SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman and Senator Chambers, I merely want to state the fact that your very presence here and the fact that we are listening to you is a contradiction of your remarks that you do not have freedom. Thank you, Mr. President.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Speaker, members of the body, I would like to request permission we lay over the resolution until the hostages are in the air.

SPEAKER MARVEL: Any objection? If not, so ordered. We will go to item #6 now, introduction of bills.

CLERK: Mr. President, new bills. (Read by title LB 389-432. See pages 271-280 of the Legislative Journal.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Could I have your attention just a moment, please? The AP has reported that the American hostages will fly out of Iran in the next thirty minutes. (applause).

CLERK: (Read by title LB 433. See pages 280-281.)

SENATOR CLARK: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I wanted to say something but I don't want to say it if we have urgent business to do. This will take about two or three minutes.

SENATOR CLARK: Continue, we don't have any business right now.

SENATOR NICHOL: Okay, Senator Marsh has a bill in having to do with mammals and I wanted to tell you the story of the three mammals if I may. May I do that, sir?

SENATOR CLARK: Go right ahead if it is funny.

SENATOR NICHOL: Well, I don't know about that but once upon a time there were three mammals who lived happily in Mammalary Land. There was a papa mammal that we called Pappy and mamma mammal that we called Mamma and baby mammal we called Babble and the reason we called baby mammal Babble was because he talked a lot and asked embarassing questions.

LB 202, 425

to General File; LB 425 General File with amendments. (Signed) Senator DeCamp. (See page 563 of the Legislative Journal.)

Mr. President, Senator Dworak would like to add his name to LB 202 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, I have a hearing notice from the Ag and Environment Committee regarding certain gubernatorial appointments. (See pages 563 and 564 of the Legislative Journal.) That is all that I have.

SPEAKER MARVEL: Senator Fitzgerald, do you want to adjourn us until nine o'clock tomorrow?

SENATOR FITZGERALD: Mr. Speaker, I would like to adjourn the body until February 19th at 9:00 a.m.

SPEAKER MARVEL: 9:00 a.m. 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 morning.

Edited by New M. Benischek

LaVera M. Benischek

short comment. Keep in mind that recently this year the S & Ls obtained considerable additional powers with regard to what were originally thought of as being banking functions. In short, what is happening is that the banking and the S & L industry are moving closer and closer together. banking industry is, as you know, in the stock form completely now. The S & L industry is in the mutual form so we have two different types of organizations that as far as their functions are concerned are becoming the same type of organization and I suggest to you that in the future there will be long term benefits to developing a situation where everything is in the stock form structure that we know and that we understand and that has the kinds of incentives that we have seen work in this country for hundreds of years. So I would just leave you with that last comment and ask your support for the bill.

SPEAKER MARVEL: The motion before the House is the advancement of LB 500. All those in favor of advancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 33 ayes, 1 may, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Okay, the motion is carried and the bill is advanced. Now the next bill is LB 425.

CLERK: Mr. President, LB 425 was introduced by Senator Don Dworak and Senator Bill Barrett. (Read title.) The bill was read on January 20. It was referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, we now switch from the Johnnie-Chrissie to the Donnie and Johnnie. This is a bill dealing with insurance brought to us by Senator Dworak. It sought to repeal certain sections of Nebraska insurance law. The committee accepted an amendment which essentially guts the bill. The gutting of the bill allows for reciprocity in countersignatures and I think that is all it does. I move the adoption of the amendment, and then if Senator Dworak wants to address technical explanations further, that is fine.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. Senator Dworak, do you wish to talk to the committee amendments? Okay, all those in favor

of adopting the committee amendments vote aye, opposed vote no. Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments were adopted. Now, Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, the committee amendments are the bill. The original bill was brought to me by Charlie Noren, Senator Noren, and I didn't particularly care for that bill. Essentially that bill would have eliminated the requirement for countersignatures on insurance policies in the State of Nebraska. The way the system works is that if a policy is sold out of Iowa, Kansas, Colorado and other states, before that policy can be effective in the State of Nebraska a resident agent must countersign it. With the strengthening, in my opinion, of the Insurance Commissioners through the National Association of Insurance Commissioners, the need for state scrutiny has diminished. We have become more federal in nature. We also buy more insurance from national companies that do business in a variety of states. In an effort to placate my feelings on it, it was offered that we go into a reciprocity arrangement whereby if the State of Iowa does not require a countersignature law, Nebraska would reciprocate and not require a countersignature law of those Iowans selling insurance in Nebraska orvice versa. I really do think that there are some strong arguments in abolishing the countersignature law because really in fact that agent countersigning does very little to justify the ten or fifteen dollar countersignature fee that is required. So the net result of the bill more indirectly, and I am stretching on this, should really probably reduce the cost of insurance to consumers because it is one less cost that is imposed upon the delivery of the product. I am going to give the rest of my time to Senator Barrett who has cosigned this bill with me and worked with me on it and who I consulted with in great depth before I agreed to put my name on it.

