

April 1, 1980

LB 940

PRESIDENT: The Chair recognizes Senator Johnson.

SENATOR JOHNSON: Yes. Mr. President, and members of the body, I, late yesterday afternoon in checking out what was happening today, discovered that Senator DeCamp was going to attempt to amend LB 940 to include the language of LB 901 and then of LB 899 dealing with bankruptcy exemptions, and I personally have a true interest in bankruptcy exemptions. I have done a number of bankruptcies for clients over the years and am familiar with the exemption process, and given the interest that I have had in the bankruptcy exemption process, I have watched with great concern the progress of these several bills through the Legislature, and had concluded prior to yesterday afternoon that, in fact, there would be no attempt made this session to repudiate the federal bankruptcy exemptions, only to discover late yesterday afternoon that it would be tried today. And I find myself very vexed by this little April Fool's joke because had the bill progressed to General File for debate and Select File for debate, all along the way I would have been able to make my input for whatever that is worth, suggest amendments for whatever they might be worth and attempt to fashion a responsible law for the state. But because I now have to deal with one amendment on Final Reading I have little chance to fully reflect the kind of exemption process the state should have. Furthermore, because this was also done in the last few days of our session, the opportunity to fully and carefully research or reflect on the issue is not present. Last night I went down to the Law Library at Creighton Law School to again refresh my memory as to what the federal bankruptcy exemptions were, and such things that the federal exemptions cover are social security payments, unemployment compensation payments, public relief, veterans' assistance, disability payments, illness payments, unemployment benefits, alimony, support, child support, separate maintenance. Those are all exempted out under the federal exemptions. Now I don't know what Senator DeCamp's amendment is going to do to those exemptions. I couldn't tell you with twelve hours' notice precisely what that amendment will do. I don't know if, in fact, it will somehow repudiate these exemptions for these kinds of public assistance programs or private contractual programs. Maybe it will...maybe it won't. But I think the people of the State of Nebraska are entitled to a little greater knowledge than we are going to have if we hastily push through this new exemption program as Senator DeCamp is suggesting.

PRESIDENT: The Chair recognizes Senator Schmit.