

March 10, 1980

LB 814

Senator Johnson that not all land in rural Nebraska is \$2000 an acre land. Some areas of the state twenty acres is not an exceedingly large amount of land. I would support Senator Beutler and his amendment.

SPEAKER MARVEL: Senator Chambers, and then Senator DeCamp.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as with the rest of you, I am just seeing this amendment for the first time, so I am trying to grasp the meaning of it and I do notice it deals with sections 4, 5, 6, and 7 and I think section 8 which follows deals with partnerships, so apparently we are dealing with the types of conveyances that would not relate to partnership property. I am trying to grasp it as I go along, and what I am seriously wondering, Senator Johnson, and the rest of the members of the Legislature who may be interested in this issue, why it would be considered a fraudulent conveyance to convey this property. I will read the language of the amendment: "Provided, however, that no conveyance of a homestead into joint tenancy, with right of survivorship with a spouse, shall be deemed fraudulent hereunder". Before I discuss this I would just like to address a remark or two to what Senator Kelly said. I know it can be irritating to have an amendment offered on Final Reading. Nevertheless, that is not a violation of the rules, Senator Kelly. The rules allow for that, and as long as a bill is before the Legislature, it is fair game for any type of amendment. And I know that sometimes amendments are ingenious, some are ingenuous, but I feel that this one does have enough substance to it, whether you agree with it or not, to justify its being discussed in connection with this bill. As I notice the bill it is a uniform type of legislative action and I would want to ask Senator Johnson a question based on that. Senator Johnson, do you oppose Senator Beutler's amendment because this is a uniform act and his amendment would remove it from the uniform category?

SENATOR JOHNSON: Well, that was my initial feeling, and I always have a hard time with that, Senator Chambers. When I start out with a uniform act, I kind of...I have a hard time accepting at the outset exceptions to the uniformity of the act. That was my first reaction. But the second reaction came...my second reaction as I thought about it was to oppose his amendment as being basically bad social policy, and I will talk about that later on if you would like.

SENATOR CHAMBERS: Senator Johnson, I am trying to understand