

January 11, 1980

LB 306

to do so. I do not concur with Senator Fowler that age is going to make this bill any better. There is only two things that get better with age, that is wine and cheese. This bill is neither. Let's treat of it now. I would recommend its advancement but either way, let us treat of it now and not go through what we have been through this morning on another day at another time under the guise of...

PRESIDENT: One minute.

SENATOR MURPHY: ...now if you hadn't of said that I would have been done.

PRESIDENT: I would have liked to have said it about two minutes ago but go right ahead.

SENATOR MURPHY: That is because you authored the probate code. I guess I am through, thank you.

PRESIDENT: Thank you. Senator Kahle.

SENATOR KAHLE: Mr. President, I move the question.

PRESIDENT: Motion called to cease debate. Do I see any hands? All right, the question is shall debate cease. All those in favor vote aye, opposed nay. Have you all voted? Motion to cease debate. Record the vote.

CLERK: 26 ayes, 7 nays to cease debate, Mr. President.

PRESIDENT: Motion carries. Debate ceases. Senator Beutler, you may close now on the motion to advance.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, let me just make two quick points. This system that we are creating is not a mortgage at all. During the life or at any point in time, during the life of the debtors, at any point in time the property can be sold. There are no encumbrances upon the property. It isn't anything like a mortgage in the legal sense. So don't be fooled by that argument and the second argument you shouldn't be fooled by is the fact that it is going to drag out estates. The creditor in this case will have to file a claim against the state in the same time period that everybody else does, and once he does that the property is brought in automatically if the law is clear and the law is clear, or it will be. So don't be sidetracked by those two points. I think you have had a strong emotional appeal made to you today. You know this is really like the first year classic, classic first year law school case in that you pit a fine principle and a