

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 317

Introduced by Conrad, 46.

Read first time January 12, 2011

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to unincorporated nonprofit associations; to
2 adopt the Nebraska Revised Uniform Unincorporated
3 Nonprofit Association Act; and to provide an operative
4 date.

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

1 Section 1. Sections 1 to 34 of this act shall be known
2 and may be cited as the Nebraska Revised Uniform Unincorporated
3 Nonprofit Association Act.

4 Sec. 2. In the Nebraska Revised Uniform Unincorporated
5 Nonprofit Association Act:

6 (1) Established practices means the practices used by an
7 unincorporated nonprofit association without material change during
8 the most recent five years of its existence, or if it has existed for
9 less than five years, during its entire existence.

10 (2) Governing principles means the agreements, whether
11 oral, in a record, or implied from its established practices, that
12 govern the purpose or operation of an unincorporated nonprofit
13 association and the rights and obligations of its members and
14 managers. The term includes any amendment or restatement of the
15 agreements constituting the governing principles.

16 (3) Manager means a person that is responsible, alone or
17 in concert with others, for the management of an unincorporated
18 nonprofit association.

19 (4) Member means a person that, under the governing
20 principles, may participate in the selection of persons authorized to
21 manage the affairs of the unincorporated nonprofit association or in
22 the development of the policies and activities of the association.

23 (5) Person means an individual, corporation, business
24 trust, statutory entity trust, estate, trust, partnership, limited
25 liability company, cooperative, association, joint venture, public

1 corporation, government or governmental subdivision, agency, or
2 instrumentality, or any other legal or commercial entity.

3 (6) Record means information that is inscribed on a
4 tangible medium or that is stored in an electronic or other medium
5 and is retrievable in perceivable form.

6 (7) State means a state of the United States, the
7 District of Columbia, Puerto Rico, United States Virgin Islands, or
8 any territory or insular possession subject to the jurisdiction of
9 the United States.

10 (8) Unincorporated nonprofit association means an
11 unincorporated organization consisting of two or more members joined
12 under an agreement that is oral, in a record, or implied from
13 conduct, for one or more common nonprofit purposes. The term does not
14 include:

15 (A) a trust;

16 (B) a marriage, domestic partnership, common law domestic
17 relationship, civil union, or other domestic living arrangement;

18 (C) an organization formed under any other statute that
19 governs the organization and operation of unincorporated
20 associations;

21 (D) a joint tenancy, tenancy in common, or tenancy by the
22 entireties even if the co-owners share use of the property for a
23 nonprofit purpose; or

24 (E) a relationship under an agreement in a record that
25 expressly provides that the relationship between the parties does not

1 create an unincorporated nonprofit association.

2 Sec. 3. (a) Principles of law and equity supplement the
3 Nebraska Revised Uniform Unincorporated Nonprofit Association Act
4 unless displaced by a particular provision of it.

5 (b) A statute governing a specific type of unincorporated
6 nonprofit association prevails over an inconsistent provision in the
7 act, to the extent of the inconsistency.

8 (c) The act supplements the law of this state that
9 applies to nonprofit associations operating in this state. If a
10 conflict exists, that law applies.

11 Sec. 4. (a) Except as otherwise provided in subsection
12 (b) of this section, the law of this state governs the operation in
13 this state of all unincorporated nonprofit associations formed or
14 operating in this state.

15 (b) Unless the governing principles specify a different
16 jurisdiction, the law of the jurisdiction in which an unincorporated
17 nonprofit association has its main place of activities governs the
18 internal affairs of the association.

19 Sec. 5. (a) An unincorporated nonprofit association is a
20 legal entity distinct from its members and managers.

21 (b) An unincorporated nonprofit association has perpetual
22 duration unless the governing principles specify otherwise.

23 (c) An unincorporated nonprofit association has the same
24 powers as an individual to do all things necessary or convenient to
25 carry on its purposes.

1 (d) An unincorporated nonprofit association may engage in
2 profit-making activities but profits from any activities must be used
3 or set aside for the association's nonprofit purposes.

4 Sec. 6. (a) An unincorporated nonprofit association may
5 acquire, hold, encumber, or transfer in its name an interest in real
6 or personal property.

7 (b) An unincorporated nonprofit association may be a
8 beneficiary of a trust or contract, a legatee, or a devisee.

9 Sec. 7. (a) In this section, statement of authority means
10 a statement authorizing a person to transfer an interest in real
11 property held in the name of an unincorporated nonprofit association.

