NEBRASKA STATE BAR ASSOCIATION
BUSINESS LAW AND BANKRUPTCY
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB351	Lautenbaugh	Provide for charging orders against a limited liability company member's transferable interest Statutorily allow for a charging order to be entered by a court against the judgment debtor's transferable interest in a Limited Liability Company, making the LLC pay any distributions to the judgment creditor rather than the judgment debtor until the debt is satisfied. Clarifies that no management interest could be transferred to a judgment creditor. NSBA bill.	Judiciary 02/27/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support
LB791	Pirsch	Provide for the electronic filing of certain documents with the Secretary of State The Secretary of State may provide for the electronic transmission and filing of documents delivered for filing. Includes documents filed under the Business Corporation Act, the Limited Liability Company Act, the Nebraska Limited Cooperative Association Act, the Nebraska Nonprofit Corporation Act, the Nebraska Professional Corporation Act, and the Nebraska Uniform Limited Partnership Act.	Government, Military and Veterans Affairs 01/20/10 at 1:30 p.m. Room 1507	Signed by Governor 03/03/10	Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB801	Fulton SPEAKER PRIORITY BILL 2010	Change the Uniform Deceptive Trade Practices Act This measure clarifies the Uniform Deceptive Trade Practices Act (UDTPA) so that it is clear that pyramid schemes in which no products are sold are illegal. Prohibits installation, without notice, of certain file sharing programs on computers not owned by the person. Provides that a person suffering damage or injury as a result of a violation of the UDTPA may receive injunctive relief and recover actual damages, costs, and attorneys fees. Extends the statute of limitations period for civil actions brought under UDTPA.	Judiciary 02/17/10 at 1:30 p.m. Room 1113		Support
LB888	Conrad BANKING, COMMERCE AND INSURANCE COMMITTEE PRIORITY BILL 2010	Adopt the Nebraska Uniform Limited Liability Company Act Provides for the Nebraska Uniform Limited Liability Company Act to govern LLCs formed after January 1, 2011 and govern all LLCs after January 1, 2013. LLCs formed prior to January 1, 2011 may elect to be subject to the Act. See LB 730.	Banking, Commerce and Insurance 02/02/10 at 1:30 p.m. Room 1507	Advanced for Engrossment 03/02/10	Support
LB1078	Cornett	Update references to the Internal Revenue Code Provides that statutory references to the Internal Revenue Code (with several exceptions) refer to the Internal Revenue Code of 1986 as it exists on the effective date of LB 1045. Currently those references refer to the IRC as it existed on February 27, 2009.	Revenue 02/04/10 at 1:30 p.m. Room 1524	General File 02/08/10	Support

NEBRASKA STATE BAR ASSOCIATION
CIVIL PRACTICE AND PROCEDURE
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB40	Flood	Correct references to statutory provisions in civil procedure statutes Correct references to statutory provisions in civil procedure statutes dealing with applications for a new trial and the unanticipated outcome of medical care.	Judiciary 02/04/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support
LB304	Council	Change limitation of action provisions under the Political Subdivisions Tort Claims Act Changes the Political Subdivisions Tort Claims Act to require claims to be made in writing within two years after such claim accrued. Current law is one year.	Judiciary 02/04/09 at 1:30 p.m. Room 1113	Failed to Advance for Review 01/19/10 General File 04/03/09	Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB344	Ashford	Change administration of the Civil Legal Services Program Places the Commission on Public Advocacy in charge of administering the Civil Legal Services program instead of the State Court Administrator.	Judiciary 02/06/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support
LB352	Lautenbaugh	Change civil procedure service of summons provisions Amend statutes to allow for the service of summons by a commercial courier in civil actions. NSBA bill.	Judiciary 02/05/09 at 1:30 p.m. Room 1113	General File 02/08/10	Support
LB353	Lautenbaugh	Change pleading provisions in an action for disputed corners and boundaries Amend statute to allow commencement of a boundary resolution case to be made by “complaint” rather than “petition”. NSBA bill.	Judiciary 02/05/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support
LB596	Ashford	Change a legal services fee Increases the legal services fee from $5.25 to $7.25. Such program is administered by the Commission on Public Advocacy which provides grants to service providers to provide free civil legal service to eligible low income persons. See LB333.	Judiciary 02/25/09 at 1:30 p.m. Room 1113		Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB702	Gloor SPEAKER PRIORITY BILL 2010	Change provisions relating to a patient's access to medical records Removes from section 71-8403 the 180 day period for which a patient request for patient medical records remains valid.	Health and Human Services 01/20/10 at 1:30 p.m. Room 1510	General File 02/16/10	Support
LB1094	Lathrop SPEAKER PRIORITY BILL 2010	Adopt the Nonrecourse Civil Litigation Act Provides for registration of nonrecourse civil litigation funding companies. Establishes requirements for all contracts for nonrecourse civil litigation funding. Nonrecourse civil litigation funding means a transaction in which a civil litigation funding company purchases and a consumer assigns the contingent right to receive an amount of the potential proceeds of the consumer's legal claim to the civil litigation funding company out of the proceeds of any realized settlement, judgment, award, or verdict the consumer may receive in the legal claim. Prohibits ability of civil litigation funding companies to accept commissions, referral fees, or rebates from attorneys or medical providers.	Judiciary 02/11/10 at 1:30 p.m. Room 1113		Support

