

January 11, 1980

LB 306

PRESIDENT: The Chair recognizes Senator Marsh.

SENATOR MARSH: Mr. President and members of the Legislature, I am opposing 306 and I am opposing the amendment to 306. Under present conditions anything held in joint tenancy automatically passes on to the survivors. Creditors had no means of touching property unless...unless the surviving spouse had signed for a debt, thus making the surviving spouse liable for the debt and this is fair and equitable. If passed, creditors could touch the property whether or not the surviving spouse had co-signed the bill for the loan. This would enable the creditors to touch the property after all other estate resources had been exhausted and debts still remained according to the introducer's statement. The Nebraska Commission on the Status of Women opposes LB 306. One spouse should not be responsible for the debts individually incurred by the other spouse. This bill's potential could be devastating to widows who may be liable for their deceased husband's debts. The Commission feels that this bill infringes upon the privileges of joint ownership presently enjoyed by husband and wife. This bill could force the widow to sell her home to satisfy debts incurred individually by her deceased husband while she had no knowledge of these outstanding debts. Nebraska women outlive their male counterparts on an average of six and a half years and the passage of this bill could create an undue hardship for widows. Nebraska widows may already be responsible for an estate tax liability and be in a double bind when creditors force the sale of joint owned property. It should be the responsibility of creditors to obtain the signatures of both husband and wife on jointly owned property. You know these institutions can and often do require life insurance before the loan is made. It can require two signatures if property is used as the basis for a loan and should. The Nebraska Commission on the Status of Women urges defeat of LB 306. Who will be hurt most? Women in the State of Nebraska, women who in my age bracket and those who are older often did not know what a husband's salary was or what his income was, women who do not normally handle the business of the family. This will not happen in future years but there are many women today who are not aware of the financial situation of the family. These would be in jeopardy if LB 306 is passed.

PRESIDENT: The Chair recognizes Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, and particularly, Senator Beutler. Senator Beutler, I am going to make a situation on the record that I would ask you to respond to. That situation would be this, is that