

January 11, 1980

LB 306

motion that we are using much anymore, so I would simply urge people not to vote to advance it. If you don't want to vote against it, just simply don't vote. Let's wait for a little time. Let's collect a little more information. We have fifty-seven days left. So I would urge any of you if you have the slightest doubt on this bill, don't let it go across. Let's collect some more information. So I oppose the motion to advance LB 306.

PRESIDENT: Senator Goodrich. Motion to raise the Call and the Call is raised even though everybody has been acting like it has been raised for quite a while. All right, the Chair recognizes Senator Murphy.

SENATOR MURPHY: Ladies and gentlemen, we have been discussing one facet of what is really involved here and that is property ownership, but I think we have ignored entirely the other facet and that is to facilitate commerce in this state and to enable someone and for every abuse case I will show you abuse cases on the opposite side. I will show you young men whose only asset might be property who would like to engage in commerce, whose wife either does not understand, disagrees, is unwilling, is unavailable and the man is totally stopped from engaging in any future commerce that could have been facilitated by making use of the collateral of property. True, the bank can sit and wait until he can convince his wife but the bank cannot take your funds, your deposits and risk them unnecessarily. The bank cannot require insurance to replace property as a collateral but we have gone very very far down one side of this road and completely ignored the other. Are we here to delve solely into property ownership or are we here to facilitate commerce in this state of which I have heard no long list of abuses? We adopted the probate code in the dark and I say literally in the dark. They turned out the lights. Two hundred and thirty-six pages read by, I am sure, almost no one, understood by even fewer and this is one of the things that was in that omnibus bill, that have since been found to be undesirable. Now if we are positive that a bill we have not read, adopted in the dark with lobbyists running up and down the aisle, one of the more disreputable days on the floor of this Legislature, if that is to be our guide, anything we do cannot be altered, shall not be amended irregardless of subsequent exposure and experience, then I say we are in trouble. I personally do not like the 50% exclusion. That is my personal opinion. I would rather see the thing total. We are creating kind of a half an animal but it is better than no animal at all and I suggest to you that you owe to those people who need the ability to borrow against their collateral without being unnecessarily encumbered, the right