SPEAKER MARVEL: The Chair recognizes Senator Barrett. Senator Barrett.

SENATOR BARRETT: Yes, Mr. Speaker. I simply want to rise in wholehearted support of LB 425 as presented so ably by Senator Dworak. We have consulted on the bill. It is simply setting up a reciprocity agreement with other states. It modifies the present countersignature law, and as Senator Dworak suggested, there is some sympathy

with the abolishment of the entire countersignature law and I would be amenable to that. However, this is a step in the right direction providing reciprocity with other states. It will avoid unnecessary delay and unnecessary expense in the delivery of the insurance product to the insurance buying public. I urge you to support LB 425.

SPEAKER MARVEL: The motion is the advancement of LB 425. Senator Vickers, do you wish to speak?

SENATOR VICKERS: Mr. President, I would like to ask Senator Dworak or Senator Barrett a question, if either one of them would respond?

SPEAKER MARVEL: Senator Dworak, do you wish to respond?

SENATOR VICKERS: Senator Dworak, this countersignature that is required, if I understand it correctly and I would like you to clarify for me, what we are talking about is all forms of insurance sold in the State of Nebraska with the exception of life insurance, is that correct?

SENATOR DWORAK: That would be my basic understanding. I would rather say, basically, it is property and casualty and fire insurance so I would imagine that is right, Senator Vickers, with the exception of life insurance.

SENATOR VICKERS: In other words, life insurance can be sold by representatives from other states in this state without any resident agent countersigning anything, is that correct?

SENATOR DWORAK: That is my understand, Senator Vickers, yes.

SENATOR VICKER: Okay, thank you, Senator Dworak. I just wanted to get that clear in my own mind and I assume that perhaps the members of this body. Would you turn Senator Dworak's button back on, please?

SENATOR DWORAK: I think the life insurance industry generally has been more countrywide and not as provincial as the property and casualty insurance market has been. Examples, Farmers Mutual here in Lincoln who really do business no place other than Nebraska but life insurance companies traditionally have been broader in their scope in their marketing than property-casualty and that is why this requirement has held on in the area of property-casualty rather than life insurance companies. I think the thing you have to remember on this, Senator Vickers, is

that these companies that do business in other states must make a filing with that insurance commissioner, and if they are a nonadmitted company, that that requires another kind of license and we are not eliminating that requirement. That is a surplus lines license. So we are really talking about only those companies that have prior filing in the states they are doing business with. Okay?

SENATOR VICKERS: Thank you, Senator Dworak. That was one of my concerns. It seems to me that we have had in the past, at least in life insurance, agents coming from God knows where into Nebraska selling life insurance and I wanted to make sure we weren't opening that door to that other set of insurance agents also. Thank you, Senator Dworak.

SPEAKER MARVEL: Now before we advance the bill, the Public Health and Welfare will meet under the South balcony at 10:30 a.m. for a short meeting. The motion is the advancement of LB 425 to E & R for Review. All those in favor of the motion vote aye, opposed vote no. Record the vote.

CLERK: 29 ayes, 0 mays on the motion to advance the bill, Mr. President.

SPEAKER MARYEL: The motion is carried. The bill is advanced. The next bill is LB 194.

CLERK: Mr. President, LB 194 was a bill introduced by Senator Robert Clark. (Read title.) The bill was first read on January 15, referred to the Urban Affairs Committee. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President and members, this is a very simple bill. What it does is allow the city council or the village board to pass one ordinance one time, and if they ever want to change it, they can change it at a future date, as to how they either want to appoint or elect a library board. Right now they have to do this every two years. It is not only costly, time consuming. I think that Senator Hoagland has an amendment to the bill to take out some obsolete language and I will certainly agree to that, and I would move that it goes to E & R Initial.

CLERK: Mr. President, Senator Hoagland moves to amend the bill. (Read Hoagland amendment found on page 781, Legislative Journal.) Is that right, Senator? Okay.

March 10, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: I take great pleasure in introducing my own pastor, Pastor Harold Hamilton from First Lutheran here in Lincoln.

PASTOR HAROLD HAMILTON: (Prayer offered)

PRESIDENT: Roll call. Senator Marsh.