12 (b) An interest in real property held in the name of an
13 unincorporated nonprofit association may be transferred by a person
14 authorized to do so in a statement of authority recorded by the
15 association in the office of the register of deeds.

16 (c) A statement of authority must set forth:

17 (1) the name of the unincorporated nonprofit association;

18 (2) the address in this state, including the street
19 address, if any, of the association or, if the association does not
20 have an address in this state, its out-of-state address;

21 (3) that the association is an unincorporated nonprofit
22 association; and

23 (4) the name, title, or position of a person authorized
24 to transfer an interest in real property held in the name of the
25 association.

1 (d) A statement of authority must be executed in the same
2 manner as a deed by a person other than the person authorized in the
3 statement to transfer the interest.

4 (e) A register of deeds may collect a fee for recording a
5 statement of authority in the amount authorized for recording a
6 transfer of real property.

7 (f) A document amending, revoking, or canceling a
8 statement of authority or stating that the statement is unauthorized
9 or erroneous must meet the requirements for executing and recording
10 an original statement.

11 (g) Unless canceled earlier, a recorded statement of
12 authority and its most recent amendment expire five years after the
13 date of the most recent recording.

14 (h) If the record title to real property is in the name
15 of an unincorporated nonprofit association and the statement of
16 authority is recorded in the office of the register of deeds, the
17 authority of the person named in the statement to transfer is
18 conclusive in favor of a person that gives value without notice that
19 the person lacks authority.

20 Sec. 8. (a) A debt, obligation, or other liability of an
21 unincorporated nonprofit association, whether arising in contract,
22 tort, or otherwise:

23 (1) is solely the debt, obligation, or other liability of
24 the association; and

25 (2) does not become a debt, obligation, or other

1 liability of a member or manager solely because the member acts as a
2 member or the manager acts as a manager.

3 (b) A person's status as a member or manager does not
4 prevent or restrict law other than the Nebraska Revised Uniform
5 Unincorporated Nonprofit Association Act from imposing liability on
6 the person or the association because of the person's conduct.

7 Sec. 9. (a) An unincorporated nonprofit association may
8 sue or be sued in its own name.

9 (b) A member or manager may assert a claim the member or
10 manager has against the unincorporated nonprofit association. An
11 association may assert a claim it has against a member or manager.

12 Sec. 10. A judgment or order against an unincorporated
13 nonprofit association is not by itself a judgment or order against a
14 member or manager.

15 Sec. 11. (a) An unincorporated nonprofit association may
16 file in the office of the Secretary of State a statement appointing
17 an agent authorized to receive service of process.

18 (b) A statement appointing an agent must set forth:

19 (1) the name of the unincorporated nonprofit association;
20 and

21 (2) the name of the person in this state authorized to
22 receive service of process and the person's address, including the
23 street address, in this state.

24 (c) A statement appointing an agent must be signed and
25 acknowledged by a person authorized to manage the affairs of the

1 unincorporated nonprofit association and by the person appointed as
2 the agent. By signing and acknowledging the statement the person
3 becomes the agent.

4 (d) An amendment to or cancellation of a statement
5 appointing an agent to receive service of process must meet the
6 requirements for executing of an original statement. An agent may
7 resign by filing a resignation in the office of the Secretary of
8 State and giving notice to the association.

9 (e) The Secretary of State may collect a fee for filing a
10 statement appointing an agent to receive service of process, an
11 amendment, a cancellation, or a resignation in the amount charged for
12 filing similar documents.

13 Sec. 12. In an action or proceeding against an
14 unincorporated nonprofit association, process may be served on an
15 agent authorized by appointment to receive service of process, on a
16 manager of the association, or in any other manner authorized by the
17 law of this state.

18 Sec. 13. An action or proceeding against an
19 unincorporated nonprofit association does not abate merely because of
20 a change in its members or managers.

21 Sec. 14. Unless otherwise provided by law other than the
22 Nebraska Revised Uniform Unincorporated Nonprofit Association Act,
23 venue of an action against an unincorporated nonprofit association
24 brought in this state is determined under the statutes applicable to
25 an action brought in this state against a corporation.

