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LB 929

Senator Landis' amendment.

SPEAKER KRISTENSEN: The amendment is adopted. We now return to debate on advancement of the bill. Senator Vrtiska.

SENATOR VRTISKA: Thank you, Mr. Speaker. Members of the body, I don't have a problem with the bill, I just wanted to ask Senator Landis a question, if I might.

SPEAKER KRISTENSEN: Senator Landis, would you respond?

SENATOR VRTISKA: Senator Landis and me were talking about this, I thought I heard you say that symbols could be used in place of the X, et cetera, when you are trying to verify the authenticity of a document. Is that correct?

SENATOR LANDIS: Yes, let me see if I can get you exactly the language that's here.

SENATOR VRTISKA: Well, let me...let me just...let me just ask...

SENATOR LANDIS: Go ahead, ask me the question and I'll...

SENATOR VRTISKA: Let me just ask you why, I mean the part that I was curious about, when you...as I understand it, when you use an X or somebody illiterate uses an X, normally somebody has to witness it. How do you witness a symbol or whatever? Is that required? I mean I'm just curious about that.

SENATOR LANDIS: The language that you're making reference to is on page 3 of the green copy of the bill, it's in line 3. It says, "Electronic signature means an electronic sound, symbol or process attached to or logically associated with a record and executed and adopted by a person with the intent to sign the record". And the traditional rule in signatures is intent governs. In fact, you can take a rubber stamp and stamp it, and that's a signature. But what makes it a signature is not that it's in this form of a rubber stamp, it was that the intent to make that be your signature, which is why, although we think of the X, in the old days, as having to have been witnessed, it didn't have to be witnessed. What governs signatures is intent.