

March 4, 1980

LB 440

SENATOR KAHLE: Mr. President and members, I was one of the culprits the other day that stopped the process on LB 440 when we were on the Consent Calendar. Those bills worried me as I am sure they do others in the body when they go whizzing by, but I had had a little bit of experience with forming a trust in our own family and so I had some concerns and I did send the bill to my attorney friends in Kearney and they checked it out and their reaction was that it was a necessary bill and it would help them in the drawing of trusts and if some of this language were in the statutes they wouldn't have to duplicate it in all the forms that they have to make. So I am turning from an objector or at least a person that slowed down the process to a supporter of 440, LB 440 now. Thank you.

PRESIDENT: The Chair recognizes Senator Murphy.

SENATOR MURPHY: A question of Senator Hoagland, I guess. Senator, I note in the committee statement that, I don't know what I would call him, Judge Gradwohl, Professor Gradwohl, recommended to the committee that further study might be in order. Am I misreading that statement?

SENATOR HOAGLAND: I don't think you are, Senator Murphy, because that is what it says. He did participate, however, as I understand it, in the study that took place this summer and fall. There were several sessions. A lot of changes were made and a lot of work has gone into it and I think the feeling of the preponderance of the committee, Senator Murphy, is now it is ready and it is time to act.

SENATOR MURPHY: I am curious what his objections were as a professor at law school and a man who was eminently involved in the Uniform Probate Code. I am curious what objections he raised that the committee apparently has declined to accept.

SENATOR HOAGLAND: I am informed by committee counsel that the remarks about the hearing that took place, Senator Murphy, are in reference to the hearing last year which resulted in the interim study resolution and the study and that Professor Gradwohl has made his views known and accommodations were made and he is now supporting the bill. That is what I am informed by committee counsel.

SENATOR MURPHY: So that that committee statement is a year old and does not relate to the legislation we have here?

SENATOR HOAGLAND: That that committee statement discusses the hearing among other things, but the hearing it refers to is last year's hearing.