

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB1089

Hearing Date: Wednesday February 19, 2014
Committee On: Judiciary
Introducer: Conrad
One Liner: Provide for disposition of residual funds in class action litigation and charitable trusts

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

| | | |
|----------------------------|---|---|
| Aye: | 6 | Senators Ashford, Christensen, Coash, Davis, McGill, Seiler |
| Nay: | | |
| Absent: | 2 | Senators Chambers, Lathrop |
| Present Not Voting: | | |

Proponents:

SEN. DANIELLE CONRAD
DAVID PANTOS
DAVID PIESTER
BILL MUELLER

Representing:

INTRODUCER
LEGAL AID OF NEBRASKA
LEGAL AID OF NEBRASKA
NE STATE BAR ASSOCIATION

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Provides for the option of disposition of residual funds in class action litigation and charitable trusts to be paid to the Legal Aid and Services Fund.

Analysis:

Sec 1: the bill would adopt a new section to provide Legislative intent to distribute unpaid residuals in class action litigation in a manner designed to promote justice and that the use of funds collected by state courts pursuant to the bill would be in the public interest, would be a proper use of funds and would be consistent with essential public and governmental purposes.

The bill would provide that prior to the entry of any judgment or order approving settlement in a class action described in section 25-319, the court shall determine the amount payable to all class members, if all members are paid the amount to which they would be entitled under the judgment/settlement, and the court shall set a date when the parties shall report to the court that the amount was actually paid to the class members. After the report is received, the court shall direct the defendant to pay the sum of the unpaid residue to the Legal Aid and Services Fund.

Sec 2: the bill would amend section 30-3839 to give the court authority to apply cy pres to modify or terminate the trust by directing that the trust property be applied or distributed, in whole or in part, in a matter consistent with the settlor's charitable purposes or to the Legal Aid and Services Fund.

Brad Ashford, Chairperson