

Committee and signed by the members thereof. (Read title.) The bill was read on January 17 of last year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. There are no amendments pending, Mr. President.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, LB 498 changes two provisions under the probate code dealing with notices. First, it eliminates the requirement that the judge must issue a certificate under a decree...has been entered on a probate real estate matter. The present law requires such certificate when actions of this type are begun in county courts. The bill would remove the requirement that a certificate be filed at the end of these proceedings. The purpose of these sections are to place the people on notice that proceedings are under way in the court. The first notice does this, and the second notice is purely surplus. Secondly, section 3 of the bill deals with notice of the hearing on any petition to the affected parties. The present law requires notice by letter or personal delivery, and also notice by publishing such notice in a legal newspaper on three different occasions. LB 498 would amend this section, notice requirement, so that it would be used only if the address and identity of the person who is to receive notice is not known and cannot be ascertained. If a person receives notice by mail, or by personal delivery, then it becomes an additional burden and expense to require that the notice also be published. LB 498 would remove this duplication of notice. I move that LB 498 be advanced to E & R Initial.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I feel an obligation to provide the Legislature certain information with respect to this particular bill so that you all do know the history and exactly what you are doing. When the new probate code was written by the Judiciary Committee, sponsored by the Judiciary Committee many years ago, the Nebraska State Bar Association did not particularly support it. The new probate code, I think, has been shown to be one of the greatest savings of money for Mr. and Mrs. Average Nebraskan that there was, and at that time I felt the Bar Association put up a tremendous amount of opposition because they didn't want to see that money saved, and a man that can tell you as much about that fight as anybody in the room is the former Chairman of the Judiciary Committee, Senator Roland Luedtke, and he knows what a fight it was to get that