

person who puts property into joint tenancy with right of survivorship knows that the present law of the state is that if one spouse signs on a note and doesn't pay it there will be a judgment against that spouse and an execution against the joint tenancy property. So what is all this talk about unsuspecting and unintentional? I don't see how those words can legitimately be applied to this situation. The law of Nebraska from 1955 to 1977 allowed in the estate situation that we are talking about execution against joint tenancy property and it allowed it to the extent of contribution. In other words, it allowed much more than 306 would allow in the sense that 306 has an absolute 50% limitation. In 1977 the Uniform Probate Code was enacted. I believe Senator Murphy, the first time we debated this bill, described for you, described for us who were not in the Legislature at that time, and described for you who are here to refresh your memory, described what a vast document that was and how it was debated in generalizations and how each and every specific provision of the Uniform Probate Code certainly wasn't discussed. The legislative history of the Uniform Probate Code was researched. To the best of my knowledge never was the specific issue of 306 discussed on the floor of this Legislature or in committee. It is true that one of the working documents, one of the original working documents when they first started working with the probate code, discussed the issue, but I am talking about legislative intent. I am talking about this body in here actually thinking about the issue and deciding and in that sense it is intellectually true and honest and accurate to say that this body did not consider the issue. Now whether you want to call the enactment the change in the law intentional or unintentional, we can use whatever words we want. I am telling you where and when it was considered and I think this also addresses all these arguments made with regard to Mr. Brandt's misrepresentation. I think what we have is a misunderstanding, you know, whether or not it was inadvertent depends on at what stages of debate do you think it should have been discussed forthrightly. It certainly was never discussed before this whole body or even before a committee of this whole body. In closing, I would just like to mention that there are, in fact, other amendments pending that have been suggested by the Bar Association to address the original Chambers amendment and those will be coming up shortly. Thank you for your time.

SENATOR LEWIS PRESIDING

SENATOR LEWIS: Senator Lamb.

SENATOR LAMB: Question.