

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

February 25, 2005 LB 298

the relationship of provisions in this bill, just in terms of the effectiveness of the bill, to begin with. The rule stated at the beginning of Section 4 says, any person may be a holder of one of these covenants. The definition of "person" includes governmental subdivisions, seeming to say a governmental subdivision can be a holder. But that seemingness is contradicted by the second sentence of Section 4, which says, the state of Nebraska, a municipality, or other governmental...or another unit of local government may not be a holder. I am not...I've just started reading this bill. I'm not familiar with the entire significance of being a holder or not being a holder. But let me look...let me direct your attention to another provision at the very bottom of page 2. It says, the right of an agency...and that includes DEQ, for example. And I want to go back and talk about what an agency is, at another point in time. But the right of an agency, under this act, or any environmental covenant, other than a right as a holder, an agency is a governmental subdivision. So again, it seems to assume that a governmental subdivision can be a holder, because it's saying that an environmental covenant, an agency...under an environmental covenant, other than a right as a holder, is not an interest in real property. But then, if the agency can't even be a holder, if you switch the meaning of the words and say they can't be a holder, then their interest in whatever agreement is made is not an interest in real property. And I'm not sure I understand the implication of that. And I don't know who I should ask, Senator Schrock or Senator Landis or Senator Preister. But again, there appears to be a contradiction in terms. And so let me...I...whose bill is this? Senator Landis.

SENATOR CUDABACK: Senator Landis, would you yield?

SENATOR BEUTLER: Let me ask you about...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...that last line on page 2 and the beginning of page 3. Does that not seem to indicate that a government unit could be a holder?