

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB42

Hearing Date: Monday January 28, 2019
Committee On: Banking, Commerce and Insurance
Introducer: Hilkemann
One Liner: Provide certain responsibilities and a duty under the Condominium Property Act and a duty under the Nebraska Condominium Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Gragert, Howard, Kolterman, La Grone, Lindstrom, Quick, Williams
Nay:		
Absent:	1	Senator McCollister
Present Not Voting:		

Oral Testimony:

Proponents: Senator Robert Hilkemann Alan Thelen	Representing: Introducer City of Omaha
Opponents:	Representing:
Neutral:	Representing:

Summary of purpose and/or changes:

This bill would amend provisions of the Condominium Property Act (originally enacted in 1963), sections 76-801 to 76-823, and the Nebraska Condominium Act (originally enacted in 1983), sections 76-825 to 76-894, regarding duties of co-owners and unit owners. The 1963 act governs condominiums created under a master deed before 1984, and the 1983 act governs condominiums created under a declaration on or after January 1, 1984.

Section 1 would amend section 76-808 of the Condominium Property Act (1963 act) to provide that the association of co-owners and board of administrators is responsible for maintenance, repair, and replacement of the common elements, and that each co-owner of an apartment is responsible for maintenance, repair, and replacement of such co-owners' apartment.

Section 2 would amend section 76-816 of the Condominium Property Act (1963 act) to provide that the association of co-owners and board of administrators shall file annually with the county clerk the names and addresses of the officers of such board. The county clerk would be authorized to charge a fee of not more than \$25.00 for such filing. The receipt of legal notice by or service of process on such officer shall constitute notice to the board. If the board fails to make the required filing, the posting of the legal notice or process at the entrance to each building in the condominium shall constitute notice to the board.

The 1963 act provides that an "association of co-owners" is defined as all of the co-owners, and that "board of administrators" is defined as the governing body of the regime, consisting of not less than three members selected by

and from the co-owners.

Section 3 would amend section 76-861 of the Nebraska Condominium Act (the 1983 act) to provide that the unit owners association shall file annually with the county clerk the names and addresses of the officers of the association. The county clerk would be authorized to charge a fee of not more than \$25.00 for such filing. The receipt of legal notice by or service of process on such officer shall constitute notice to the association. If the association fails to make the required filing, the posting of the legal notice or process at the entrance to each building in the condominium shall constitute notice to the association.

The Nebraska Condominium Act (1983 act) already contains provisions in subsection (a) of section 76-865 similar to those which would be added to section 76-808 of the Condominium Property Act (1963 act) by section 1 of the bill.

Explanation of amendments:

The committee amendments would provide that a board of administrators or a unit owners association shall make the required filing of the names and addresses of its officers with the "register of deeds" rather than the "county clerk." The amendments would also strike the authorization to charge a fee of not more than \$25.00 for the filing so the existing register of deeds fee schedule could apply.

Matt Williams, Chairperson