

LEGISLATIVE BILL 852

Approved by the Governor March 7, 2012

Introduced by McCoy, 39.

FOR AN ACT relating to corporations; to amend section 21-2202, Reissue Revised Statutes of Nebraska, and section 21-2024, Revised Statutes Supplement, 2011; to change provisions relating to corporate purposes under the Business Corporation Act and to redefine a term under the Nebraska Professional Corporation Act; and to repeal the original sections.

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

Section 1. Section 21-2024, Revised Statutes Supplement, 2011, is amended to read:

21-2024 (1) Every corporation incorporated under the Business Corporation Act shall have the purpose of engaging in any lawful business unless a more limited purpose shall be set forth in the articles of incorporation.

(2) A corporation engaging in a business subject to regulation under another law of this state may incorporate under the act only if permitted by, and subject to all limitations of, such other law.

(3) Corporations shall not be organized under the act to perform any ~~personal~~ professional services as specified in section 21-2202 except for ~~personal~~ professional services rendered by a designated broker as defined in section 81-885.01.

(4) A designated broker as defined in section 81-885.01 may be organized as a corporation under the Business Corporation Act.

Sec. 2. Section 21-2202, Reissue Revised Statutes of Nebraska, is amended to read:

21-2202 For purposes of the Nebraska Professional Corporation Act, unless the context otherwise requires:

(1) Certificate of registration or registration certificate from or by the regulating board means either a document prepared and issued by the regulating board or the electronic accessing of the regulating board's licensing records by the Secretary of State;

(2) Professional corporation means a corporation which is organized under the act for the specific purpose of rendering professional service and which has as its shareholders only individuals who themselves are duly licensed or otherwise legally authorized within this state to render the same professional service as the corporation;

(3) Professional service means any ~~type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which, except for the services of a real estate broker, prior to the passage of the act and by reason of law could not be performed by a corporation, including, but not limited to,~~ personal services rendered by an attorney at law, a certified public accountant, a public accountant, a dentist, an osteopathic physician, a physician and surgeon, veterinarian, a real estate broker, an associate real estate broker, a real estate salesperson, or attorney at law. a veterinarian. For purposes of the act, those professions pertaining to the diagnosis, care, and treatment of humans shall be considered to be of the same profession; and

(4) Regulating board means a board which is charged with the licensing and regulating of the practice or profession which the professional corporation is organized to render.

Sec. 3. Original section 21-2202, Reissue Revised Statutes of Nebraska, and section 21-2024, Revised Statutes Supplement, 2011, are repealed.