

case. Senator Chambers smiles because I am sure he is very familiar with the fertile-octogenarian case. That is still in effect in this state and is valid but all we are doing is looking, instead of going at one lives in being for 21 years, we are now looking at a period of 90 years. I see Senator Chambers' light is going to come on, I am sure he has got some questions about that. Specifically, this Uniform Statutory Rule Against Perpetuities is to supersede our common law rule, and I would ask for its advancement, and then those hallowed and venerable words, this is one of those where I am afraid you are going to have to trust us. Thank you.

PRESIDENT: Were you through? Senator Ashford, would you like to perpetuate?

SENATOR ASHFORD: Thank you, Mr. President and members. Senator Kristensen, just out of curiosity, who brought this to you?

SENATOR KRISTENSEN: This has been a burning question in my mind since my days of law school, something I always was wanting to change. No, in fact, Dave Pierson from the Law School, who has been working with future interest over his entire career. This is something that is one of those academic changes that always needs to be made but they can never find anybody who is willing to stand up and speak about the rule against perpetuities because it is rather complex and, obviously, if I can stand up and talk about it, it can't be all that complex, but he is the one who brought it to me. It is a uniform rule created by the Property Division of the Commission on Uniform Rules, and it is one that is, I think North Dakota has already passed it this year, and several other states.

SENATOR ASHFORD: Thank you. The rule against perpetuities I guess is probably the best example of inhumanity to man that I know of. We no longer get to say 21 years plus lives in being, or is that out the window now, and we just get to say 90 years?

SENATOR KRISTENSEN: No, in fact what we are going to say now is that a nonvested property interest is invalid unless the interest is created and certain to vest or terminate no later than 21 years after the death of an individual then alive or 90 years.

SENATOR ASHFORD: So they would have to be alive before they died and then we would add...