

May 11, 1989

LB 215, 377

SENATOR SCHIMEK: I would move advancement of the bill. Thank you.

SPEAKER BARRETT: Thank you. Shall LB 215 be advanced to E & R Initial? Those in favor vote aye, opposed nay.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Please vote. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 215.

PRESIDENT: LB 215 advances. LB 377.

CLERK: LB 377, Mr. President, was introduced by Senator Kristensen. (Read title.) It was introduced on January 12, Mr. President. It was referred to Judiciary, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Mr. President and members of the body, for those of you who have some legal training and background, they will now shut their ears and refuse to participate in this debate. The rule against perpetuities is one of those things that is really a monument to man's ability to create complexity in his life, and that is what the rule against perpetuities is. A lot of what I am going to say, this sounds like Senator Chambers, is for the record. The statement of the rule against perpetuities is as follows: No interest is good unless it must vest, if at all, not later than 21 years after some life in being at the creation of the interest. Now that, Senator Ashford, that was for your law school career because I am sure that you didn't pick that up the first time around. Actually, law students spend semesters trying to learn what this rule is. We have the rule in Nebraska. It is made by common law. In other words, it has been passed down since the 17th century back when land was wealth and land owners frequently wished to perpetuate the ownership of land so they created all these neat little ways of tying up land forever. And so the courts proceeded to have a rule against perpetuities which would stop people from doing this to property and tying it up forever. And Senator Chambers told me I had two minutes to present this case. I am nearing my conclusion but, quite frankly, what this does is