

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 707

FINAL READING

Introduced by Williams, 36; Hansen, M., 26.

Read first time January 05, 2022

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to banking and finance; to amend sections
2 8-148.06, 8-1502, 30-3850, 45-736, 58-210.02, 58-219, 58-220,
3 58-221, 58-222, 58-239, 58-251, 59-1722, 76-2201, 76-2203,
4 76-2207.23, 76-2218, and 81-887.03, Reissue Revised Statutes of
5 Nebraska, sections 1-162.01, 8-108, 8-124, 8-148.07, 8-148.08,
6 30-3881, 62-301, 76-2233.01, 76-2236, and 77-2387, Revised Statutes
7 Cumulative Supplement, 2020, sections 8-101.03, 8-135, 8-141,
8 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101,
9 8-1101.01, 8-1704, 8-1707, 8-2724, 8-2903, 8-3005, 8-3007, 8-3009,
10 8-3024, 21-17,115, 69-2103, 69-2104, 69-2112, 76-2207.30, 76-2221,
11 76-2230, 76-2231.01, and 76-2232, Revised Statutes Supplement, 2021,
12 and section 4A-108, Uniform Commercial Code, Revised Statutes
13 Supplement, 2021; to adopt the LIBOR Transition Act; to change
14 provisions relating to firm ownership under the Public Accountancy
15 Act; to define and redefine terms; to change provisions relating to
16 banks, financial institutions, bank subsidiaries, and residential
17 mortgage loans; to adopt updates to federal law relating to banks,
18 financial institutions, securities, money transmitters, commodities,
19 financial exploitation of vulnerable adults, digital asset
20 depository institutions, credit unions, transactions involving
21 franchises, consumer rental purchase agreements, and funds
22 transfers; to provide for a limitation under the Nebraska Financial

1 Innovation Act on digital asset and cryptocurrency custody services
2 and change provisions related to liquid assets; to change provisions
3 relating to creditors' claims against settlors and powers of
4 trustees under the Nebraska Uniform Trust Code; to change
5 definitions under the Nebraska Investment Finance Authority Act and
6 change provisions relating to the powers of the authority; to
7 recognize Juneteenth National Independence Day as a bank holiday; to
8 change provisions relating to continuing education, experience,
9 educational requirements, and credentials for real property
10 appraisers and public funds; to change and eliminate provisions
11 regarding auctioneers and licensure under the Nebraska Real Estate
12 License Act; to harmonize provisions; to provide operative dates; to
13 provide severability; to repeal the original sections; to outright
14 repeal sections 81-887.01 and 81-887.02, Reissue Revised Statutes of
15 Nebraska; and to declare an emergency.

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

1 Section 1. Sections 1 to 4 of this act shall be known and may be
2 cited as the LIBOR Transition Act.

3 Sec. 2. For purposes of the LIBOR Transition Act:

4 (1) Benchmark means an index of interest rates or dividend rates
5 that is used, in whole or in part, as the basis of or as a reference for
6 calculating or determining any valuation, payment, or other measurement
7 under or in respect of a contract, security, or instrument;

8 (2) Benchmark replacement means a benchmark, or an interest rate or
9 dividend rate, which may or may not be based in whole or in part on a
10 prior setting of LIBOR, to replace LIBOR or any interest rate or dividend
11 rate based on LIBOR, whether on a temporary, permanent, or indefinite
12 basis, under or in respect of a contract, security, or instrument;

13 (3) Benchmark replacement conforming changes means, with respect to
14 any type of contract, security, or instrument, any technical,
15 administrative, or operational changes, alterations, or modifications
16 that are associated with and reasonably necessary to the use, adoption,
17 calculation, or implementation of a recommended benchmark replacement and
18 that:

19 (a) Have been selected or recommended by a relevant recommending
20 body; and

21 (b) If, in the reasonable judgment of the calculating person, the
22 benchmark replacement conforming changes selected or recommended pursuant
23 to subdivision (3)(a) of this section do not apply to such contract,
24 security, or instrument or are insufficient to permit administration and
25 calculation of the recommended benchmark replacement, then benchmark
26 replacement conforming changes shall include such other changes,
27 alterations, or modifications that, in the reasonable judgment of the
28 calculating person:

29 (i) Are necessary to permit administration and calculation of the
30 recommended benchmark replacement under or in respect of such contract,
31 security, or instrument in a manner consistent with market practice for

1 substantially similar contracts, securities, or instruments and, to the
2 extent practicable, the manner in which such contract, security, or
3 instrument was administered immediately prior to the LIBOR replacement
4 date; and

5 (ii) Would not result in a disposition of such contract, security,
6 or instrument for United States federal income tax purposes;

7 (4) Calculating person means, with respect to any contract,
8 security, or instrument, any person, which may be the determining person,
9 responsible for calculating or determining any valuation, payment, or
10 other measurement based on a benchmark;

11 (5) Contract, security, or instrument includes, without limitation,
12 any contract, agreement, mortgage, deed of trust, lease, security,
13 whether representing debt or equity and including any interest in a
14 corporation, a partnership, or a limited liability company, instrument,
15 or other obligation;

16 (6) Determining person means, with respect to any contract,
17 security, or instrument, in the following order of priority:

18 (a) Any person specified as a determining person; or

19 (b) Any person with the authority, right, or obligation to:

20 (i) Determine the benchmark replacement that will take effect on the
21 LIBOR replacement date;

22 (ii) Calculate or determine a valuation, payment, or other
23 measurement based on a benchmark; or

24 (iii) Notify other persons of the occurrence of a LIBOR
25 discontinuance event, a LIBOR replacement date, or a benchmark
26 replacement;

27 (7) Fallback provisions means terms in a contract, security, or
28 instrument that set forth a methodology or procedure for determining a
29 benchmark replacement, including any terms relating to the date on which
30 the benchmark replacement becomes effective, without regard to whether a
31 benchmark replacement can be determined in accordance with such

1 methodology or procedure;

2 (8) LIBOR means, for purposes of the application of the LIBOR
3 Transition Act to any particular contract, security, or instrument,
4 United States dollar LIBOR, formerly known as the London interbank
5 offered rate, as administered by ICE Benchmark Administration Limited, or
6 any predecessor or successor thereof, or any tenor thereof, as
7 applicable, that is used in making any calculation or determination
8 thereunder;

9 (9)(a) LIBOR discontinuance event means the earliest to occur of any
10 of the following:

11 (i) A public statement or publication of information by or on behalf
12 of the administrator of LIBOR announcing that such administrator has
13 ceased or will cease to provide LIBOR, permanently or indefinitely,
14 provided that, at the time of the statement or publication, there is no
15 successor administrator that will continue to provide LIBOR;

16 (ii) A public statement or publication of information by the
17 regulatory supervisor for the administrator of LIBOR, the United States
18 Federal Reserve System, an insolvency official with jurisdiction over the
19 administrator for LIBOR, a resolution authority with jurisdiction over
20 the administrator for LIBOR, or a court or an entity with similar
21 insolvency or resolution authority over the administrator for LIBOR,
22 which states that the administrator of LIBOR has ceased or will cease to
23 provide LIBOR permanently or indefinitely, provided that, at the time of
24 the statement or publication, there is no successor administrator that
25 will continue to provide LIBOR; or

26 (iii) A public statement or publication of information by the
27 regulatory supervisor for the administrator of LIBOR announcing that
28 LIBOR is no longer representative.

29 (b) For purposes of this subdivision (9), a public statement or
30 publication of information that affects one or more tenors of LIBOR shall
31 not constitute a LIBOR discontinuance event with respect to any contract,

1 security, or instrument that (i) provides for only one tenor of LIBOR, if
2 such contract, security, or instrument requires interpolation and such
3 tenor can be interpolated from LIBOR tenors that are not so affected, or
4 (ii) permits a party to choose from more than one tenor of LIBOR and any
5 of such tenors (A) is not so affected or (B) if such contract, security,
6 or instrument requires interpolation, can be interpolated from LIBOR
7 tenors that are not so affected;

8 (10)(a) LIBOR replacement date means:

9 (i) In the case of a LIBOR discontinuance event described in
10 subdivision (9)(a)(i) or (ii) of this section, the later of (A) the date
11 of the public statement or publication of information referenced therein
12 and (B) the date on which the administrator of LIBOR permanently or
13 indefinitely ceases to provide LIBOR; and

14 (ii) In the case of a LIBOR discontinuance event described in
15 subdivision (9)(a)(iii) of this section, the date of the public statement
16 or publication of information referenced therein.

17 (b) For purposes of this subdivision (10), a date that affects one
18 or more tenors of LIBOR shall not constitute a LIBOR replacement date
19 with respect to any contract, security, or instrument that (i) provides
20 for only one tenor of LIBOR, if such contract, security, or instrument
21 requires interpolation and such tenor can be interpolated from LIBOR
22 tenors that are not so affected, or (ii) permits a party to choose from
23 more than one tenor of LIBOR and any of such tenors (A) is not so
24 affected or (B) if such contract, security, or instrument requires
25 interpolation, can be interpolated from LIBOR tenors that are not so
26 affected;

27 (11) Recommended benchmark replacement means, with respect to any
28 particular type of contract, security, or instrument, a benchmark
29 replacement based on SOFR, which shall include any recommended spread
30 adjustment and any benchmark replacement conforming changes, that has
31 been selected or recommended by a relevant recommending body with respect

1 to such type of contract, security, or instrument;

2 (12) Recommended spread adjustment means a spread adjustment, or
3 method for calculating or determining such spread adjustment, which may
4 be a positive or negative value or zero, that has been selected or
5 recommended by a relevant recommending body for a recommended benchmark
6 replacement for a particular type of contract, security, or instrument
7 and for a particular term to account for the effects of the transition or
8 change from LIBOR to a recommended benchmark replacement;

9 (13) Relevant recommending body means the Federal Reserve Board, the
10 Federal Reserve Bank of New York, or the Alternative Reference Rates
11 Committee, or any successor to any of them; and

12 (14) SOFR means, with respect to any day, the secured overnight
13 financing rate published for such day by the Federal Reserve Bank of New
14 York, as the administrator of the benchmark or a successor administrator,
15 on the Federal Reserve Bank of New York's website.

16 Sec. 3. (1) On the LIBOR replacement date, the recommended
17 benchmark replacement shall, by operation of law, be the benchmark
18 replacement for any contract, security, or instrument that uses LIBOR as
19 a benchmark and:

20 (a) Contains no fallback provisions; or

21 (b) Contains fallback provisions that result in a benchmark
22 replacement, other than a recommended benchmark replacement, that is
23 based in any way on any LIBOR value.

24 (2) Following the occurrence of a LIBOR discontinuance event, any
25 fallback provisions in a contract, security, or instrument that provide
26 for a benchmark replacement based on or otherwise involving a poll,
27 survey, or inquiries for quotes or information concerning interbank
28 lending rates or any interest rate or dividend rate based on LIBOR shall
29 be disregarded as if not included in such contract, security, or
30 instrument and shall be deemed null and void and without any force or
31 effect.

1 (3)(a) This subsection shall apply to any contract, security, or
2 instrument that uses LIBOR as a benchmark and contains fallback
3 provisions that permit or require the selection of a benchmark
4 replacement that is:

5 (i) Based in any way on any LIBOR value; or

6 (ii) The substantive equivalent of subdivision (1)(a), (b), or (c)
7 of section 4 of this act.

8 (b) A determining person shall have the authority under the LIBOR
9 Transition Act, but shall not be required, to select on or after the
10 occurrence of a LIBOR discontinuance event the recommended benchmark
11 replacement as the benchmark replacement. Such selection of the
12 recommended benchmark replacement shall be:

13 (i) Irrevocable;

14 (ii) Made by the earlier of either the LIBOR replacement date or the
15 latest date for selecting a benchmark replacement according to such
16 contract, security, or instrument; and

17 (iii) Used in any determinations of the benchmark under or with
18 respect to such contract, security, or instrument occurring on or after
19 the LIBOR replacement date.

20 (4) If a recommended benchmark replacement becomes the benchmark
21 replacement for any contract, security, or instrument pursuant to
22 subsection (1) or (3) of this section, then all benchmark replacement
23 conforming changes that are applicable to such recommended benchmark
24 replacement shall become an integral part of such contract, security, or
25 instrument by operation of law.

26 (5) The LIBOR Transition Act shall not alter or impair:

27 (a) Any written agreement by all requisite parties that,
28 retrospectively or prospectively, provides that the contract, security,
29 or instrument shall not be subject to the LIBOR Transition Act without
30 necessarily referring specifically to the act. For purposes of this
31 subdivision, requisite parties means all parties required to amend the

1 terms and provisions of a contract, security, or instrument that would
2 otherwise be altered or affected by the act;

3 (b) Any contract, security, or instrument that contains fallback
4 provisions that would result in a benchmark replacement that is not based
5 on LIBOR, including, but not limited to, the prime rate or the federal
6 funds rate, except that such contract, security, or instrument shall be
7 subject to subsection (2) of this section;

8 (c) Any contract, security, or instrument subject to subsection (3)
9 of this section as to which a determining person does not elect to use a
10 recommended benchmark replacement pursuant to subsection (3) of this
11 section or as to which a determining person elects to use a recommended
12 benchmark replacement prior to the occurrence of a LIBOR discontinuance
13 event, except that such contract, security, or instrument shall be
14 subject to subsection (2) of this section; or

15 (d) The application to a recommended benchmark replacement of any
16 cap, floor, modifier, or spread adjustment to which LIBOR had been
17 subject pursuant to the terms of a contract, security, or instrument.

18 (6) Notwithstanding the Uniform Commercial Code or any other law of
19 this state, the LIBOR Transition Act shall apply to all contracts,
20 securities, and instruments, including contracts, with respect to
21 commercial transactions and shall not be deemed to be displaced by any
22 other law of this state.

23 Sec. 4. (1) The selection or use of a recommended benchmark
24 replacement as a benchmark replacement under or in respect of a contract,
25 security, or instrument by operation of section 3 of this act shall
26 constitute:

27 (a) A commercially reasonable replacement for and a commercially
28 substantial equivalent to LIBOR;

29 (b) A reasonable, comparable, or analogous term for LIBOR under or
30 in respect of such contract, security, or instrument;

31 (c) A replacement that is based on a methodology or information that

1 is similar or comparable to LIBOR; and

2 (d) Substantial performance by any person of any right or obligation
3 relating to or based on LIBOR under or in respect of a contract,
4 security, or instrument.

