

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB172

Hearing Date: Monday February 04, 2019
Committee On: Banking, Commerce and Insurance
Introducer: Pansing Brooks
One Liner: Change provisions relating to cofiduciaries, payable on death accounts, and competency for persons eighteen years of age or older entering into certain financial agreements

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

Vote Results:

Aye: 8 Senators Gragert, Howard, La Grone, Kolterman, Lindstrom,
McCollister, Quick, Williams

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Patty Pansing - Brooks
Bob Hallstrom
Korby Gilbertson

Representing:

Introducer
NE Bankers Association
NE Realtors Association, HBAL, MOBA Coalition

Opponents:

Representing:

Neutral:

Tim Hruza

Representing:

NE State Bar Association

Summary of purpose and/or changes:

This bill would provide and amend provisions relating to (1) the authority of copersonal representatives, cotrustees, coguardians, and coconservators; (2) the rights in sums on deposit in accounts with a POD (Payment on Death) designation, and (3) contractual rights of persons eighteen years of age or older.

Section 1 would enact a new section to provide that copersonal representatives, cotrustees, coguardians, or coconservators, unless restricted in a will, a trust, or an order of appointment, shall have the authority to act independently and shall not be required to act in concert with respect to banking transactions involving trust or estate assets.

Section 2 would amend section 30-2723 of the nonprobate transfer statutes which provide that in an account with a POD designation, on death of the sole party or last survivor of two or more parties, sums on deposit belong to the surviving beneficiary or beneficiaries, and that if two or more beneficiaries survive, sums on deposit belong to them in equal and undivided shares. The bill would provide that if two or more beneficiaries survive, sums on deposit belong to them "in such proportions as specified in the POD designation or, if the POD designation does not specify different proportions," in equal and individual shares. This section would further provide that if there are two or more beneficiaries, and if any beneficiary fails to survive the sole party or the last survivor of two or more parties, sums on deposit belong to the surviving beneficiaries in proportion to their respective interest as beneficiaries under the previously described

provisions.

Section 3 would amend section 43-2101, the age of majority statute, which provides that persons under 19 years of age are minors, except that a person 18 years of age or older may enter into a binding contract or lease and shall be legally responsible therefor. The bill would provide, in addition, that a person 18 years of age or older may execute, sign, authorize, or otherwise authenticate (1) an effective financing statement, (2) a promissory note or other instrument evidencing an obligation to repay, or (3) a mortgage, trust deed, security agreement, financing statement, or other security instrument to grant a lien or security interest in real or personal property or fixtures, and shall be legally responsible therefor.

Matt Williams, Chairperson