



Legislative Update

A WEEKLY SERVICE OF THE NEBRASKA STATE BAR ASSOCIATION

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January 30, 2012

Judiciary Committee Advances Bills to General File

The Judiciary Committee last week advanced both LB790 and LB862 to General File, for consideration by the full Legislature. Both bills were introduced by Lincoln Senator Colby Coash, a member of the Judiciary Committee. **Legislative Bill 790** would allow for the transfer of the vacant judicial position from 5th Judicial District County Court to the 3rd Judicial District County Court. The 5th Judicial District includes the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders. The 3rd Judicial District encompasses Lancaster County. This transfer was recommended to the Legislature by the Judicial Resources Commission. According to the weighted caseload study, the 5th Judicial District needs 4.8 judges and currently has 6, whereas the 3rd Judicial District County Court also has 6 judges but needs 8.4. This requested transfer would more accurately address the current needs of these two judicial districts. As amended by the Judiciary Committee, **Legislative Bill 862** would provide for a 2% salary increase for all judges across the state. Nebraska State Bar Association President Warren Whitted testified in support of both of the bills on behalf of the NSBA.

Business Law Bills advanced to General File

Four bills of interest to business law attorneys have been advanced to General File by the Banking, Commerce, and Insurance Committee. **Legislative Bill 890** was introduced by Omaha Senator and attorney Pete Pirsch, to allow for electronic transmission of notice to members of a non-profit corporation. **Legislative Bill 854**, introduced by Beau McCoy of Omaha, was introduced on behalf of the Secretary of State's office to provide a limitation on the reinstatement of business entities that have been administratively dissolved. As amended by the Banking, Commerce, and Insurance Committee, the bill would allow for reinstatement up to five years after administrative dissolution. **Legislative Bill 886**, introduced by Columbus attorney Paul Schumacher, changes provisions relating to trademarks and trade names. **Legislative Bill 942**, introduced by Senator Beau McCoy on behalf of the Nebraska State Bar Association, was also advanced to General File. LB 942 harmonizes the published notice requirement in the NULLC Act with the requirements of the Certificate of Organization requirements.

NSBA Positions Established

The NSBA House of Delegates met Friday and voted on final positions on legislation introduced this session of interest to the practicing Bar. The House of Delegates vote follows hours of consideration by the Legislation Committee where recommended positions were established. Legislation Committee recommendations are forwarded to the NSBA Executive Council, where positions are again reviewed. The recommendations of both the Legislation Committee and the Executive Council are then given to the House of Delegates for their consideration.

NSBA Legislative Summary

Legislative Summary charts listing the status of all bills of interest to the Nebraska State Bar Association are available on the Bar's website. You can access the charts, sorted by Legislative Bill number and/or by subject, at the following links:

http://nebar.com/associations/8143/files/NSBA_LegSummary_1-30-12_Number.pdf

http://nebar.com/associations/8143/files/NSBA_LegSummary_1-30-12_Subject.pdf

Hearings of Interest to the NSBA

Several bills of interest to the NSBA have been set for public hearing this week at the Nebraska State Capitol. These bills along with a summary of each bill are listed below:

Tuesday, January 31, 2012 at 1:30 p.m.

Banking, Commerce and Insurance Committee

LB1018 (Conrad) Change provisions relating to business mergers, consolidations, and conversions. **NSBA Position: Support**

LB1018 allows for mergers between corporations and business entities and LPs and other business entities. Also allows for conversions from a corporation or an LP to an LLC.

LB1031 (Harr) Change provisions relating to name of debtor for Uniform Commercial Code financing statements. **NSBA Position: Support.**

LB1031 adds state ID card to statute stating that name on driver's license is the individual debtor's correct name for purposes of financing statements.

LB811 (Harr) Change provisions relating to disclosure of confidential business or financial information. **NSBA Position: Support.**

LB811 creates an exception to confidential records when the request for disclosure relates to information for indebtedness owed by a deceased person when the request is made by a person having an ownership interest in real estate or personal property which secures such indebtedness owed to the person to whom the request for disclosure is made.

Wednesday, February 1, 2012 at 1:30 p.m.

Judiciary Committee

LB899 (Lathrop) Provide procedures for a legal separation decree. **NSBA position: Support waiver of final hearing with recommendation to address the conflict in the Parenting Act**

LB899 creates standards for a legal separation – allows for hearing prior to court granting decree of legal separation, or the court may enter the decree without a hearing 60-days after perfection of service, if both parties waive the hearing requirement. For a legal separation, the parties only have to state they will live separate and apart rather than stating that the marriage is irretrievably broken.

LB939 (Harr) Change certain notice provisions for conservators. **NSBA position: Support Section 2 and Oppose Section 1**

LB939 provides that notice sent to conservator or surety of the conservator may be sent by regular mail or electronic media.

LB812 (Harr) Change garnishment provisions. **NSBA position: Oppose**

LB812 creates a \$50 fee for garnishment, paid by the plaintiff or judgment creditor payable to the garnishee. Failure to pay the fee renders the garnishment void.

Friday, February 3, 2012 at 1:30 p.m.

Judiciary Committee

LB933 (Ashford) Change provisions relating to truancy. **NSBA position: Support**

LB933 provides that schools shall review cases in which the child is absent for more than 20 days and determine if any further action is necessary to get the child to attend school regularly. If the school district and the county attorney determine that further action is necessary to address the child's attendance, there shall be a meeting between the parents of the child, the school, and the county attorney or his or her designee at a location determined by the school. The bill deletes the requirement for the county attorney to file a complaint.

Unicameral Website

The Nebraska Legislature maintains a helpful website at <http://nebraskalegislature.gov/>. From that site you may view the current legislative agenda and upcoming committee hearings, search through introduced bills, and find contact information for your senator.

This legislative update is provided during the legislative session
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