

January 30, 1980

LB 306

five hands? I do. The question is, shall debate cease on the amendment to the amendment? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, to cease debate.

PRESIDENT: The motion passes. Debate ceases, and I call upon Senator Fowler to close on his amendment to the amendment.

SENATOR FOWLER: Well, after listening to debate I will concede with Senator Landis this may be a little more than fine tuning of the bill. I am not sure that I would agree with Senator Burrows that it guts the bill. Having had personal experience last week with that operation I am not sure that that is exactly what is being done here. But the amendment was to try and illuminate and crystallize a couple points. Senator Landis and Beutler have made the point that persons should be treated the same dead as if they are alive. They have said that the debts should be handled the same way for a dead person as for a living person. Now I have championed the rights of the dead on this floor. I even tried to put a couple of dead people on an anatomical board a couple years ago, so I am very sensitive to that. But I would submit that there is a difference between a living person and a dead person, and there is a difference in the ability of a living person to pay off debts and there is a difference between the ability of a dead person to pay those same debts off. I would think, although I have not been schooled in the law, that that is why we have a distinction in the law as to how debts are handled when one is alive versus when one is dead. When one is alive one is around to carry out the principle that Senator Beutler is talking about that a man should be responsible for his debts. Well if a man is dead that is a very easy way for him to get out of that responsibility, and perhaps the problem is that people are dying when they owe money. Perhaps what the banks should do is have a pledge from people that they not die, and that might settle the problem. There is a reason that there is a distinction in the law. A dead person cannot be responsible for their debts. We are talking about property and joint tenancy, and what my amendment says is that all the joint tenants have to sign...now again Senator Beutler has been using this refrain on us that a man should be responsible for his debts, and I would agree with that if that person knows that it is a debt they are responsible for, and that is why I think a person should be required to sign in writing for that debt. This is property in joint tenancy. It is not an individual's property. It is shared

6587