

February 20, 1980

LB 306

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: I call the question, Mr. Speaker.

SPEAKER MARVEL: Do I see five hands? The question has been called for. All those in favor of ceasing debate vote aye, opposed vote no. The question before the House is, shall debate cease. Have you all voted? Have you all voted? Shall I record the vote, Senator Landis? Okay, record the vote.

CLERK: 14 ayes, 14 nays to cease debate, Mr. President.

SPEAKER MARVEL: The motion lost. Debate does not cease. The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to address a couple of the problems or a couple of the alleged problems that have been discussed earlier. First of all, with regard to the problem of technical problems with the bill, these lately discovered technical problems apparently are not technical problems to people from the Bar Association and the Title Committee of the Bar Association. They didn't see the same problems in the bill as this unnamed authoritative lawyer who went to a good school. So I don't really believe that there are technical problems hidden in this bill at all. Senator DeCamp's testimony, he was quoting some testimony from Chauncey Barney, I think probably from...I don't know where it is from, a 1955 debate, Senator DeCamp? That wasn't exactly the same bill that we are talking on now and I really don't see the relevancy of that at all. With regard to the Attorney General's opinion, if you ask an obvious question to someone who has not seen the floor debate and who has not been here you will get an obvious answer. The question was asked whether any new right was created. That question should have been asked in the context of what Senator Chambers meant by that remark, but it wasn't. It was asked flat out. So the answer you get is, hey, there is a new right. You can sue the surviving joint tenant. Well we all knew that from the beginning. That is what it was all about. Obviously you cannot sue a deceased person. So if you ask an obvious question, you get an obvious answer. That is not what Senator Chambers was concerned with and I think if you look back at his testimony which I have here if you would like to see, you would also see that it is not the right to sue the surviving joint tenant that Senator Chambers was concerned with. He had other concerns and so the Attorney General's opinion really is not condemning in any sense that I can see. It is a bad opinion for a number of other reasons, but in that context it doesn't mean a thing. Thank you.

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