

April 7, 1978

LB 650

PRESIDENT: Senator Leudtke.

SPEAKER LUEDTKE: Mr. President, did you read my amendment or do you want me to explain the bill first? All right, I'll just explain. This bill, LB 650, is a technical corrections pact on the probate code. There have been continuing education programs amongst the members of the Nebraska Bar ever since the probate code has been in existence and over two thousand registrations, two thousand lawyers have been attending these schools and as they attended these schools they were requested to submit any technical changes, changes that would affect ambiguities in the law and we had agreed to that when the code was passed. The County Judges Association met and came up with this bill which was LB 650. Part of LB 650 dealt with some notice requirements, dealt with inheritance tax matters, but most of them were recommendations as I say by the County Judges and individual lawyers and people who have had to deal, court administrators who have had to deal with the probate code. After the committee hearing there was some questions raised about the changes with regard to waiver and notice by the Nebraska Press Association and the Judiciary Committee asked me as former Chairman of the Judiciary Committee who had worked with the probate code to meet with these people who had raised these questions and come up with the appropriate amendments at this time. Therefore the amendments which, Mr. Clerk, I believe I could just explain rather than read because they're too long. I would ask that the amendments then be considered at this time. The amendments are on your desk. They deal basically, most of the amendments deal with additional technical changes brought about by the Bar Committee, studying this after we had our hearing but the three probably most important matters are contained in Sections 1, 2, 3, and 4 of the amendments which strike the new matter and delete all of the reference to the matters of notice at this time. This bill is too important from the standpoint of technical changes with inheritance tax to debate or to argue over whether or not we should have notice in given situations. That can be taken up in the future and there is no need to take that up now. We are very concerned about some of the matters on inheritance tax and technical changes. I bring to your attention the basic changes in the amendment only spell out the privilege of the personal representative, whether that person be a layman or be represented by counsel to examine people who are brought into the hearing to examine them. That's in section 33 because there are seven new sections added which I draw to your attention. The new sections deal with spelling out the appellate procedures regarding the probate or denial of the probate of wills which needed clarification according to the judges and to the lawyers handling appellate matters in these probate matters and dealing with waivers which are already provided for in the act but which needed to be spelled out as to the procedures to waivers. That's section thirty four on page two. Section thirty five, which is a long section going clear through pages five and six, which deals with clarifying internal references to what must be filed in these cases and then you go to section thirty six and thirty seven which corrects references to executor because executor was changed in the probate code to be personal representative and then lastly, section thirty eight reserving the rights to recover where fraud or misrepresentation is involved. These things were considered to be included.

08639