NEBRASKA STATE BAR ASSOCIATION
CRIMINAL PRACTICE AND PROCEDURE
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB518	McGill	Change provisions relating to homicide and other criminal offenses and penalties This is an omnibus bill containing dozens of changes to the Criminal Code. A sample of the changes: Changes the maximum penalty for a Class IB felony from life imprisonment to one hundred years imprisonment. Changes the definitions of the offenses of using explosives to damage or destroy property and intentional use of explosives to kill or injure a person; adds those two offenses to the Hate Crime list. Provides that the enhancement of punishment for those Hate Crimes shall be an essential element of the offense and shall be alleged in the information or indictment. Defines “deliberate,” “intentionally,” “causes the death of another,” “malice,” “kills another,” “proximate result,” “unintentionally”. Changes murder in the first degree to first degree premeditated murder and swaps in purposely for intentionally in the definition. Defines second degree murder as killing another person intentionally without lawful justification or excuse but without premeditation. Creates offense of first and second degree felony murder. Divides manslaughter offense into involuntary and voluntary offenses. Modifies the offenses of motor vehicle homicide and perjury. Again, this list is a sample of extensive and wide ranging changes to the code in this bill.	Judiciary 03/26/09 at 1:30 p.m. Room 1113		No Position; Support a study of the homicide statutes
LB853	Wightman	Change criminal law statutes to reflect Nebraska Supreme Court opinion State v. Conover, 270 Neb. 446; 703 N.W.2d 898 (2005) Removes the without parole portion of the current life imprisonment without parole penalty that Class IA felonies currently receive. Repeals statues unconstitutionally enacted during Special Session in 2002 because it was determined by the Nebraska Supreme Court to be outside the Governor's call. This is a Revisor's bill.	Judiciary 01/20/10 at 1:30 p.m. Room 1113		Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB913	Council	Adopt the Criminal Offender Employment Act Provides that, with certain exceptions, a conviction shall not operate as an automatic bar to containing public employment or license. Provides that law enforcement agencies are not subject to the Criminal Offender Employment Act. Provides that a public employer shall not make inquiry regarding convictions on initial applications for employment, but may consider the conviction when the applicant is selected as a finalist. Prohibits the use of certain criminal records in connection with an application for public employment or license.	Business and Labor 01/25/10 at 1:30 p.m. Room 2102		No Position on bill; Support amending out the Bar Commission language
LB924	Fischer SPEAKER PRIORITY BILL 2010	Change provisions relating to ignition interlock orders Eliminates required probation officer visits from the list of authorized uses of certain ignition interlock permits to operate a motor vehicle. Provides that for revocations of one year or more due to a violation of section 60-6,197.06 or subsequent violation of sections 60-6,196 or 60-6,197, and after a minimum of a 45 day no driving period, a person may operate a motor vehicle with an ignition interlock permit.	Transportation and Telecommunications 02/08/10 at 1:30 p.m. Room 1113	General File 02/17/10	No Position on bill; Oppose disallowing defendant to drive to probation officer visits
LB990	Council	Change reduction of sentence provisions for a person sentenced to a city or county jail Provides that after the 15th day of confinement, a city or county jail sentence shall be reduced one day for each day of the sentence in which the person had not committed any breach of discipline or other violation of jail regulations. Currently such a good time reduction is available on the basis of a 7 day reduction for 14 consecutive day period of good behavior, and is granted only after each 14 day period.	Judiciary 02/24/10 at 1:30 p.m. Room 1113		Support
LB1046	Lautenbaugh	Change speedy trial and indefinite continuance provisions A defendant who has sought and obtained a continuance which is indefinite has an affirmative duty to end the continuance by giving notice of request for trial, or, the court can end the continuance by setting a trial date. When the court ends an indefinite continuance by setting a trial date, the excludable period resulting from the indefinite continuance ends on the date for which trial commences. A defendant is deemed to have waived his or her right to speedy trial when the period of delay resulting from a continuance granted at the request or with the consent of the defendant or his or her counsel extends the trial date beyond the statutory six-month period.	Judiciary 02/19/10 at 1:30 p.m. Room 1113		Support

NEBRASKA STATE BAR ASSOCIATION
FAMILY LAW
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB83	McGill	Provide for the care of domestic animals in protection orders Allows a judge to issue a protection order for the care and protection of domestic animals.	Judiciary 01/22/09 at 1:30 p.m. Room 1113	Failed to Advance to Enrollment and Review 02/20/09 General File 02/03/09	Oppose
LB423	Cornett	Change child custody provisions and the Parenting Act Changes requirements for a decree in an action involving a minor child to include separate determinations of legal custody and physical custody and child support. In determining legal custody or physical custody there is a presumption that it is in the child's best interest for the parents to share joint legal and physical custody, rebutted by a showing based on a preponderance of the evidence that this would not be in the best interests of the child. Deletes the requirement that a Parenting Plan include procedures for making decisions regarding the day-to-day care and control of the child. See LB589.	Judiciary 03/25/09 at 1:30 p.m. Room 1113		Oppose

