

CORRECTED COPY

## LEGISLATIVE BILL 579

Approved by the Governor March 12, 1990

Introduced by Judiciary Committee, Chizek, 31,  
Chairperson; Lindsay, 9; McFarland, 28;  
Abboud, 12; Nelson, 35

AN ACT relating to decedents' estates; to amend section 30-810, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to actions for wrongful death; and to repeal the original section.

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

Section 1. That section 30-810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-810. Every such action, as described in section 30-809, shall be commenced within two years after the death of such person. It shall be brought by and in the name of his the person's personal representatives, representative for the exclusive benefit of the widow or widower and next of kin. The verdict or judgment should be for the amount of damages which the persons in whose behalf the action is brought have sustained. The avails thereof shall be paid to and distributed among the widow or widower and next of kin in the proportion that the pecuniary loss suffered by each bears to the total pecuniary loss suffered by all such persons. A personal representative shall not compromise or settle a claim for damages hereunder until the court by which he or she was appointed shall first have consented to and approved the terms thereof. The amount so received in settlement, or recovered by judgment, shall be reported to and, if so ordered, paid into such court for distribution, subject to the order of such court, to the persons entitled thereto after a hearing thereon and after notice of such hearing and of the time and place thereof has been given to all persons interested by publication three successive weeks in a legal newspaper published within the county or, if no legal newspaper is published within the county, then in a legal newspaper published in an adjoining county, except that the court for good cause shown may provide for a different method or time of giving notice and a person, including a guardian ad litem, conservator, or other fiduciary, may waive notice or any other

requirement for the mailing or receipt of instruments by a writing signed by him or her and filed in the proceeding. Such ; PROVIDED, such amount shall not be subject to any claims against the estate of such decedent. When the amount of such settlement or judgment is ordered to be paid into the court and is five thousand dollars or more, the county court shall forthwith upon such settlement or payment of such judgment place such amount in interest-bearing certificates of deposit or a savings account in a banking institution pending the entry of an order of distribution by the court, and such interest that may accumulate pending the entry of such order shall be distributed in the same proportions as the settlement or judgment. The hearing to approve the terms of the compromise or settlement and the hearing for distribution of the amount so received in settlement or recovered by judgment may be combined into one hearing.

Sec. 2. That original section 30-810, Reissue Revised Statutes of Nebraska, 1943, is repealed.