

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT (CORRECTED)
LB47

Hearing Date: Thursday February 05, 2009
Committee On: Judiciary
Introducer: Wightman
One Liner: Change the amount of the intestate share of the surviving spouse

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh,
McGill, Rogert
Nay:
Absent:
Present Not Voting:

Proponents: Sen. John Wightman	Representing: Introducer
Opponents:	Representing:
Neutral:	Representing:

Summary of purpose and/or changes:

Legislative Bill 47 amends Sec. 30-2302, which governs the distribution of a decedent's property in the absence of a will. The change would update the fixed dollar lump sum that a surviving spouse is entitled to before the estate is divided up among the decedent's surviving parents or surviving children if a will does not exist. Currently, the amount is \$50,000. LB 47 would increase the fixed lump sum payment to the first \$100,000 of the estate. The change would account for inflation that has occurred since the last adjustment to the amount was made in 1980.

Explanation of amendments:

Committee Amendment 240 incorporates the provision of LB 46 and LB 118

Legislative Bill 46 amends Sec. 30-2485 and Sec. 30-2487 to clarify that the actions taken and expenses incurred in the discharge of the statutory duties of a personal representative are properly considered costs and expenses of administration of the estate.

Testifiers on LB46:

Proponents:
Sen. John Wightman, Introducer
Susan Spahn, NE State Bar Association
No Opponents, No Neutral

Legislative Bill 118 amends Sec. 30-24,125 and Sec. 30-24,129 to allow for succession of personal property by affidavit for estates with personal property not exceeding fifty thousand dollars and for estates with real property not exceeding

thirty thousand dollars in value.

Under current law, the succession of personal property or real property by affidavit is allowed only for estates with personal property not exceeding twenty-five thousand dollars or for estates with real property not exceeding twenty-five thousand dollars in value.

Testifiers on LB118:

Proponents:

Sen. John Wightman, Introducer

Susan Spahn, NE State Bar Association

No Opponents, No Neutral

Brad Ashford, Chairperson