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB589	Dierks	Designate both parents as joint custodians in a child custody determination unless there is proof otherwise Unless there is medical or legal proof to rebut the presumption of suitability of a parent to have legal custody and physical custody of his or her child, the court shall place the custody of a minor child on a joint legal custody and joint physical custody basis with both parents. See LB423.	Judiciary 03/25/09 at 1:30 p.m. Room 1113		Oppose
LB901	Wightman SPEAKER PRIORITY BILL 2010	Change child custody determination provisions For good cause shown and when both parents agree, or when mediation is not possible without undue delay or hardship to either parent, the mediation requirement may be waived by the court, the burden of proof for the party or parties seeking waiver is by clear and convincing evidence. In determining custody and parenting arrangements, the court shall consider the best interests of the minor, which shall include, but not be limited to, consideration of the foregoing factors and: (a) The relationship of the minor child to each parent prior to the commencement of the action or any subsequent hearing; (b) The desires and wishes of the minor child, if of an age of comprehension but regardless of chronological age, when such desires and wishes are based on sound reasoning; (c) The general health, welfare, and social behavior of the minor child; and (d) Credible evidence of abuse inflicted on any family or household member.	Judiciary 02/11/10 at 1:30 p.m. Room 1113	General File 03/04/10	Support
LB946	Hadley	Provide for court-ordered postsecondary education subsidy orders A court may include in a child-support order a postsecondary education subsidy for a child age nineteen to twenty-three if good cause is shown.	Judiciary	Bill Withdrawn 02/05/10	Oppose **[LB1142 (2008)** Oppose]
LB1037	Fulton	Change provisions relating to support enforcement and arrearages Reduces from three months to one month the time period after which notice may be sent to a person who is delinquent on the child support. Provides for the same reduction from three months to one month for the time period after which notice may be sent to a person who is in arrears on their child support.	Judiciary 02/19/10 at 1:30 p.m. Room 1113		Support

NEBRASKA STATE BAR ASSOCIATION
GOVERNMENT PRACTICE AND PROCEDURE
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB191	Fulton	Provide for the waiver of a fine or penalty for an information collection requirement for small businesses Provides that a fine shall not be imposed on a small business (as defined in 58-307) for an initial violation of a state agency or political subdivision's information collection requirement, unless it conflicts with a criminal investigation, violates an internal revenue code provision, or if the violation was not corrected within six months. Under 58-307 small business means a business which is independently owned and operated, which has fewer than one hundred employees, but does not include farming, ranching, or raising of livestock.	Government, Military and Veterans Affairs 02/05/09 at 1:30 p.m. Room 1507		Oppose
LB839	Lautenbaugh	Eliminate a period of invalidity of rules and regulations as prescribed Deletes the requirement that rule or regulation of any agency shall not be valid as against any person until five days after such rule or regulation has been filed with the Secretary of State.	Government, Military and Veterans Affairs 01/28/10 at 1:30 p.m. Room 1507	Killed 02/09/10	Support

