

April 4, 1975

changes. If you remember, thank god, we dated that 1977 to make it possible to make changes that might be deemed fit in anything as comprehensive as that probate code change. When we adopted the code, and I will stand subject to correction, when we adopted the code we said that no bond will be required of the trustee in the estate unless the will specified it or unless the heirs requested it. This meant that the normal estate could be handled or expedited by whoever was named and that he would not be put to the expense of posting a bond. Now they have decided that maybe that is not right, so the surety people have come in and we now under this, if I understand it, we are now going to say that a bond will be required in all cases unless the will specifically says it will not be required or unless all of the heirs and all the other legal terminology relating to heirs, if all of them say, "No, we do not require it". Then it will not be required. It additionally provides that should a trust department or a bank or a designated financial institution be the trust that supposedly due to the enormity of their assets, they will not be required to post a bond either. Now I would submit to the superior judgment of my friend, the chairman of the Judiciary Committee, if I have not phrased that properly, but I believe that that is the intent of this bill.

PRESIDENT: Is there any further discussion? Senator Luedtke.

SENATOR LUEDTKE: Mr. President, I take from what Senator Murphy said that he does not object to the withdrawal of the Committee amendment then and to accept the amendment which is before us. OK. That's all.

PRESIDENT: Senator Luedtke, you request no further close. All right. The question is, the rejection and that is all you are voting on right now, the rejection of the Committee amendment. Record your vote. Would you please vote? Record.

CLERK: 26 ayes, 0 nays.

PRESIDENT: The motion carries. Before I recognize you, Senator Luedtke, as a matter of simple courtesy, I would like to welcome the Honorable Fred R. Irons, District Judge of the 10th Judicial District in Adams County. If you are unhappy with some of my conduct in here, I learned a great deal of it from Judge Irons. Welcome to the Legislature, Fred. Senator Luedtke.

SENATOR LUEDTKE: Mr. President, I would, then, move the adoption of the amendment that changes it from "no" to "any" and we have already explained it and that will be my whole case for it at this time. I move we adopt the amendment.

PRESIDENT: Any further discussion on the amendment or on the motion. The question is, the adoption of Senator Luedtke's amendment. Record your vote. Have you voted? Record.

CLERK: 26 ayes, 1 nay on the motion to adopt.

PRESIDENT: The amendment is adopted. Senator Murphy.