March 8, 2005   LB 97, 241

SENATOR CUDABACK: Thank you, Senator Schimek. You've heard the opening on LB 241. Open for discussion. Senator Schimek, there are no lights on. Senator Schimek waives the opportunity to close. The question before the body is, shall LB 241 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 241. Have you all voted on the question who care to? Record please, Mr. Clerk, when you get time.

CLERK: 30 ayes, 1 nay, Mr. President, on the advancement of LB 241.

SENATOR CUDABACK: LB 241 does advance. Mr. Clerk, LB 97.

CLERK: Mr. President, LB 97 is a bill by Senator Beutler. (Read title.) Introduced on January 6, referred to the Banking Committee, advanced to General File. I do have Banking, Commerce and Insurance Committee amendments pending, Mr. President. (AM0172, Legislative Journal page 519.)

SENATOR CUDABACK: Senator Beutler, you're recognized to open on LB 97.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I'm going to attempt to give a very simplified view of this, because it is something that, in its more elaborate format, requires some additional explanation. But basically, this is a bill that was brought to me by the banking industry. And they were concerned about 76-239, the statute that says, in part, after the expiration of 20 years from the date of a deed of trust or a mortgage, for example, the record of any such mortgage or real estate contract that has been recorded shall cease to be notice of the existence of a lien. So this is what's called a curative statute, that applies to mortgages, and it's been applied to deeds of trust, in fact, which basically indicates that title insurers, for example, are not going to show mortgages as a lien if 20 years has expired from the date of the mortgage. What the bankers found problematic in that was that there are certain types of mortgages and deeds of trust--deeds of trust, primarily, today--that have what's called

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