5 (2) Any LIBOR discontinuance event or LIBOR replacement date,
6 selection or use of a recommended benchmark replacement as a benchmark
7 replacement, or determination, implementation, or performance of
8 benchmark replacement conforming changes that occurs by operation of
9 section 3 of this act shall not:

10 (a) Be deemed to impair or affect the right of any person to receive
11 a payment, or affect the amount or timing of such payment, under any
12 contract, security, or instrument; or

13 (b) Have the effect of (i) discharging or excusing performance under
14 any contract, security, or instrument for any reason, claim, or defense,
15 including, but not limited to, any force majeure or other provision in
16 any contract, security, or instrument, (ii) giving any person the right
17 to unilaterally terminate or suspend performance under any contract,
18 security, or instrument, (iii) constituting a breach of a contract,
19 security, or instrument, or (iv) voiding or nullifying any contract,
20 security, or instrument.

21 (3) No person shall have any liability for damages to any person or
22 be subject to any claim or request for equitable relief arising out of or
23 related to the selection or use of a recommended benchmark replacement or
24 the determination, implementation, or performance of benchmark
25 replacement conforming changes, in each case, by operation of section 3
26 of this act, and such selection or use of the recommended benchmark
27 replacement or such determination, implementation, or performance of
28 benchmark replacement conforming changes shall not give rise to any claim
29 or cause of action by any person in law or in equity.

30 (4) The selection or use of a recommended benchmark replacement or
31 the determination, implementation, or performance of benchmark

1 replacement conforming changes, by operation of section 3 of this act,
2 shall be deemed to:

3 (a) Not be an amendment or modification of any contract, security,
4 or instrument; and

5 (b) Not prejudice, impair, or affect any person's rights, interests,
6 or obligations under or in respect of any contract, security, or
7 instrument.

8 (5) Except as provided in either subsection (1) or (3) of section 3
9 of this act, the LIBOR Transition Act shall not be interpreted as
10 creating any negative inference or negative presumption regarding the
11 validity or enforceability of:

12 (a) Any benchmark replacement that is not a recommended benchmark
13 replacement;

14 (b) Any spread adjustment, or method for calculating or determining
15 a spread adjustment, that is not a recommended spread adjustment; or

16 (c) Any changes, alterations, or modifications to or in respect of a
17 contract, security, or instrument that are not benchmark replacement
18 conforming changes.

19 Sec. 5. Section 1-162.01, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 1-162.01 (1) Notwithstanding the Nebraska Professional Corporation
22 Act or the Public Accountancy Act or any other provision of law
23 inconsistent with this section, firms may have owners who are not
24 certified public accountants if the following conditions are met:

25 (a) Such owners shall be:

26 (i) Natural persons;

27 (ii) An employee stock ownership plan as described and defined in 26
28 U.S.C. 401(a) and 26 U.S.C. 4975(e)(7), as such subsections existed on
29 January 1, 2019;

30 (iii) A partnership or limited liability company; or

31 (iv) A corporation;

1 ~~(b) Such owners, whether direct or beneficial, who are natural~~
2 ~~persons shall not exceed, in the aggregate, forty-nine percent of the~~
3 ~~total number of owners of such firm;~~

4 ~~(b) (e)~~ Such owners ~~who are natural persons~~ shall not hold, in the
5 aggregate, directly or beneficially, more than forty-nine percent of such
6 firm's equity capital or voting rights or receive, in the aggregate,
7 directly or beneficially, more than forty-nine percent of such firm's
8 profits or losses;

9 ~~(c)(i) (d)~~ Such owners who are not natural persons shall not, in the
10 aggregate, directly or beneficially, comprise a majority of the total
11 number of owners of a firm; and

12 ~~(ii)~~ Such owners who are natural persons may, in the aggregate,
13 directly or beneficially, comprise a majority of the total number of
14 owners of a firm;

15 ~~(e) Such owners shall not, in the aggregate, directly or~~
16 ~~beneficially, hold one half or more of the equity capital of the firm and~~
17 ~~possess majority voting rights of the firm;~~

18 ~~(d) (f)~~ Such owners, whether direct or beneficial, who are natural
19 persons shall not hold themselves out as certified public accountants;

20 ~~(e) (g)~~ Such owners, whether direct or beneficial, who are natural
21 persons shall not hold themselves out to the general public or to any
22 client as an owner, partner, shareholder, limited liability company
23 member, director, officer, or other official of the firm except in a
24 manner specifically permitted by the rules and regulations of the board;

25 ~~(f) (h)~~ Such owners, whether direct or beneficial, who are natural
26 persons shall not have ultimate responsibility for the performance of any
27 audit, review, or compilation of financial statements or other forms of
28 attestation related to financial information;

29 ~~(g) (i)~~ Such owners who are natural persons shall not be direct or
30 beneficial owners of a firm engaged in the practice of public accountancy
31 without board approval if such natural persons (i) have been convicted of

1 any felony under the laws of any state, of the United States, or of any
2 other jurisdiction, (ii) have been convicted of any crime, an element of
3 which is dishonesty or fraud, under the laws of any state, of the United
4 States, or of any other jurisdiction, (iii) have had their professional
5 or vocational licenses, if any, suspended or revoked by a licensing
6 agency of any state of the United States or of any other jurisdiction or
7 such persons have otherwise been the subject of other final disciplinary
8 action by any such agency, or (iv) are in violation of any rule or
9 regulation regarding character or conduct adopted and promulgated by the
10 board relating to owners who are not certified public accountants;

11 (h) ~~(j)~~ Such owners, if a partnership, limited liability company, or
12 corporation: (i) Hold a permit under section 1-136; (ii) do not have the
13 ultimate responsibility for the firm's performance of audits, reviews, or
14 compilations of financial statements or other forms of attestation
15 relating to financial information; and (iii) have their owners comply
16 with this section, so long as any natural persons who have an ownership
17 or beneficial interest in such partnership, limited liability company, or
18 corporation, directly or beneficially, meet, as if such natural persons
19 or entities were direct owners in the firm, the requirements of
20 subdivisions (1)(b) through (g) ~~(i)~~ of this section;

21 (i) ~~(k)~~ Such beneficial owners under an employee stock ownership
22 plan shall be natural persons actively participating in the business of
23 the firm or an entity controlled by the firm. All of the trustees of such
24 employee stock ownership plans shall be natural persons who are certified
25 public accountants, except in the event that a conflict of interest
26 exists for one or more trustees with respect to a specific issue or
27 transaction, such trustees may appoint a special independent trustee or
28 special fiduciary, who is not a certified public accountant or otherwise
29 legally authorized to render professional services in public accountancy,
30 which special independent trustee or special fiduciary shall be
31 authorized to make decisions only with respect to the specific issue or

1 transaction that is the subject of the conflict; and

2 (j) ~~(1)~~ Such owners who are natural persons shall actively
3 participate in the firm if such owners are direct owners, or shall
4 actively participate in the partnership, limited liability company, or
5 corporation through which the natural person has beneficial ownership of
6 the firm.

7 (2) The issuance or transfer of any shares of stock or equity
8 interests in a firm in violation of this section is void. No shareholder
9 or equity owner of a firm shall enter into a voting trust agreement or
10 any other type of agreement vesting in another person the authority to
11 exercise the voting power of any of the stock or equity of a firm.

12 (3) The board shall adopt and promulgate rules and regulations for
13 purposes of interpretation and enforcement of compliance with this
14 section.

15 Sec. 6. Section 8-101.03, Revised Statutes Supplement, 2021, is
16 amended to read:

17 8-101.03 For purposes of the Nebraska Banking Act, unless the
18 context otherwise requires:

19 (1) Access device means a code, a transaction card, or any other
20 means of access to a customer's account, or any combination thereof, that
21 may be used by a customer for the purpose of initiating an electronic
22 funds transfer at an automatic teller machine or a point-of-sale
23 terminal;

24 (2) Acquiring financial institution means any financial institution
25 establishing a point-of-sale terminal;

26 (3) Automatic teller machine means a machine established and located
27 in the State of Nebraska, whether attended or unattended, which utilizes
28 electronic, sound, or mechanical signals or impulses, or any combination
29 thereof, and from which electronic funds transfers may be initiated and
30 at which banking transactions as defined in section 8-157.01 may be
31 conducted. An unattended automatic teller machine shall not be deemed to

1 be a branch operated by a financial institution;

2 (4) Automatic teller machine surcharge means a fee that an operator
3 of an automatic teller machine imposes upon a consumer for an electronic
4 funds transfer, if such operator is not the financial institution that
5 holds an account of such consumer from which the electronic funds
6 transfer is to be made;

7 (5) Bank or banking corporation means any incorporated banking
8 institution which was incorporated under the laws of this state as they
9 existed prior to May 9, 1933, and any corporation duly organized under
10 the laws of this state for the purpose of conducting a bank within this
11 state under the act. Bank means any such banking institution which is, in
12 addition to the exercise of other powers, following the practice of
13 repaying deposits upon check, draft, or order and of making loans. Bank
14 or banking corporation includes a digital asset depository institution as
15 defined in section 8-3003. Notwithstanding the provisions of this
16 subdivision, a digital asset depository institution is subject to the
17 provisions of subdivision (2)(b) of section 8-3005;

18 (6)(a) ~~(6)~~ Bank subsidiary ~~corporation~~ means a corporation or
19 limited liability company that:

20 (i) Has a ~~corporation which has~~ a bank as a shareholder, member, or
21 investor; and

22 (ii) Is ~~which is~~ organized for purposes of engaging in activities
23 which are part of the business of banking or incidental to such business
24 except for the receipt of deposits.

25 (b) A bank subsidiary ~~corporation~~ may include a corporation
26 organized under the Nebraska Financial Innovation Act.

27 (c) A bank subsidiary is not to be considered a branch of its bank
28 shareholder;

29 (7) Capital or capital stock means capital stock;

30 (8) Data processing center means a facility, wherever located, at
31 which electronic impulses or other indicia of a transaction originating

1 at an automatic teller machine are received and either authorized or
2 routed to a switch or other data processing center in order to enable the
3 automatic teller machine to perform any function for which it is
4 designed;

5 (9) Department means the Department of Banking and Finance;

6 (10) Digital asset depository means a financial institution that
7 securely holds liquid assets when such assets are in the form of
8 controllable electronic records, either as a corporation organized,
9 chartered, and operated pursuant to the Nebraska Financial Innovation Act
10 as a digital asset depository institution, or a financial institution
11 operating a digital asset depository business as a digital asset
12 depository department under a grant of authority by the director;

13 (11) Director means the Director of Banking and Finance;

14 (12) Financial institution means a bank, savings bank, building and
15 loan association, savings and loan association, or credit union, whether
16 chartered by the United States, the department, or a foreign state
17 agency; any other similar organization which is covered by federal
18 deposit insurance; a trust company; or a digital asset depository that is
19 not a digital asset depository institution;

20 (13) Financial institution employees includes parent holding company
21 and affiliate employees;

22 (14) Foreign state agency means any duly constituted regulatory or
23 supervisory agency which has authority over financial institutions and
24 which is created under the laws of any other state, any territory of the
25 United States, Puerto Rico, Guam, American Samoa, the Trust Territory of
26 the Pacific Islands, or the Virgin Islands or which is operating under
27 the code of law for the District of Columbia;

28 (15) Impulse means an electronic, sound, or mechanical impulse, or
29 any combination thereof;

30 (16) Insolvent means a condition in which (a) the actual cash market
31 value of the assets of a bank is insufficient to pay its liabilities to

1 its depositors, (b) a bank is unable to meet the demands of its creditors
2 in the usual and customary manner, (c) a bank, after demand in writing by
3 the director, fails to make good any deficiency in its reserves as
4 required by law, or (d) the stockholders of a bank, after written demand
5 by the director, fail to make good an impairment of its capital or
6 surplus;

7 (17) Making loans includes advances or credits that are initiated by
8 means of credit card or other transaction card. Transaction card and
9 other transactions, including transactions made pursuant to prior
10 agreements, may be brought about and transmitted by means of an
11 electronic impulse. Such loan transactions including transactions made
12 pursuant to prior agreements shall be subject to sections 8-815 to 8-829
13 and shall be deemed loans made at the place of business of the financial
14 institution;

15 (18) Order includes orders transmitted by electronic transmission;

16 (19) Point-of-sale terminal means an information processing terminal
17 which utilizes electronic, sound, or mechanical signals or impulses, or
18 any combination thereof, which are transmitted to a financial institution
19 or which are recorded for later transmission to effectuate electronic
20 funds transfer transactions for the purchase or payment of goods and
21 services and which are initiated by an access device. A point-of-sale
22 terminal is not a branch operated by a financial institution. Any
23 terminal owned or operated by a seller of goods and services shall be
24 connected directly or indirectly to an acquiring financial institution;
25 and

26 (20) Switch means any facility where electronic impulses or other
27 indicia of a transaction originating at an automatic teller machine are
28 received and are routed and transmitted to a financial institution or
29 data processing center, wherever located. A switch may also be a data
30 processing center.

31 Sec. 7. Section 8-108, Revised Statutes Cumulative Supplement, 2020,

1 is amended to read:

2 8-108 (1)(a) The director, the director's ~~his or her~~ deputy, or any
3 duly appointed examiner has the authority to make a thorough examination
4 into all the books, papers, and affairs of any bank or other financial
5 institution chartered by the department or a its holding company or bank
6 subsidiary of such bank or financial institution, if any, and in so doing
7 to administer oaths and affirmations, to examine on oath or affirmation
8 the officers, agents, and clerks of such bank, financial institution, or
9 its holding company, or bank subsidiary ~~, if any,~~ touching the matter
10 which they may be authorized and directed to inquire into and examine,
11 and to subpoena the attendance of any person or persons in this state to
12 testify under oath or affirmation in relation to the affairs of such
13 bank, financial institution, or its holding company, or bank subsidiary ~~,~~
14 ~~if any.~~ The director, deputy, or examiner has the authority to examine
15 and monitor by electronic means the books, papers, and affairs of any
16 such bank, financial institution, or the holding company, or bank
17 subsidiary of a financial institution. The director may provide any
18 examination or report to the Federal Deposit Insurance Corporation, the
19 Federal Reserve Board, the Comptroller of the Currency, the Consumer
20 Financial Protection Bureau, or a foreign state agency.

