

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB416

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 06, 2015

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

To update Nebraska's Uniform Probate Code provisions dealing with the effect of divorce, annulment, or the felonious and intentional killing of the decedent. Nebraska statutes contain the 1969 version of the Uniform Probate Code (UPC), which deals only with the revocation of the will upon divorce. The 1969 version of the UPC did not address non-probate assets, which are assets that are passed outside of a will, such as life insurance proceeds or property titled Transfer on Death. Legislative Bill 416 is based on the 1990 updates to the UPC which address these non-probate assets, which are becoming more and more prevalent. To the extent that federal law such as ERISA pre-empts state law this bill would not apply.

Section 3 of Legislative Bill 416 contains the 1990 UPC updates to Section 30-2354, which is commonly referred to as the "slayer statute". This section of statute outlines the disposition of property from the decedent when someone who would have otherwise inherited from the decedent is found to have feloniously and intentionally killed the decedent. Similar to Section 1 and 2 of the bill that address divorce and annulment, this update is intended to include both probate (assets that pass through the will) and non-probate (assets that pass outside of a will) assets.

Principal Introducer: _____

Senator Patty Pansing Brooks