

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 24, 2001 LB 105

CLERK: LB 105, by Senator Bromm. (Read title.) The bill was introduced on January 4, referred to the Banking Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Bromm, you're recognized to open on LB 105.

SENATOR BROMM: Thank you, Mr. President. Maybe the most outstanding thing I can say about this bill is it went in and out of the Banking Committee without any dissenting votes and without any amendments, and that is...that's a feat in itself. But, even having said that, (laugh) I will...I will go ahead and explain the bill. This bill was here last year. It advanced to the floor; it didn't have time to go any further. It simply takes out an antiquated provision in the statute, that one of my colleagues from Senator Janssen's district had pointed out, that would require in every case of a "probateable" will that a certified copy of that will be filed in any county outside of the county of probate where land is situated. That, as a practical matter, is just not done. Filing the will doesn't tell anyone anything, really. They still have to go to the case where the probate occurred to determine actually what happened, whether the taxes, the inheritance taxes were paid, who the heirs and the issue and the ultimate devisees of the land were. So it didn't really serve any purpose to file the will in other counties, so it just wasn't done, it's been ignored. This...this would require instead that in the deed of distribution which conveys the title to the real estate, and that is filed in the county where the real estate is situated, that that deed of distribution reference the probate, the case number and the county where that original probate is situated. That way a title examiner or an attorney can readily find the case and find the rest of the information they need from the deed of distribution, which this will save...well, it will do away with a statute we're not complying with. Theoretically, it would save an extra filing fee and...and that's about it. Like I say, it's...it's a pretty outstanding bill because it did go in and out of banking without any amendments. And so I don't know if I need to say more. If there are questions, I'll try to answer them. Thank you.