1 Sec. 15. A member is not an agent of the association
2 solely by reason of being a member.

3 Sec. 16. (a) Except as otherwise provided in the
4 governing principles, an unincorporated nonprofit association must
5 have the approval of its members to:

6 (1) admit, suspend, dismiss, or expel a member;

7 (2) select or dismiss a manager;

8 (3) adopt, amend, or repeal the governing principles;

9 (4) sell, lease, exchange, or otherwise dispose of all,
10 or substantially all, of the association's property, with or without
11 the association's goodwill, outside the ordinary course of its
12 activities;

13 (5) dissolve under subdivision (a)(2) of section 28 of
14 this act or merge under section 30 of this act;

15 (6) undertake any other act outside the ordinary course
16 of the association's activities; or

17 (7) determine the policy and purposes of the association.

18 (b) An unincorporated nonprofit association must have the
19 approval of the members to do any other act or exercise a right that
20 the governing principles require to be approved by members.

21 Sec. 17. (a) Unless the governing principles provide
22 otherwise:

23 (1) approval of a matter by members requires an
24 affirmative majority of the votes cast at a meeting of members; and

25 (2) each member is entitled to one vote on each matter

1 that is submitted for approval by members.

2 (b) Notice and quorum requirements for member meetings
3 and the conduct of meetings of members are determined by the
4 governing principles.

5 Sec. 18. (a) A member does not have a fiduciary duty to
6 an unincorporated nonprofit association or to another member solely
7 by being a member.

8 (b) A member shall discharge the duties to the
9 unincorporated nonprofit association and the other members and
10 exercise any rights under the Nebraska Revised Uniform Unincorporated
11 Nonprofit Association Act consistent with the governing principles
12 and the obligation of good faith and fair dealing.

13 Sec. 19. (a) A person becomes a member and may be
14 suspended, dismissed, or expelled in accordance with the
15 association's governing principles. If there are no applicable
16 governing principles, a person may become a member or be suspended,
17 dismissed, or expelled from an association only by a vote of its
18 members. A person may not be admitted as a member without the
19 person's consent.

20 (b) Unless the governing principles provide otherwise,
21 the suspension, dismissal, or expulsion of a member does not relieve
22 the member from any unpaid capital contribution, dues, assessments,
23 fees, or other obligation incurred or commitment made by the member
24 before the suspension, dismissal, or expulsion.

25 Sec. 20. (a) A member may resign as a member in

1 accordance with the governing principles. In the absence of
2 applicable governing principles, a member may resign at any time.

3 (b) Unless the governing principles provide otherwise,
4 resignation of a member does not relieve the member from any unpaid
5 capital contribution, dues, assessments, fees, or other obligation
6 incurred or commitment made by the member before resignation.

7 Sec. 21. Except as otherwise provided in the governing
8 principles, a member's interest or any right under the governing
9 principles is not transferable.

10 Sec. 22. Except as otherwise provided in the Nebraska
11 Revised Uniform Unincorporated Nonprofit Association Act or the
12 governing principles:

13 (1) only the members may select a manager or managers;

14 (2) a manager may be a member or a nonmember;

15 (3) if a manager is not selected, all members are
16 managers;

17 (4) each manager has equal rights in the management and
18 conduct of the association's activities;

19 (5) all matters relating to the association's activities
20 are decided by its managers except for matters reserved for approval
21 by members in section 16 of this act; and

22 (6) a difference among managers is decided by a majority
23 of the managers.

24 Sec. 23. (a) A manager owes to the unincorporated
25 nonprofit association and to its members the fiduciary duties of

1 loyalty and care.

2 (b) A manager shall manage the unincorporated nonprofit
3 association in good faith, in a manner the manager reasonably
4 believes to be in the best interests of the association, and with
5 such care, including reasonable inquiry, as a prudent person would
6 reasonably exercise in a similar position and under similar
7 circumstances. A manager may rely in good faith upon any opinion,
8 report, statement, or other information provided by another person
9 that the manager reasonably believes is a competent and reliable
10 source for the information.

11 (c) After full disclosure of all material facts, a
12 specific act or transaction that would otherwise violate the duty of
13 loyalty by a manager may be authorized or ratified by a majority of
14 the members that are not interested directly or indirectly in the act
15 or transaction.

16 (d) A manager that makes a business judgment in good
17 faith satisfies the duties specified in subsection (a) of this
18 section if the manager:

19 (1) is not interested, directly or indirectly, in the
20 subject of the business judgment and is otherwise able to exercise
21 independent judgment;

22 (2) is informed with respect to the subject of the
23 business judgment to the extent the manager reasonably believes to be
24 appropriate under the circumstances; and

25 (3) believes that the business judgment is in the best

1 interests of the unincorporated nonprofit association and in
2 accordance with its purposes.

