

February 18, 1974

SENATOR LUEDTKE: Well, it's an alternative. It's not one that I would want to accept. But it is an alternative. Yes, Sir.

SENATOR CAVANAUGH: I mean, would you suggest that if we didn't enact the Model Probate Code that we give more serious consideration to 755. or...

SENATOR LUEDTKE: I would not like to see us piecemeal this particular type of Legislation. No.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: Then I would like to ask Senator Carstens the same question. If..is it your feeling, Senator Carstens that if the model Probate Code is not adopted that 755 would be an improvement of a lot of the situations. Would you give us some of the things that it would.

SENATOR CARSTENS: That is correct, and I think there is also a number of people who feel they cannot vote for 754, but would like to see an improvement in the Probate made, and I propose to do that with 755.

PRESIDENT: Senator Duis. Then Senator Nore.

SENATOR DUIS: Mr. President and members of the Legislature. I certainly am one person who wants to see some help in the Probate Law. I'm a little bit concerned as to whether two wrongs will make a right or not. I am concerned back, I went along with the court reform bill, and I find now that they have to make correction all the way down through this, so I'm not sure whether or not we should do this whole Probate Reform in one bill and then have to go back down through it because we fouled everything up in a number of things and have to make corrections back the other way. But the Debate in my mind now is whether or not we shouldn't piecemeal to a correct status rather than go from this one to an incorrect statue and piecemenal backwards to where we a..were on some of the other things before. So I do believe that we should hear both of these at the same time and that we should be able to determine then whether we want to correct going forward or if we want to correct going backward. And I think probably that is the thought that I have, at least it has been a thought of mine ever since we did the Court Reform Bill because as I got a hunch we are going to have to correct some things in it going back the other way and I would like to take a look at both of these bills on the floor of the Legislature.

PRESIDENT: Senator Nore.

SENATOR NORE: Mr. President and fellow members. Not being an attorney. I'm getting a number of letters from folks in the law profession which I understand is the second oldest profession in the civilization. They just don't know for sure whether they are for it or whether they are against it. And I'm hoping that you can come up with sort of a compromise, that at least my Attorneys at home can understand, so that they can give us some direction and we can have some direction as to just what we are doing.

PRESIDENT: The motion is to place 775 on General File notwithstanding the action of the committee. And Senator Whitney is the next to speak.