

March 7, 1996

LB 905. 972

SPEAKER WITHEM: Time has expired on this bill. Mr. Clerk, next bill.

CLERK: Mr. President, next bill, LB 972. First item I have, no E & R, Senator. But, Senator Wickersham, I have an amendment from you, Senator. Senator, this is a floor amendment that you gave me on February 28. Withdraw. The next amendment I have, Mr. President, is by Senator Hilgert. I have a note you want to withdraw this, Senator, and substitute for it AM3507. (See pages 1086-87 of the Legislative Journal.) Is that right?

SENATOR HILGERT: That's correct.

SPEAKER WITHEM: There's a request for a substitution. Is there any objection? Hearing none, so ordered.

SENATOR HILGERT: Onto the amendment, on General File debate on 972 I was asked by Senators Wickersham and Beutler to work on some amendments which would ease their concerns for certain provisions of this bill. Senator Wickersham is concerned about Section 2 of this bill which provides that LB 972 should not be...shall not be considered as state action overturning the federal preemption of the state securities and antitrust provisions relating to charitable gift annuities. And see while I disagree with Senator Wickersham on the issue of whether the federal preemption should prevail. I can certainly understand his position that the state of Nebraska should not rush to judgment on this issue. Striking Section 2 of this bill would make clear that the next biennial Legislature retains the ability, if it chooses, to provide for state securities and antitrust regulation to charitable gift annuities. This portion of the amendment merely preserves our right during the next two years to overturn the federal preemption and would require an affirmative action by the next Legislature. Line 3 of this amendment deals with concerns raised by Senator Beutler about the provisions relating to the Uniform Deceptive Trade Practices Act. It is the intent of this bill that the mere issuance of a charitable gift annuity should not be a violation of this act. This amendment clarifies that fraudulent deceptive trade practices in the marketing of charitable gift annuities would be violations of the Deceptive Trade Practices Act. This clarifies Senator Beutler's concerns. Finally, the second line of this amendment was an issue brought up by Senator Schimek. It would