

April 4, 1975

SENATOR MURPHY: Yes sir.

PRESIDENT: Are you going to move the bill along?

SENATOR MURPHY: The bill, if I have...and again I would ask Senator Luedtke, pardon me...my German never was so good but I would ask Senator Luedtke if I have properly stated it. I am not an attorney. I don't want to misstate that but I would simply repeat again that in the original probate code, it did not require that a bond be posted unless it was asked for by court or one of the heirs. There has been...it was mentioned that there have been some defalcations by administrators so they are now saying, instead of no administrator shall be bonded unless it is required, that every administrator other than a trust company or bank shall be bonded unless there is a request or designation in the will that he not be bonded and I simply...I would ask in all honesty if Senator Luedtke would confirm that.

PRESIDENT: Senator Luedtke.

SENATOR LUEDTKE: Mr. President, I would be very happy to and I concur completely. It is just the matter...the approach that is taken. The proponents of the Uniform Probate Code have no objection to this. In fact, Senator Murphy, if it is any comfort to you, I have had a personal experience in an estate I am an attorney on in a very...just this past year which would completely support your bill. So I could give you the facts in the situation but it's suffice to say that I think maybe the approach that LB 500 is an improvement on the Uniform Probate Code and perhaps the rest of the nation might do well to look at what we are doing and follow us rather than we follow them.

PRESIDENT: Senator Dworak.

SENATOR DWORAK: Mr. President, Senators, I have a question of Senator Luedtke. I want to know that prior to the passage of this bill, do I, as an individual, in my will have the right to tell my administrator that he does not have to have a bond?

SENATOR LUEDTKE: Yes, you can put that in there. However, it is still going to be up to the judge. Now, according...

SENATOR DWORAK: Now, after this bill, Senator, after this bill, how does that effect that right?

SENATOR LUEDTKE: Well, now, after what bill? You mean after the...

SENATOR DWORAK: The passage of this bill, if it is passed as it is now, do I then...

SENATOR LUEDTKE: You can state in your will how you want it to...you can say they don't need to have a bond in your will.

SENATOR DWORAK: Right and will the judge...