

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

May 3, 2005

LB 401, 734

owned by an estate or family trust, and the bill changed the existing prohibition from extending to all trusts, limiting its application to irrevocable trusts. The committee amendments extended the change to apply to service on the board of trustees as well, and changing the requirements for how trust representatives would appear on the ballot. And that's where the...that's where the problem occurs. The consequence of the change dealing with the service on the board of trustees...the change would essentially have unintended consequence of prohibiting representatives from family trusts from service on boards of trustees of SIDs. And this potential problem came to light after the adoption of the amendment to LB 401, and this was not the intent of the committee, and really not the intent of the bill, the reason it was brought forward. The amendment, AM1314, returns the provision to the original form of LB 734, and it deals only with the right to vote, as an SID resident, and deletes all the provisions dealing with the candidacy for SID board positions, as a representative of a trust. The amendment solves the original problem and guarantees that no one is prohibited from service on an SID board of trustees. With that, I would ask for the return to Select File, and the eventual adoption of AM1314. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Friend. You've heard the opening on a motion to return. Open for discussion on that motion. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President, members. I would...I rise in support of the return to Select File for purposes of the amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. Further discussion on the motion to return? Seeing no lights on, Senator Friend, you are recognized to close. Senator Friend, did you wish to close? He waives closing. The question before the body is, shall LB 401 be returned to Select File for a specific amendment? All in favor vote aye; those opposed, nay. The question before the body is, shall LB 401 be returned to Select File for a specific amendment? Record please, Mr. Clerk.

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to return,