

January 22, 1974

(start belt #12)

PRESIDENT: Senator Cavanaugh, yield?

SENATOR WARNER: I'm not perfectly clear on the wording of your proposed amendment. What would be acquired under your amendment in the event the subdivision of government was provided property through a will.

SENATOR CAVANAUGH: That is covered in a separate section it is inclusive of sections 25-05, says are inclusive and it says that it is provided in 2503 that such notice shall be sufficient if given to the administrator or executor of an estate of a deceased person. So the notice is the same thing in the case of a bequest.

SENATOR WARNER: How do you handle as a result of a public hearing that there were objections and the will didn't provide, I suppose that you automatically throw out that provision of the will and it would be....

SENATOR CAVANAUGH: In the case of a gift Senator Warner?

SENATOR WARNER: I'm talking through a will.

SENATOR CAVANAUGH: Of course if there is no acceptance of the state which is the purpose of the public hearing to determine whether or not there was any objection to the state accepting the gift and without the acceptance as far as the states problem is concerned, that is remedied. Then there is generally a residuary clause in most wills but that would be the personal problem of the administrator or the deceased as to where the remainder of that property would go in the event that the specific donee did not accept.

SENATOR WARNER: Then it would seem to me that in any event I have no idea as to how many people in the United States have such a provision in their will which that they would have assumed would be automatic conceivably in some instances it would no longer be possible. It would seem to me that at least some means would have to be recognized that an individuals wish through a will could not be voided by this body....there is no way for them to know it.

SENATOR CAVANAUGH: Senator Warner, we have got competing interests here whenever you are dealing with government. For example if Senator Carpenter had bequeth to us Hiram Scott and the state had no way of rejecting it, that might not be desirable from the point of the state....whether or not the eventual acquisition of Hiram Scott was desirable. I'm not dealing with that issue, but I'm saying that if that case arose the state still has to make a determination as to whether or not it wants Hiram Scott and it has a responsibility to make that determination because the acceptance of Hiram Scott will bring with it many obligations and responsibilities which the state may not or may want to assume. So the state should never be put in the position of being subject to the individual whims of say a decedent who wants to give the state something but the state may not want and it may not be in the best interest of the state to acquire or accept.

CLERK: Read motion. Read notice of committee hearings, Read LB968, 985, 986, 987, and 988.

(end belt #12)

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