

March 10, 1980

LB 814

subject has been dealt with before, and it seems to me further that when we were dealing with it before that you were indicating that the spouse should be protected from the creditor, the surviving spouse of a joint tenancy, particularly the homeowner. I don't recall exactly but I think it was something to the effect that we didn't want to put any widows out of their homes. Now, suddenly, it seems to me you are on the other side. Could you explain that to me?

SENATOR JOHNSON: Well, when I discussed LB 306, Senator Vickers, I really tried not to use emotional arguments. I tried not to refer to widows and orphans and the like, but rather the basic social policy, and 306 is just a genuinely different issue than 814 is. 306 deals simply with what can happen to joint tenancy property on the death of one joint tenant. That is what it dealt with. 814 deals with creditor process when creditors attempt to go after property owned by a debtor and when they conclude that some of the property owned by a debtor has been fraudulently conveyed away by the debtor so the creditors can't reach it.

SENATOR VICKERS: Well...

SENATOR JOHNSON: And 814 is designed to bring some of that property back in so the creditors can reach it. They are really different...

SENATOR VICKERS: They might be....you say they are different subjects but I am not sure I understand or agree with that. I think we are talking with both 814 and 306. I think we were discussing the fact as to whether or not creditor-debtor relationships, whether the debtor...or the creditor had the opportunity to go after certain property to satisfy the debt, and it seems to me that 814 and 306 were both addressing that. It also seems to me that if we were genuinely concerned about the surviving spouse with 306 we should be equally as concerned about the survivor with 814. So, I concur with Senator Beutler. It seems to me that this is a good amendment. I see nothing wrong with it. Now, perhaps there are some people here that are attempting to play some other games. I think that should be another issue. The issue at hand is whether or not the surviving spouse is going to be put out of their home. Now, you mentioned twenty acres as a lot of land. I would assume that there is not too many people that own twenty acres with their house on it in the middle of downtown Omaha or Lincoln. You also indicated at \$2000 an acre land and I would remind