NEBRASKA STATE BAR ASSOCIATION
JUDICIARY
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB332	Ashford	Change provisions relating to courts Allows a person to request that garnishment, attachment, or any other aid to execution be directed to any county without the necessity of filing a transcript of the judgment in the receiving county and any hearing or proceeding with regard to such execution or aid in execution shall be heard in the court in which the judgment was originally rendered. Try will contest cases in the county court and not the distirct court. Allows a party to request a continuance of the hearing for adoption for good cause shown. Allows for court appointed special advocates and other parties the court determines would be in the best interest of the juvenile to be named in a court order where a child is or may become a ward of the state. Requires school districts and school personnel to comply with the reasonable requests of a court appointed special advocate. Removes jury trial in Class III misdemeanors. County Judges Association Bill.	Judiciary 02/06/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support with the exception of the will contest provisions and the Class III misdemeanor jury trial provision
LB333	Ashford	Increase and provide for court fees Creates the Supreme Court Access to Justice Cash Fund to support interpreter services and access to justice for indigent and pro se individuals. Imposes an Access to Justice fee of $1 per court case filed. Increases the Supreme Court Education fee from $1 to $2. Increases Court Automation fee from $6 to $8. See LB596.	Judiciary 02/06/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB365	Pankonin	Change retirement annuity provisions under the Judges Retirement Act Increases a judge's retirement annuity to 3.75% of the final compensation times the first ten years of service; 3.25% of final compensation time the next ten years of service; and 1% times the next five years of service; but monthly benefits shall not exceed 75% of the final average compensation. District Court Judges Association and County Judges Association bill.	Nebraska Retirement Systems 02/18/09 at 12:10 pm Room 1525		Support
LB433	Lathrop	Change provisions relating to interchange of court judges and court jurisdiction Provides interchange of court judges and court jurisdiction between district and county courts under §24-312 shall not apply to district court district four and county court district four. Gives the district court concurrent, rather than exclusive, original jurisdiction in any criminal matter classified as a misdemeanor that arises from the same incident as a charged felony.	Judiciary 02/04/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Oppose
LB575	Rogert	Change initiative and referendum petition provisions The Attorney General shall have exclusive prosecutorial power regarding initiatives and referendum petitions and shall prosecute all violations of this section to the fullest extent of the law. A suit under this section shall be advanced on the court docket and heard by the court within ten days after the suit is filed. The court shall issue a decision within fifteen days after the matter is submitted for decision. Either party may appeal directly to the Supreme Court within ten days after a decision is rendered.	Government, Military and Veterans Affairs 03/11/09 at 1:30 p.m. Room 1507		Oppose
LB608	Mello	Appropriate funds to the Supreme Court for a salary increase for county court employees Appropriates (1) $261,347 from the General Fund and $1,173 from federal funds for FY2009-10 and (2) $527,922 from the General Fund and $2,370 from federal funds for FY2010-11 to the Supreme Court to be used to give a salary increase of two percent in both FY2009-10 and FY2010-11 to county court employees of the Supreme Court, in addition to any appropriated regular salary increase for county court employees for FY2009-10 and FY2010-11.	Appropriations 03/10/09 at 1:30 p.m. Room 1524	LB37, LB124, LB236, LB369, LB459, LB468, LB569, LB608 and LB636 amended into LB315.	Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB669	Coash	Change the number of district, county, and separate juvenile court judges Creates five new judgeships; one county and one district judgeship in both the Second Judicial District (Sarpy, Cass, and Otoe counties) and the Third Judicial District (Lancaster County), and an additional judgeship for the Juvenile Court of Douglas County. NSBA Bill.	Judiciary 02/06/09 at 1:30 p.m. Room 1113	General File 02/11/09 LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support
LB727	Coash SPEAKER PRIORITY BILL 2010	Change compensation for retired judges serving temporary duty Allows for a retired judge who consents to serve a minimum number of temporary duty days annually to receive a stipend or an adjusted stipend calculated from the number of days of temporary duty as determined by the Supreme Court. NSBA bill.	Judiciary 02/03/10 at 1:30 p.m. Room 1113	Advanced for Review 03/03/10	Support
LB746	Giese	Change provisions relating to racial profiling Extends the sunset provision to 2014 for the reporting requirements by law enforcement regarding racial profiling. Adds a member of the Minority Justice Committee to the Racial Profiling Advisory Committee.	Judiciary 01/21/10 at 1:30 p.m. Room 1113	Signed by Governor 03/03/10	Support
LB793	Dubas	Prohibit cash fund transfers without authorization Provides that the Legislature shall not transfer or appropriate funds from a cash fund for a use or to another fund unless the transfer or appropriation is specifically authorized by law. Provides that the Legislature declares that any transfer or appropriation in violation of this section is a violation of Article III, section 14, of the Constitution of Nebraska.	Appropriations 01/25/10 at 1:30 p.m. Room 1524		Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB824	Fischer	Change provisions relating to master jury lists In counties having a population of 3,000 but less than 7,000 inhabitants, the jury commissioner shall produce a master list at least once every two calendar years. In counties having a population of less than 3,000, the jury commissioner shall produce a master list when so ordered by the district judge or judges of such counties. Nebraska Association of County Officials bill.	Judiciary 01/22/10 at 1:30 p.m. Room 1113		Support but require list to be refreshed every five years
LB826	Pahls	Adopt the County Consolidation Act The Legislature's Planning Committee shall develop a plan that will reduce the number of counties in Nebraska to approximately thirty by 2018. County courthouses, offices, buildings, and facilities of the current counties as they exist prior to a consolidation may remain open with reduced hours and staffing as remote sites for county services and functions, as needed.	Government, Military and Veterans Affairs 01/22/10 at 1:30 p.m. Room 1507	Killed 02/09/10	No Position but monitor
LB847	Council	Change Small Claims Court powers and provide for use of attorneys as prescribed Litigant in small claims court is able to move the court to vacate the default judgment as is allowed in other courts under sec 25-1142. Litigant may also appeal on error of the record as is currently allowed. NSBA bill. See LB695.	Judiciary 02/25/10 at 12:30 pm Room 1113		Support
LB859	Lautenbaugh	Change provisions relating to trial by jury Changes how and when a jury demand must be made in county court. Changes provisions relating to transferring a small claims court action to county court and requesting a jury trial.	Judiciary 01/28/10 at 1:30 p.m. Room 1113		Support
LB915	McGill	Provide for use of motor vehicle operator license numbers and state identification card numbers in compiling jury lists Includes motor vehicle operator license numbers or state ID card numbers in the data to be given by the Department of Motor Vehicles to the jury commissioner or the officer in charge of jury lists.	Judiciary 01/22/10 at 1:30 p.m. Room 1113	General File 02/24/10	Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB1026	Wightman	Provide for transfers of civil actions in district court When transferring a civil action to another district court, the transferor court shall order: How the fees prescribed for the filing of a new civil action shall be paid by the transferring party to the transferee court.	Judiciary 02/03/10 at 1:30 p.m. Room 1113	General File 02/16/10	Oppose paying filing fee twice but support uniformity
LB1029	Stuthman	Change court nonjudicial days provisions Provides that courts may be ordered closed by the presiding judge in the case of inclement weather or other provided emergencies. Provides that in such a case, the entire day is a nonjudicial day.	Judiciary 02/17/10 at 1:30 p.m. Room 1113		Support
LB1104	Flood	Change judges' salaries Strikes the salary amount of the Chief Justice and judges of the Supreme Court and replaces with XXX.	Judiciary 02/03/10 at 1:30 p.m. Room 1113		Oppose

