

March 7, 1974

let alone reasonably. A personal representative acting reasonably for the benefit of the interested person. That means heirs, may properly. Now go down to line 16, and just this is...I'm picking out just one extreme example. Execute and deliver a deed of conveyance for cash payment of all sums remaining due etc. Now go out on the next page. Follow on the next page. And sub-section 6 on page 114. Acquire or dispose...this is what a administrator may do...acquire or dispose of an asset including land in this or another state for cash or on credit, at public or private sales, and manage, develop, improve, exchange petition, change the character of, or abandon the State assets. Now this is all without court approval. Without any consent of course. And sofar as I can see, with very little accounting. Now I want you to turn, once more and then I'll give up. Turn to page 196 and I'm talking...I'm using the wife..the wife bill...on page 196 now start at the top of the page, with sub-section C and read that. Conservator. Now the conservator under this bill, will act as a guardian. A conservator were incompetent, if any and all persons who are not able to for one reason or other ~~are~~ not able to take care of their own property. A conservator, acting reasonably in efforts to accomplish the purpose for which he was appointed. May act with Court authorization, or confirmation. And then go out and see what he may do. Take sub-section 7, and line 19. Acquire and dispose of estate asset, including land in another state for cash or on credit. These are the powers that we are giving to them. We are giving to administrators and conservators powers greater than the owner of property have. Because the owner of a property of real estate, at least if he wants to sell his land has to get the consent of his spouse. A conservator or an adminisistrator doesn't need to do that. And usually I suppose the owner of assets will probably be asked by his spouse what he did with them, and what he got for them etc. But a conservator, good Lord, he could sell me an irrigated half-section of land for 80% of it's value, 75% of it's value. Who is to know? Because he's acting for incompetent people, or people who under a disability for one...Who's to know? I don't have to get the court's consent. I don't have to account for him for nothing. I can favor my friends. I can favor my relatives. I can do anything I want to under this thing. Be on anything a actual owner can do. These are the things. These are only a few of the things that b other me, about the frightful powers that we are extending in this bill that I am sure, and I would like to ask Senator Kelly if he will yield to a question.

PRESIDENT: Senator Kelly, will you yield.

SENATOR CARSTENS: Senator Kelly, I wasn't one of the privileged people who was invited to the lobbying sessions at the National Bank of Commerce, every night last week. I was excluded. I feel very hurt about this, because I get hungry too. And I want to know, where you said this morning you were there.

SENATOR KELLY: Yes, yes, I was.

SENATOR CARSTENS: Did anybody in explaining the glories of this bill mention what I have just mentioned?

SENATOR KELLY: Well, I'm not sure I followed it all, but you mean that there is no check back against what a conservator would do?