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LB 428

PRESIDENT: Senator Koch, did you ask him to reply to a question? That is what I thought. Do you want to take the rest of your time at this point?

SENATOR KOCH: I just have one other question of Senator Johnson.

PRESIDENT: Oh, you have another question. All right.

SENATOR KOCH: The amendments offered by Senator Beutler, now are those reasonable?

SENATOR VARD JOHNSON: In my opinion they are not reasonable but that doesn't mean that they are not...

SENATOR KOCH: Would they be acceptable to you?

SENATOR V. JOHNSON: No, they would not be acceptable to me and I will argue that point when my time comes.

SENATOR KOCH: Okay, thank you.

PRESIDENT: Senator Johnson, I was recognizing you on your own time but you still have a minute or so left if you would like to say anything additional.

SENATOR V. JOHNSON: Am I the next speaker?

PRESIDENT: About what?

SENATOR V. JOHNSON: Yes, let me just go on and speak for just a minute.

PRESIDENT: Go ahead.

SENATOR V. JOHNSON: This is a good question, Senator Koch, Senator Beutler. The Uniform Probate Code which Nebraska adopted in 1974 which is a uniform code requires the appointment of a lawyer in every guardianship case over an incapacitated person. I mean that is what the Uniform Probate Code does, and that is the law in those states that have adopted the Uniform Probate Code without amendment. But what happened in 1977 just before our Uniform Probate Code went into effect, we passed it in '74 but we gave the lawyers three years to get used to how to live under that system, this Legislature decided that it would lower its voice on the mandatory appointment of lawyers and guardianship proceedings and so we amended it to make it discretionary and we have operated under the discretionary system from '77 through '82. This is now '82. Now one of the things