NEBRASKA STATE BAR ASSOCIATION
JUVENILE LAW
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB82	Howard	Require notification of change in a juvenile's case manager under the Nebraska Juvenile Code Current statue states that following an adjudication hearing at which a juvenile is adjudged the court may order the department to prepare and file with the court a proposed plan for care, placement, services and permanency to be provided to the juvenile. Proposed language requires Health and Human Services to include the name of the case manager assigned to the juvenile's case in said plan and requires that within seven days after assignment of a new case manager to a juvenile whose care has been awarded to the department, an association, or an individual, the department shall notify the court of the name of the case manager being replaced, the name of the new case manager, and the number of times a new case manager has been assigned to such juvenile's case since his or her first case manager.	Judiciary 03/12/09 at 1:30 p.m. Room 1113		Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB253	Ashford	Adopt a new Nebraska Juvenile Code and change child abuse reporting and registry, child relinquishment, and Foster Care Review Act provisions The Act creates an Administrator of Youth Services under the Court Administration/Probation to provide case management for families and youth receiving services, either voluntarily or through an order of the Juvenile Courts. The Office of the Administrator of Youth Services will receive case referrals from schools, physicians, judges, crisis hotline personnel or directly from families and will then screen and refer for services and case management. A Resource Specialist in each Judicial District will coordinate with the Behavioral Health Regions to identify all available service providers and funding sources. This includes, without limitation, behavioral health providers and other government agencies, mediation services, and private agencies that provide juvenile community-based services. The Act changes the Office of Juvenile Services to the Office of Youth Rehabilitative Services, which would serve only the highest need/highest risk youth (i.e. Kearney, Geneva and subsequent parole). The Act provides for case management at the earliest identification of the need for services; continuity of personnel and providers; flexibility and delivery of services to meet unique needs. The goal is to promote the use of in-home, family-centered services, rather than out-of-home placement. The Act provides for a continuum of services to be coordinated by the Administrator of Youth Services, with portals into the system depending upon the child's level of need and the unique circumstances of the case. Assigns the Youth Services Administrator the duty to coordinate the delivery of services, removes the juvenile code from administration by a departmental agency. See LB275, LB346 and LB 356.	Judiciary 02/25/09 at 1:30 p.m. Room 1113		No Position; Support study of the Juvenile Code
LB332	Ashford	Change provisions relating to courts Allows a person to request that garnishment, attachment, or any other aid to execution be directed to any county without the necessity of filing a transcript of the judgment in the receiving county and any hearing or proceeding with regard to such execution or aid in execution shall be heard in the court in which the judgment was originally rendered. Try will contest cases in the county court and not the distirct court. Allows a party to request a continuance of the hearing for adoption for good cause shown. Allows for court appointed special advocates and other parties the court determines would be in the best interest of the juvenile to be named in a court order where a child is or may become a ward of the state. Requires school districts and school personnel to comply with the reasonable requests of a court appointed special advocate. Removes jury trial in Class III misdemeanors. County Judges Association Bill.	Judiciary 02/06/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support with the exception of the will contest provisions and the Class III misdemeanor jury trial provision

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB800	Ashford JUDICIARY COMMITTEE PRIORITY BILL 2010	Provide methods of early intervention for children at risk Authorizes the implementation of civil citations as a way for juveniles with minor offenses to avoid having an arrest record. The juvenile would have to complete diversion programming in order to avoid the arrest. Explicitly prohibits status offenders from being sent to secure detention. Prohibits those juveniles whose petition is for a status offense from being detained for violating a valid court order. Enact graduated sanctions for violations of probation that mirror the adult version. Evaluations: OJS will identify the appropriate post-adjudication evaluation and be responsible for completing it. Reduces the timeframe for completing evaluations from 30 to 20 days and reduce the timeframe for extensions from 30 days to 5 days. Require a juvenile to appear in front of a judge for a hearing on the report within 10 days of the court receiving the evaluation report. Changes provisions related to temporary placement to emphasize the need to place juveniles in the least restrictive environment possible that is consistent with public safety and in the best interest of the juvenile. Authorize the use of videoconferencing in certain juvenile proceedings. Truancy : Removes language allowing each district to define and use the distinction between excused and unexcused absence. Removes language allowing the school to end efforts to meet with parents after the parent refuses to participate in a meeting to address the student's truancy. Adds provision requiring school administrators, attendance officers or enforcement officers to make contact with family of the truant student after 5, 10 and 20 truancies and document the contact. After the third contact, the case can be referred to the county attorney. Authorize county attorney to issue an infraction against the parent of a truant student. Require each school district to provide a report to Department of Education regarding truancy and strategies developed by district to address truancy. Authorize school districts within a Learning Community to establish a reintegration center to assist students who have been out of school for some time or those who have dropped out completely. Authorize the Learning Community Coordinating Council to award grants to non-profit organizations providing intervention services for at-risk juveniles focusing on closing the learning gap. The LCCC may use the 5 cent property tax levy to fund the grants. Require school districts to report to the Department of Education on expulsions, suspensions, referrals to the county attorney for truancy and any contact with law enforcement within 48 hours of occurrence. Establish a child-at-risk task force that includes the Department of Education, Probation, HHS and school superintendents. The task force will evaluate the “at-risk data” that is sent to the department and report to the Legislature on or before December 31, 2010. Eliminates the use of three-judge panel appeals of juvenile cases where the court orders implementation of a plan different from what HHS recommended and expedite appeals of juvenile cases at the Court of Appeals. Clarifies juvenile court has jurisdiction over parents by giving court authority to require the parent, guardian or custodian to participate in the therapeutic services necessary for the rehabilitation of the juvenile.	Judiciary 01/27/10 at 1:30 p.m. Room 1113	General File 03/04/10	Support the Concept

