

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 758

Introduced by von Gillern, 4.

Read first time January 07, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to transfers on death; to amend section
2 30-2715, Revised Statutes Cumulative Supplement, 2024; to change
3 provisions relating to nontestamentary transfers; to provide a
4 method for a beneficiary charitable organization to receive property
5 or information as prescribed; to create a right of action; and to
6 repeal the original section.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 30-2715, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 30-2715 (a) Subject to sections 30-2333 and 30-2354, a provision for
4 a nonprobate transfer on death in an insurance or annuity policy, account
5 with POD designation as defined in section 30-2716, contract of
6 employment, bond, mortgage, promissory note, certificated or
7 uncertificated security, security registered in beneficiary form, account
8 agreement, custodial agreement, deposit agreement, compensation plan,
9 pension plan, profit-sharing plan, individual retirement plan, employee
10 benefit plan, trust, marital property agreement, certificate of title, or
11 other written instrument of a similar nature is nontestamentary. This
12 subsection includes a written provision that:

13 (1) money or other benefits due to, controlled by, or owned by a
14 decedent before death must be paid after the decedent's death to a person
15 whom the decedent designates either in the instrument or in a separate
16 writing, including a will, executed either before or at the same time as
17 the instrument, or later;

18 (2) money due or to become due under the instrument ceases to be
19 payable in the event of death of the promisee or the promisor before
20 payment or demand; or

21 (3) any property controlled by or owned by the decedent before death
22 which is the subject of the instrument passes to a person the decedent
23 designates either in the instrument or in a separate writing, including a
24 will, executed either before or at the same time as the instrument, or
25 later.

26 (b) This section does not limit rights of creditors under other laws
27 of this state.

28 **Sec. 2.** (1) If a charitable organization that is tax exempt under
29 section 501(c)(3) of the Internal Revenue Code of 1986 is a beneficiary
30 of an interest in property of a decedent, such charitable organization
31 may present an affidavit to the holder of the interest in the property or

1 to any person with information about the property for the purpose of
2 obtaining the interest in the property or information about the property.
3 Such affidavit shall contain: (a) The decedent's name and last known
4 address; (b) a general description of the property; (c) the charitable
5 organization's name, address, and primary contact information; (d) a
6 statement that the charitable organization is a charitable organization;
7 (e) a request that the property be paid, delivered, or transferred to the
8 charitable organization or that information about the property be given
9 to the charitable organization; (f) a statement that no one other than
10 the charitable organization has an interest in the property listed; (g) a
11 statement that the affidavit has been signed by a duly authorized
12 representative of the charitable organization under penalty of perjury
13 before a notary public; and (h) a statement that the information in the
14 affidavit is true and correct.

15 (2) Such affidavit shall be accompanied by: (a) A copy of the
16 charitable organization's determination letter from the Internal Revenue
17 Service recognizing the charitable organization's tax-exempt status; (b)
18 a copy of the charitable organization's certificate of existence or
19 document of similar import from the organization's state or country of
20 incorporation; (c) a copy of the decedent's death certificate, a probate
21 notice published by the personal representative of the decedent's estate,
22 proof of payment of the decedent's funeral, or the decedent's obituary;
23 (d) a corporate resolution or similar statement of authority for the
24 affiant to act on behalf of the charitable organization; and (e) Internal
25 Revenue Service Form W-9 completed by an authorized representative of the
26 charitable organization.

27 (3) After receipt of an affidavit that meets the requirements of
28 subsections (1) and (2) of this section:

29 (a) The holder of the interest in property shall pay, deliver, or
30 transfer the property to or for the benefit of the charitable
31 organization; or

1 (b) The person with information about the property shall give the
2 information requested in the affidavit to the charitable organization.

3 (4) If the holder of the interest in the property does not pay,
4 deliver, or transfer such interest or the person with information about
5 the property does not give the information requested in the affidavit
6 within thirty days of receiving the affidavit, the charitable
7 organization may bring an action against such holder to obtain the
8 interest or against such person to obtain the information. Such action
9 shall be brought within one year of delivery of the affidavit. In
10 addition to ordering the transfer of the interest in the property or
11 information requested about the property, a court may award damages,
12 reasonable attorney's fees, and court costs to the prevailing party and
13 may assess a civil penalty in an amount not to exceed ten thousand
14 dollars.

15 (5) The holder of the property or the person with the information
16 shall not:

17 (a) Require the charitable organization to open an account with or
18 otherwise become a customer of the holder of the property;

19 (b) Require co-beneficiaries to submit claims simultaneously or
20 impose coordination deadlines among co-beneficiaries;

21 (c) Delay payment, delivery, or transfer to any co-beneficiary
22 because other co-beneficiaries have not submitted their claim
23 documentation; or

24 (d) Request personal information from any individual employed by or
25 serving on the board of the charitable organization.

26 (6) This section does not limit rights of creditors under other laws
27 of this state.

28 **Sec. 3.** Original section 30-2715, Revised Statutes Cumulative
29 Supplement, 2024, is repealed.