

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB934

Hearing Date: Thursday February 08, 2024
Committee On: Judiciary
Introducer: Bosn
One Liner: Change provisions relating to venue and enforcement powers of the Attorney General under the Consumer Protection Act and the Uniform Deceptive Trade Practices Act and provide for jury trials

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

Vote Results:

Aye:	5	Senators Bosn, DeBoer, DeKay, Holdcroft, Ibach
Nay:	2	Senators Wayne, McKinney
Absent:		
Present Not Voting:	1	Senator Blood

Testimony:

Proponents:

Senator Carolyn Bosn
Bebe Strnad

Representing:

Opening Presenter
Attorney General's Office

Opponents:

Spike Eickholt

Representing:

Nebraska Criminal Defense Attorneys Association

Neutral:

Jessie McGrath

Representing:

Self

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB934 allows the Attorney General to bring an action under the Consumer Protection Act (CPA) in a county in which the Attorney General has brought a related claim arising out of the Uniform Deceptive Trade Practices Act (UDTPA). Currently, the Attorney General may only bring such a claim in Lancaster County or in the county where the violator resides/has a principal place of business. LB934 also expands the Attorney General's enforcement powers when there is cause to believe that a person is in violation of the CPA or UDTPA. Additionally, the AG may elect to bring a claim under the CPA or UDTPA for a jury trial.

Section-by-Section

Section 1: Amends Section 59-1608.01 to allow the Attorney General to bring an action under the CPA in a county in which the Attorney General has already brought a related claim arising under the UDTPA. Also allows the Attorney General to request a jury trial for claims under the CPA.



Section 2: Amends Section 59-1611 to allow the Attorney General to take various actions when there is cause to believe that an individual is in violation of the CPA. The Attorney General may require that person to provide a statement about the facts and circumstances surrounding the alleged violation, examine potential witnesses, and examine the property in question. Upon order of the district court, the Attorney General may impound or temporarily freeze certain assets until the proceedings are finished.

Section 3: Makes a harmonizing change to Section 59-1623.

Section 4: Amends Section 87-303.02 to allow the Attorney General to obtain statements and examine potential witnesses concerning any deceptive trade practice or unconscionable act as listed in the UDTPA. Upon order of the district court, the Attorney General may impound or temporarily freeze certain assets until the proceedings are finished.

Section 5: Allows the Attorney General to request a jury trial for claims under the UDTPA.

Section 6: Makes a harmonizing change to Section 87-306.

Section 7: Severability clause.

Section 8: Repeals original sections.

Explanation of amendments:

AM2706 would allow both the Attorney General and the defendant to demand a jury trial for claims brought under the CPA and the UDTPA. Before taking certain actions, like requiring statements or freezing assets, the Attorney General must have “reasonable cause” rather than “cause.”

Additionally, AM2706 clarifies that a court order impounding or freezing assets under the CPA or UDTPA must be for “connected accounts” and provides a definition for the term “connected accounts.” AM2706 creates a process for the Attorney General to seek an ex parte order to temporarily freeze or impound connected accounts. Any such ex parte order is only effective for 14 days and must be set for hearing.

Justin Wayne, Chairperson