21 (b) The director may accept any examination or report from a foreign
22 state agency and may accept any examination or report from the Federal
23 Deposit Insurance Corporation, the Federal Reserve Board, the Comptroller
24 of the Currency, or the Consumer Financial Protection Bureau in lieu of
25 an examination or report required under the Nebraska Banking Act. Any
26 such examination or report accepted by the director remains the property
27 and confidential record of the foreign state agency or federal agency
28 which provided the examination or report to the director. A request or
29 subpoena for any such examination or report shall be directed to the
30 foreign state agency or federal agency which provided the examination or
31 report to the director.

1 (2) The department has the authority to examine the books, papers,
2 and affairs of any electronic data processing center which has contracted
3 with a bank or financial institution to conduct the bank's or financial
4 institution's electronic data processing business. The department may
5 charge the electronic data processing center for the time spent by
6 examiners in such examination at the rate set forth in section 8-606 for
7 examiners' time spent in examinations of banks or financial institutions.

8 Sec. 8. Section 8-124, Revised Statutes Cumulative Supplement, 2020,
9 is amended to read:

10 8-124 (1) The affairs and business of any bank shall be managed or
11 controlled by a board of directors of not less than five and not more
12 than twenty-five members, who shall be selected at such time and in such
13 manner as may be provided by the articles of incorporation of the
14 corporation and in conformity with the Nebraska Banking Act. The board of
15 directors shall select a president. No person shall act as president if
16 he or she is not a member of the board of directors.

17 (2) The board of directors shall hold at least one regular meeting
18 in each calendar quarter, and at one of such meetings in each year a
19 thorough examination of the books, records, funds, and securities held by
20 the bank shall be made and recorded in detail upon its record book. In
21 lieu of the one annual examination required, the board of directors may
22 accept one annual audit by an accountant or accounting firm approved by
23 the Director of Banking and Finance. The board of directors shall submit
24 such audit to the department within one hundred twenty days after the
25 completion of the audit or, for a periodic audit, within one hundred
26 twenty days after the end of the calendar year.

27 Sec. 9. Section 8-135, Revised Statutes Supplement, 2021, is amended
28 to read:

29 8-135 (1) All persons, regardless of age, may become depositors in
30 any bank and shall be subject to the same duties and liabilities
31 respecting their deposits. Whenever a deposit is accepted by any bank in

1 the name of any person, regardless of age, the deposit may be withdrawn
2 by the depositor by any of the following methods:

3 (a) Check or other instrument in writing. The check or other
4 instrument in writing constitutes a receipt or acquittance if the check
5 or other instrument in writing is signed by the depositor and constitutes
6 a valid release and discharge to the bank for all payments so made; or

7 (b) Electronic means through:

8 (i) Preauthorized direct withdrawal;

9 (ii) An automatic teller machine;

10 (iii) A debit card;

11 (iv) A transfer by telephone;

12 (v) A network, including the Internet; or

13 (vi) Any electronic terminal, computer, magnetic tape, or other
14 electronic means.

15 (2) All persons, individually or with others and regardless of age,
16 may enter into an agreement with a bank for the lease of a safe deposit
17 box and shall be bound by the terms of the agreement.

18 (3) This section shall not be construed to affect the rights,
19 liabilities, or responsibilities of participants in an electronic fund
20 transfer under the federal Electronic Fund Transfer Act, 15 U.S.C. 1693
21 et seq., as such act existed on January 1, 2022 ~~2021~~, and shall not
22 affect the legal relationships between a minor and any person other than
23 the bank.

24 Sec. 10. Section 8-141, Revised Statutes Supplement, 2021, is
25 amended to read:

26 8-141 (1) No bank shall directly or indirectly loan to any single
27 corporation, limited liability company, firm, or individual, including in
28 such loans all loans made to the several members or shareholders of such
29 corporation, limited liability company, or firm, for the use and benefit
30 of such corporation, limited liability company, firm, or individual, more
31 than twenty-five percent of the paid-up capital, surplus, and capital

1 notes and debentures or fifteen percent of the unimpaired capital and
2 unimpaired surplus of such bank, whichever is greater. Such limitations
3 shall be subject to the following exceptions:

4 (a) Obligations of any person, partnership, limited liability
5 company, association, or corporation in the form of notes or drafts
6 secured by shipping documents or instruments transferring or securing
7 title covering livestock or giving a lien on livestock, when the market
8 value of the livestock securing the obligation is not at any time less
9 than one hundred fifteen percent of the face amount of the notes covered
10 by such documents, shall be subject under this section to a limitation of
11 ten percent of such capital, surplus, and capital notes and debentures or
12 ten percent of such unimpaired capital and unimpaired surplus, whichever
13 is greater, in addition to such twenty-five percent of such capital and
14 surplus or such fifteen percent of such unimpaired capital and unimpaired
15 surplus;

16 (b) Obligations of any person, partnership, limited liability
17 company, association, or corporation secured by not less than a like
18 amount of bonds or notes of the United States issued since April 24,
19 1917, or certificates of indebtedness of the United States, treasury
20 bills of the United States, or obligations fully guaranteed both as to
21 principal and interest by the United States shall be subject under this
22 section to a limitation of ten percent of such capital, surplus, and
23 capital notes and debentures or ten percent of such unimpaired capital
24 and unimpaired surplus, whichever is greater, in addition to such twenty-
25 five percent of such capital and surplus or such fifteen percent of such
26 unimpaired capital and unimpaired surplus;

27 (c) Obligations of any person, partnership, limited liability
28 company, association, or corporation which are secured by negotiable
29 warehouse receipts in an amount not less than one hundred fifteen percent
30 of the face amount of the note or notes secured by such documents shall
31 be subject under this section to a limitation of ten percent of such

1 capital, surplus, and capital notes and debentures or ten percent of such
2 unimpaired capital and unimpaired surplus, whichever is greater, in
3 addition to such twenty-five percent of such capital and surplus or such
4 fifteen percent of such unimpaired capital and unimpaired surplus; or

5 (d) Obligations of any person, partnership, limited liability
6 company, association, or corporation which are secured by readily
7 marketable collateral having a market value, as determined by reliable
8 and continuously available price quotations, in an amount at least equal
9 to the face amount of the note or notes secured by such collateral, shall
10 be subject under this section to a limitation of ten percent of such
11 capital, surplus, and capital notes and debentures or ten percent of such
12 unimpaired capital and unimpaired surplus, whichever is greater, in
13 addition to such twenty-five percent of such capital and surplus or such
14 fifteen percent of such unimpaired capital and unimpaired surplus.

15 (2)(a) For purposes of this section, the discounting of bills of
16 exchange, drawn in good faith against actually existing values, and the
17 discounting of commercial paper actually owned by the persons negotiating
18 the bills of exchange or commercial paper shall not be considered as the
19 lending of money.

20 (b) Loans or obligations shall not be subject to any limitation
21 under this section, based upon such capital and surplus or such
22 unimpaired capital and unimpaired surplus, to the extent that such
23 capital and surplus or such unimpaired capital and unimpaired surplus are
24 secured or covered by guaranties, or by commitments or agreements to take
25 over or to purchase such capital and surplus or such unimpaired capital
26 and unimpaired surplus, made by any federal reserve bank or by the United
27 States Government or any authorized agency thereof, including any
28 corporation wholly owned directly or indirectly by the United States, or
29 general obligations of any state of the United States or any political
30 subdivision of the state. The phrase general obligation of any state or
31 any political subdivision of the state means an obligation supported by

1 the full faith and credit of an obligor possessing general powers of
2 taxation, including property taxation, but does not include municipal
3 revenue bonds and sanitary and improvement district warrants which are
4 subject to the limitations set forth in this section.

5 (c) Any bank may subscribe to, invest in, purchase, and own single-
6 family mortgages secured by the Federal Housing Administration or the
7 United States Department of Veterans Affairs and mortgage-backed
8 certificates of the Government National Mortgage Association which are
9 guaranteed as to payment of principal and interest by the Government
10 National Mortgage Association. Such mortgages and certificates shall not
11 be subject under this section to any limitation based upon such capital
12 and surplus or such unimpaired capital and unimpaired surplus.

13 (d) Obligations representing loans to any national banking
14 association or to any banking institution organized under the laws of any
15 state, when such loans are approved by the director by rule and
16 regulation or otherwise, shall not be subject under this section to any
17 limitation based upon such capital and surplus or such unimpaired capital
18 and unimpaired surplus.

19 (e) Loans or extensions of credit secured by a segregated deposit
20 account in the lending bank shall not be subject under this section to
21 any limitation based on such capital and surplus or such unimpaired
22 capital and unimpaired surplus. The director may adopt and promulgate
23 rules and regulations governing the terms and conditions of such security
24 interest and segregated deposit account.

25 (f) For the purpose of determining lending limits, partnerships
26 shall not be treated as separate entities. Each individual shall be
27 charged with his or her personal debt plus the debt of every partnership
28 in which he or she is a partner, except that for purposes of this section
29 (a) an individual shall only be charged with the debt of any limited
30 partnership in which he or she is a partner to the extent that the terms
31 of the limited partnership agreement provide that such individual is to

1 be held liable for the debts or actions of such limited partnership and
2 (b) no individual shall be charged with the debt of any general
3 partnership in which he or she is a partner beyond the extent to which
4 (i) his or her liability for such partnership debt is limited by the
5 terms of a contract or other written agreement between the bank and such
6 individual and (ii) any personal debt of such individual is incurred for
7 the use and benefit of such general partnership.

8 (3) A loan made within lending limits at the initial time the loan
9 was made may be renewed, extended, or serviced without regard to changes
10 in the lending limit of a bank following the initial extension of the
11 loan if (a) the renewal, extension, or servicing of the loan does not
12 result in the extension of funds beyond the initial amount of the loan or
13 (b) the accrued interest on the loan is not added to the original amount
14 of the loan in the process of renewal, extension, or servicing.

15 (4) Any bank may purchase or take an interest in life insurance
16 contracts for any purpose incidental to the business of banking. A bank's
17 purchase of any life insurance contract, as measured by its cash
18 surrender value, from any one life insurance company shall not at any
19 time exceed twenty-five percent of the paid-up capital, surplus, and
20 capital notes and debentures of such bank or fifteen percent of the
21 unimpaired capital and unimpaired surplus of such bank, whichever is
22 greater. A bank's purchase of life insurance contracts, as measured by
23 their cash surrender values, in the aggregate from all life insurance
24 companies shall not at any time exceed thirty-five percent of the paid-up
25 capital, surplus, undivided profits, and capital notes and debentures of
26 such bank. The limitations under this subsection on a bank's purchase of
27 life insurance contracts, in the aggregate from all life insurance
28 companies, shall not apply to any contract purchased prior to April 5,
29 1994.

30 (5) On and after January 21, 2013, the director has the authority to
31 determine the manner and extent to which credit exposure resulting from

1 derivative transactions, repurchase agreements, reverse repurchase
2 agreements, securities lending transactions, and securities borrowing
3 transactions shall be taken into account for purposes of determining
4 compliance with this section. In making such determinations, the director
5 may, but is not required to, act by rule and regulation or order.

6 (6) For purposes of this section:

7 (a) Derivative transaction means any transaction that is a contract,
8 agreement, swap, warrant, note, or option that is based, in whole or in
9 part, on the value of, any interest in, or any quantitative measure or
10 the occurrence of any event relating to, one or more commodities,
11 securities, currencies, interest or other rates, indices, or other
12 assets;

13 (b) Loan includes:

14 (i) All direct and indirect advances of funds to a person made on
15 the basis of any obligation of that person to repay the funds or
16 repayable from specific property pledged by or on behalf of that person;

17 (ii) To the extent specified by rule and regulation or order of the
18 director, any liability of a state bank to advance funds to or on behalf
19 of a person pursuant to a contractual commitment; and

20 (iii) Any credit exposure to a person arising from a derivative
21 transaction, repurchase agreement, reverse repurchase agreement,
22 securities lending transaction, or securities borrowing transaction
23 between the bank and the person; and

24 (c) Unimpaired capital and unimpaired surplus means:

25 (i) For qualifying banks that have elected to use the community bank
26 leverage ratio framework, as set forth under the Capital Adequacy
27 Standards of the appropriate federal banking agency:

28 (A) The bank's tier 1 capital as reported according to the capital
29 guidelines of the appropriate federal banking agency; and

30 (B) The bank's allowance for loan and lease losses or allowance for
31 credit losses, as applicable, as reported in the most recent consolidated

1 report of condition filed under 12 U.S.C. 1817(a)(3), as such section
2 existed on January 1, 2022 ~~2021~~; and

3 (ii) For all other banks:

4 (A) The bank's tier 1 and tier 2 capital included in the bank's
5 risk-based capital under the capital guidelines of the appropriate
6 federal banking agency, based on the bank's most recent consolidated
7 report of condition filed under 12 U.S.C. 1817(a)(3), as such section
8 existed on January 1, 2022 ~~2021~~; and

9 (B) The balance of the bank's allowance for loan and lease losses
10 not included in the bank's tier 2 capital for purposes of the calculation
11 of risk-based capital by the appropriate federal banking agency, based on
12 the bank's most recent consolidated report of condition filed under 12
13 U.S.C. 1817(a)(3), as such section existed on January 1, 2022 ~~2021~~.

14 (7) Notwithstanding the provisions of section 8-1,140, the director
15 may, by order, deny or limit the inclusion of goodwill in the calculation
16 of a bank's unimpaired capital and unimpaired surplus or in the
17 calculation of a bank's paid-up capital and surplus.

18 Sec. 11. Section 8-143.01, Revised Statutes Supplement, 2021, is
19 amended to read:

20 8-143.01 (1) No bank shall extend credit to any of its executive
21 officers, directors, or principal shareholders or to any related interest
22 of such persons in an amount that, when aggregated with the amount of all
23 other extensions of credit by the bank to that person and to all related
24 interests of that person, exceeds the higher of twenty-five thousand
25 dollars or five percent of the bank's unimpaired capital and unimpaired
26 surplus unless (a) the extension of credit has been approved in advance
27 by a majority vote of the entire board of directors of the bank, a record
28 of which shall be made and kept as a part of the records of such bank,
29 and (b) the interested party has abstained from participating directly or
30 indirectly in such vote.