SENATOR MARSH: Mr. President, for all who are within my range of my voice, I would like to give notice that tomorrow I am going to ask for a recorded vote on those who are here by 9:05 a.m.

PRESIDENT: Thank you, Senator Marsh. Senator Nichol.

SENATOR NICHOL: Mr. President, I will make sure to be here tomorrow but I wonder if that is going to be an occurrence every day, Senator Marsh. I am sorry, she is talking. I was just curious about what the rule would be.

PRESIDENT: Have you all recorded your presence? It is now 9:05 a.m. Has everybody recorded your presence? Record the presence, Mr. Clerk.

CLERK: A quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as published. Any messages, reports or announcements.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined LB 74 and recommend that same be placed on Select File with amendments; LB 500 Select File with amendments; LB 425 Select File with amendments; LB 194 Select File with amendments; LB 174 Select File with amendments; LB 89 Select File with amendments; LB 89 Select File with amendments; LB 89 Select File with amendments; LB 50 Select File with amendments.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. yesterday LBs 9, 34, 124, 178, and 345.

Mr. President, your committee on Enrollment and Review

SENATOR CLARK: Unanimous consent has been asked for to withdraw parts one, three and four, leaving only section two. Is there any objection? If not, so ordered.

SENATOR DWORAK: Thank you. Now I wish to close on part two.

SENATOR CLARK: Go ahead and close on part two.

SENATOR DWORAK: Okay, very briefly, this was agreed upon by Senator DeCamp and Senator Beutler and the part that remains is that for an existing mutual savings and loan to convert to a stock savings and loan it would require a 60% of approval of the existing depositors. It is an agreed upon amendment. I urge its adoption.

SENATOR CLARK: You have all heard the motion. The question before the House is the adoption of the Dworak amendment. All those in favor vote aye, opposed no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Have you all voted on the Dworak amendment? Record the vote.

CLERK: 27 ayes, 7 nays, Mr. President.

SENATOR CLARK: The amendment is adopted.

CLERK: I have nothing further on the bill.

SENATOR CLARK: Senator DeCamp. Senator Beutler.

SENATOR BEUTLER: Move the bill be advanced to E & R.

SENATOR CLARK: All those in favor of advancing LB 500 say aye, all those opposed no. The bill is advanced. LB 425.

CLERK: Mr. President, there are E & R amendments to LB 425.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: I move the E & R amendments to LB 425.

SENATOR CLARK: All those in favor of the E & R amendments on 425 say aye, all opposed no. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I move that LB 425 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing 425 say aye, all those opposed no. The bill is advanced. LB 194.

CLERK: There are E & Rs. Senator.

SENATOR BEUTLER: Mr. Speaker, I would move the E & R amendments to LB 194 be adopted.

SENATOR CLARK: All those in favor of the E & R amendments to LB 194 say aye, all those opposed no. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: No further amendments, Mr. Speaker?

CLERK: Nothing further, Senator.

SENATOR BEUTLER: I would move that LB 194 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 194 say aye, all opposed. The bill is advanced. LB 89. Senator Beutler. Are there E & R amendments on this one?

SEERK: There are no E & R.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 39 be advanced to E & R for engrossment.

SENATOR CLARK: The question is the advancement to E & R for LB 89. All those in favor say aye, all those opposed no. The bill is advanced. LB 89A.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 89A be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 89A say aye, opposed no. The bill is advanced. LB 50.

CLERK: There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move that the E & R amendments to LB 50 be adopted.

SENATOR CLARK: The E & R amendments to LB 50, all those in favor say aye, all opposed nay. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 50 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of LB 50 being advanced say aye, opposed no. The bill is advanced. LB 475.

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to the committee amendment. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Shall the House go under Call, all in favor of that motion vote aye, opposed vote no.

CLERK: 13 ayes, 2 mays to go under call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators should be in their seats. Record your presence. Unauthorized personnel please leave the floor. Senator Fenger, Senator Koch, Senator Cope, Senator Kilgarin, Senator Kremer, Senator Schmit, Senator Vard Johnson, Senator Sieck, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch. Do we have them all now? Senator Vard Johnson and Senator Sieck. Will all legislators please be in their seats before we start the roll call. Senator Beutler everybody is accounted except Senator Vard Johnson. He is across the street. This is a roll call vote on the Beutler amendment to the committee amendment. Are you all in your seats? Okay, call the roll.

CLERK: Roll call vote. 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting. Vote appears on pages 940-941 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Do you have another item?

CLERK: Mr. President, I have certificates and letters accompanying certificates regarding the overrides of LB 206 and 206A. (See pages 941-42 of the Legislative Journal).

