

March 7, 1974

we have another aspect of this which is helpful. Anybody, at anytime can come in and ask for a formal hearing, and that cuts off that individuals rights at that time to be..to act as an informal administrator of the estate under the informal route. So in other words, any County Attorney who has any reason to believe that there is some foul play in this respect, could stop it right there. Under our bill.

SENATOR STAHLER: Well, then in essence you are saying that in 354 that you have improvements over what the current practices are?

SENATOR LUEDTKE: That is correct.

SENATOR STAHLER: Thank you.

PRESIDENT: There is an amendment on the desk. I believe we should take it up at this time. Whose amendment is it, Mr. Clerk?

CLERK: Mr. President, I move to amende LB354 as follows. Sec. 314, line 12, strike 5 and insert 8. (Signed) Senator Fred Carstens.

PRESIDENT: Senator Carstens.

SENATOR CARSTENS: Well, Mr. President and members of the Legislature. I don't know whether this is the proper time for an amendment is it? I'm asking a point of question. Is it?

PRESIDENT: it's O.K.

CLERK: Amendments to the white copy of the bill.

SENATOR CARSTENS: That's on page 232 of the bill. Section 314. The bill now provides that this act becomes operative on January 1, 1975, I would strike 5 and make it 1978. And the reason I'm doing this is very simple. 19...January 1, 1975 is very close and I want to read the following lines...lines immediately following. Except as provided elsewhere in this code on the operative date of this code. The code applies to any wills the decedent dieing thereafter. Now is I understand the language correctly, if after January 1, 1975, whether a decedent had a will made now or ten years ago, or 15 years ago, or a day before the act became operative, under the present code his will and his property disposition will be governed by this code. Now you should know that there are at any given time thousands of estate plans and wills etc. out existing in the state among people who have already made wills or made some provisions for estate plans. These are varied. They are far reaching. They are wide ranging. They also know from the Homestead Act Exemption that many many people even to this day don't know yet that they eligible for this. Now we are providing here to wipe out completely from this..from the present law all of section 30. We are wiping out all of case law and court decisions that are based on this section since the beginning of the state and since 1907 when the present law of intestacy became affective. Now we have to give people time to get acquainted with this bill and this act. And in common decency, I can't think of any reason why we can't extend the effective date of this act. And I just cannot believe that this Legislature would impose upon the necks of people completely unaware and unwary of what's taking place here. A bill that will affect them so deeply and so widely and so finally