

March 9, 1979

LB 36

inroads. We can get to the point where we can pick up the farming transaction which is what has been done in California and in Colorado. We can include that kind of a sale as well. I think the principles of uniformity require us to maintain the code as written. I want to make one final point in closing. Any meat purveyor can protect himself against an unexpected sale of the business by becoming a secured creditor. He can become a secured creditor with respect to the restaurant and he, therefore, has all the protections that the code affords a secured creditor which means he has security in that property that is about to be sold. I would ask you to vote against LB 36.

SPEAKER MARVEL: Senator Stoney, there is no other discussion. Now I recognize you to close on your motion to advance the bill.

SENATOR STONEY: Mr. Speaker, members of the Legislature, of course, I respect and appreciate Senator Johnson's concerns and I would not ask or come forward with this proposal if I thought that it would be a tremendous disadvantage in making this alteration. Now I would stress again that since he referred to inventory businesses, that many of these restaurants and food dispensing establishments presently have large inventories and these inventories, when the business is sold, go right along with these businesses and that is why the individual that provides these products should be treated as fairly as any other creditor. Now with reference to the change in the uniformity within the fifty states, I restate the fact that ten states have made such revisions, some more comprehensive than what is being suggested or requested here in LB 36. Again I would mention that the Nebraska State Bar Association is familiar with this bill. I am sure that they have surveyed members. I doubt that any of you here in the body have received letters from the legal community advising that they are opposed to this measure and I do know from my four plus years here in the Legislature that the Nebraska State Bar Association is not reluctant to be assertive if they are opposed or a proponent of any measure that has anything to do with the legal profession. So although I appreciate the comments by Senator Johnson and I know that he is sincere, I do not feel that the adjustment that is being requested would be detrimental in harming the present Uniform Commercial Code. I would move that the bill be advanced to E & R Initial. Thank you.

SPEAKER MARVEL: The motion is to advance LB 36 to E & R