

April 1, 1980

LB 940

CLERK: 25 ayes, 6 nays, Mr. President, to cease debate.

PRESIDENT: The motion carries. Debate ceases. Senator Johnson, you may close.

SENATOR JOHNSON: I think debate frankly has been called precipitously on this issue. I, personally, believe that we are seeing power of a strong lobby and I think it is unfortunate for the folk of Nebraska, but I know that that occurs. Now, Senator DeCamp has asked for thirty seconds of my closing time. He suggests that I allow it as a sporting gesture. I will do so to Senator DeCamp, but I still want some further time.

SENATOR DeCAMP: His amendment completely guts the bill.

PRESIDENT: All right, that is his time, so you may now finish your closing.

SENATOR JOHNSON: The truth of the matter is that the amendment does not completely gut the bill. What it does simply is that it says the federal exemptions shall continue in the bankruptcy process, but that the state exemptions shall be increased to a far more realistic level than where they presently are. Now, I have gone through several points concerning the federal exemptions, and because time was somewhat limited I was not able to complete all the federal exemption points, so let me continue with them. The federal exemptions, for example, would prohibit the creditors in a bankruptcy proceeding from being able to obtain the professionally prescribed health aids for the debtor or dependant. Let me tell you what that means. What that means simply is that under the federal exemptions a creditor cannot come in and take...cannot come in and take the bankrupt's wheel chair, cannot come in and take the bankrupt's nursing bed, cannot come in and take any of that kind of material which will be prescribed as a health aid. If we repudiate the federal exemptions, we repudiate that point, and that means very simply that under the Nebraska exemptions in a bankruptcy the creditor who wanted to take those things could take those things. Now, you say to me, what heartless creditor would take those kinds of things? Well, I can tell you, there will be heartless creditors that will take those kinds of things because I have seen that happen in my own experience. As I indicated earlier, the federal bankruptcy exemptions specifically says...specifically says that in no way following a bankruptcy can anyone take somebody's social security benefits, somebody's supplemental security income benefits, somebody's unemployment compensation benefits,