3 (e) The governing principles in a record may limit or
4 eliminate the liability of a manager to the unincorporated nonprofit
5 association or its members for damages for any action taken, or for
6 failure to take any action, as a manager, except liability for:

7 (1) the amount of financial benefit improperly received
8 by a manager;

9 (2) an intentional infliction of harm on the association
10 or one or more of its members;

11 (3) an intentional violation of criminal law;

12 (4) breach of the duty of loyalty; or

13 (5) improper distributions.

14 Sec. 24. Notice and quorum requirements for meetings of
15 managers and the conduct of meetings of managers are determined by
16 the governing principles.

17 Sec. 25. (a) On reasonable notice, a member or manager of
18 an unincorporated nonprofit association may inspect and copy during
19 the unincorporated nonprofit association's regular operating hours,
20 at a reasonable location specified by the association, any record
21 maintained by the association regarding its activities, financial
22 condition, and other circumstances, to the extent the information is
23 material to the member's or manager's rights and duties under the
24 governing principles.

25 (b) An unincorporated nonprofit association may impose

1 reasonable restrictions on access to and use of information to be
2 furnished under this section, including designating the information
3 confidential and imposing obligations of nondisclosure and
4 safeguarding on the recipient.

5 (c) An unincorporated nonprofit association may charge a
6 person that makes a demand under this section reasonable copying
7 costs, limited to the costs of labor and materials.

8 (d) A former member or manager is entitled to information
9 to which the member or manager was entitled while a member or manager
10 if the information pertains to the period during which the person was
11 a member or manager, the former member or manager seeks the
12 information in good faith, and the former member or manager satisfies
13 subsections (a) through (c) of this section.

14 Sec. 26. (a) Except as otherwise provided in subsection
15 (b) of this section, an unincorporated nonprofit association may not
16 pay dividends or make distributions to a member or manager.

17 (b) An unincorporated nonprofit association may:

18 (1) pay reasonable compensation or reimburse reasonable
19 expenses to a member or manager for services rendered;

20 (2) confer benefits on a member or manager in conformity
21 with its nonprofit purposes;

22 (3) repurchase a membership and repay a capital
23 contribution made by a member to the extent authorized by its
24 governing principles; or

25 (4) make distributions of property to members upon

1 winding up and termination to the extent permitted by section 29 of
2 this act.

3 Sec. 27. (a) Except as otherwise provided in the
4 governing principles, an unincorporated nonprofit association shall
5 reimburse a member or manager for authorized expenses reasonably
6 incurred in the course of the member's or manager's activities on
7 behalf of the association.

8 (b) An unincorporated nonprofit association may indemnify
9 a member or manager for any debt, obligation, or other liability
10 incurred in the course of the member's or manager's activities on
11 behalf of the association if the person seeking indemnification has
12 complied with sections 18 and 23 of this act. Governing principles in
13 a record may broaden or limit indemnification.

14 (c) If a person is made or threatened to be made a party
15 in an action based on that person's activities on behalf of an
16 unincorporated nonprofit association and the person makes a request
17 in a record to the association, a majority of the disinterested
18 managers may approve in a record advance payment, or reimbursement,
19 by the association, of all or a part of the reasonable expenses,
20 including attorney's fees and costs, incurred by the person before
21 the final disposition of the proceeding. To be entitled to an advance
22 payment or reimbursement, the person must state in a record that the
23 person has a good faith belief that the criteria for indemnification
24 in subsection (b) of this section have been satisfied and that the
25 person will repay the amounts advanced or reimbursed if the criteria

1 for payment have not been satisfied. The governing principles in a
2 record may broaden or limit the advance payments or reimbursements.

3 (d) An unincorporated nonprofit association may purchase
4 insurance on behalf of a member or manager for liability asserted
5 against or incurred by the member or manager in the capacity of a
6 member or manager, whether or not the association has authority under
7 the Nebraska Revised Uniform Unincorporated Nonprofit Association Act
8 to reimburse, indemnify, or advance expenses to the member or manager
9 against the liability.

10 (e) The rights of reimbursement, indemnification, and
11 advancement of expenses under this section apply to a former member
12 or manager for an activity undertaken on behalf of the unincorporated
13 nonprofit association while a member or manager.

