

support Senator Marsh's motion to return the bill to strike the enacting clause. I am not going to get into the philosophical arguments or I am not going to argue about who knows what is in the bill or not. I think at this point in time we all know what is in the bill. I am not going to argue about whether the powerful and the mighty and the strong and the wealthy oppose the bill or support the bill. I think we should think about the impact upon the individual of the passage of this piece of legislation. It has always been the responsibility of elected people in a legislative body to protect that individual who is perhaps less able to protect themselves with the equal fervor that you direct toward the mighty and the eloquent and the powerful. I think that in this instance there is no doubt in our minds that the individual who would suffer is less likely to protect themselves than the institution which would benefit from the passage of this bill. I want to say also that it is not necessarily the legitimate lending institution that would be involved in this kind of enforcement but it could well be an individual who, through collusion with a spouse, might decide to engage in a loan which could then be enforced upon an unsuspecting widow and I don't think we want to condone that sort of activity. I have very little doubt that the legitimate lending institutions are not able to protect themselves and to do so with every justification when they create a legitimate lending instrument but to enforce the collection of a debt upon an unsuspecting widow is, I think, wrong. I think that we have in the past leaned over backward and we shall continue to do so to enforce legitimate collection of obligations but we have not extended that collection to those individuals where they were unaware of an obligation. I want to point out again, I believe it is possible for collusion to exist between a less than honorable lender and a spouse to work to the detriment of the widow. I would just like to call your attention also to the fact that this issue will not come up very many times. Certainly I know of no instances at this time but I can see where, if the bill becomes law, it would be possible for it to be abused many times. I don't think we want to invite that sort of activity and I certainly ask you to support Senator Marsh's motion to return the bill.

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: Mr. Speaker and members of the Legislature, I was not here the last time you debated this bill and, therefore, did not have the opportunity to speak or to listen to the debate that did occur at that time and I hope I do not repeat things that you have heard before. I probably will in many instances but I wanted you to know my feelings on this issue. There is essentially two ways that two or more people can own ownership of real estate, as joint tenants where equal interests are shared