31 (2) No bank shall extend credit to any of its executive officers,

1 directors, or principal shareholders or to any related interest of such
2 persons in an amount that, when aggregated with the amount of all other
3 extensions of credit by the bank to that person and to all related
4 interests of that person, exceeds five hundred thousand dollars except by
5 complying with the requirements of subdivisions (1)(a) and (b) of this
6 section.

7 (3) No bank shall extend credit to any of its executive officers,
8 and no such executive officer shall borrow from or otherwise become
9 indebted to his or her bank, except in the amounts and for the purposes
10 set forth in subsection (4) of this section.

11 (4) A bank shall be authorized to extend credit to any of its
12 executive officers:

13 (a) In any amount to finance the education of such executive
14 officer's children;

15 (b)(i) In any amount to finance or refinance the purchase,
16 construction, maintenance, or improvement of a residence of such
17 executive officer if the extension of credit is secured by a first lien
18 on the residence and the residence is owned or is expected to be owned
19 after the extension of credit by the executive officer and (ii) in the
20 case of a refinancing, only the amount of the refinancing used to repay
21 the original extension of credit, together with the closing costs of the
22 refinancing, and any additional amount thereof used for any of the
23 purposes enumerated in this subdivision are included within this category
24 of credit;

25 (c) In any amount if the extension of credit is (i) secured by a
26 perfected security interest in bonds, notes, certificates of
27 indebtedness, or treasury bills of the United States or in other such
28 obligations fully guaranteed as to principal and interest by the United
29 States, (ii) secured by unconditional takeout commitments or guarantees
30 of any department, agency, bureau, board, commission, or establishment of
31 the United States or any corporation wholly owned directly or indirectly

1 by the United States, or (iii) secured by a perfected security interest
2 in a segregated deposit account in the lending bank; or

3 (d) For any other purpose not specified in subdivisions (a), (b),
4 and (c) of this subsection if the aggregate amount of such other
5 extensions of credit to such executive officer does not exceed, at any
6 one time, the greater of two and one-half percent of the bank's
7 unimpaired capital and unimpaired surplus or twenty-five thousand
8 dollars, but in no event greater than one hundred thousand dollars or the
9 amount of the bank's lending limit as prescribed in section 8-141,
10 whichever is less.

11 (5)(a) Except as provided in subdivision (b) or (c) of this
12 subsection, any executive officer shall make, on an annual basis, a
13 written report to the board of directors of the bank of which he or she
14 is an executive officer stating the date and amount of all loans or
15 indebtedness on which he or she is a borrower, cosigner, or guarantor,
16 the security therefor, and the purpose for which the proceeds have been
17 or are to be used.

18 (b) Except as provided in subdivision (c) of this subsection, in
19 lieu of the reports required by subdivision (a) of this subsection, the
20 board of directors of a bank may obtain a credit report from a recognized
21 credit agency, on an annual basis, for any or all of its executive
22 officers.

23 (c) Subdivisions (a) and (b) of this subsection do not apply to any
24 executive officer if such officer is excluded by a resolution of the
25 board of directors or by the bylaws of the bank from participating in the
26 major policymaking functions of the bank and does not actually
27 participate in the major policymaking functions of the bank.

28 (6) No bank shall extend credit to any of its executive officers,
29 directors, or principal shareholders or to any related interest of such
30 persons in an amount that, when aggregated with the amount of all other
31 extensions of credit by the bank to that person and to all related

1 interests of that person, exceeds the lending limit of the bank as
2 prescribed in section 8-141.

3 (7)(a) Except as provided in subdivision (b) of this subsection, no
4 bank shall extend credit to any of its executive officers, directors, or
5 principal shareholders or to any related interest of such persons unless
6 the extension of credit (i) is made on substantially the same terms,
7 including interest rates and collateral, as, and following credit-
8 underwriting procedures that are not less stringent than, those
9 prevailing at the time for comparable transactions by the bank with other
10 persons that are not covered by this section and who are not employed by
11 the bank and (ii) does not involve more than the normal risk of repayment
12 or present other unfavorable features.

13 (b) Nothing in subdivision (a) of this subsection shall prohibit any
14 extension of credit made by a bank pursuant to a benefit or compensation
15 program under the provisions of 12 C.F.R. 215.4(a)(2), as such regulation
16 existed on January 1, 2022 ~~2021~~.

17 (8) For purposes of this section:

18 (a) Executive officer means a person who participates or has
19 authority to participate, other than in the capacity of director, in the
20 major policymaking functions of the bank, whether or not the officer has
21 an official title, the title designates such officer as an assistant, or
22 such officer is serving without salary or other compensation. Executive
23 officer includes the chairperson of the board of directors, the
24 president, all vice presidents, the cashier, the corporate secretary, and
25 the treasurer, unless the executive officer is excluded by a resolution
26 of the board of directors or by the bylaws of the bank from
27 participating, other than in the capacity of director, in the major
28 policymaking functions of the bank, and the executive officer does not
29 actually participate in such functions. A manager or assistant manager of
30 a branch of a bank shall not be considered to be an executive officer
31 unless such individual participates or is authorized to participate in

1 the major policymaking functions of the bank; and

2 (b) Unimpaired capital and unimpaired surplus means the sum of:

3 (i) The total equity capital of the bank reported on its most recent
4 consolidated report of condition filed under section 8-166;

5 (ii) Any subordinated notes and debentures approved as an addition
6 to the bank's capital structure by the appropriate federal banking
7 agency; and

8 (iii) Any valuation reserves created by charges to the bank's income
9 reported on its most recent consolidated report of condition filed under
10 section 8-166.

11 (9) Any executive officer, director, or principal shareholder of a
12 bank or any other person who intentionally violates this section or who
13 aids, abets, or assists in a violation of this section is guilty of a
14 Class IV felony.

15 (10) The Director of Banking and Finance may adopt and promulgate
16 rules and regulations to carry out this section, including rules and
17 regulations defining or further defining terms used in this section,
18 consistent with the provisions of 12 U.S.C. 84 and implementing
19 Regulation O as such section and regulation existed on January 1, 2022
20 ~~2021~~.

21 Sec. 12. Section 8-148.06, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 8-148.06 Any bank may subscribe to, invest in, buy, own, and sell
24 the common stock, obligations, and other securities of one or more bank
25 subsidiaries ~~subsidiary corporations~~ organized under the laws of the
26 State of Nebraska. A bank shall not obligate more than thirty-five
27 percent of its paid-up capital stock, surplus, undivided profits, capital
28 reserves, and capital notes and debentures for such purposes. An
29 additional percentage of its paid-up capital stock, surplus, undivided
30 profits, capital reserves, and capital notes and debentures may be
31 invested with written approval of the director. The subscription,

1 investment, possession, or ownership is not subject to sections 8-148,
2 8-149, and 8-150.

3 Sec. 13. Section 8-148.07, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 8-148.07 A bank subsidiary ~~corporation~~ shall engage in only those
6 activities:

7 (1) Prescribed ~~prescribed~~ under subdivision (6) of section 8-101.03;
8 or

9 (2) That ~~that~~ its bank shareholder, ~~or~~ shareholders, member,
10 members, investor, or investors are authorized to perform under the laws
11 of this state and shall engage in those activities only at locations in
12 this state where the bank shareholder, ~~or~~ shareholders, member, members,
13 investor, or investors could be authorized to perform activities.

14 Sec. 14. Section 8-148.08, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 8-148.08 A bank subsidiary ~~corporation~~ is subject to examination and
17 regulation by the department to the same extent as its bank shareholder,
18 ~~or~~ shareholders, member, members, investor, or investors.

19 Sec. 15. Section 8-157.01, Revised Statutes Supplement, 2021, is
20 amended to read:

21 8-157.01 (1) Any establishing financial institution may establish
22 and maintain any number of automatic teller machines at which all banking
23 transactions, defined as receiving deposits of every kind and nature and
24 crediting such to customer accounts, cashing checks and cash withdrawals,
25 transferring funds from checking accounts to savings accounts,
26 transferring funds from savings accounts to checking accounts,
27 transferring funds from either checking accounts and savings accounts to
28 accounts of other customers, transferring payments from customer accounts
29 into accounts maintained by other customers of the financial institution
30 or the financial institution, including preauthorized draft authority,
31 preauthorized loans, and credit transactions, receiving payments payable

1 at the financial institution or otherwise, account balance inquiry, and
2 any other transaction incidental to the business of the financial
3 institution or which will provide a benefit to the financial
4 institution's customers or the general public, may be conducted. Any
5 automatic teller machine owned by a nonfinancial institution third party
6 shall be sponsored by an establishing financial institution. Neither such
7 automatic teller machines nor the transactions conducted thereat shall be
8 construed as the establishment of a branch or as branch banking.

9 (2) Any financial institution may become a user financial
10 institution by agreeing to pay the establishing financial institution the
11 automatic teller machine usage fee. Such agreement shall be implied by
12 the use of such automatic teller machines.

13 (3)(a)(i) All automatic teller machines shall be made available on a
14 nondiscriminating basis for use by Nebraska customers of a user financial
15 institution and (ii) all Nebraska automatic teller machine transactions
16 initiated by Nebraska customers of a user financial institution shall be
17 made on a nondiscriminating basis.

18 (b) It shall not be deemed discrimination if (i) an automatic teller
19 machine does not offer the same transaction services as other automatic
20 teller machines, (ii) there are no automatic teller machine usage fees
21 charged between affiliate financial institutions for the use of automatic
22 teller machines, (iii) the automatic teller machine usage fees of an
23 establishing financial institution that authorizes and directly or
24 indirectly routes Nebraska automatic teller machine transactions to
25 multiple switches, all of which comply with the requirements of
26 subdivision (3)(d) of this section, differ solely based upon the fees
27 established by the switches, (iv) automatic teller machine usage fees
28 differ based upon whether the transaction initiated at an automatic
29 teller machine is subject to a surcharge or provided on a surcharge-free
30 basis, or (v) the automatic teller machines established or sponsored by
31 an establishing financial institution are made available for use by

1 Nebraska customers of any user financial institution which agrees to pay
2 the automatic teller machine usage fee and which conforms to the
3 operating rules and technical standards established by the switch to
4 which a Nebraska automatic teller machine transaction is directly or
5 indirectly routed.

6 (c) The director, upon notice and after a hearing, may terminate or
7 suspend the use of any automatic teller machine if he or she determines
8 that the automatic teller machine is not made available on a
9 nondiscriminating basis or that Nebraska automatic teller machine
10 transactions initiated at such automatic teller machine are not made on a
11 nondiscriminating basis.

12 (d) A switch (i) shall provide to all financial institutions that
13 have a main office or approved branch located in the State of Nebraska
14 and that conform to the operating rules and technical standards
15 established by the switch an equal opportunity to participate in the
16 switch for the use of and access thereto; (ii) shall be capable of
17 operating to accept and route Nebraska automatic teller machine
18 transactions, whether receiving data from an automatic teller machine, an
19 establishing financial institution, or a data processing center; and
20 (iii) shall be capable of being directly or indirectly connected to every
21 data processing center for any automatic teller machine.

22 (e) The director, upon notice and after a hearing, may terminate or
23 suspend the operation of any switch with respect to all Nebraska
24 automatic teller machine transactions if he or she determines that the
25 switch is not being operated in the manner required under subdivision (3)
26 (d) of this section.

27 (f) Subject to the requirement for a financial institution to comply
28 with this subsection, no user financial institution or establishing
29 financial institution shall be required to become a member of any
30 particular switch.

31 (4) Any consumer initiating an electronic funds transfer at an

1 automatic teller machine for which an automatic teller machine surcharge
2 will be imposed shall receive notice in accordance with the provisions of
3 15 U.S.C. 1693b(d)(3)(A) and (B), as such section existed on January 1,
4 2022 ~~2021~~. Such notice shall appear on the screen of the automatic teller
5 machine or appear on a paper notice issued from such machine after the
6 transaction is initiated and before the consumer is irrevocably committed
7 to completing the transaction.

8 (5) A point-of-sale terminal may be established at any point within
9 this state by a financial institution, a group of two or more financial
10 institutions, or a combination of a financial institution or financial
11 institutions and a third party or parties. Such parties may contract with
12 a seller of goods and services or any other third party for the operation
13 of point-of-sale terminals.

14 (6) A seller of goods and services or any other third party on whose
15 premises one or more point-of-sale terminals are established shall not
16 be, solely by virtue of such establishment, a financial institution and
17 shall not be subject to the laws governing, or other requirements imposed
18 on, financial institutions, except for the requirement that it faithfully
19 perform its obligations in connection with any transaction originated at
20 any point-of-sale terminal on its premises.

21 (7) Nothing in this section shall be construed to prohibit nonbank
22 employees from assisting in transactions originated at automatic teller
23 machines or point-of-sale terminals, and such assistance shall not be
24 deemed to be engaging in the business of banking.

25 (8)(a) Annually by September 1, any entity operating as a switch in
26 Nebraska shall file a notice with the department setting forth its name,
27 address, and contact information for an officer authorized to answer
28 inquiries related to its operations in Nebraska.

29 (b) Any entity intending to operate in Nebraska as a switch shall
30 file a notice with the department setting forth its name, address, and
31 contact information for an officer authorized to answer inquiries related

1 to its operations in Nebraska. Such notice shall be filed at least thirty
2 days prior to the date on which the switch commences operations, and
3 thereafter annually by September 1.

4 (9) Nothing in this section prohibits ordinary clearinghouse
5 transactions between financial institutions.

6 (10) Nothing in this section shall prevent any financial institution
7 which has a main chartered office or an approved branch located in the
8 State of Nebraska from participating in a national automatic teller
9 machine program to allow its customers to use automatic teller machines
10 located outside of the State of Nebraska which are established by out-of-
11 state financial institutions or foreign financial institutions or to
12 allow customers of out-of-state financial institutions or foreign
13 financial institutions to use its automatic teller machines. Such
14 participation and any automatic teller machine usage fees charged or
15 received pursuant to the national automatic teller machine program or
16 usage fees charged for the use of its automatic teller machines by
17 customers of out-of-state financial institutions or foreign financial
18 institutions shall not be considered for purposes of determining (a) if
19 an automatic teller machine has been made available or Nebraska automatic
20 teller machine transactions have been made on a nondiscriminating basis
21 for use by Nebraska customers of a user financial institution or (b) if a
22 switch complies with subdivision (3)(d) of this section.

