well, in the bill the way it is presently written, on page 3, where I am planning on amending it, excuse me, on page 5, Section 4, it says, "The provisions of", and this is as we amended it with the committee amendment or as it probably will be, "The provisions of Sections 1 to 4 of this act shall not apply to any insurance contract issued before the effective date of Sections 1 to 4 of this act unless the policyholder agrees in writing to the applicability of such provisions". Now in all the material I received on 355, it said nowhere that it was going to be retroactive in any way whether or not the policyholder agreed in writing. Once again the synopsis says it applies only to new policies and not to policies already owned by people. Well, the bill obviously proves that that is not true. It can apply to people who have bought or obtained policies before the effective date of this act. You will also note in the analysis submitted by John Haessler of Woodmen Accident and Life, the very first statement after general background and purpose of his analysis of 355 is "This bill would permit policy loan interest rates on policies sold after its effective date to be more flexible and more reasonably related to current economic market conditions". Down at the bottom in section by section analysis, "Section 1. This section sets forth the intent of the bill which is to permit an adjustable policy loan interest rate in policies issued after", and that is underscored, I am not

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LB 355

what essentially is taking a loan so I suppose you could argue that it might accelerate forced terminations on the differential, say between 10 and 8% and assuming that interest rates go up. Now but if you make the assumption that interest rates go down which is just as valid as interest rates going up because this slides down just as easily as it slides up. It could be very favorable as far as terminations. You know, I think we have a tendency to be a little negative, Senator Kilgarin, and we always look at the bad things and I think it all right to be conservative. I kind of like to wear the conservative cloak and I kind of like to see you in conservative garb like you are this morning but I sometimes think that our conservative approach to things might be, even though we want to be very cautious and careful, these interest rates could go down just as easy as up and in fact, with the present administration, President Reagan, there is a good chance in my opinion that that is going to happen if we can curtail government spending and keep going on the route we are going.

SPEAKER MARVEL: Your time is up. Are we ready to advance the bill? The motion is the advancement of 355 to E & R for engrossment. All those in favor of advancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 1 nay on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now before we go to the next item of business it is my privilege to introduce a guest of Senator Kilgarin, Camy Peterson from Kearney State College underneath the North balcony. Will you show us where you are so we can welcome you. And underneath the South balcony from Senator Cope's district 14 students from Kearney State College with their instructors, Dr. Maureen Ekloff and Dr. Harold Ahrendts. Will you show us where you are so we can welcome you. Yes, go ahead, Mr. Clerk.

CLERK: Mr. President, first of all Senator Cullan would like to have an executive session of the Public Health and Welfare Committee in the West Lounge at 10:00 a.m., Public Health and Welfare in the West Lounge at 10:00 a.m.

Mr. President, Senator Beutler moves to reconsider the body's action of Final Reading of LB 5. That will be laid over and LR 46 is ready for your signature, Mr. President.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LR 46.

May 14, 1981

LB 146E

a little courtesy in this body and we used to consider those things on their merits and not use that type of threat, Senator Haberman, but since you choose to do it, I am not going to penalize this entire body. Thank you.

SPEAKER MARVEL: Senator Chambers, for what purpose do you rise?

SENATOR CHAMBERS: Mr. Chairman, I think in the same way that Senator DeCamp attempted to withdraw when the issue of germaneness came up and he was not allowed to do so, I want this issue resolved because I see a point that bears directly on the issue and I wish Senator Schmit would withdraw his attempt to withdraw. I think the issue is a very real one. I think it is alive and there might be a point on this issue that is somewhat different than the others. And I am against this bill.

SPEAKER MARVEL: Senator Chambers, Senator Schmit has a right or a privilege, if you want to put it that way, to withdraw his own bill....his own motion.

SENATOR CHAMBERS: (Microphone not on)....okay, go ahead.

SPEAKER MARVEL: All right. Okay, the Clerk will read on Final Reading 146E.

ASSISTANT CLERK: (Read LB 146E on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final Reading with the emergency clause attached? LB 146E. Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 2029 and 2030 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 2 excused and not voting....Senator Newell voting aye. The vote is 45 ayes, 0 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, I have some material to read in. First of all, Mr. President, Senator Warner would like to have the meeting of the Appropriations Committee at 1:00 p.m. in Room 1003 to consider the report required pursuant to the Governor's vetoes and pursuant to Rule 6, Section 14.