

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1071**

Introduced by Wehrbein, 2

Read first time January 14, 2004

Committee: Appropriations

A BILL

1 FOR AN ACT relating to nonprofit corporations; to amend section  
2 21-1928, Reissue Revised Statutes of Nebraska; to provide  
3 exceptions to certain powers relating to governing boards  
4 involving certain public postsecondary educational  
5 institutions; and to repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 21-1928, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   21-1928. Unless its articles of incorporation provide  
4 otherwise, every corporation has perpetual duration and succession  
5 in its corporate name and has the same powers as an individual to  
6 do all things necessary or convenient to carry out its affairs  
7 including, without limitation, the power:

8                   (1) To sue and be sued, complain, and defend in its  
9 corporate name;

10                  (2) To have a corporate seal, which may be altered at  
11 will, and to use it, or a facsimile of it, by impressing or  
12 affixing or in any other manner reproducing it;

13                  (3) To make and amend bylaws not inconsistent with its  
14 articles of incorporation or with the laws of this state, for  
15 regulating and managing the affairs of the corporation;

16                  (4) To purchase, receive, lease, or otherwise acquire,  
17 and own, hold, improve, use, and otherwise deal with, real or  
18 personal property, or any legal or equitable interest in property,  
19 wherever located, except that any nonprofit corporation created by  
20 or including members of the Board of Regents of the University of  
21 Nebraska or the Board of Trustees of the Nebraska State Colleges  
22 shall comply with sections 85-401 to 85-408 and 85-1415 when  
23 issuing bonds to finance facilities and capital equipment for the  
24 University of Nebraska or the state colleges;

25                  (5) To sell, convey, mortgage, pledge, lease, exchange,  
26 and otherwise dispose of all or any part of its property;

27                  (6) To purchase, receive, subscribe for, or otherwise  
28 acquire, own, hold, vote, use, sell, mortgage, lend, pledge, or

1 otherwise dispose of, and deal in and with, shares or other  
2 interests in, or obligations of, any entity;

3 (7) To make contracts and guaranties, incur liabilities,  
4 borrow money, issue notes, bonds, and other obligations, and secure  
5 any of its obligations by mortgage or pledge of any of its  
6 property, franchises, or income, except that any nonprofit  
7 corporation created by or including members of the Board of Regents  
8 of the University of Nebraska or the Board of Trustees of the  
9 Nebraska State Colleges shall comply with sections 85-401 to 85-408  
10 and 85-1415 when issuing bonds to finance facilities and capital  
11 equipment for the University of Nebraska or the state colleges;

12 (8) To lend money, invest and reinvest its funds, and  
13 receive and hold real and personal property as security for  
14 repayment, except as limited by section 21-1988;

15 (9) To be a promoter, partner, member, associate, or  
16 manager of any partnership, joint venture, trust, or other entity;

17 (10) To conduct its activities, locate offices, and  
18 exercise the powers granted by the Nebraska Nonprofit Corporation  
19 Act within or without this state;

20 (11) To elect or appoint directors, officers, employees,  
21 and agents of the corporation, define their duties, and fix their  
22 compensation;

23 (12) To pay pensions and establish pension plans, pension  
24 trusts, and other benefit and incentive plans for any or all of its  
25 current or former directors, officers, employees, and agents;

26 (13) To make donations not inconsistent with law for the  
27 public welfare or for charitable, religious, scientific, or  
28 educational purposes and for other purposes that further the

1 corporate interest;

2 (14) To impose dues, assessments, admission, and transfer  
3 fees upon its members;

4 (15) To establish conditions for admission of members,  
5 admit members, and issue memberships;

6 (16) To carry on a business; and

7 (17) To do all things necessary or convenient, not  
8 inconsistent with law, to further the activities and affairs of the  
9 corporation.

10 Sec. 2. Original section 21-1928, Reissue Revised  
11 Statutes of Nebraska, is repealed.