23 (11) An agreement to operate or share an automatic teller machine
24 may not prohibit, limit, or restrict the right of the operator or owner
25 of the automatic teller machine to charge a customer conducting a
26 transaction using an account from a foreign financial institution an
27 access fee or surcharge not otherwise prohibited under state or federal
28 law.

29 (12) Switch fees shall not be subject to this section or be
30 regulated by the department.

31 (13) Nothing in this section shall prevent a group of two or more

1 credit unions, each of which has a main chartered office or an approved
2 branch located in the State of Nebraska, from participating in a credit
3 union service organization organized on or before January 1, 2015, for
4 the purpose of owning automatic teller machines, provided that all
5 participating credit unions have an ownership interest in the credit
6 union service organization and that the credit union service organization
7 has an ownership interest in each of the participating credit unions'
8 automatic teller machines. Such participation and any automatic teller
9 machine usage fees associated with Nebraska automatic teller machine
10 transactions initiated by customers of participating credit unions at
11 such automatic teller machines shall not be considered for purposes of
12 determining if such automatic teller machines have been made available on
13 a nondiscriminating basis or if Nebraska automatic teller machine
14 transactions initiated at such automatic teller machines have been made
15 on a nondiscriminating basis, provided that all Nebraska automatic teller
16 machine transactions initiated by customers of participating credit
17 unions result in the same automatic teller machine usage fees for
18 essentially the same service routed over the same switch.

19 (14) Nebraska automatic teller machine usage fees and any agreements
20 relating to Nebraska automatic teller machine usage fees shall comply
21 with subsection (3) of this section.

22 (15) For purposes of this section:

23 (a) Access means the ability to utilize an automatic teller machine
24 or a point-of-sale terminal to conduct permitted banking transactions or
25 purchase goods and services electronically;

26 (b) Account means a checking account, a savings account, a share
27 account, or any other customer asset account held by a financial
28 institution. Such an account may also include a line of credit which a
29 financial institution has agreed to extend to its customer;

30 (c) Affiliate financial institution means any financial institution
31 which is a subsidiary of the same bank holding company;

1 (d) Automatic teller machine usage fee means any per transaction fee
2 established by a switch or otherwise established on behalf of an
3 establishing financial institution and collected from the user financial
4 institution and paid to the establishing financial institution for the
5 use of the automatic teller machine. An automatic teller machine usage
6 fee shall not include switch fees;

7 (e) Electronic funds transfer means any transfer of funds, other
8 than a transaction originated by check, draft, or similar paper
9 instrument, that is initiated through a point-of-sale terminal, an
10 automatic teller machine, or a personal terminal for the purpose of
11 ordering, instructing, or authorizing a financial institution to debit or
12 credit an account;

13 (f) Essentially the same service means the same Nebraska automatic
14 teller machine transaction offered by an establishing financial
15 institution irrespective of the user financial institution, the Nebraska
16 customer of which initiates the Nebraska automatic teller machine
17 transaction. A Nebraska automatic teller machine transaction that is
18 subject to a surcharge is not essentially the same service as the same
19 banking transaction for which a surcharge is not imposed;

20 (g) Establishing financial institution means any financial
21 institution which has a main chartered office or approved branch located
22 in the State of Nebraska that establishes or sponsors an automatic teller
23 machine or any out-of-state financial institution that establishes or
24 sponsors an automatic teller machine;

25 (h) Financial institution means a bank, savings bank, building and
26 loan association, savings and loan association, or credit union, whether
27 chartered by the department, the United States, or a foreign state
28 agency; any other similar organization which is covered by federal
29 deposit insurance; or a subsidiary of any such entity;

30 (i) Foreign financial institution means a financial institution
31 located outside the United States;

1 (j) Nebraska automatic teller machine transaction means a banking
2 transaction as defined in subsection (1) of this section which is (i)
3 initiated at an automatic teller machine established in whole or in part
4 or sponsored by an establishing financial institution, (ii) for an
5 account of a Nebraska customer of a user financial institution, and (iii)
6 processed through a switch regardless of whether it is routed directly or
7 indirectly from an automatic teller machine;

8 (k) Personal terminal means a personal computer and telephone,
9 wherever located, operated by a customer of a financial institution for
10 the purpose of initiating a transaction affecting an account of the
11 customer;

12 (l) Sponsoring an automatic teller machine means the acceptance of
13 responsibility by an establishing financial institution for compliance
14 with all provisions of law governing automatic teller machines and
15 Nebraska automatic teller machine transactions in connection with an
16 automatic teller machine owned by a nonfinancial institution third party;

17 (m) Switch fee means a fee established by a switch and assessed to a
18 user financial institution or to an establishing financial institution
19 other than an automatic teller machine usage fee; and

20 (n) User financial institution means any financial institution which
21 has a main chartered office or approved branch located in the State of
22 Nebraska which avails itself of and provides its customers with automatic
23 teller machine services.

24 Sec. 16. Section 8-183.04, Revised Statutes Supplement, 2021, is
25 amended to read:

26 8-183.04 (1) Notwithstanding any other provision of the Nebraska
27 Banking Act or any other Nebraska law, a state or federal savings
28 association which was formed and in operation as a mutual savings
29 association as of July 15, 1998, may elect to retain its mutual form of
30 corporate organization upon conversion to a state bank.

31 (2) All references to shareholders or stockholders for state banks

1 shall be deemed to be references to members for such a converted savings
2 association.

3 (3) The amount and type of capital required for such a converted
4 savings association shall be as required for federal mutual savings
5 associations in 12 C.F.R. 5.21, as such regulation existed on January 1,
6 2022 ~~2021~~, except that if at any time the department determines that the
7 capital of such a converted savings association is impaired, the director
8 may require the members to make up the capital impairment.

9 (4) The director may adopt and promulgate rules and regulations
10 governing such converted mutual savings associations. In adopting and
11 promulgating such rules and regulations, the director may consider the
12 provisions of sections 8-301 to 8-384 governing savings associations in
13 mutual form of corporate organization.

14 Sec. 17. Section 8-1,140, Revised Statutes Supplement, 2021, is
15 amended to read:

16 8-1,140 Notwithstanding any of the other provisions of the Nebraska
17 Banking Act or any other Nebraska statute, any bank incorporated under
18 the laws of this state and organized under the provisions of the act, or
19 under the laws of this state as they existed prior to May 9, 1933, shall
20 directly, or indirectly through a department, a subsidiary, or
21 subsidiaries, have all the rights, powers, privileges, benefits, and
22 immunities which may be exercised as of January 1, 2022 ~~2021~~, by a
23 federally chartered bank doing business in Nebraska, including the
24 exercise of all powers and activities that are permitted for a financial
25 subsidiary of a federally chartered bank. Such rights, powers,
26 privileges, benefits, and immunities shall not relieve such bank from
27 payment of state taxes assessed under any applicable laws of this state.

28 Sec. 18. Section 8-318, Revised Statutes Supplement, 2021, is
29 amended to read:

30 8-318 (1)(a) Shares of stock in any association, or in any federal
31 savings and loan association incorporated under the provisions of the

1 federal Home Owners' Loan Act, with its principal office and place of
2 business in this state, may be subscribed for, held, transferred,
3 surrendered, withdrawn, and forfeited and payments thereon received and
4 receipted for by any person, regardless of age, in the same manner and
5 with the same binding effect as though such person were of the age of
6 majority, except that a minor or his or her estate shall not be bound on
7 his or her subscription to stock except to the extent of payments
8 actually made thereon.

9 (b) Whenever a share account is accepted by any building and loan
10 association in the name of any person, regardless of age, the deposit may
11 be withdrawn by the shareholder by any of the following methods:

12 (i) Check or other instrument in writing. The check or other
13 instrument in writing constitutes a receipt or acquittance if the check
14 or other instrument in writing is signed by the shareholder and
15 constitutes a valid release in discharge to the building and loan
16 association for all payments so made; or

17 (ii) Electronic means through:

18 (A) Preauthorized direct withdrawal;

19 (B) An automatic teller machine;

20 (C) A debit card;

21 (D) A transfer by telephone;

22 (E) A network, including the Internet; or

23 (F) Any electronic terminal, computer, magnetic tape, or other
24 electronic means.

25 (c) This section shall not be construed to affect the rights,
26 liabilities, or responsibilities of participants in an electronic fund
27 transfer under the federal Electronic Fund Transfer Act, 15 U.S.C. 1693
28 et seq., as it existed on January 1, ~~2021~~ 2022, and shall not affect the
29 legal relationships between a minor and any person other than the
30 building and loan association.

31 (2) All trustees, guardians, personal representatives,

1 administrators, and conservators appointed by the courts of this state
2 may invest and reinvest in, acquire, make withdrawals in whole or in
3 part, hold, transfer, or make new or additional investments in or
4 transfers of shares of stock in any (a) building and loan association
5 organized under the laws of the State of Nebraska or (b) federal savings
6 and loan association incorporated under the provisions of the federal
7 Home Owners' Loan Act, having its principal office and place of business
8 in this state, without an order of approval from any court.

9 (3) Trustees created solely by the terms of a trust instrument may
10 invest in, acquire, hold, and transfer such shares, and make withdrawals,
11 in whole or in part, therefrom, without any order of court, unless
12 expressly limited, restricted, or prohibited therefrom by the terms of
13 such trust instrument.

14 (4) All building and loan associations referred to in this section
15 are qualified to act as trustee or custodian within the provisions of the
16 federal Self-Employed Individuals Tax Retirement Act of 1962, as amended,
17 or under the terms and provisions of section 408(a) of the Internal
18 Revenue Code, if the provisions of such retirement plan require the funds
19 of such trust or custodianship to be invested exclusively in shares or
20 accounts in the association or in other associations. If any such
21 retirement plan, within the judgment of the association, constitutes a
22 qualified plan under the federal Self-Employed Individuals Tax Retirement
23 Act of 1962, or under the terms and provisions of section 408(a) of the
24 Internal Revenue Code, and the regulations promulgated thereunder at the
25 time the trust was established and accepted by the association, is
26 subsequently determined not to be such a qualified plan or subsequently
27 ceases to be such a qualified plan, in whole or in part, the association
28 may continue to act as trustee of any deposits theretofore made under
29 such plan and to dispose of the same in accordance with the directions of
30 the member and beneficiaries thereof. No association, in respect to
31 savings made under this section, shall be required to segregate such

1 savings from other assets of the association. The association shall keep
2 appropriate records showing in proper detail all transactions engaged in
3 under the authority of this section.

4 Sec. 19. Section 8-355, Revised Statutes Supplement, 2021, is
5 amended to read:

6 8-355 Notwithstanding any of the provisions of Chapter 8, article 3,
7 or any other Nebraska statute, except as provided in section 8-345.02,
8 any association incorporated under the laws of the State of Nebraska and
9 organized under the provisions of such article shall have all the rights,
10 powers, privileges, benefits, and immunities which may be exercised as of
11 January 1, ~~2021~~ 2022, by a federal savings and loan association doing
12 business in Nebraska. Such rights, powers, privileges, benefits, and
13 immunities shall not relieve such association from payment of state taxes
14 assessed under any applicable laws of this state.

15 Sec. 20. Section 8-1101, Revised Statutes Supplement, 2021, is
16 amended to read:

17 8-1101 For purposes of the Securities Act of Nebraska, unless the
18 context otherwise requires:

19 (1) Agent means any individual other than a broker-dealer who
20 represents a broker-dealer or issuer in effecting or attempting to effect
21 sales of securities, but agent does not include an individual who
22 represents (a) an issuer in (i) effecting a transaction in a security
23 exempted by subdivision (6), (7), or (8) of section 8-1110, (ii)
24 effecting certain transactions exempted by section 8-1111, (iii)
25 effecting transactions in a federal covered security as described in
26 section 18(b)(3) of the Securities Act of 1933, or (iv) effecting
27 transactions with existing employees, limited liability company members,
28 partners, or directors of the issuer or any of its subsidiaries if no
29 commission or other remuneration is paid or given directly or indirectly
30 for soliciting any person in this state or (b) a broker-dealer in
31 effecting transactions described in section 15(h)(2) of the Securities

1 Exchange Act of 1934. A partner, limited liability company member,
2 officer, or director of a broker-dealer is an agent only if he or she
3 otherwise comes within this definition;

4 (2) Broker-dealer means any person engaged in the business of
5 effecting transactions in securities for the account of others or for his
6 or her own account. Broker-dealer does not include (a) an issuer-dealer,
7 agent, bank, savings institution, or trust company, (b) an issuer
8 effecting a transaction in its own security exempted by subdivision (5)
9 (a), (b), (c), (d), (e), or (f) of section 8-1110 or which qualifies as a
10 federal covered security pursuant to section 18(b)(1) of the Securities
11 Act of 1933, (c) a person who has no place of business in this state if
12 he or she effects transactions in this state exclusively with or through
13 the issuers of the securities involved in the transactions, other broker-
14 dealers, or banks, savings institutions, credit unions, trust companies,
15 insurance companies, investment companies as defined in the Investment
16 Company Act of 1940, pension or profit-sharing trusts, or other financial
17 institutions or institutional buyers, whether acting for themselves or as
18 trustees, (d) a person who has no place of business in this state if
19 during any period of twelve consecutive months he or she does not direct
20 more than five offers to sell or to buy into this state in any manner to
21 persons other than those specified in subdivision (2)(c) of this section,
22 or (e) a person who is a resident of Canada and who has no office or
23 other physical presence in Nebraska if the following conditions are
24 satisfied: (i) The person must be registered with, or be a member of, a
25 securities self-regulatory organization in Canada or a stock exchange in
26 Canada; (ii) the person must maintain, in good standing, its provisional
27 or territorial registration or membership in a securities self-regulatory
28 organization in Canada, or stock exchange in Canada; (iii) the person
29 effects, or attempts to effect, (A) a transaction with or for a Canadian
30 client who is temporarily present in this state and with whom the
31 Canadian broker-dealer had a bona fide customer relationship before the

1 client entered this state or (B) a transaction with or for a Canadian
2 client in a self-directed tax advantaged retirement plan in Canada of
3 which that client is the holder or contributor; and (iv) the person
4 complies with all provisions of the Securities Act of Nebraska relating
5 to the disclosure of material information in connection with the
6 transaction;

