

SENATOR KELLY: Thank you, Mr. President, members of the Body. Would you listen for just a minute. These may be questions that you would ask. Senator Stull, would you yield please?

SENATOR STULL: Yes, sir.

SENATOR KELLY: I'm concerned and have sympathy and with what you said that the people want this probate reform. And the people that contacted me definitely referred to the Readers Digest 1972 in September. Now, is LB354 what is in the Readers Digest 1974 September?

SENATOR STULL: Well, I think that was based, that article was based on the model probate code and, of course, I think we started with the model probate code but we've certainly had a lot of amendments to that to make it fit Nebraska statutes.

SENATOR KELLY: Okay, so this is not the same as in the uniform probate code?

SENATOR STULL: Well, basically, we started from the same point, yes.

SENATOR KELLY: Now, the other point that I continually get from "the people" is that this will make it cheaper to probate an estate. Now is this correct?

SENATOR STULL: Well, first of all, let's don't confuse the inheritance tax with the cost of settling an estate. And because LB354 doesn't have anything to do with the tax rates. I think it does provide for a simpler faster way to settle estates and I think in most cases the attorney fees will be less. Now, that's my honest opinion and that's from information that I get from certain attorneys that favor this bill.

SENATOR KELLY: Thank you, Senator Stull. It was my privilege to be with some of our colleagues, to be addressed by Thomas Davies and Judge McGowan and on these two points, that LB354 is not the uniform probate code, it is not what was talked of in the Readers Digest 1972 and that both people in their presentation made it very clear, at least to me, and I think to the other members at this assemblage, that LB354 would not make probate cheaper. It would make it simpler, make it more speedy, it would not make it cheaper and that it is not the same that was in the Readers Digest 1972. Now, to me, this says that probably what the people think they will be getting in a uniform probate code and a reform of probate in Nebraska, they are not getting. I am not saying that LB354 is not better than what they would have gotten if the product they bought was true. Now, in politics and in the passing of law, we do not have the consumerism protection. We've just got to do it the way we see it, that's all. Thank you, Mr. President.

PRESIDENT: All right, we're going to break off debate. Senator Luedtke.

SENATOR LUEDTKE: Could I just answer Senator Kelly on that? The point is the objective of any uniform code is not necessarily for having identical language, Senator Kelly, and the changes in this particular code were to adapt Nebraska law to a uniform code. Basically, this is still the uniform probate code that was talked about in the Readers Digest article. If you take the basic concepts of the uniform