

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 475**

Introduced by Lautenbaugh, 18.

Read first time January 18, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend sections 25-1012.01  
2 and 25-1012.02, Reissue Revised Statutes of Nebraska; to  
3 provide for garnishment of independent contractors  
4 providing services for the state or a political  
5 subdivision; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 25-1012.01, Reissue Revised Statutes  
2 of Nebraska, is amended to read:

3           25-1012.01 All provisions, including provisions for a  
4 continuing lien prescribed in section 25-1056, requirements,  
5 conditions, and exemptions of the garnishment laws of the State of  
6 Nebraska shall apply to ~~all state, county, municipal, municipally~~  
7 ~~owned corporation, township, and school district officers and~~  
8 ~~employees~~ officers, employees, and independent contractors of the  
9 state, counties, municipalities, municipally owned corporations,  
10 townships, and school districts to the same extent and effect as such  
11 laws apply under the existing statutes of the State of Nebraska to  
12 officers, ~~and employees,~~ and independent contractors of private  
13 corporations. Consent is hereby given for garnishment proceedings  
14 against the State of Nebraska and against all counties, townships,  
15 municipal corporations, municipally owned corporations, and school  
16 districts in the same manner and under the same procedure as is now  
17 provided by law for bringing such suits and proceedings against  
18 corporations and individuals. This section shall apply only in case  
19 it is sought to hold and apply the earnings of such officers, ~~and~~  
20 employees, and independent contractors which earnings have been  
21 earned or are to be earned by personal services rendered to the  
22 state, ~~or~~ to any county, township, municipal corporation, municipally  
23 owned corporation, or school district, or to any third party for  
24 which the state or any county, township, municipal corporation,  
25 municipally owned corporation, or school district is obligated to pay

1 for such services.

2           Sec. 2. Section 25-1012.02, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           25-1012.02 Such proceedings may be brought against the  
5 State of Nebraska or any county, township, municipal corporation,  
6 municipally owned corporation, or school district as garnishee  
7 defendant, and process shall be served in the manner provided for  
8 service of a summons in a civil action, except that certified mail  
9 service may not be used. It shall be the duty of the garnishee  
10 defendant to answer any garnishment summons served under the  
11 provisions of this section and section 25-1012.01 in the same manner  
12 as is now provided by law for the answer of corporations, and such  
13 defendant shall abide the order of the court issuing the garnishment,  
14 with regard to paying into court any amount ordered, not in excess of  
15 the amount earned by the officer, ~~or~~ employee, or independent  
16 contractor garnished, to the date of the answer. Such defendant may  
17 submit a written answer by United States mail to the clerk of the  
18 court issuing the summons. Such answer in garnishment shall in  
19 addition to any other matters stated therein state the amount of  
20 money due the officer, ~~or~~ employee, or independent contractor whose  
21 earnings are sought to be held to the answer day as shown in such  
22 summons, but shall not include the amount of any check or warrant  
23 which has been drawn and signed at the time of the service of  
24 garnishment summons.

25           Sec. 3. Original sections 25-1012.01 and 25-1012.02,

1 Reissue Revised Statutes of Nebraska, are repealed.