7 (3) Department means the Department of Banking and Finance. Director
8 means the Director of Banking and Finance of the State of Nebraska except
9 as further provided in section 8-1120;

10 (4) Federal covered adviser means a person who is registered under
11 section 203 of the Investment Advisers Act of 1940;

12 (5) Federal covered security means any security described as a
13 covered security under section 18(b) of the Securities Act of 1933 or
14 rules and regulations under the act;

15 (6) Guaranteed means guaranteed as to payment of principal,
16 interest, or dividends;

17 (7) Investment adviser means any person who for compensation engages
18 in the business of advising others, either directly or through
19 publications or writings, as to the value of securities or as to the
20 advisability of investing in, purchasing, or selling securities or who
21 for compensation and as a part of a regular business issues or
22 promulgates analyses or reports concerning securities. Investment adviser
23 also includes financial planners and other persons who, as an integral
24 component of other financially related services, provide the foregoing
25 investment advisory services to others for compensation and as part of a
26 business or who hold themselves out as providing the foregoing investment
27 advisory services to others for compensation. Investment adviser does not
28 include (a) an investment adviser representative, (b) a bank, savings
29 institution, or trust company, (c) a lawyer, accountant, engineer, or
30 teacher whose performance of these services is solely incidental to the
31 practice of his or her profession, (d) a broker-dealer or its agent whose

1 performance of these services is solely incidental to its business as a
2 broker-dealer and who receives no special compensation for them, (e) an
3 issuer-dealer, (f) a publisher of any bona fide newspaper, news column,
4 newsletter, news magazine, or business or financial publication or
5 service, whether communicated in hard copy form, by electronic means, or
6 otherwise which does not consist of the rendering of advice on the basis
7 of the specific investment situation of each client, (g) a person who has
8 no place of business in this state if (i) his or her only clients in this
9 state are other investment advisers, federal covered advisers, broker-
10 dealers, banks, savings institutions, credit unions, trust companies,
11 insurance companies, investment companies as defined in the Investment
12 Company Act of 1940, pension or profit-sharing trusts, or other financial
13 institutions or institutional buyers, whether acting for themselves or as
14 trustees, or (ii) during the preceding twelve-month period, he or she has
15 had five or fewer clients who are residents of this state other than
16 those persons specified in subdivision (g)(i) of this subdivision, (h)
17 any person that is a federal covered adviser or is excluded from the
18 definition of investment adviser under section 202 of the Investment
19 Adviser Act of 1940, or (i) such other persons not within the intent of
20 this subdivision as the director may by rule and regulation or order
21 designate;

22 (8) Investment adviser representative means any partner, limited
23 liability company member, officer, or director or any person occupying a
24 similar status or performing similar functions of a partner, limited
25 liability company member, officer, or director or other individual,
26 except clerical or ministerial personnel, who is employed by or
27 associated with an investment adviser that is registered or required to
28 be registered under the Securities Act of Nebraska or who has a place of
29 business located in this state and is employed by or associated with a
30 federal covered adviser, and who (a) makes any recommendations or
31 otherwise renders advice regarding securities, (b) manages accounts or

1 portfolios of clients, (c) determines which recommendation or advice
2 regarding securities should be given, (d) solicits, offers, or negotiates
3 for the sale of or sells investment advisory services, or (e) supervises
4 employees who perform any of the foregoing;

5 (9) Issuer means any person who issues or proposes to issue any
6 security, except that (a) with respect to certificates of deposit,
7 voting-trust certificates, or collateral-trust certificates or with
8 respect to certificates of interest or shares in an unincorporated
9 investment trust not having a board of directors, or persons performing
10 similar functions, or of the fixed, restricted management, or unit type,
11 the term issuer means the person or persons performing the acts and
12 assuming the duties of depositor or manager pursuant to the provisions of
13 the trust or other agreement or instrument under which the security is
14 issued and (b) with respect to a fractional or pooled interest in a
15 viatical settlement contract, issuer means the person who creates, for
16 the purpose of sale, the fractional or pooled interest. In the case of a
17 viatical settlement contract that is not fractionalized or pooled, issuer
18 means the person effecting a transaction with a purchaser of such
19 contract;

20 (10) Issuer-dealer means (a) any issuer located in the State of
21 Nebraska or (b) any issuer which registered its securities by
22 qualification who proposes to sell to the public of the State of Nebraska
23 the securities that it issues without the benefit of another registered
24 broker-dealer. Such securities shall have been approved for sale in the
25 State of Nebraska pursuant to section 8-1104;

26 (11) Nonissuer means not directly or indirectly for the benefit of
27 the issuer;

28 (12) Person means an individual, a corporation, a partnership, a
29 limited liability company, an association, a joint-stock company, a trust
30 in which the interests of the beneficiaries are evidenced by a security,
31 an unincorporated organization, a government, or a political subdivision

1 of a government;

2 (13) Sale or sell includes every contract of sale of, contract to
3 sell, or disposition of a security or interest in a security for value.
4 Offer or offer to sell includes every attempt or offer to dispose of, or
5 solicitation of an offer to buy, a security or interest in a security for
6 value. Any security given or delivered with or as a bonus on account of
7 any purchase of securities or any other thing is considered to constitute
8 part of the subject of the purchase and to have been offered and sold for
9 value. A purported gift of assessable stock shall be considered to
10 involve an offer and sale. Every sale or offer of a warrant or right to
11 purchase or subscribe to another security of the same or another issuer,
12 as well as every sale or offer of a security which gives the holder a
13 present or future right or privilege to convert into another security of
14 the same or another issuer, shall be considered to include an offer of
15 the other security;

16 (14) Securities Act of 1933, Securities Exchange Act of 1934,
17 Investment Advisers Act of 1940, Investment Company Act of 1940,
18 Commodity Exchange Act, and the federal Interstate Land Sales Full
19 Disclosure Act means the acts as they existed on January 1, 2022 ~~2021~~;

20 (15) Security means any note, stock, treasury stock, bond,
21 debenture, units of beneficial interest in a real estate trust, evidence
22 of indebtedness, certificate of interest or participation in any profit-
23 sharing agreement, collateral-trust certificate, preorganization
24 certificate or subscription, transferable share, investment contract,
25 viatical settlement contract or any fractional or pooled interest in such
26 contract, membership interest in any limited liability company organized
27 under Nebraska law or any other jurisdiction unless otherwise excluded
28 from this definition, voting-trust certificate, certificate of deposit
29 for a security, certificate of interest or participation in an oil, gas,
30 or mining title or lease or in payments out of production under such a
31 title or lease, in general any interest or instrument commonly known as a

1 security, or any certificate of interest or participation in, temporary
2 or interim certificate for, guarantee of, or warrant or right to
3 subscribe to or purchase any of the foregoing. Security does not include
4 any insurance or endowment policy or annuity contract issued by an
5 insurance company. Security also does not include a membership interest
6 in a limited liability company when all of the following exist: (a) The
7 member enters into a written commitment to be engaged actively and
8 directly in the management of the limited liability company; and (b) all
9 members of the limited liability company are actively engaged in the
10 management of the limited liability company. For the limited purposes of
11 determining professional malpractice insurance premiums, a security
12 issued through a transaction that is exempted pursuant to subdivision
13 (23) of section 8-1111 shall not be considered a security;

14 (16) State means any state, territory, or possession of the United
15 States as well as the District of Columbia and Puerto Rico; and

16 (17) Viatical settlement contract means an agreement for the
17 purchase, sale, assignment, transfer, devise, or bequest of all or any
18 portion of the death benefit or ownership of a life insurance policy or
19 contract for consideration which is less than the expected death benefit
20 of the life insurance policy or contract. Viatical settlement contract
21 does not include (a) the assignment, transfer, sale, devise, or bequest
22 of a death benefit of a life insurance policy or contract made by the
23 viator to an insurance company or to a viatical settlement provider or
24 broker licensed pursuant to the Viatical Settlements Act, (b) the
25 assignment of a life insurance policy or contract to a bank, savings
26 bank, savings and loan association, credit union, or other licensed
27 lending institution as collateral for a loan, or (c) the exercise of
28 accelerated benefits pursuant to the terms of a life insurance policy or
29 contract and consistent with applicable law.

30 Sec. 21. Section 8-1101.01, Revised Statutes Supplement, 2021, is
31 amended to read:

1 8-1101.01 For purposes of the Securities Act of Nebraska:

2 (1) Federal rules and regulations adopted under the Investment
3 Advisors Act of 1940 or the Securities Act of 1933 means such rules and
4 regulations as they existed on January 1, 2022 ~~2021~~; and

5 (2) Fair practice or ethical rules or standards promulgated by the
6 Securities and Exchange Commission, the Financial Industry Regulatory
7 Authority, or a self-regulatory organization approved by the Securities
8 and Exchange Commission means such practice, rules, or standards as they
9 existed on January 1, 2022 ~~2021~~.

10 Sec. 22. Section 8-1502, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 8-1502 (1) Except as provided in subsection (2) of this section, no
13 person acting personally or as agent shall acquire control of any state-
14 chartered bank or trust company without first giving sixty days' notice
15 to the Department of Banking and Finance on forms provided by the
16 department of such proposed acquisition.

17 The Director of Banking and Finance, upon receipt of such notice,
18 shall act upon it within thirty days, and, unless he or she disapproves
19 the proposed acquisition within that period of time, it may become
20 effective on the sixty-first day after receipt without his or her
21 approval, except that the director may extend the thirty-day period an
22 additional thirty days if in his or her judgment any material information
23 submitted is substantially inaccurate or the acquiring party has not
24 furnished all the information required by sections 8-1501 to 8-1505 or by
25 the director.

26 An acquisition may be made prior to the expiration of the
27 disapproval period if the director issues written notice of his or her
28 intent not to disapprove the action.

29 Within three days after his or her decision to disapprove any
30 proposed acquisition, the director shall notify the acquiring party in
31 writing of the disapproval. The notice shall provide a statement of the

1 basis for the disapproval.

2 (2) The notice requirements of subsection (1) of this section shall
3 not apply when:

4 (a) Shares of a state-chartered bank or trust company are acquired
5 by a person in the regular course of securing or collecting a debt
6 previously contracted in good faith or through inheritance or a bona fide
7 gift if notice of such acquisition is given to the department, on forms
8 provided by the department, within thirty ~~ten~~ days after the acquisition;

9 (b) Shares of a state-chartered bank or trust company are
10 transferred from an individual or individuals to a trust formed by the
11 individual or individuals for estate-planning purposes if (i) there is no
12 change in the proportion of shares held by the trust for such individual
13 or individuals compared to the ownership of such individual or
14 individuals prior to the formation of the trust, (ii) the individual or
15 individuals control the trust, and (iii) notice of the proposed transfer
16 is given to the department, on forms provided by the department, at least
17 thirty days prior to the proposed transfer and the department does not
18 disapprove the transfer for the reason that the transfer is an attempt to
19 subvert the requirements of sections 8-1501 to 8-1505; or

20 (c) The director, the Governor, and the Secretary of State jointly
21 determine that an emergency exists which requires expeditious action or
22 that the department must act immediately to prevent probable failure of
23 the institution to be acquired.

24 Sec. 23. Section 8-1704, Revised Statutes Supplement, 2021, is
25 amended to read:

26 8-1704 CFTC rule shall mean any rule, regulation, or order of the
27 Commodity Futures Trading Commission in effect on January 1, 2022 ~~2021~~.

28 Sec. 24. Section 8-1707, Revised Statutes Supplement, 2021, is
29 amended to read:

30 8-1707 Commodity Exchange Act shall mean the act of Congress known
31 as the Commodity Exchange Act, 7 U.S.C. 1, as amended on January 1, 2022

1 2021.

2 Sec. 25. Section 8-2724, Revised Statutes Supplement, 2021, is
3 amended to read:

4 8-2724 (1) The requirement for a license under the Nebraska Money
5 Transmitters Act does not apply to:

6 (a) The United States or any department, agency, or instrumentality
7 thereof;

8 (b) Any post office of the United States Postal Service;

9 (c) A state or any political subdivision thereof;

10 (d)(i) Banks, credit unions, digital asset depository institutions
11 as defined in section 8-3003, building and loan associations, savings and
12 loan associations, savings banks, or mutual banks organized under the
13 laws of any state or the United States;

14 (ii) Subsidiaries of the institutions listed in subdivision (d)(i)
15 of this subsection;

16 (iii) Bank holding companies which have a banking subsidiary located
17 in Nebraska and whose debt securities have an investment grade rating by
18 a national rating agency; or

19 (iv) Authorized delegates of the institutions and entities listed in
20 subdivision (d)(i), (ii), or (iii) of this subsection, except that
21 authorized delegates that are not banks, credit unions, building and loan
22 associations, savings and loan associations, savings banks, mutual banks,
23 subsidiaries of any of the foregoing, or bank holding companies shall
24 comply with all requirements imposed upon authorized delegates under the
25 act;

26 (e) The provision of electronic transfer of government benefits for
27 any federal, state, or county governmental agency, as defined in Consumer
28 Financial Protection Bureau Regulation E, 12 C.F.R. part 1005, as such
29 regulation existed on January 1, 2022 ~~2013~~, by a contractor for and on
30 behalf of the United States or any department, agency, or instrumentality
31 thereof or any state or any political subdivision thereof;

1 (f) An operator of a payment system only to the extent that the
2 payment system provides processing, clearing, or settlement services
3 between or among persons who are all exempt under this section in
4 connection with wire transfers, credit card transactions, debit card
5 transactions, automated clearinghouse transfers, or similar fund
6 transfers; or

7 (g) A person, firm, corporation, or association licensed in this
8 state and acting within this state within the scope of a license:

9 (i) As a collection agency pursuant to the Collection Agency Act;

10 (ii) As a credit services organization pursuant to the Credit
11 Services Organization Act; or

12 (iii) To engage in the debt management business pursuant to sections
13 69-1201 to 69-1217.

14 (2) An authorized delegate of a licensee or of an exempt entity,
15 acting within the scope of its authority conferred by a written contract
16 as described in section 8-2739, is not required to obtain a license under
17 the Nebraska Money Transmitters Act, except that such an authorized
18 delegate shall comply with the other provisions of the act which apply to
19 money transmission transactions.

