

from requesting or even suggesting that the spouses come in and sign these particular notes. Now I think if anybody reads regulation (b) you can see that it does not say that, in spite of representations that were made ten days ago. But to make it absolutely clear that the Nebraska law permits the bankers to request or even require that the other spouse be brought in to sign the note, why we are suggesting that this particular provision be written into law. Now I think that this is the proper solution to the problem we have here. The problem really is not one of paying just debts. The problem is, who is in the better position to protect themselves in this kind of a situation, the unknowing spouse whose spouse goes out and contracts for a substantial debt or the banks who know what the law is and who are well able to request, or, now if this amendment passes, even require the spouse to come in to be a joint signatory on the loan, and as Senator Schmit pointed out this is not a case of walking away from debts, this is a case of the banks not having to grant loans in the first place unless they are sufficiently secure, and there is a very easy way for them to be sufficiently secure and that's to request or require the spouses to come in and sign the thing, and what this amendment does is it makes it clear that the banks have the authority to do that. Now there are serious public policy concerns with this entire bill, LB 306. It was opposed by the lawyers who drafted the model probate code years ago. It has been opposed by law professors at Creighton Law School in Omaha who are very knowledgeable on property issues. It has been opposed by the former Dean and by property professors at UNL law school who are very familiar with the complexities of these issues. It has been opposed by attorneys throughout the state. I saw a letter written by an attorney from greater Nebraska a day or two ago who called it the lazy banker's incompetent attorneys bill. This is not a good bill. It is wrong public policy. This amendment will satisfy the principal, one of the principal concerns raised by the bankers, and I would urge its adoption.

PRESIDENT: State your point, Senator Beutler.

SENATOR BEUTLER: I would request the Speaker to rule the previous question out of order on the basis that a full and fair debate has not been afforded on a complex matter, namely this amendment.

PRESIDENT: Sorry, in view of my ruling the other day, I could not possibly rule that way today on this one. So I am going to rule there has been plenty of debate. Debate ceased and the close has been made, and the question is, shall