

are only giving after death the same rights they had before, then I would think they would be the ones wanting to vote for this amendment. So I certainly support the amendment. I would just like to throw out another idea for Chris and Dave to think about here. Do you know any other thing... any other law, any other situation where you can ipso facto create personal liability merely by somebody dying? I really wonder, you know, if you don't have constitutional problems. Now I know why they have to go the personal liability route, because if they did the alienation of a property route like Ernie was claiming they were trying to do, that would be clearly unconstitutional, so you have to come in the back door and say, this person who never signed doesn't even know it is there is personally liable, but I am not sure that I know of any other place, and I had located a law review article done in 1961 on this subject. I think it would be worthwhile to read it. I will pass it around here once I get it copied. It is more than a little interesting but I want to read you the first paragraph. This statute, in other words what we are trying to do here is peculiar to Nebraska, and for this reason judicial determinations from other states are of very little value in solving the problems arising under this act, etcetera. It is a real interesting article, and I think it is important to realize that we aren't maybe jumping into line with other states, and we may be doing something different, but I do support the amendment because it is consistent with what Chris says, very consistent with we are not changing anything after death.

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. President, I would like to ask Senator Chambers just some clarifying questions or two.

PRESIDENT: Senator Chambers, will you respond?

SENATOR CHAMBERS: Yes.

SENATOR LANDIS: Do I understand, so that we have the legislative intent of your amendment clear, Senator Chambers, that what you are referring to here is the quantity or amount of a property to be taken? The reason I ask, and let me just be very clear here, obviously an individual who is alive does not go through the probate process to distribute property, and if I understand, you want to carry this philosophical point out. So you are not...you can't require exactly the same procedures to be followed because they aren't followed exactly the same. What you are talking about here is what,