

January 11, 1980

LB 306

understanding of net contributions, Senator Beutler?
How are they to be arrived at?

SENATOR BEUTLER: I am not sure how this relates to the concept of the limitation of 50% though of the committee amendment.

SENATOR JOHNSON: Well, it says here, "the beneficial interest of joint owners of property shall be in proportion to the net contributions of each joint owner except that in no case shall the contribution of the decedent be deemed to be more than 50%." I just want to know, Senator Beutler.

SENATOR BEUTLER: More than 50% of the total value of the property.

SENATOR JOHNSON: Right.

SENATOR BEUTLER: It doesn't relate to the contribution of limitation itself.

SENATOR JOHNSON: Right.

SENATOR BEUTLER: So I am asking you how that relates to the committee amendment that we are discussing?

SENATOR JOHNSON: Well the committee amendment as I understand it, I mean I think I am reading the committee amendment. Maybe I am wrong on this but the committee amendment uses the expression, however, that....

SENATOR BEUTLER: I'm sorry, okay.

SENATOR JOHNSON: ...that the beneficial interest of joint owners of property shall be in proportion to the net contributions of each joint owner. My only question, Senator Beutler, is how those net contributions are to be determined, particularly in land holdings because we are talking about joint tenancy property? How are they to be determined? How are we to ascertain what portion was contributed by the decedent and what portion was contributed by the other joint owners?

SENATOR BEUTLER: Well as you are well aware, the problem with contribution is not an easy one and there are a lot of legal precedents and complicated situations, not all of which follow the same rule. So I think that there is sufficient precedent in the law that deal with that problem and that that idea is nothing new in this bill at all.