

March 7, 1974

SENATOR MURPHY: There is probably a very fine line of difference.

SENATOR LUEDTKE: Well there certainly is and this is something that takes a very, a very very carefully drawn contract in order to get around this but this is where the lawyer is going to earn his money when this bill is passed, there are wahs of waiving some of these features. If your state plan calls for it, you have every way of doing this, you can through a nuptial contract, you can work your way around these particular problems. But you have to set forth in your will or through an nuptial contract or agreement, you have to set forth waht you want to do.

SENATOR MURPHY: But then you say I must take it under intestate statues and I am afraid that confuses me, Senator.

SENATOR LUEDTKE: You are confusing the present situation where you take under the statutes intestacy with the new provision for elective share of providing spouse, which sets forth certain credits. You are confusing the two, it is the same principle, it is applied the same way. But you are confusing the two.

SENATOR MURPHY: I must be.

PRESIDENT: Senator DeCamp do you still want to speak on this issue?

SENATOR DECAMP: Mr. President and members of the Legislature, this point my speaking on it would not do anything. You are talking about the augmented estate, it is an extremely complicated concept, it is one of those things that you could spend a week on, and if I spent two minutes or five minutes or ten minutes, you would only be more confused. Senator Murphy has certain impressions, about all I can say is they are incorrect. He explained the incorrection but it only became more confused so I give up, I move the advancement of the bill.

PRESIDENT: The question has been called for. The motion is to advance LB354. Senator Luedtke, do you have any closing? It takes 25 votes to advance. All those in favor vote aye, all those opposed vote no. Have you all voted? Do I see five hands? Senator Luedtke has called for a Call of the House? Will the Sergeant of Arms please see that the members keep their seats. Clerk will you clear the board, we will vote to go under Call. All those in favor of a Call of the House vote aye, those opposed vote no. Have you all voted?

CLERK: 21 ayes and 1 nay to go under Call, Mr. President.

PRESIDENT: We are under a Call of the House. Please record your presence and everyone please take your seats.

CLERK: Senator Moylan voting aye on the original motion.

PRESIDENT: Senator Rasmussen voting aye, the Chair voting aye. Move to raise the Call. Those in favor voting aye, those -opposed no. The Call is raised. Mr. Clerk will you read the tally?

CLERK: 32 ayes to raise the Call.

PRESIDENT: The Call is raised. Will you read the vote on the original motion.

CLERK: 25 ayes, 9 nays, the raminder not voting.

PRESIDENT: The motion to advance carries. The bill is advanced