

(Begin Belt 4A)

March 7, 1974

You may never appreciate it but you would have been in some awfully embarrassing positions, those of you who are running for office, legislature and state offices, if you would have been heckled in an audience this coming summer and fall to try to explain what you did when you passed this probate bill. You couldn't have answered it. Now, this is something that we ought not to push down on people until we know what we're doing. And we have not had, we've got to get these conflicts ironed out and I predict without any reservation that this effort that has taken place is going to rip the State Bar Association wide open and it needed it. I passed out to you this morning the membership, the membership of the governing body of the State Bar Association and the 40 members of the house of delegates. Eighteen of the 40 members have connections with bank and trust companies. Eighteen of the 40. When you add the others to it, you can see who dominates the bar association and you can see they're involved in it. And this is the thing that we're going to have to blow up and blow up. We're going to...there should not be any dispute over substancy of law of a bill that's as vast as this one. There should be unanimity and there would be if this was fairly and honestly presented and worked out to the best interests of the people whom we're trying to serve. Not the interests who are trying to dominate and this is the reason I am opposing this bill. I know I'm doing myself an untold amount of damage by opposing this bill. I know I could have been sweet-talked and gone over and changed my mind. I know this is possible. I know that I am going to be financially hurt. I know my years are about up but nevertheless I owe it in my judgment to the people of this state to be fair and honest with them and try to get out something that is worthy of a state such as we have.

PRESIDENT: Senator Fellman, then Senator Carstens, Senator Marsh.

SENATOR FELLMAN: Mr. President and members of the Legislature. I would like to answer, to address myself for a minute if I could, to Senator Mahoney's question. Senator Mahoney asked what I think is the question that goes to the heart of the real, of the substance of this bill. And that is whether if the bill is passed a person with a relatively small estate which would be an estate up to \$50,000 will be able to utilize a simpler procedure. I think for purposes of this debate and for purposes of understanding, we can pretty well let the people with the large estates worry about themselves. By and large, one of the mistakes I think was made at the dinner I attended by the proponents of this bill was to talk about the \$250,000 estate. I think we can assume that the person with the \$250,000 estate will take care of himself and if he doesn't and he gets tripped up, it's his own fault. He should know better. What the purpose of this bill is to do is exactly what Senator Mahoney hinted at in his first question. Now, let me summarize it first and let me give you an example of it in the statute that's proposed using the same provisions that Senator Carstens talked about. If we go to page 196, the first page that was talked about by Senator Carstens. Of all the things that an administrator can do, the facts are that under, to do these things today, every time you want to do one of these things, you have to go to the courthouse, you have to see the county judge and you have to get an order allowing you to do this. Senator Carstens is correct when he says that under this bill you wouldn't have to do this. Now, turn to page 203. On 196 the same duties were spelled out for conservative. This is the