

and the adoption of this amendment. Thank you.

SPEAKER BARRETT: Thank you. Senator Withem, followed by Senators Hall, Chizek and Nelson.

SENATOR WITHEM: Yes, Mr. President, Mr. Speaker, members of the body, I have a question. I don't know if it is for Senator Hartnett or Senator Landis or both or whatever. Some people discussed this amendment with me yesterday and yesterday it made sense to me to...that there was some new interpretation that brought these utilities under their service contracts, were counted as insurance and that they never had been before and this is a clarification amendment and that's how I understood it yesterday. In some of Senator Landis's introduction of the bill though, he indicated a difference between the way that the utilities writing service contracts will be treated versus the way a private service contractor may be treated. So I guess I'd like one or the other of you to explain to me that if Senator Wesely and I go into business to repair water heaters and we go out and sell these service contracts to people in the Lincoln area and we come under some sort of Chapter 44 regulation here, how are we regulated versus what's going to happen with the utility companies that are in that business if this amendment is successfully adopted?

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Thank you. Senator Withem has correctly identified that there is going to be a distinction there and the distinction is, if he starts his business up, there is no notion as to how solvent he is, what kind of financial responsibility he has, what kind of history as an entrepreneur he is, what kind of backing there is for this basic insurance policy that he is giving. Now the state has recognized in a wide variety of circumstances that where there is a course of conduct or a history or a capital investment, there are a series of exclusions from our existing law but the distinction is this. The distinction is that history tells us where...

SENATOR WITHEM: I understand the rationale for treating them differently than particularly the Wesely-Withem corporation. It would be somewhat of a fly-by-night operation, I'm sure, but what would we have to go through that Peoples and Minnegasco are not going to have to go through?