20 Sec. 26. Section 8-2903, Revised Statutes Supplement, 2021, is
21 amended to read:

22 8-2903 (1) When a financial institution, or an employee of a
23 financial institution, reasonably believes, or has received information
24 from the department or a law enforcement agency demonstrating that it is
25 reasonable to believe, that financial exploitation of a vulnerable adult
26 or senior adult may have occurred, may have been attempted, is occurring,
27 or is being attempted, the financial institution may, but is not required
28 to:

29 (a) Delay or refuse a transaction with or involving the vulnerable
30 adult or senior adult;

31 (b) Delay or refuse to permit the withdrawal or disbursement of

1 funds contained in the vulnerable adult's or senior adult's account;

2 (c) Prevent a change in ownership of the vulnerable adult's or
3 senior adult's account;

4 (d) Prevent a transfer of funds from the vulnerable adult's or
5 senior adult's account to an account owned wholly or partially by another
6 person;

7 (e) Refuse to comply with instructions given to the financial
8 institution by an agent or a person acting for or with an agent under a
9 power of attorney signed or purported to have been signed by the
10 vulnerable adult or senior adult; or

11 (f) Prevent the designation or change the designation of
12 beneficiaries to receive any property, benefit, or contract rights for a
13 vulnerable adult or senior adult at death.

14 (2) A financial institution is not required to act under subsection
15 (1) of this section when provided with information alleging that
16 financial exploitation may have occurred, may have been attempted, is
17 occurring, or is being attempted, but may use the financial institution's
18 discretion to determine whether or not to act under subsection (1) of
19 this section based on the information available to the financial
20 institution at the time.

21 (3)(a)(i) A financial institution may notify any third party
22 reasonably associated with a vulnerable adult or senior adult if the
23 financial institution reasonably believes that the financial exploitation
24 of a vulnerable adult or senior adult may have occurred, may have been
25 attempted, is occurring, or is being attempted.

26 (ii) A third party reasonably associated with a vulnerable adult or
27 senior adult includes, but is not limited to, the following: (A) A
28 parent, spouse, adult child, sibling, or other known family member or
29 close associate of a vulnerable adult or senior adult; (B) an authorized
30 contact provided by a vulnerable adult or senior adult to the financial
31 institution; (C) a co-owner, additional authorized signatory, or

1 beneficiary on a vulnerable adult's or a senior adult's account; (D) an
2 attorney in fact, trustee, conservator, guardian, or other fiduciary who
3 has been selected by a vulnerable adult or senior adult, a court, or a
4 third party to manage some or all of the financial affairs of the
5 vulnerable adult or senior adult; and (E) an attorney known to represent
6 or have represented the vulnerable adult or senior adult.

7 (b) A financial institution may choose not to notify any third party
8 reasonably associated with a vulnerable adult or senior adult of
9 suspected financial exploitation of the vulnerable adult or senior adult
10 if the financial institution reasonably believes the third party is, may
11 be, or may have been engaged in the financial exploitation of the
12 vulnerable adult or senior adult or if requested to refrain from making a
13 notification by a law enforcement agency, if such notification could
14 interfere with a law enforcement investigation.

15 (c) Nothing in this subsection shall prevent a financial institution
16 from notifying the department or a law enforcement agency, if the
17 financial institution reasonably believes that the financial exploitation
18 of a vulnerable adult or senior adult may have occurred, may have been
19 attempted, is occurring, or is being attempted.

20 (4) The authority granted the financial institution under subsection
21 (1) of this section expires upon the sooner of: (a) Thirty business days
22 after the date on which the financial institution first acted under
23 subsection (1) of this section; (b) when the financial institution is
24 satisfied that the transaction or act will not result in financial
25 exploitation of the vulnerable adult or senior adult; or (c) upon
26 termination by an order of a court of competent jurisdiction.

27 (5) Unless otherwise directed by order of a court of competent
28 jurisdiction, a financial institution may extend the duration under
29 subsection (4) of this section based on a reasonable belief that the
30 financial exploitation of a vulnerable adult or senior adult may continue
31 to occur or continue to be attempted.

1 (6) A financial institution and its bank holding company, if any,
2 and any employees, agents, officers, and directors of the financial
3 institution and its bank holding company, if any, shall be immune from
4 any civil, criminal, or administrative liability that may otherwise exist
5 (a) for delaying or refusing to execute a transaction, withdrawal, or
6 disbursement, or for not delaying or refusing to execute such
7 transaction, withdrawal, or disbursement under this section and (b) for
8 actions taken in furtherance of determinations made under subsections (1)
9 through (5) of this section.

10 (7)(a) Notwithstanding any other law to the contrary, the refusal by
11 a financial institution to engage in a transaction as authorized under
12 subsection (1) of this section shall not constitute the wrongful dishonor
13 of an item under section 4-402, Uniform Commercial Code.

14 (b) Notwithstanding any other law to the contrary, a reasonable
15 belief that payment of a check will facilitate the financial exploitation
16 of a vulnerable adult or senior adult shall constitute reasonable grounds
17 to doubt the collectability of the item for purposes of the federal Check
18 Clearing for the 21st Century Act, 12 U.S.C. 5001 et seq., the federal
19 Expedited Funds Availability Act, 12 U.S.C. 4001 et seq., and 12 C.F.R.
20 part 229, as such acts and part existed on January 1, 2022 ~~2021~~.

21 Sec. 27. Section 8-3005, Revised Statutes Supplement, 2021, is
22 amended to read:

23 8-3005 (1)(a) A digital asset depository may:

24 (i) Make contracts as a corporation under Nebraska law;

25 (ii) Sue and be sued;

26 (iii) Receive notes as permitted by federal law;

27 (iv) Carry on a nonlending digital asset banking business for
28 customers, consistent with subdivision (2)(b) of this section;

29 (v) Provide payment services upon the request of a customer; and

30 (vi) Make an application to become a member bank of the federal
31 reserve system.

1 (b) A digital asset depository shall maintain its main office and
2 the primary office of its chief executive officer in Nebraska.

3 (c) As otherwise authorized by this section, a digital asset
4 depository may conduct business with customers outside this state.

5 (2)(a) A digital asset depository institution, consistent with the
6 Nebraska Financial Innovation Act, shall be organized as a corporation
7 under the Nebraska Model Business Corporation Act to exercise the powers
8 set forth in subsection (1) of this section.

9 (b) A digital asset depository institution shall not accept demand
10 deposits of United States currency or United States currency that may be
11 accessed or withdrawn by check or similar means for payment to third
12 parties and except as otherwise provided in this subsection, a digital
13 asset depository institution shall not make any consumer loans for
14 personal, property or household purposes, mortgage loans, or commercial
15 loans of any fiat currency including, but not limited to, United States
16 currency, including the provision of temporary credit relating to
17 overdrafts. Notwithstanding this prohibition against fiat currency
18 lending by a digital asset depository institution, a digital asset
19 depository institution may facilitate the provision of digital asset
20 business services resulting from the interaction of customers with
21 centralized finance or decentralized finance platforms including, but not
22 limited to, controllable electronic record exchange, staking,
23 controllable electronic record lending, and controllable electronic
24 record borrowing. A digital asset depository institution may purchase
25 debt obligations specified by subdivision (2)(c) of section 8-3009.

26 (c) Subject to the laws of the host state, a digital asset
27 depository institution may open a branch in another state in the manner
28 set forth in section 8-157 or 8-2303. A digital asset depository
29 institution, including any branch of the digital asset depository
30 institution, may only accept digital asset deposits or provide other
31 digital asset business services under the Nebraska Financial Innovation

1 Act to individual customers or a customer that is a legal entity other
2 than a natural person engaged in a bona fide business which is lawful
3 under the laws of Nebraska, the laws of the host state if the entity is
4 headquartered in another state, and federal law.

5 (3) The deposit limitations of subdivision (2)(a)(ii) of section
6 8-157 shall not apply to a digital asset depository.

7 (4) Any United States currency coming into an account established by
8 a customer of a digital asset depository institution shall be held in a
9 financial institution, the deposits of which are insured by the Federal
10 Deposit Insurance Corporation, which maintained a main-chartered office
11 in this state, any branch thereof in this state, or any branch of the
12 financial institution which maintained the main-chartered office in this
13 state prior to becoming a branch of such financial institution.

14 (5) A digital asset depository institution shall establish and
15 maintain programs for compliance with the federal Bank Secrecy Act, in
16 accordance with 12 C.F.R. 208.63, as the act and rule existed on January
17 1, 2022 ~~2021~~.

18 (6) A digital asset depository shall help meet the digital financial
19 needs of the communities in which it operates, consistent with safe and
20 sound operations, and shall maintain and update a public file and on any
21 Internet website it maintains containing specific information about its
22 efforts to meet community needs, including:

23 (a) The collection and reporting of data;

24 (b) Its policies and procedures for accepting and responding to
25 consumer complaints; and

26 (c) Its efforts to assist with financial literacy or personal
27 finance programs to increase knowledge and skills of Nebraska students in
28 areas such as budgeting, credit, checking and savings accounts, loans,
29 stocks, and insurance.

30 Sec. 28. Section 8-3007, Revised Statutes Supplement, 2021, is
31 amended to read:

1 8-3007 (1) No customer shall open or maintain an account with a
2 digital asset depository or otherwise receive any services from the
3 digital asset depository unless the customer meets the criteria of this
4 subsection. A customer shall:

5 (a) Make sufficient evidence available to the digital asset
6 depository to enable compliance with anti-money laundering, customer
7 identification, and beneficial ownership requirements, as determined by
8 the federal Bank Secrecy Act guidance and the policies and practices of
9 the institution; and

10 (b) If the customer is a legal entity other than a natural person:

11 (i) Be in good standing with the jurisdiction in the United States
12 in which it is incorporated or organized; and

13 (ii) Be engaged in a business that is lawful and bona fide in
14 Nebraska, in the host state, if applicable, and under federal law
15 consistent with subsection (3) of this section.

16 (2) A customer which meets the criteria of subsection (1) of this
17 section may be issued a digital asset depository account and otherwise
18 receive services from the digital asset depository, contingent on the
19 availability of sufficient insurance under subsection (5) of section
20 8-3023.

21 (3) Consistent with subdivisions (1)(a)(iv) and (v) of section
22 8-3005, and in addition to any requirements specified by federal law, a
23 digital asset depository shall require that any potential customer that
24 is a legal entity other than a natural person provide reasonable evidence
25 that the entity is engaged in a business that is lawful and bona fide in
26 Nebraska, in the host state, and under federal law or is likely to open a
27 lawful, bona fide business within a federal Bank Secrecy Act compliant
28 time frame, as the act existed on January 1, 2022 ~~2021~~. For purposes of
29 this subsection, reasonable evidence includes business entity filings,
30 articles of incorporation or organization, bylaws, operating agreements,
31 business plans, promotional materials, financing agreements, or other

1 evidence.

2 Sec. 29. Section 8-3009, Revised Statutes Supplement, 2021, is
3 amended to read:

4 8-3009 (1) At all times, a digital asset depository shall maintain
5 unencumbered liquid assets denominated in United States dollars valued at
6 not less than one hundred percent of the value of any outstanding
7 stablecoin issued by the digital asset depository ~~digital assets in~~
8 ~~custody.~~

9 (2) For purposes of this section, liquid assets means:

10 (a) United States currency held on the premises of the digital asset
11 depository that is not a digital asset depository institution;

12 (b) United States currency held for the digital asset depository by
13 a federal reserve bank or a Federal Deposit Insurance Corporation-insured
14 financial institution which has a main-chartered office in this state,
15 any branch thereof in this state, or any branch of the financial
16 institution which maintained a main-chartered office in this state prior
17 to becoming a branch of such financial institution; or

18 (c) Investments which are highly liquid and obligations of the
19 United States Treasury or other federal agency obligations, consistent
20 with rules and regulations or order adopted by the director.

21 Sec. 30. Section 8-3024, Revised Statutes Supplement, 2021, is
22 amended to read:

23 8-3024 A digital asset depository is authorized to carry on one or
24 more of the following digital asset business activities:

25 (1) Provide digital asset and cryptocurrency custody services. Such
26 custody services shall not be provided for a digital asset or
27 cryptocurrency unless the digital asset or cryptocurrency was: ÷

28 (a) Initially offered for public trade more than six months prior to
29 the date of the custody services; or

30 (b) Created or issued by any bank, savings bank, savings and loan
31 association, or building and loan association organized under the laws of

1 this state or organized under the laws of the United States to do
2 business in this state;

3 (2) Issue stablecoins and hold deposits at a Federal Deposit
4 Insurance Corporation-insured financial institution which has a main-
5 chartered office in this state, any branch thereof in this state, or any
6 branch of the financial institution which maintained a main-chartered
7 office in this state prior to becoming a branch of such financial
8 institution that serves as reserves for stablecoins; and

9 (3) Use independent node verification networks and stablecoins for
10 payment activities.

11 Sec. 31. Section 21-17,115, Revised Statutes Supplement, 2021, is
12 amended to read:

13 21-17,115 Notwithstanding any of the other provisions of the Credit
14 Union Act or any other Nebraska statute, any credit union incorporated
15 under the laws of the State of Nebraska and organized under the
16 provisions of the act shall have all the rights, powers, privileges,
17 benefits, and immunities which may be exercised as of January 1, 2022
18 ~~2021~~, by a federal credit union doing business in Nebraska on the
19 condition that such rights, powers, privileges, benefits, and immunities
20 shall not relieve such credit union from payment of state taxes assessed
21 under any applicable laws of this state.

22 Sec. 32. Section 30-3850, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 30-3850 (UTC 505) (a) Whether or not the terms of a trust contain a
25 spendthrift provision, the following rules apply:

26 (1) During the lifetime of the settlor, the property of a revocable
27 trust is subject to claims of the settlor's creditors.

28 (2) With respect to an irrevocable trust:

29 (A) A ~~r~~-a creditor or assignee of the settlor may reach the maximum
30 amount that can be distributed to or for the settlor's benefit. If a
31 trust has more than one settlor, the amount the creditor or assignee of a

1 particular settlor may reach may not exceed the settlor's interest in the
2 portion of the trust attributable to that settlor's contribution.

