

2008 Legislative Report – 2/2008

As might have been expected, a good deal of our discussion centered on the latest amendments to LB 386. A significant change was adding provisions for the appointment of title agents by Underwriters giving agents authority to file releases. The appointments would be filed in the Register of Deeds offices as “Miscellaneous documents.” The Book & Page or Instrument number of that appointment would then be referenced in the notice sent to the lenders and also on the release itself. Once filed in any county, agents can have a certified copy filed in other counties as needed. If the authority is revoked or terminated by the Underwriter, they would file in the county(s) where the appointment was made. A very recent development was a requested amendment by the Department of Insurance wanting to add language that would limit the fee we could charge to the recording fees we incur and also provide that any notice received by any secured creditor would have to be sent by that creditor to the landowner or purchaser at their last known address. We will oppose adding the fee limitation as we think it is unnecessary; and it is our understanding the bankers will oppose the notice requirement. We remain confident that this bill is on track for passage during this session.

LB 853, a rather massive “insurance bill”, garnered discussion also. Two provisions were noted within it that among other things, would allow the Department to increase license fees up to \$100: a very large increase from the \$40 fees presently being charged. Although the Department testified during the bill’s hearing that they did not intend to raise license fees to this level all at once, their ability to do so without limitation remains a concern. There is also a proposed language change that would allow the Department to “disapprove” form filings under certain circumstances, rather than the current language that allows “withdrawal.” This change could potentially lead to even greater delays and costs in form filings, therefore depriving Nebraska consumers from the benefits of newly available policy coverages, endorsements, etc. Buzz Shepard, Legislative Committee Co-Chair and NLTA Board Member, testified at the bill hearing on these issues, in keeping with the consensus opinion of the full legislative committee.

With respect to the child support legislation LB 1085, Kim Robak met with Senator Flood and he requested that she work with his staff on getting “the problem” fixed in the legislation. Kim has met with the legislative committee’s counsel and another member of the committee. She will attempt to come up with language that will take the statute back to where it was before the passage of LB 554 last session. We will continue to track this legislation closely in our attempts to have a bill that is clear in what it is attempting to do and who can do it. For anyone interested in the topic, Roy Hahn prepared a memo with his thoughts regarding the proposed revised statute and giving some of its history. Roy’s memo can be accessed on the Association member’s website: www.nelta.net (login and then click on “Legislative Update” tab).

Another matter that came up for discussion that was not the subject of pending legislation was a request made by the Nebraska Bar Association (or at least some members of it) to consider legislation allowing for so-called “Transfer on Death Deeds.” As the name implies, the deed would provide that title be conveyed to the grantee(s), upon the death of the grantor(s). These types of “conveyances” could, as one might imagine, cause issues for us; and it is a matter that will no doubt be met with opposition

from us, if, or when, it is actually introduced. We'll keep this one on our radar screen in future legislative sessions.

For an overview of the bills the committee decided to monitor, oppose or support, please see the attached grid. If you want to know more about legislative matters, be sure to read Greg Aschoff's article in this newsletter about the Nebraska Legislature's Website and the tools available to track on-going legislation and access current statutes. Of course, a highlight of the Spring Seminar will be a legislative recap featuring our lobbyist, Kim Robak discussing pending legislative matters and answering any questions you may have. See you all in Kearney.

Legislative Co-Chairs:

Greg Aschoff

Jim Busse

Buzz Shepard