14 Sec. 28. (a) An unincorporated nonprofit association may
15 be dissolved as follows:

16 (1) if the governing principles provide a time or method
17 for dissolution, at that time or by that method;

18 (2) if the governing principles do not provide a time or
19 method for dissolution, upon approval by the members;

20 (3) if no member can be located and the association's
21 operations have been discontinued for at least three years, by the
22 managers or, if the association has no current manager, by its last
23 manager;

24 (4) by court order; or

25 (5) under law other than the Nebraska Revised Uniform

1 Unincorporated Nonprofit Association Act.

2 (b) After dissolution, an unincorporated nonprofit
3 association continues in existence until its activities have been
4 wound up and it is terminated pursuant to section 29 of this act.

5 Sec. 29. Winding up and termination of an unincorporated
6 nonprofit association must proceed in accordance with the following
7 rules:

8 (1) All known debts and liabilities must be paid or
9 adequately provided for.

10 (2) Any property subject to a condition requiring return
11 to the person designated by the donor must be transferred to that
12 person.

13 (3) Any property subject to a trust must be distributed
14 in accordance with the trust agreement.

15 (4) Any remaining property must be distributed as
16 follows:

17 (A) as required by law other than the Nebraska Revised
18 Uniform Unincorporated Nonprofit Association Act that requires assets
19 of an association to be distributed to another person with similar
20 nonprofit purposes;

21 (B) in accordance with the association's governing
22 principles or in the absence of applicable governing principles, to
23 the members of the association per capita or as the members direct;
24 or

25 (C) if neither subdivision (4)(A) nor (B) of this section

1 applies, under the Uniform Disposition of Unclaimed Property Act.

2 Sec. 30. (a) In this section:

3 (1) Constituent organization means an organization that
4 is merged with one or more other organizations including the
5 surviving organization.

6 (2) Nonsurviving organization means a constituent
7 organization that is not the surviving organization.

8 (3) Organization means an unincorporated nonprofit
9 association, a general partnership, including a limited liability
10 partnership, limited partnership, including a limited liability
11 limited partnership, limited liability company, business or statutory
12 trust, corporation, or any other legal or commercial entity having a
13 statute governing its formation and operation. The term includes a
14 for-profit or nonprofit organization.

15 (4) Surviving organization means an organization into
16 which one or more other organizations are merged.

17 (b) An unincorporated nonprofit association may merge
18 with any organization that is authorized by law to merge with an
19 unincorporated nonprofit association.

20 (c) A merger involving an unincorporated nonprofit
21 association is subject to the following rules:

22 (1) Each constituent organization shall comply with its
23 governing law.

24 (2) Each party to the merger shall approve a plan of
25 merger. The plan, which must be in a record, must include the

1 following provisions:

2 (A) the name and form of each organization that is a
3 party to the merger;

4 (B) the name and form of the surviving organization and,
5 if the surviving organization is to be created by the merger, a
6 statement to that effect;

7 (C) if the surviving organization is to be created by the
8 merger, the surviving organization's organizational documents that
9 are proposed to be in a record;

10 (D) if the surviving organization is not to be created by
11 the merger, any amendments to be made by the merger to the surviving
12 organization's organizational documents that are, or are proposed to
13 be, in a record; and

14 (E) the terms and conditions of the merger, including the
15 manner and basis for converting the interests in each constituent
16 organization into any combination of money, interests in the
17 surviving organization, and other consideration except that the plan
18 of merger may not permit members of an unincorporated nonprofit
19 association to receive merger consideration if a distribution of such
20 consideration would not be permitted in the absence of a merger under
21 sections 26 and 29 of this act.

22 (3) The plan of merger must be approved by the members of
23 each unincorporated nonprofit association that is a constituent
24 organization in the merger. If a plan of merger would impose personal
25 liability for an obligation of a constituent or surviving

1 organization on a member of an association that is a party to the
2 merger, the plan may not take effect unless it is approved in a
3 record by the member.

4 (4) Subject to the contractual rights of third parties,
5 after a plan of merger is approved and at any time before the merger
6 is effective, a constituent organization may amend the plan or
7 abandon the merger as provided in the plan, or except as otherwise
8 prohibited in the plan, with the same consent as was required to
9 approve the plan.

