

March 20, 1991      LB 161, 162

E & R for engrossment.

SPEAKER BAACK: You've heard the motion to advance LB 161. All those in favor say aye. Opposed no. It is advanced. LB 162.

CLERK: LB 162, Senator, has E & R, first of all.

SPEAKER BAACK: Senator Will.

SENATOR WILL: Mr. Speaker, I move the adoption of the E & R amendments to LB 162.

SPEAKER BAACK: You've heard the motion to adopt the E & R amendments. All those in favor say aye. Opposed no. They are adopted.

CLERK: Mr. President, Senator Landis would move to amend. (Landis amendment is on page 1147 of the Legislative Journal.)

SPEAKER BAACK: Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker. Again, Senator Landis asked me to handle this amendment. The amendment deals with...or, excuse me, the bill deals with the repealer of Article VI of the Uniform Commercial Code. Article VI of the code is the bulk sales portion. What that refers to is when you sell a business, as a whole, there's some steps, some hoops you have to jump through before that transaction can be completed. The penalty for not completing it in a correct fashion is to have some liability imposed upon you for people who are creditors of the original business. It also has a very short statute of limitations, a six-month statute of limitations on it. So, in effect, what has been happening is that people just simply are not jumping through those hoops, they're not doing what they do anyway, and they're just taking the chances on it. That's the reason why the commissioners on uniform law have suggested it be repealed. What the amendment would do is to add the E clause. The reason for it was rather than have people in a state of limbo, some people using it and some people not using it for the period of the next, I guess about five months, it would have that take effect on signature by the Governor. For that reason, again, I would ask that the amendment be adopted.

SPEAKER BAACK: Is there any discussion on the amendment offered by Senator Landis? Seeing none, Senator Lindsay, you wish to