

LB 309

March 23, 1973

policy was requested by actuaries and also by the insurance department of the state of Nebraska and the insurance companies in order to update their life annuity policies and if there is any further explanation, I would be glad to try and make it.

PRESIDENT: Is there any further discussion of LB 309? All right. The question is shall LB 309, then, be advanced from General File to E & F Initial. All those in favor vote aye. All those opposed vote no. Once again, have you all voted? The clerk will record. The clerk will record.

CLERK: 27 ayes, 0 nays, Mr. President.

PRESIDENT: The bill is advanced. It brings up the General File consideration of LB 425.

CLERK: Read title. LB 425. There are Committee amendments, Mr. President, by Senator Fred Carstens' Insurance Committee.

PRESIDENT: Very good. The chair recognizes Senator Fred Carstens.

SENATOR FRED CARSTENS: Mr. President, members, I move the adoption of the Committee amendment.

PRESIDENT: We will need a second. Thank you. Go ahead, sir.

SENATOR FRED CARSTENS: Mr. President, the Committee amendment to this bill are for one purpose and that is, and this is in connection with penalty sections, in the original bill the penalties to which any violator was subject to under this bill and, incidentally this is a good bill, but the penalties were left to the Real Estate Commission and the Committee felt, there was objections from members of the Committee of allowing the Commission to sort of act as regulator, judge, jury, and so on. And under the amendment, this power to impose penalty is removed from the Commission and is placed in the Courts, so that a complaint needs to be filed in a regular manner and upon finding a violation or finding of guilty by the Court, then the Court may then assess the applicable penalty. This is all the amendment does.

PRESIDENT: Any more discussion of the Committee amendments? The question is shall the Committee amendments be adopted. All in favor please say aye. I heard..Oh..OK. Is there opposition. Please say no. Hearing none. So ordered. The Committee amendments are adopted. Now, Senator Lewis, back to you. We have the Committee amendments now adopted to 425.

SENATOR RICHARD LEWIS: Mr. President and members of the Legislature, I move that we advance 425 to General File. I..

PRESIDENT: No, to E & R Initial.

SENATOR RICHARD LEWIS: I am so sorry. I would do...I would like to defer to Senator Duis on this. I know he is familiar with the procedure here. It's my understanding that the intent of this bill and this was brought to me by the insurance company, that the intent of this bill was to provide that insurance companies selling insurance in the state of Nebraska be licensed in the state of Nebraska and this sets up a procedure for invoking penalties for people who do not follow the Nebraska regulations. And Senator Duis, would you care to enlarge upon that explanation?

PRESIDENT: Very good. The chair recognizes Senator Duis.

SENATOR DUIS: Senator Lewis has done a real fine job. The only other thing here, it does take into consideration the unauthorized insurance companies from outside of the state, Senator Lewis, that do operate sometimes, do a whirlwind