

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB1195

Hearing Date: Wednesday February 07, 2024
Committee On: Judiciary
Introducer: Conrad
One Liner: Change provisions relating to county attorneys, public defenders, and loan repayments for attorneys practicing in certain rural areas

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Blood, DeBoer, DeKay, Holdcroft, Ibach, McKinney, Wayne
Nay:		
Absent:	1	Senator Bosn
Present Not Voting:		

Testimony:

Proponents:

Senator Danielle Conrad
Mike Hilgers
Elaine Menzel
Liz Neeley
Gerard A. Piccolo

Todd W. Lancaster
Helen Winston
Jess T. Lammers

Representing:

Opening Presenter
Nebraska Attorney General's Office
Nebraska Association of County Officials
Nebraska State Bar Association
Hall County Public Defender | Nebraska Criminal
Defense Attorneys Association
Nebraska Commission on Public Advocacy
Self
Self

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Section 1 would amend 7-203 to increase the population threshold for a “designated legal profession shortage area” from counties with less than 15,000 inhabitants to 75,000 inhabitants. This definition applies for purposes of the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act.

Section 2 would amend 23-1201.01 to provide that a contract for an appointed county attorney shall include the cost annual continuing legal education.



Section 3 would amend 23-1206.01 to eliminate the statutory prohibition on county attorneys and deputy county attorneys in counties with more than 200,000 inhabitants engaging in the private practice of law. Such counties would now be included in the general provision that the county board is authorized to adopt a resolution restricting the private practice of law. This section would also eliminate minimum salaries for county attorneys in counties with 60,000 to 100,000 inhabitants, 100,000 to 200,000 inhabitants, and county attorneys jointly employed by counties with a combined population of 20,000 or more.

Section 4 would amend 23-1210 to include coroner training expenses as a reimbursable “actual necessary expense” incurred by county attorneys.

Section 5 would amend 23-3401 to eliminate the statutory prohibition on the private practice of law for public defenders and assistant public defenders in counties with more than 170,000 inhabitants. This section would be amended to authorize county boards to adopt a resolution in any county restricting the private practice of law.

Section 6 would amend 23-3403 to specifically include the cost of continuing legal education in a county public defender’s budget.

Section 7 would amend 23-3404 to increase the population threshold that allows county boards to appoint a public defender from under 35,000 to under 100,000 inhabitants.

Section 9 would amend 59-1608.04 to authorize transfer of an amount to be determined from the State Settlement Cash Fund to the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund.

Explanation of amendments:

AM3291 replaces the original bill.

Sections 1 and 2 contain an amended version of provisions originally included in LB1265.

Sections 3, 4, 5, 6, 7, 8, 9 and 12 contain the provisions of LB1220 as amended by AM2915.

Sections 10 and 11 contain the provisions of LB1268 as amended by AM2541.

Section 13 contains the provisions of LB902 as amended by AM2857.

Section 14 contains the provisions of LB832.

Section 1: Amends Section 25-3003 to require the Commission on Public Advocacy to establish eligibility criteria and guidelines to determine the legal services to be provided and priorities for providing those services in accordance with subsection (1) of Section 25-3004.

Section 2: Amends Section 25-3004 to require that grants be awarded to statewide legal service providers that provide direct legal representation. It also requires that service providers receiving funds from the Legal Aid and Services Fund shall be audited. Such audit must show that the service provider provided direct legal representation as provided.

Section 3: Nebraska Revised Statute § 30-2446 currently provides that a bond shall be required of a personal representative of a decedent’s estate unless the bond is waived in a manner described by the statute. LB1220 creates an additional waiver method that allows a person 18 years of age or older to waive the bond on their own behalf.

Section 4: Amends Nebraska Revised Statute § 30-24,129 to change the requirements for the succession of real property by affidavit. Currently, the affidavit must state that the value of all real property in the decedent’s estate does not exceed \$50,000. LB1220 increases the real property value to \$100,000.



Section 5: Amends Nebraska Revised Statute § 30-2603 currently requires the person responsible for paying or delivering money or personal property to a minor to make such payments/deliveries in the amount of \$25,000 or less per year. LB1220 increases this amount to \$40,000 or less per year.

Section 6: Amends Nebraska Revised Statute § 30-3402 to change the definition of “adult” as it is used in Sections 30-3401 through 30-3432. Defines an adult as someone eighteen years of age or older or who is not a minor.

Section 7: Amends Nebraska Revised Statute §30-3816 to allow any trustee to register the trust in the county where the principal place of administration of the trust is located. If the principal place of administration of the trust is the business or residence of any co-trustees and the other co-trustees do not agree, any interested person can bring a proceeding to determine the principal place of business. Additionally, no one other than a trustee can register a trust and registration is not required for a court to exercise jurisdiction over the trust.

Section 8: Amends Nebraska Revised Statute §30-3828 to allow a person who is at least 18 years old or not a minor to create a trust.

Section 9: Amends Nebraska Revised Statute § 30-4002 to change the definition of “principal” as it is used in the Nebraska Uniform Power of Attorney Act, to mean an individual who is at least 18 or not a minor who grants authority to an agent in a power of attorney.

Section 10: Amends Nebraska Revised Statute § 40-101 to increase the value of exempt homesteads from \$60,000 to \$120,000 and provides that the exemption only applies to natural persons living in the state.

Section 11: Amends Nebraska Revised Statute § 40-103 to make a technical change.

Section 12: Amends Nebraska Revised Statute § 43-2707 to increase the amount of a transfer authorized by the court from \$10,000 to \$40,000.

Section 13: Amends Section 71-5905 to prohibit assisted-living facilities from requesting or requiring a third-party guarantee of payment as a condition of admission or continued stay in the facility. If a third-party wants to guarantee payment of a resident’s expenses, a separate written agreement shall be executed. Such a separate written agreement must contain the three specific statements quoted in this section. A facility may request and require a third-party who has legal access to a resident’s income to sign a contract to provide payment from the resident’s income. The third-party does not incur personal financial liability by signing such a contract.

Section 14: Current law allows the Governor to accept a return of federal jurisdiction to the state over criminal or civil matters on federal lands, except Indian lands. This section amends section 84-168 to explicitly include juvenile matters. This section would add specific details and requirements for the offer to return jurisdiction. The bill would also allow state agencies to enter into memorandums of understanding with federal agencies to coordinate concurrent jurisdiction.

Section 15: Repeals original sections.

Section 16: Outright repeals Section 40-102.



