

May 5, 1971

PRESIDENT: We're ready to go to General File.

CLERK: Read title.

LB 768

PRESIDENT: Chair recognizes Senator Holmquist.

SENATOR HOLMQUIST: Mr. President, Members of the Legislature, I would like to defer to the introducer the bill who is more knowledgeable of the amendments than I.

SENATOR DUIS: I would be happy to explain the amendments. The committee amendments to LB768 were more of a corrective nature in the draft part of the bill and also to incorporate some of the interest that the committee had in the bill and the corrections that they thought were necessary which we believe we are true and correct and should be. I'll take them quite rapidly for you and unless you desire any other way, I'll stop at any point you might want me to. The committee amendment in the first part merely strikes the word five and inserts the word three to conform with the old number of automobiles needed to establish a dealership. In the next amendment they merely tie in the franchise or in the manufacturer. The next amendment there was the one that suggests by Senator Proud during the hearing that the dealers license contain a manufacturer, so we increased the board from 7 to 9 and included one from the public and one from the manufacturer. The next amendment was merely to correct draftmanship of the bill to include security interest and of course then the next amendment is the lengthy amendment which helped establish to the general public the trust they should have in an automobile dealer. Those are the committee amendments and we do have amendments to the committee amendments. I would move to adopt the committee amendments.

CLERK: There are pending amendments to the Standing Committee amendments.

SENATOR DUIS: I have put on your desk these amendments together with an attorney general's opinion from the state of Iowa and a letter from myself. During the course of this legislation an attorney general's opinion was gotten from the state of Nebraska and they objected on the constitutionality of about three or four parts of the bill. What we have done is struck all of those parts of the bill that the Attorney General had any objection to. We inserted in lieu thereof the amendments that you have on your desk now which are just the law of Iowa. In order to substantiate the law in Iowa, we attached to it the Iowa Attorney General's opinion stating that it is constitutional in Iowa. If you wish anymore explanation of it I'll give it to you, otherwise read it at your leisure. I move the adoption of the amendment to the committee amendment.