

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 171**

Introduced by Avery, 28.

Read first time January 07, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Secretary of State; to amend sections  
2 69-1204, 69-1206, 81-1921, 81-1922, and 81-1924, Reissue  
3 Revised Statutes of Nebraska, and section 33-102, Revised  
4 Statutes Cumulative Supplement, 2010; to change  
5 provisions relating to the establishment of certain fees;  
6 to provide an operative date; and to repeal the original  
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 33-102, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           33-102 The Secretary of State shall be entitled to, a fee  
4 for receiving, affixing the great seal to, and forwarding the  
5 commission of a notary public, ~~the sum of fifteen dollars~~ and the an  
6 additional ~~sum of fifteen dollars~~ fee for filing and approving the  
7 bond of a notary public. The Secretary of State shall be entitled to  
8 ~~the sum of fifteen dollars~~ a fee for receiving a renewal application  
9 pursuant to section 64-104.

10           The fees received by the Secretary of State pursuant to  
11 this section shall be established by the Secretary of State in rules  
12 and regulations adopted and promulgated pursuant to this section in  
13 amounts so that the total of each fee does not exceed the actual cost  
14 of administering such services. Such fees shall be remitted to the  
15 State Treasurer for credit seventy-five percent to the General Fund  
16 and twenty-five percent to the Administration Cash Fund which is  
17 hereby created. Transfers may be made from the fund to the General  
18 Fund at the direction of the Legislature. Any money in the  
19 Administration Cash Fund available for investment shall be invested  
20 by the state investment officer pursuant to the Nebraska Capital  
21 Expansion Act and the Nebraska State Funds Investment Act.

22           Sec. 2. Section 69-1204, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           69-1204 Any person desiring to obtain a license to engage  
25 in the debt management business in this state shall file with the

1 secretary an application in writing, under oath, setting forth his or  
2 her business name, his or her social security number if the applicant  
3 is an individual, the exact location of his or her office, names and  
4 addresses of all officers and directors if an association or a  
5 corporation, if a partnership, the partnership name and the names and  
6 addresses of all partners, and if a limited liability company, the  
7 company name and the names and addresses of all members, and a copy  
8 of the certificate of registration of trade name, certificate of  
9 partnership, articles of organization, or articles of incorporation.  
10 At the time of filing the application the applicant shall pay to the  
11 secretary a license fee ~~of two hundred dollars~~ for the main office  
12 within each county and ~~one hundred dollars~~ a fee for each additional  
13 office. An initial investigation fee ~~of two hundred dollars~~ shall  
14 also be paid to the secretary at the time of filing the application.  
15 The secretary shall establish such fees in rules and regulations  
16 adopted and promulgated pursuant to this section so that the total  
17 fees do not exceed the costs of administering such services. At the  
18 time of filing the application the applicant shall furnish a bond to  
19 the people of the state in the sum of ten thousand dollars,  
20 conditioned upon the faithful accounting of all money collected upon  
21 accounts entrusted to such person engaged in debt management, and  
22 their employees and agents. The aggregate liability of the surety to  
23 all claimants doing business with the office for which the bond is  
24 filed shall in no event exceed the amount of such bond. The bond or  
25 bonds shall be approved by the secretary and filed in the office of

1 the Secretary of State. No person, firm, limited liability company,  
2 or corporation shall engage in the business of debt management until  
3 a good and sufficient bond is filed in accordance with the provisions  
4 of sections 69-1201 to 69-1217.

5 Each licensee shall furnish with his or her application a  
6 blank copy of the contract he or she intends to use between himself  
7 or herself and the debtor and shall notify the secretary of all  
8 changes and amendments thereto within thirty days of such changes and  
9 amendments.

10 The license issued under sections 69-1201 to 69-1217  
11 shall expire on December 31 next following its issuance unless sooner  
12 surrendered, revoked, or suspended, but may be renewed as provided in  
13 such sections.

14 Sec. 3. Section 69-1206, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 69-1206 Each licensee on or before December 1 may make  
17 application to the secretary for renewal of its license. The  
18 application shall be on the form prescribed by the secretary, and  
19 shall be accompanied by a fee of ~~one hundred dollars, to be~~  
20 established by the secretary in rules and regulations adopted and  
21 promulgated pursuant to this section so that the total fees do not  
22 exceed the cost of administering such service, together with a bond  
23 as in the case of an original application. A separate application  
24 shall be made for each office.

25 Sec. 4. Section 81-1921, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           81-1921 ~~The~~ There shall be a fee for all initial  
3 examiner's licenses. shall be fifty dollars. The license shall expire  
4 on December 31 following its issuance. An examiner's license may be  
5 renewed from year to year upon payment of a renewal fee. of twenty-  
6 five dollars. Additional provisions for licenses may be provided for  
7 by rules and regulations adopted and promulgated by the secretary.  
8 The secretary shall establish the fees under this section in rules  
9 and regulations adopted and promulgated pursuant to this section so  
10 that the total fees do not exceed the actual costs of administering  
11 such services.

12           Sec. 5. Section 81-1922, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           81-1922 ~~The~~ There shall be a fee for all intern licenses.  
15 shall be fifteen dollars. The license shall expire twelve months  
16 following its issuance. The secretary may renew or extend an intern's  
17 license upon a showing of good cause for any period not to exceed six  
18 months for a fee. The secretary shall establish such fees in rules  
19 and regulations adopted and promulgated pursuant to this section so  
20 that the total fees do not exceed the actual costs of administering  
21 such services. of fifteen dollars.

22           Sec. 6. Section 81-1924, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           81-1924 A license issued under ~~sections 81-1901 to~~  
25 ~~81-1936~~ the Licensing of Truth and Deception Examiners Act is the

1 property of the state and shall be loaned to the licensee. A license  
2 or duplicate license shall be prominently displayed at each place of  
3 business of every examiner, and the address of the licensee's place  
4 of business shall appear on the face of the license. The fee for a  
5 duplicate license ~~is ten dollars.~~ shall be established by the  
6 secretary in rules and regulations adopted and promulgated pursuant  
7 to this section so that the total fees do not exceed the actual cost  
8 of administering the service.

9           If a licensee maintains more than one place of business,  
10 the licensee shall obtain a duplicate license from the secretary with  
11 the address of the additional business location appearing on the face  
12 of the duplicate license. The duplicate license ~~must~~ shall be  
13 prominently displayed at the address indicated on the face of the  
14 license. This section is not to be interpreted as prohibiting a truth  
15 and deception examiner from administering examinations at locations  
16 other than that prescribed on the license.

17           Sec. 7. This act becomes operative on March 1, 2012.

18           Sec. 8. Original sections 69-1204, 69-1206, 81-1921,  
19 81-1922, and 81-1924, Reissue Revised Statutes of Nebraska, and  
20 section 33-102, Revised Statutes Cumulative Supplement, 2010, are  
21 repealed.