

March 10, 1980

LB 802, 814

CLERK: (Read record vote as found on pages 1072 and 1073 of the Legislative Journal.) 39 ayes, 2 nays, 6 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with emergency clause attached. The next bill, LB 802 on Final Reading.

CLERK: (Read LB 802 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Read record vote as found on pages 1073 and 1074 of the Legislative Journal.) 41 ayes, 0 nays, 5 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The Clerk will read LB 814.

CLERK: Mr. President, I have a motion on the desk. Senator Beutler moves to return LB 814 to Select File for a specific amendment. The amendment would read as follows: (Read the Beutler amendment to LB 814 as found on page 1074 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I will try to be quick on this. Reviewing this bill this weekend it occurred to me that there was one subject that was worthy of consideration here because I think there is a possibility that an extreme hardship may be created here on a wife and children. Sections...the amendment, by the way, is before you and I apologize for not having it typed out again. My staff was not here and I did not have time to get that done, and I hope you can read it. It applies to sections 4, 5, 6 and 7. These are the sections that define what fraudulent conveyances are, and what I am saying is that a certain type of conveyance will not be deemed automatically fraudulent under those sections and that type of conveyance that I am talking about is a conveyance of a homestead into joint tenancy with right of survivorship with a spouse. In other words, let me try to describe what I am trying to do, by giving you an example. Let's say that a husband and wife have been married for twenty years and let's say they bought a house at the beginning of that twenty-year period but one reason