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB923	Ashford	Change provisions relating to sealing of juvenile criminal justice records The sealing process is available to juveniles (under age 18 at time of offense) who: are offered pretrial diversion or mediation by the county attorney; are the subject of a juvenile court petition filed by the county attorney in juvenile court for a misdemeanor offense, felony offense, status offense or traffic offense; and are the subject of a criminal complaint filed by the county attorney in county court for a misdemeanor or infraction. If no petition or complaint was filed against the juvenile or if the resulting diversion or mediation is completed, the county attorney must notify the appropriate public office or agency responsible for arrest or custody. Upon receiving such notice the office or agency shall immediately seal all original records housed at the office or agency pertaining to the citation, arrest, custody, complaint, disposition, diversion or mediation. If a juvenile who is eligible for the sealing process has completed diversion, mediation, probation, supervision, treatment or rehabilitation provided for under the juvenile code, or the diversion or sentence ordered by the county court and the juvenile is at least 17 years old, the court shall initiate proceedings to seal the records. If a juvenile who is eligible for the sealing process has completed diversion, mediation, probation, supervision, treatment or rehabilitation provided for under the juvenile code, or the diversion or sentence ordered by the county court, the court may initiate proceedings to seal the records upon the motion of the juvenile or upon the court's own motion. Proceedings to seal records are initiated by notifying the county attorney. If the court orders the records be sealed, the juvenile may reply that no record exists upon any inquiry in the matter. The court, county attorneys, institution, persons and agencies must reply that no record exists upon inquiry. A sealed record is accessible to law enforcement officers, county attorneys, and the sentencing judge. Inspection of the records may be done by the following persons: The court or any person allowed to inspect by order of the court for good cause shown; Probation; The juvenile subject of the sealed records; Party to a civil action based on the sealed records; Persons engaged in bona fide research. No public employee shall knowingly release, disseminate or make available the sealed records or they may be held in contempt of court. In applications for employment, license or other privilege, a person cannot be questioned about the sealed records. If questioned, the person subject to the sealed records may respond as if the incident leading to the sealed records did not occur. Minority Justice Committee Proposal.	Judiciary 01/27/10 at 1:30 p.m. Room 1113		Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB971	Campbell	Change provisions relating to care and placement of neglected children and children in foster care Provides for notification to non-custodial parents and certain other family members suggested by the child within 15 days of the removal of a child from home. Provides DHHS must use reasonable efforts to place siblings together when emergency custody of a child is ordered. Provides for sibling time when not placed together. Provides for development of a written transition plan of services when a child in foster care turns 16.	Judiciary 02/19/10 at 1:30 p.m. Room 1113		Support
LB973	Coash	Change provisions relating to the central register of child protection cases and authorize a hearing Provides for a ten day delay before the record of a report classified as agency substantiated child abuse is entered into the central registry. Provides for notice to the person who is the subject of that report, and for the right to request a hearing before the director to challenge that agency finding. Provides that decision of the hearing officer is appealable in accordance with the Administrative Procedure Act.	Judiciary 02/19/10 at 1:30 p.m. Room 1113		Support

NEBRASKA STATE BAR ASSOCIATION
LABOR RELATIONS, EMPLOYMENT LAW AND WORKERS' COMPENSATION
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB801	Fulton SPEAKER PRIORITY BILL 2010	Change the Uniform Deceptive Trade Practices Act This measure clarifies the Uniform Deceptive Trade Practices Act (UDTPA) so that it is clear that pyramid schemes in which no products are sold are illegal. Prohibits installation, without notice, of certain file sharing programs on computers not owned by the person. Provides that a person suffering damage or injury as a result of a violation of the UDTPA may receive injunctive relief and recover actual damages, costs, and attorneys fees. Extends the statute of limitations period for civil actions brought under UDTPA.	Judiciary 02/17/10 at 1:30 p.m. Room 1113		Support

NEBRASKA STATE BAR ASSOCIATION
MISCELLANEOUS
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB147	Pirsch	Provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders Committee Statement: Provides that the clerks of the district courts send a copy, in hard or electronic form, of all name-change orders to the Department of Health and Human Services and to the sex-offender registration and community notification division of the Nebraska State Patrol. If the respective departments determine the name change is for a person on the central register of child protection cases or the central registry of sex offenders, the department must include the changed name and the former name in the registries and files or cross-reference the information under both names. If the department determines that a name change order is a match to a name on the central registry of sex offenders, the sex-offender registration and community notification division of the Nebraska State Patrol must notify the sheriff of the county in which such person resides. Committee Amendment AM756 would add a duty for the Department of Health and Human Services to determine if any name-change orders sent by the clerks of the district courts match any name on the Adult Protective Services Central Registry. If the department determines that a name change order is a match, the department must include the changed name and the former name in the registry and file or cross-reference the information under both names. Additionally, the amendment would add a requirement that any name-change petition include the petitioner's address and date of birth.	Judiciary 03/18/09 at 1:30 p.m. Room 1113	Signed by Governor 02/11/10	Support **[LB1078 (2008)** Approve concept; Oppose mechanism of having CDC send all orders to HHS and NSP]