10 (5) Following approval of the plan, a merger under this
11 section is effective:

12 (A) if a constituent organization is required to give
13 notice to or obtain the approval of a governmental agency or officer
14 in order to be a party to a merger, when the notice has been given
15 and the approval has been obtained; and

16 (B) if the surviving organization:

17 (i) is an unincorporated nonprofit association, as
18 specified in the plan of merger and upon compliance by any
19 constituent organization that is not an association with any
20 requirements, including any required filings in the office of the
21 Secretary of State, of the organization's governing statute; or

22 (ii) is not an unincorporated nonprofit association, as
23 provided by the statute governing the surviving organization.

24 (d) When a merger becomes effective:

25 (1) the surviving organization continues or comes into

1 existence;

2 (2) each constituent organization that merges into the
3 surviving organization ceases to exist as a separate entity;

4 (3) all property owned by each constituent organization
5 that ceases to exist vests in the surviving organization;

6 (4) all debts, obligations, or other liabilities of each
7 nonsurviving organization continue as debts, obligations, or other
8 liabilities of the surviving organization;

9 (5) an action or proceeding pending by or against any
10 nonsurviving organization may be continued as if the merger had not
11 occurred;

12 (6) except as prohibited by law other than the Nebraska
13 Revised Uniform Unincorporated Nonprofit Association Act, all of the
14 rights, privileges, immunities, powers, and purposes of each
15 constituent organization that ceases to exist vest in the surviving
16 organization;

17 (7) except as otherwise provided in the plan of merger,
18 the terms and conditions of the plan of merger take effect;

19 (8) the merger does not affect the personal liability, if
20 any, of a member or manager of a constituent organization for a debt,
21 obligation, or other liability incurred before the merger is
22 effective; and

23 (9) a surviving organization that is not organized in
24 this state is subject to the jurisdiction of the courts of this state
25 to enforce any debt, obligation, or other liability owed by a

1 constituent organization, if before the merger the constituent
2 organization was subject to suit in this state for the debt,
3 obligation, or other liability.

4 (e) Property held for a charitable purpose under the law
5 of this state by a constituent organization immediately before a
6 merger under this section becomes effective may not, as a result of
7 the merger, be diverted from the objects for which it was given,
8 unless, to the extent required by or pursuant to the law of this
9 state concerning cy pres or other law dealing with nondiversion of
10 charitable assets, the organization obtains an appropriate order of
11 the district court specifying the disposition of the property.

12 (f) A bequest, devise, gift, grant, or promise contained
13 in a will or other instrument of donation, subscription, or
14 conveyance that is made to a nonsurviving organization and that takes
15 effect or remains payable after the merger inures to the surviving
16 organization. A trust obligation that would govern property if
17 transferred to the nonsurviving organization applies to property that
18 is transferred to the surviving organization under this section.

19 Sec. 31. (a) If, before the operative date of this act,
20 an interest in property was by terms of a transfer purportedly
21 transferred to an unincorporated nonprofit association but under the
22 law of this state the interest did not vest in the association, or in
23 one or more persons on behalf of the association under subsection (b)
24 of this section, on the operative date of this act the interest vests
25 in the association, unless the parties to the transfer have treated

1 the transfer as ineffective.

2 (b) If, before the operative date of this act, an
3 interest in property was by terms of a transfer purportedly
4 transferred to an unincorporated nonprofit association but the
5 interest was vested in one or more persons to hold the interest for
6 members of the association, on or after the operative date of this
7 act the persons, or their successors in interest, may transfer the
8 interest to the association in its name, or the association may
9 require that the interest be transferred to it in its name.

10 Sec. 32. In applying and construing this uniform act,
11 consideration must be given to the need to promote uniformity of the
12 law with respect to its subject matter among states that enact it.

13 Sec. 33. The Nebraska Revised Uniform Unincorporated
14 Nonprofit Association Act modifies, limits, and supersedes the
15 federal Electronic Signatures in Global and National Commerce Act, 15
16 U.S.C. section 7001 et seq., as the act existed on the operative date
17 of this act, but does not modify, limit, or supersede section 101(c)
18 of that act, 15 U.S.C. section 7001(c), or authorize electronic
19 delivery of any of the notices described in section 103(b) of that
20 act, 15 U.S.C. section 7003(b).

21 Sec. 34. The Nebraska Revised Uniform Unincorporated
22 Nonprofit Association Act does not affect an action or proceeding
23 commenced or right accrued before the act takes effect.

24 Sec. 35. This act becomes operative on the first January
25 1 after its effective date.