

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

April 14, 2003 LB 464, 480

"deceptively similar." So depending on the entity, we have two different standards on the...in the statutes of Nebraska, one being "distinguishable upon the record," the other being "deceptively similar." And this comes as a surprise to some people. They'll try to obtain a name under one type of entity, and it will not be available. And then if they try to obtain the same name under a different type of entity, like an LLC, it will be available. So it seems that it is advisable to have a consistent standard when we're talking about whether a name is too close to another name, or whether it should be available. The bill suggests that we adopt the standard of "deceptively similar," that it is not the same or deceptively similar, as being the standard for corporate name reservations, which is now the standard, as I mentioned, for trade names and LLCs. When we adopted a uniform act a few years ago, I think this was part of that uniform act. And we did not make the connection that we were actually winding up with two different standards in our statutes. We did have the hearing before Banking, Commerce and Insurance. The committee did advance the bill 8 to 0. There were no opponents at the hearing. So I would be glad to answer questions. But I think the bill is a good suggestion from the Secretary of State, and I would encourage you to support it. Thank you.

SENATOR CUDABACK: Thank you, Senator Bromm. You've heard the opening on advancement of LB 464. Now open for discussion on that motion. Senator Thompson. Thank you, Senator Thompson. No further lights on on the advancement of LB 464. Senator Bromm. He waives the opportunity to close on advancement. The question before the body is, shall LB 464 advance to E & R Initial? All in favor of the motion vote aye, opposed nay. The motion before the body is to advance LB 464 to E & R Initial. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 464.

SENATOR CUDABACK: LB 464 does advance. Mr. Clerk, next bill.

CLERK: LB 480, by Senator Baker. (Read title.) The bill was introduced on January 16, referred to the Transportation and