NEBRASKA STATE BAR ASSOCIATION
REAL ESTATE, PROBATE AND TRUST
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB46	Wightman	Provide for costs and expenses of estate administration Defines the costs and expenses of estate administration to include expenses incurred in taking possession and control of estate assets and the management, protection, and preservation of the estate assets, expenses related to the sale of estate assets, and expenses in the day-to-day operation and continuation of business interests for the benefit of the estate. NSBA bill.	Judiciary 02/05/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support
LB118	Wightman	Change decedents' estates provisions relating to collection of personal property by affidavit and succession to real property by affidavit Provides for the collection of personal property by affidavit for estates with personal property not exceeding $50,000 and succession to real property by affidavit for estates with real property not exceeding $30,000. Small estates affidavit procedure. NSBA bill.	Judiciary 02/05/09 at 1:30 p.m. Room 1113	LB40, LB46 (§17, 18), LB47, LB118 (§19, 20), LB273, LB305 (§10), LB332, LB333, LB344, LB351 (§1, 2), LB352 (§6, 7, 8), LB353 (§22), LB354 (§27), LB374, LB375, LB433 and LB669 (§4) amended into LB35.	Support with provision that real estate is increased to $50,000

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB213	Cornett REVENUE COMMITTEE PRIORITY BILL 2009	Change Tax Equalization and Review Commission provisions Provides that at least two commissioners of TERC shall have been engaged in the practice of law in the State of Nebraska for at least five years; increase filing fee for petitions to TERC from $25 to $50. Provides for inclusion of the span of dates that appeals or petitions will be heard by TERC amongst the notice required to be published by TERC; provides that a person with an interest in an appeal or petition before TERC may become a party to the action.	Revenue 02/26/09 at 1:30 p.m. Room 1524		Oppose amendment authorizing non-lawyers to represent parties before TERC
LB295	Campbell	Provide and change recording requirements for filings with the register of deeds Changes the formatting (sets margins, paper size, ink and font to be used, forbids cover sheets) for instruments submitted to Register of Deeds for recording. If before January 1 2012, when an offered instrument does not meet the requirements of the section, an additional fee of $10 is charged; after January 1, 2012, the Registrar must refuse, with some exceptions, the instrument. The bill also requires certain identifying information on the first page of every instrument.	Government, Military and Veterans Affairs 02/05/09 at 1:30 p.m. Room 1507		Oppose
LB756	Wightman	Adopt the Nebraska Uniform Real Property Transfer on Death Act Uniform Real Property Transfer on Death Act: Provides an asset-specific mechanism for the non-probate transfer of land. Permits owners of interests in real property to execute and record a transfer on death (TOD) deed. By this deed, the owner identifies the beneficiary or beneficiaries who will succeed to the property at the owner's death. During the owner's lifetime, the beneficiaries have no interest in the property, and the owner retains full power to transfer or encumber the property or to revoke the TOD deed. NSBA bill.	Judiciary 02/03/10 at 1:30 p.m. Room 1113		Further Study Required
LB757	Wightman	Provide for nonprobate transfer on death motor vehicle certificates of title Allows for motor vehicles governed by a certificate of title to be titled in transfer on death. NSBA bill.	Judiciary 02/03/10 at 1:30 p.m. Room 1113		Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB758	Wightman	Change provisions relating to doctrines of cy pres and deviation and powers of personal representatives Amend statutes to clarify that the Cy Pres Doctrine applies to wills. Currently, Nebraska statutes provide for the application of Cy Pres only as to trusts. Provides the personal representative power to incorporate an unincorporated business into any form of limited liability organization and will allow the continuation of any unincorporated sole proprietorship without the current four month limitation. NSBA bill.	Judiciary 02/03/10 at 1:30 p.m. Room 1113		Support
LB759	Wightman	Provide for the dissolution, winding up, and liquidation of certain professional corporations The successor in interest to the last remaining shareholder of a professional corporation is granted authority to wind up and liquidate the business and affairs, even when such successor in interest could not have become a shareholder in the professional corporation, unless otherwise provided in the articles of incorporation or the bylaws of the professional corporation. NSBA bill.	Banking, Commerce and Insurance 02/08/10 at 1:30 p.m. Room 1507	General File 02/09/10	Support
LB760	Wightman	Change provisions relating to total return trusts Changes the Nebraska Principal and Income Act by deleting the requirement to distribute the entire net income in a marital deduction trust, QTIP marital deduction trust, net income/general power of appointment marital deduction trust, and the QDOT marital deduction trust. Historically, trustees were required to distribute the net income generated by marital deduction trusts to surviving spouses in order to qualify for an estate tax marital deduction. Treasury regulations permit trustees to pay a percentage of the trust's assets in lieu of the distribution of net income requirement. Suggested change would bring Nebraska statues in line with the treasury regulations on this subject. The bill also deletes the prohibition against changing a 'net income' distribution provision in an exempt generation-skipping trust if the trustee elects to convert such a trust to a total return trust. NSBA bill.	Banking, Commerce and Insurance 02/08/10 at 1:30 p.m. Room 1507	General File 02/09/10	Support

