

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

May 28, 2003

LB 285, 759

operate in that manner, most would not want the potential legal difficulty of doing so and having it challenged, we do not want to create an incentive to do so as a result of the language of the law. Striking the three words "such person's own" retains the substantive intent of the provision as we all understood it, as we debated it for hours here on the floor. But it would eliminate the potential loophole and the temptation of anybody attempting to utilize it to their advantage. We cannot even be certain that the Department of Revenue would in fact enforce the existing language so as to allow a loophole. But the department and the counsel to the Revenue Committee concur that eliminating the potentially confusing language will avoid any possible attempts or difficulties. Out of an abundance of caution, I've decided to offer this clarifying amendment to the body for its decision. This amendment would simply amend LB 759 to eliminate those three words as shown, "such person's own." And, yes, we can use a later bill to amend a bill that we have already passed at a prior time in this same session. I would urge the adoption of AM2109, and the advancement of LB 285. I thank you for your time and attention.

SENATOR CUDABACK: Thank you, Senator Brashear. You've heard the opening on AM2109, offered by Senator Brashear to LB 285. Open for discussion on that amendment. Senator Kremer.

SENATOR KREMER: Thank you, Senator Cudaback and members of the body. I just have one simple question to ask Senator Brashear. You'd mentioned that LB 285 would be totally gutted, then, of...and then put this in. Is there anything in LB 285 now that is not in LB 759? Is that...is the total package of LB 285 in LB 759?

SENATOR CUDABACK: Senator Brashear, would you respond?

SENATOR BRASHEAR: Yes, I believe LB 285, in its entirety, is incorporated in LB 759 already. And that's why we're able to eliminate all those provisions.

SENATOR KREMER: Okay. Okay. Thank you. That's all I had. Thank you.