

January 31, 1980

LB 481

1973 the legislation was first put in. It is a question of who is covered and who is not covered, what practices are allowed and not allowed, all this thing. What this is is basically an attempt to rewrite and straighten out the original '73 law that has been essentially unenforceable.

SENATOR FOWLER: Okay, fine, thank you.

SPEAKER MARVEL: Senator Dworak. Is Senator Dworak in the room?

SENATOR DWORAK: Mr. Speaker and colleagues, I have not had a chance to talk with Senator DeCamp on this and I am remiss in so doing. What my amendment would do, it would eliminate the possibility of a consultant receiving commission. In other words, a consultant sets himself up as above the normal competitive situation and that is fine, and if he acts as consultant, then he should not also act as agent. So, I think the consultant, if he can receive a commission has a preferred position over an agent in a competitive situation. He can do it through several ways. Number one, he can engineer the specifications as such that only his company or maybe his companies would have a preferred chance to bid on the particular business. A man can be a consultant, that's fine, and he can receive a commission for being a consultant and that is fine, but if he agrees to do that then he should not be in a position to receive commission. All the amendment does is preclude the consultant from bidding on the business as an agent.

SPEAKER MARVEL: Is there any further discussion on the Dworak amendment? Have you read the amendment, Mr. Clerk? Why don't you read it.

CLERK: Mr. President, Senator Dworak's amendment reads as follows: (Read Dworak amendment as found on page 494 of the Legislative Journal.)

SPEAKER MARVEL: The motion is the adoption of the Dworak amendment to LB 481. All those in favor vote aye, opposed no. Have you all voted? We are voting on the Dworak amendment to LB 481. Have you all voted? Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the Dworak amendment, Mr. President.

SPEAKER MARVEL: The motion is carried, the Dworak amendment is adopted. Senator DeCamp, do you want to advance the bill