

January 30, 1980

LB 306

the amendment be approved? All those in favor of approving the Hoagland, Marsh, Pirsch amendment vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote.

CLERK: 15 ayes, 25 nays on adoption of the amendment, Mr. President.

PRESIDENT: The motion fails. The amendment is not adopted. I have nothing further on the bill, Mr. President.

PRESIDENT: Any further...all right, then we will proceed with the motion to advance. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would move that the bill be advanced.

PRESIDENT: All right, any discussion? Do you wish to further discuss that? Any discussion? Senator Beutler, you have the floor.

SENATOR BEUTLER: I wish just to make a couple of comments, Mr. Speaker. Basically, I guess there are about four things I would like to say very quickly. The first thing I hope you will listen to very carefully, because there has been a very serious misrepresentation of the bill made. I am sure unintentionally, but Senator Schmit talked at length about a situation where perhaps a woman inherited property or where perhaps she worked and built up some property of her own, and that somehow 306 would have the effect of allowing somebody to get at that property. Please remember that one of the three basic limitations on 306 is the contribution rule. Nobody can get the property to which they did not contribute. Property that a woman inherits from her mother or her father, or her relatives or grandparents, is not the contribution of that woman's spouse. That is hers, hers only. Anything she worked and contributed to, that portion of it is hers only. So the situation, Senator Schmit described could not possibly come up under 306. Now I assume that Senator Hoagland must not have been listening too closely to Senator Schmit, or else had not read the bill. With regard to the tort liability problem brought up by Senator Johnson, that is a problem and before this bill passes on Final Reading, I will myself submit an amendment to preclude tort liability as being a claim against the property. It was not our intent to allow that, and if Senator Johnson would like to propose the amendment, that is fine too. I think I will stop at that. I did want to clarify those two situations.

PRESIDENT: The Chair recognizes Senator Nichol.

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