Your committee on Enrollment and Review respectively reports we have carefully examined LB 22 and find the same correctly engrossed, 50, 74, 89, 89A, 171, 194, 425, 475 and 500, all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Your Enrolling Clerk has presented certain bills to the Governor on this day. (See page 943 of the Legislative Journal).

Have a reference report referring LB 550.

Government Committee will meet in Executive Session on Thursday at 1:30 in Room 1113.

Judiciary reports 328 to General File as amended and 477 to General File with amendment.

Public Works reports 35 to General File and LB 112 indefinitely postponed. (Signed) Senator Kremer, Chair.

CLERK: (Read LB 50 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed no. Record the vote.

CLERK: (Read record vote as found on page 1098 of the Legislative Journal.) 36 ayes, 1 nay, 9 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The bill is declared passed on Final Reading. Pass over LB 74 and go to LB 171.

CLERK: (Read LB 171 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final Reading. Those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 1099 of the Legislative Journal.) 40 ayes, 0 nays, 9 excused and not voting; Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 194.

ASSISTANT CLERK: (Read LB 194 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed no. Have you all voted? Clerk, record.

ASSISTANT CLERK: (Read record vote as found on pages 1099-1100 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 9 excused and not voting,

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read LB 425 on Final Reading.

ASSISTANT CLERK: (Read LB 425 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 1100 of the Legislative Journal.) The vote is 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

March 25, 1981

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 quroum 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.

amendment to LB 190 as explained by Senator DeCamp. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 0 mays on the adoption of Senator DeCamp's amendment.

SPEAKER MARVEL: The motion is carried, the amendment is adopted.

CLERK: I have nothing further on the bill Mr. President.

SPEAKER MARVEL: Senator DeCamp. The motion is to advance the bill to E & R for Engrossment. All those in favor of the motion to advance vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 35 ayes, 1 may on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried the bill is advanced. Before we proceed, underneath the North balcony it is my privilege to introduce Miss Cindy Pace who is a teacher from Millard and her friend from Ralston who is here under the auspices of Senator Koch. Cindy, will you stand up so we can welcome you to the Unicameral?

CLERK: Mr. President, I have a few matters to read in. Revenue Committee is going to meet in executive session upon adjournment today in Room 1520.

Your Enrolling Clerk respectfully reports that she has presented to the Governor LB 73, 104, 50, 171, 194, 425, 475, 500.

I have a Reference Report referring LBs 551 through 555.

A new resolution by (Read LB 47. See pages 1126 and 1127, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 298 was introduced by Senator Vard Johnson. (Read title.) The bill was first read on January 19. It was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, the committee amendments narrow the impact of the bill and indicate that, first, the City of Lincoln is exempt and.

two o'clock on Friday instead of four or five o'clock. If you have any questions on this, you can check with the Clerk's office, or you can check with our office. Now does anybody have any....Senator Kahle.

SENATOR KAHLE: Mr. Speaker, really no comment on what you just said but I wonder if we wouldn't be ahead if you scheduled some of the real heavy bills on Friday and Friday afternoon instead of the consent calendar. Maybe people would stay here. In the going on five years now that I have been here, I have never left on a Thursday or a Friday when we were in session, and I resent the fact that many of you do leave for the last day no matter when it is, and I just really feel that you are not being very responsible and perhaps if we would handle some of those real tough bills on Friday, you would stick around. Thank you.

SPEAKER MARVEL: I think that we, Senator Kahle, in answer to your question....well, we are going to adjourn. Okay, Senator Howard Peterson, would you adjourn us until nine o'clock....I'm sorry, Pat, go ahead.

CLERK: Excuse me. Mr. President, a communication from the Governor to the Clerk. (Read communication regarding LBs 50, 73, 194, 425, 475, 500.)

I have a....your Committee on Business and Labor reports regarding gubernatorial appointment. (See page 1156 of the Legislative Journal.)

Senator Vickers would like to print amendments to 138. (See pages 1156 and 1157 of the Journal.) And Senator Kilgarin asks unanimous consent to add her name to LB 292 as co-introducer.

SPEAKER MARVEL: Senator Peterson, would you adjourn us until nine o'clock tomorrow morning. I am sorry. Senator Kremer.

SENATOR KREMER: Mr. Chairman, I would like to remind the Public Works Committee for a very short meeting below the north balcony immediately upon adjournment.

SPEAKER MARVEL: Today?

SENATOR KREMER: Yes.

SPEAKER MARVEL: Okay.

SENATOR H. PETERSON: Mr. Speaker, I would move we adjourn