

May 9, 1975

PRESIDENT: Senator Warner.

SENATOR WARNER: Mr. President, this is what I wanted to talk a little bit ago. I thought it was inappropriate. Certainly it is not now with the Goodrich amendment. I would seriously doubt it would be advisable to give that authority to the Exec Board. I think it's even more of a question whether this whole section should be in there. I wonder if Senator Cavanaugh would help clear a couple of questions for me? If he would yield. John, one of the questions I have is, as I understand the amendment does it pertain primarily or only to real estate, or any gift?

SENATOR CAVANAUGH: The entire section pertains to any gifts or bequests over \$10,000. The section I amended the legislative consent into pertained only to real estate.

SENATOR WARNER: If it is given to ... it's not unusual for estates to give property to ... sometimes to the University, sometimes to some governmental unit. Would this have the effect of wiping out a will provision if the state was unwilling to accept it?

SENATOR CAVANAUGH: I assume it would, that's why ... you mean if the state has to consent? Sure, a gift couldn't be imposed upon it.

SENATOR WARNER: Have you checked by any chance, or do you know, or do you think it's possible to find out? Probably it's almost impossible to find out if there would be a series of these kinds of things that we might automatically be creating problems with your amendment, a series of estates that may have such things? Do you know?

SENATOR CAVANAUGH: I would have no idea who intends to bequeath what to the State of Nebraska.

SENATOR WARNER: The thing that concerns me, I can think back to one of the banks in Southeast Lincoln which eventually built up to over a \$4 million estate, which was given to the University, I believe probably to the foundation but it was for a specific purpose dealing with death ... people, both teaching, training and curing. I'm somewhat concerned that your motion could create real problems for some of these kinds of things. I appreciate what you're trying to get at. It seems to me we could also be creating some real problems that would be an adverse effect rather than a beneficial one of avoiding something that would be undesirable.

SENATOR CAVANAUGH: Quite naturally the state ... we couldn't at all place the state in a position of mandatorily receiving anything someone wanted to give it. If someone wanted to bequeath the State of Nebraska a herd of elephants, I'm sure the state would have no interest in receiving it. The state should certainly be in a position to be able to reject it. In the case of real property, wherein I think the Legislature has