

**ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024**  
**COMMITTEE STATEMENT**  
**LB1220**

---

**Hearing Date:** Thursday January 25, 2024  
**Committee On:** Judiciary  
**Introducer:** Bosn  
**One Liner:** Change provisions relating to decedents' estates, transfers to minors, protected persons, powers of attorney for health care, trusts, and powers of attorney

---

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

---

**Vote Results:**

**Aye:** 8 Senators Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach, McKinney, Wayne  
**Nay:**  
**Absent:**  
**Present Not Voting:**

---

**Testimony:**

**Proponents:**

Senator Carolyn Bosn  
Tim Hruza

**Representing:**

Opening Presenter  
Nebraska State Bar Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

---

**Summary of purpose and/or changes:**

Section 1: Nebraska Revised Statute § 30-2446 currently provides that a bond shall be required of a personal representative of a decedent's estate unless the bond is waived in a manner described by the statute. LB1220 creates an additional waiver method that allows a person 18 years of age or older to waive the bond on their own behalf.

Section 2: Amends Nebraska Revised Statute § 30-24,129 to change the requirements for the succession of real property by affidavit. Currently, the affidavit must state that the value of all real property in the decedent's estate does not exceed \$50,000. LB1220 increases the real property value to \$100,000.

Section 3: Nebraska Revised Statute § 30-2603 currently requires the person responsible for paying or delivering money or personal property to a minor to make such payments/deliveries in the amount of \$25,000 or less per year. LB1220 increases this amount to \$40,000 or less per year.



Section 4: LB1220 amends Nebraska Revised Statute §30-2637 to allow a protected person to hire their own attorney for the sole purpose of challenging their conservatorship.

Section 5: LB1220 changes the definition of “adult” as it is used in Sections 30-3401 through 30-3432. Currently, Nebraska Revised Statute § 30-3402 defines an adult as someone who is nineteen years of age or older or has been married. LB1220 defines an adult as someone eighteen years of age or older or who is not a minor.

Section 6: LB1220 amends Nebraska Revised Statute §30-3816 to allow any trustee to register the trust in the county where the principal place of administration of the trust is located. If the principal place of administration of the trust is the business or residence of any co-trustees and the other co-trustees do not agree, any interested person can bring a proceeding to determine the principal place of business. Additionally, no one other than a trustee can register a trust and registration is not required for a court to exercise jurisdiction over the trust.

Section 7: LB1220 amends Nebraska Revised Statute §30-3828 to allow a person who is at least 18 years old or not a minor to create a trust.

Section 8: LB1220 amends Nebraska Revised Statute § 30-4002 to change the definition of “principal” as it is used in the Nebraska Uniform Power of Attorney Act, to mean an individual who is at least 18 or not a minor who grants authority to an agent in a power of attorney.

---

**Explanation of amendments:**

AM2915 removes section 4 of the original bill in its entirety.

---

Justin Wayne, Chairperson

