

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB758**

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**Hearing Date:** Wednesday February 03, 2010  
**Committee On:** Judiciary  
**Introducer:** Wightman  
**One Liner:** Change provisions relating to doctrines of cy pres and deviation and powers of personal representatives

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

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

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**Proponents:**

Sen. John Wightman  
Tim Clare

**Representing:**

Introducer  
Nebraska State Bar Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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

Legislative Bill 758 would amend statute sections 30-2201, 30-2476, and 30-3839 and add provisions to statute to provide that the doctrine of Cy Pres applies to wills. The doctrine is applied by a court when a testator had a charitable purpose that can no longer be carried out exactly as it was specified in the will. The doctrine allows the court to order that the funds be directed to another charitable purpose that closely approximates the testator's intention as nearly as possible.

Under LB 758, the doctrine shall only be applied to a will or a trust if the document creating the charitable interest does not otherwise provide for an alternate disposition of the property in the event the will's charitable interest becomes unlawful, impracticable, impossible to achieve, or wasteful.

In addition, the bill provides the personal representative of an estate with the power to incorporate an unincorporated business into any form of limited liability organization, subject to any direction otherwise contained in the will or court order.

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Brad Ashford, Chairperson