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB822	Janssen	Change provisions relating to construction liens Under a claimant's lien the claimant shall send a copy of the recorded lien within ten days after recording to (a) the party with whom the claimant contracted, (b) the prime contractor, and (c) the contracting owner. Failure to send this copy shall not void or nullify the lien. The claimant's lien amount may be reduced by damages caused to the prime contractor or contracting owner by any delay or failure.	Judiciary 01/28/10 at 1:30 p.m. Room 1113		Support
LB873	Giese	Eliminate provision relating to notification of delinquent property taxes Deletes the requirement that a county treasurer notify by mail any taxpayer, whose personal or real estate tax on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land are delinquent.	Revenue 01/27/10 at 1:30 p.m. Room 1524	Signed by Governor 03/03/10	Oppose
LB1047	Wightman	Provide for construction of terms in wills and trusts relating to federal laws Provides construction rules to be applied if a decedent dies in a year in which there is no federal estate tax or generation-skipping transfer tax. NSBA bill.	Judiciary 02/03/10 at 1:30 p.m. Room 1113	General File 02/09/10	Support
LB1083	Dierks	Change provisions relating to contents of a certification of trust Removes social security numbers and employer identification numbers from the list of information that a certification of trust may contain under section 30-38,10.	Banking, Commerce and Insurance 02/16/10 at 1:30 p.m. Room 1507		Support
LB1089	Karpisek	Adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act This Act deals only with jurisdiction and related issues in adult proceedings. Contains definitions and provisions designed to facilitate cooperation between courts in different states. Specifies which court has jurisdiction to appoint a guardian or conservator or issue another type of protective order and contains definitions applicable only to that article. Its principal objective is to assure that an appointment or order is made or issued in only one state except in cases of emergency or in situations where the individual owns property located in multiple states. Specifies a procedure for transferring a guardianship or conservatorship proceedings from one state to another state. Provides for enforcement of guardianship and protective orders in other states. The Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act applies to guardianship and protective proceedings begun on or after January 1, 2011. Certain sections apply to proceedings begun before January 1, 2011, regardless of whether a guardianship or protective order has been issued.	Judiciary 02/25/10 at 12:30 pm Room 1113		Further Study Required

NEBRASKA STATE BAR ASSOCIATION
SALES TAX ON LEGAL SERVICES
LEGISLATIVE SUMMARY
101st Legislature - Second Session - 2010

RUTH | MUELLER | ROBAK LLC
530 South 13th Street, Suite 110
Lincoln, Nebraska 68508
Telephone: 402.434.3399
Fax: 402.434.3390

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB583	Dierks	Change sales, property, and income tax provisions and education funding Changes the sales tax rate to an unspecified percent beginning January 1, 2010. Provides that all services, except medical services, shall be subject to the sales tax. Provides for collection of sales tax on food, except food purchased with food coupons issued by the USDA. Provides for a food sales tax credit for qualified resident individuals. Strikes the maximum levy for school districts and learning communities but does not yet specify the replacement levy per one hundred dollars of taxable valuation. Removes language authorizing community college levies. Generally provides that the compensation of school district and learning community employees and their employer retirement contributions are the responsibility of the State through the General Fund. Provides that funding of community college areas shall be a state responsibility through the General Fund. Creates Property Tax Relief and Reorganization Fund to provide property tax relief, but does not appear to establish a funding mechanism for the fund.	Revenue 02/11/09 at 1:30 p.m. Room 1524		Oppose the imposition of sales tax on legal services

BILL NO.	PRIMARY INTRODUCER	DESCRIPTION AND SUMMARY OF BILL	COMMITTEE & HEARING DATE	STATUS IF NOT IN COMMITTEE	POSITION
LB1066	Dierks	Provide for sales and use tax on certain services Provides for sales and use tax on the following services: Alteration and garment repair; armored car; vehicle repair; battery, tire, and allied; investment counseling; service charges of all financial institutions; barber and beauty; boat repair; campgrounds; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dating services; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; excavating and grading; farm implement repair of all kinds; flying service; furniture, rug, carpet, and upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; gun and camera repair; house and building moving; household appliance, television, and radio repair; jewelry and watch repair; lawn care, landscaping, and tree trimming and removal; limousine service, including driver; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pay television; pipe fitting and plumbing; wood preparation; executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; reflexology; sewage services for nonresidential commercial operations; sewing and stitching; shoe repair and shoeshine; sign construction and installation; storage of household goods, mini-storage, and warehousing of raw agricultural products; swimming pool cleaning and maintenance; tanning beds or salons; taxidermy services; telephone answering service; test laboratories, including mobile testing laboratories and field testing by testing laboratories, excluding tests on humans or animals; tin and sheet metal repair; transportation service consisting of the rental of recreational vehicles or recreational boats, or the rental of motor vehicles subject to registration which are registered for a gross weight of thirteen tons or less for a period of sixty days or less, or the rental of aircraft for a period of sixty days or less; massage and reducing salons, excluding services provided by massage therapists licensed under the Uniform Credentialing Act; water conditioning and softening; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl, and vegetables; wrecking service; and solid waste refuse collection and recycling services.	Revenue 02/25/10 at 1:30 p.m. Room 1524		Oppose the imposition of sales tax on legal services
LB1078	Cornett	Update references to the Internal Revenue Code Provides that statutory references to the Internal Revenue Code (with several exceptions) refer to the Internal Revenue Code of 1986 as it exists on the effective date of LB 1045. Currently those references refer to the IRC as it existed on February 27, 2009.	Revenue 02/04/10 at 1:30 p.m. Room 1524	General File 02/08/10	Support