

March 7, 1974

(Start Belt #3A)

PRESIDENT: Senator Carpenter.

SENATOR CARPENTER: I move that the bill be advanced from General File to E & R Initial.

PRESIDENT: Senator Syas.

SENATOR SYAS: I'd like to ask one question, I've been about two hours trying to get in here. Just one simple question. I attended a meeting where this was discussed on the Wisconsin Probate Bill. I think Senator Luedtke was there. I'd like to know why we couldn't have copied more or less the bill, of somebody. That seems to take the...be reasonable, the way I heard it. It kept the lawyers from taking all the estate away from somebody. And they still got a reasonable fee. I'd just like to know why we couldn't have copied that one.

SENATOR LUEDTKE: Do you want me to answer that.

SENATOR SYAS: I sure do.

PRESIDENT: Senator Luedtke.

SENATOR LUEDTKE: Senator Syas, the Wisconsin Bill was a mix-mox because the bill was introduced as a uniform Probate Code. Which the people of Wisconsin demanded they put up to the Legislature for they demanded that they take this thing up. There was a referendum, I referred to that this morning. The Uniform Probate Code was brought before the Legislature of Wisconsin. And this young man, I forget his name, but that's the one you are referring to, appeared up at Rapid City, was the fellow that fought for this particular bill. He lost quite a bit of the squirmishes on bill, but he did get the informal, the informal probate portion. Which is part of our bill. Which is about 60% of the Uniform Probate Code. The rest of the...incidentally it's a matter of interest..the rest of the Wisconsin bill did no more than we already had in Nebraska. It set a affidavit method of transferring automobiles. It allowed for joint ownership of property to be handled the way we already handle it. In other words we were ahead of Wisconsin anyway on those areas. So, what we are trying to do, Wisconsin was trying to do. Only we have adapted it to Nebraska, but it is what Wisconsin tried to do, but didn't get the whole package.

PRESIDENT: Senator Mahoney.

SENATOR MAHONEY: Senator Luedtke to follow up with Senator Syas' question. Senator Syas and myself are the non-lawyers. And since this morning was the lawyer morning. Senator Syas and myself, and you did attend that meeting, and there was a Political Scientist who put the bill in for Wisconsin. Answer this question for me. Because this is what we are talking about are the people who are really ought to know this answer. Say that you passed away and you had an estate of \$50,000. Will this bill allow you to go to your County Clerk as they do in Wisconsin, can I just finish the rest, and be able to talk to somebody in the County Clerk's office that handles this particular probate, and for a fee of twenty dollars be able to take care of the whole thing and help you out without the necessity of hiring a probate lawyer?