

April 1, 1980

LB 940

PRESIDENT: The motion carries. The amendment is adopted. Senator DeCamp, what do you wish to do with the bill?

SENATOR DeCAMP: I would move the bill be advanced.

PRESIDENT: Motion to advance to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. LB 940 is advanced to E & R for Engrossment.

CLERK: Mr. President, Senator Johnson now moves to return LB 940 to Select File for a specific amendment, that amendment being to strike Section 1 of the DeCamp amendment we just adopted.

PRESIDENT: All right, now there is another motion to.... this is a motion to return?

CLERK: Yes, sir. Yes.

PRESIDENT: All right.

SENATOR JOHNSON: Yes.

PRESIDENT: Before we do, Senator Johnson, may I just introduce some guests that have been up here for quite a while from Senator Kremer's District, some 24 students of American Government from the Nebraska Christian High School at Central City, Principal, Mr. Don Olson. Would they stand and be recognized, and welcome to your Legislature. And now, Senator Johnson, you may proceed.

SENATOR JOHNSON: Mr. President and members of the body, what my amendment does is this. If you look at page 1608 and 1609 of the Legislative Journal, you will see the DeCamp amendments printed, and my amendment simply eliminates or would strike Section 1 of the DeCamp amendments. Now Section 1 of the DeCamp amendments is the provision specifically declining for use in Nebraska bankruptcies the federal bankruptcy exemptions. That is what Senator Landis calls the declination provision. Now as you have heard, the Federal Bankruptcy Act which came into being in October of last year specifically allowed states, individual states, to decline the application of those federal exemptions in bankruptcies in the particular states that did so effect the decline. Just because my amendment were to succeed would not mean that the DeCamp amendment itself was a total failure. As I discussed earlier, exemptions apply in a whole variety of contexts and one context quite simply is traditional creditor collection process, where the