

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 29, 1999 LB 550

CLERK: Mr. President, Senator Landis would move to amend. Senator, I have two amendments. The first is AM1121 with a note you would like to withdraw that amendment.

PRESIDENT MAURSTAD: The amendment is withdrawn.

CLERK: Mr. President, Senator Landis would move to amend with AM1452. (Legislative Journal page 1681.)

PRESIDENT MAURSTAD: Senator Landis, you're recognized to open on AM1452.

SENATOR LANDIS: Thank you, Mr. Lieutenant Governor. This is the Uniform Commercial Code's Article 9 rewrite and there are some changes brought to us by the Revisor that would update language in existing law. These are recommended by the Revisor of Statutes. There was also a situation, and this, by the way, is like a 200-page bill, at one point my staff, Bill Marienau, sat down with Neal Nelson in the Bill Drafter's Office and one of them read the bill out loud and the other one cross-checked editorially to catch word for word and comma by comma any variations between this Article 9 and the Uniform State Law Commissioner's suggested language, and so there's a body of minor comma and those kinds of changes that were caught in that reading. Additionally, you will recall on General File Senator Coordsen had an amendment about the appearance of the legal description of land on the face of a financing statement and I said that I supported Article 9 keeping that off the financing statement, but that for those parties who were concerned, which included the ag fertilizer folks, and they have a statutory lien, I would support removing the legal description from their liens so that the rule was standard across the board. Senator Coordsen said that was acceptable to him; so did the ag fertilizer people. Part of this amendment is to strike the appearance of a legal description upon the liens of petroleum products, fertilizer and ag chemical liens, consistent with the representations that were made on the floor. Following a discussion with those groups in the interim, there was a problem in their statutes on statutory liens that they wanted to get to and that was fertilizer inputs for which there is a lien on crops which are then harvested by a farmer and fed to their own livestock, which constitutes a kind of conversion, and we've