3 (B) A trustee's discretionary authority to pay directly to the
4 taxing authorities or to reimburse the settlor for any tax on trust
5 income or principal, that is payable by the settlor under the law
6 imposing the tax, shall not be considered to be an amount that can be
7 distributed to or for the settlor's benefit, and a creditor or assignee
8 of the settlor shall not be entitled to reach any amount solely by reason
9 of this discretionary authority.

10 (C) Anything in the Nebraska Uniform Trust Code to the contrary
11 notwithstanding, the settlor shall not be considered to be a beneficiary
12 of an irrevocable trust solely by reason of the trustee's authority to
13 pay directly to the taxing authorities or to reimburse the settlor for
14 any tax on trust income or principal that is payable by the settlor under
15 the law imposing the tax, whether such authority arises pursuant to
16 subsection (b) of section 30-3881 or the terms of the trust.

17 (3) After the death of a settlor, and subject to the settlor's right
18 to direct the source from which liabilities will be paid, the property of
19 a trust that was revocable at the settlor's death is subject to claims of
20 the settlor's creditors, costs of administration of the settlor's estate,
21 the expenses of the settlor's funeral and disposal of remains, and
22 statutory allowances to a surviving spouse and children to the extent the
23 settlor's probate estate is inadequate to satisfy those claims, costs,
24 expenses, and allowances. A proceeding to assert the liability for claims
25 against the estate and statutory allowances may not be commenced unless
26 the personal representative has received a written demand by the
27 surviving spouse, a creditor, a child, or a person acting for a child of
28 the decedent. The proceeding must be commenced within one year after the
29 death of the decedent. Sums recovered by the personal representative of
30 the settlor's estate must be administered as part of the decedent's
31 estate. The liability created by this subdivision shall not apply to any

1 assets to the extent that such assets are otherwise exempt under the laws
2 of this state or under federal law.

3 (4) A beneficiary of a trust subject to subdivision (a)(3) of this
4 section who receives one or more distributions from the trust after the
5 death of the settlor against whom a proceeding to account is brought may
6 join as a party to the proceeding any other beneficiary who has received
7 a distribution from that trust or any other trust subject to subdivision
8 (a)(3) of this section, any surviving owner or beneficiary under sections
9 30-2734 to 30-2745 of any other security or securities account of the
10 decedent or proceeds thereof, or a surviving party or beneficiary of any
11 account under sections 30-2716 to 30-2733.

12 (5) Unless a written notice asserting that a decedent's probate
13 estate is insufficient to pay allowed claims and statutory allowances has
14 been received from the decedent's personal representative before the
15 distribution, a trustee is released from liability under this section on
16 any assets distributed to the trust's beneficiaries.

17 (b) For purposes of this section:

18 (1) during the period the power may be exercised, the holder of a
19 power of withdrawal is treated in the same manner as the settlor of a
20 revocable trust to the extent of the property subject to the power; and

21 (2) upon the lapse, release, or waiver of the power, the holder is
22 treated as the settlor of the trust only to the extent the value of the
23 property affected by the lapse, release, or waiver exceeds the greater of
24 the amount specified in section 2041(b)(2), 2503(b), or 2514(e) of the
25 Internal Revenue Code as defined in section 49-801.01.

26 Sec. 33. Section 30-3881, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 30-3881 (UTC 816) (a) Without limiting the authority conferred by
29 section 30-3880, a trustee may:

30 (1) collect trust property and accept or reject additions to the
31 trust property from a settlor or any other person;

1 (2) acquire or sell property, for cash or on credit, at public or
2 private sale;

3 (3) exchange, partition, or otherwise change the character of trust
4 property;

5 (4) deposit trust money in an account in a regulated financial-
6 service institution;

7 (5) borrow money, including from the trustee, with or without
8 security, and mortgage or pledge trust property for a period within or
9 extending beyond the duration of the trust;

10 (6) with respect to an interest in a proprietorship, partnership,
11 limited liability company, business trust, corporation, or other form of
12 business or enterprise, continue the business or other enterprise and
13 take any action that may be taken by shareholders, members, or property
14 owners, including merging, dissolving, or otherwise changing the form of
15 business organization or contributing additional capital;

16 (7) with respect to stocks or other securities, exercise the rights
17 of an absolute owner, including the right to:

18 (A) vote, or give proxies to vote, with or without power of
19 substitution, or enter into or continue a voting trust agreement;

20 (B) hold a security in the name of a nominee or in other form
21 without disclosure of the trust so that title may pass by delivery;

22 (C) pay calls, assessments, and other sums chargeable or accruing
23 against the securities, and sell or exercise stock subscription or
24 conversion rights; and

25 (D) deposit the securities with a depository or other regulated
26 financial-service institution;

27 (8) with respect to an interest in real property, construct, or make
28 ordinary or extraordinary repairs to, alterations to, or improvements in,
29 buildings or other structures, demolish improvements, raze existing or
30 erect new party walls or buildings, subdivide or develop land, dedicate
31 land to public use or grant public or private easements, and make or

1 vacate plats and adjust boundaries;

2 (9) enter into a lease for any purpose as lessor or lessee,
3 including a lease or other arrangement for exploration and removal of
4 natural resources, with or without the option to purchase or renew, for a
5 period within or extending beyond the duration of the trust;

6 (10) grant an option involving a sale, lease, or other disposition
7 of trust property or acquire an option for the acquisition of property,
8 including an option exercisable beyond the duration of the trust, and
9 exercise an option so acquired;

10 (11) insure the property of the trust against damage or loss and
11 insure the trustee, the trustee's agents, and beneficiaries against
12 liability arising from the administration of the trust;

13 (12) abandon or decline to administer property of no value or of
14 insufficient value to justify its collection or continued administration;

15 (13) with respect to possible liability for violation of
16 environmental law:

17 (A) inspect or investigate property the trustee holds or has been
18 asked to hold, or property owned or operated by an organization in which
19 the trustee holds or has been asked to hold an interest, for the purpose
20 of determining the application of environmental law with respect to the
21 property;

22 (B) take action to prevent, abate, or otherwise remedy any actual or
23 potential violation of any environmental law affecting property held
24 directly or indirectly by the trustee, whether taken before or after the
25 assertion of a claim or the initiation of governmental enforcement;

26 (C) decline to accept property into trust or disclaim any power with
27 respect to property that is or may be burdened with liability for
28 violation of environmental law;

29 (D) compromise claims against the trust which may be asserted for an
30 alleged violation of environmental law; and

31 (E) pay the expense of any inspection, review, abatement, or

1 remedial action to comply with environmental law;

2 (14) pay or contest any claim, settle a claim by or against the
3 trust, and release, in whole or in part, a claim belonging to the trust;

4 (15) pay taxes, assessments, compensation of the trustee and of
5 employees and agents of the trust, and other expenses incurred in the
6 administration of the trust;

7 (16) exercise elections with respect to federal, state, and local
8 taxes;

9 (17) select a mode of payment under any employee benefit or
10 retirement plan, annuity, or life insurance payable to the trustee,
11 exercise rights thereunder, including exercise of the right to
12 indemnification for expenses and against liabilities, and take
13 appropriate action to collect the proceeds;

14 (18) make loans out of trust property, including loans to a
15 beneficiary on terms and conditions the trustee considers to be fair and
16 reasonable under the circumstances, and the trustee has a lien on future
17 distributions for repayment of those loans;

18 (19) pledge trust property to guarantee loans made by others to the
19 beneficiary;

20 (20) appoint a trustee to act in another jurisdiction with respect
21 to trust property located in the other jurisdiction, confer upon the
22 appointed trustee all of the powers and duties of the appointing trustee,
23 require that the appointed trustee furnish security, and remove any
24 trustee so appointed;

25 (21) pay an amount distributable to a beneficiary who is under a
26 legal disability or who the trustee reasonably believes is incapacitated,
27 by paying it directly to the beneficiary or applying it for the
28 beneficiary's benefit, or by:

29 (A) paying it to the beneficiary's conservator or, if the
30 beneficiary does not have a conservator, the beneficiary's guardian;

31 (B) paying it to the beneficiary's custodian under the Nebraska

1 Uniform Transfers to Minors Act or custodial trustee under the Nebraska
2 Uniform Custodial Trust Act, and, for that purpose, creating a
3 custodianship or custodial trust;

4 (C) if the trustee does not know of a conservator, guardian,
5 custodian, or custodial trustee, paying it to an adult relative or other
6 person having legal or physical care or custody of the beneficiary, to be
7 expended on the beneficiary's behalf; or

8 (D) managing it as a separate fund on the beneficiary's behalf,
9 subject to the beneficiary's continuing right to withdraw the
10 distribution;

11 (22) on distribution of trust property or the division or
12 termination of a trust, make distributions in divided or undivided
13 interests, allocate particular assets in proportionate or
14 disproportionate shares, value the trust property for those purposes, and
15 adjust for resulting differences in valuation;

16 (23) resolve a dispute concerning the interpretation of the trust or
17 its administration by mediation, arbitration, or other procedure for
18 alternative dispute resolution;

19 (24) prosecute or defend an action, claim, or judicial proceeding in
20 any jurisdiction to protect trust property and the trustee in the
21 performance of the trustee's duties;

22 (25) sign and deliver contracts and other instruments that are
23 useful to achieve or facilitate the exercise of the trustee's powers; and

24 (26) on termination of the trust, exercise the powers appropriate to
25 wind up the administration of the trust and distribute the trust property
26 to the persons entitled to it.

27 (b) Except as otherwise provided under the terms of the trust, a
28 trustee, other than a trustee who is a related or subordinate party with
29 respect to the settlor within the meaning of section 672(c) of the
30 Internal Revenue Code as defined in section 49-801.01, may, from time to
31 time, in the trustee's absolute discretion, pay directly to the taxing

1 authorities or reimburse the settlor for any tax on trust income or
2 principal that is payable by the settlor for the portion of the settlor's
3 income tax liability attributable to the trust under sections 671 to 678
4 of the Internal Revenue Code as defined in section 49-801.01 or any
5 similar tax law. A trustee shall not exercise or participate in the
6 exercise of discretion pursuant to this subsection in a manner that (1)
7 would cause the inclusion of the trust assets in the settlor's gross
8 taxable estate for federal estate tax purposes at the time of exercise or
9 (2) is inconsistent with the qualification of all or any portion of the
10 trust for the federal gift or estate tax marital deduction, to the extent
11 the trust is intended to qualify for such deduction.

12 (c) ~~(b)~~ The changes made to this section by Laws 2019, LB593, shall
13 apply retroactively to August 30, 2015.

14 Sec. 34. Section 45-736, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 45-736 The unique identifier of any licensee ~~originating a~~
17 ~~residential mortgage loan~~ shall be clearly shown on all residential
18 mortgage loan application forms, solicitations, or advertisements,
19 including business cards or websites, and any other documents as
20 established by rule, regulation, or order of the director.

21 Sec. 35. Section 58-210.02, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 58-210.02 (1) Economic-impact project means:

24 (a) Any ~~any~~ of the following, whether or not in existence, financed
25 in whole or in part through the use of the federal new markets tax credit
26 described in section 45D of the Internal Revenue Code, and located in a
27 low-income community designated pursuant to section 45D of the Internal
28 Revenue Code or designated by the Department of Economic Development:

29 (i) ~~(a)~~ Any land, building, or other improvement, including, but not
30 limited to, infrastructure;

31 (ii) ~~(b)~~ Any real or personal property;

1 ~~(iii) (e) Any equipment; or and~~
2 ~~(iv) (d) Any undivided or other interest in any property described~~
3 ~~in subdivision (1)(a)(i), (1)(a)(ii), or (1)(a)(iii) of this section; or~~
4 ~~(a), (b), or (c) of this subsection.~~

5 (b) Any of the following, whether or not in existence, which
6 constitutes a qualified opportunity zone business located in one or more
7 certified qualified opportunity zones which is financed in whole or in
8 part through one or more investments acquired by one or more qualified
9 opportunity funds as authorized pursuant to the federal Tax Cuts and Jobs
10 Act, Public Law 115-97:

11 (i) Any land, building, or other improvement, including, but not
12 limited to, infrastructure;

13 (ii) Any real or personal property;

14 (iii) Any equipment; or

15 (iv) Any undivided or other interest in any property described in
16 subdivision (1)(b)(i), (1)(b)(ii), or (1)(b)(iii) of this section.

17 (2) Economic-impact project does not include any operating capital.

18 Sec. 36. Section 58-219, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 58-219 Project shall mean one or more of the following:

21 (1)(a) Rental housing;

22 (b) Residential housing; and

23 (c) Residential energy conservation devices;

24 (2) Agriculture or agricultural enterprise;

25 (3) Any land, building, or other improvement, any real or personal
26 property, or any equipment and any undivided or other interest in any of
27 the foregoing, whether or not in existence, suitable or used for or in
28 connection with any of the following revenue-producing enterprises or two
29 or more such enterprises engaged or to be engaged in:

30 (a) In all areas of the state, manufacturing or industrial
31 enterprises, including assembling, fabricating, mixing, processing,

1 warehousing, distributing, or transporting any products of agriculture,
2 forestry, mining, industry, or manufacturing; pollution control
3 facilities; and facilities incident to the development of industrial
4 sites, including land costs and the costs of site improvements such as
5 drainage, water, storm, and sanitary sewers, grading, streets, and other
6 facilities and structures incidental to the use of such sites for
7 manufacturing or industrial enterprises;

8 (b) In all areas of the state, service enterprises if (i) such
9 facilities constitute new construction or rehabilitation, including
10 hotels or motels, sports and recreation facilities available for use by
11 members of the general public either as participants or spectators, and
12 convention or trade show facilities, (ii) such facilities do not or will
13 not derive a significant portion of their gross receipts from retail
14 sales or utilize a significant portion of their total area for retail
15 sales, and (iii) such facilities are owned or to be owned by a nonprofit
16 entity or a public agency;

17 (c) In blighted areas of the state, service and business enterprises
18 if such facilities constitute new construction, acquisition, or
19 rehabilitation, including, but not limited to, those enterprises
20 specified in subdivision (3)(b) of this section, office buildings, and
21 retail businesses if such facilities are owned or to be owned by a
22 nonprofit entity or a public agency; and

23 (d) In all areas of the state, any land, building, or other
24 improvement and all real or personal property, including furniture and
25 equipment, and any undivided or other interest in any such property,
26 whether or not in existence, suitable or used for or in connection with
27 any hospital, nursing home, nonprofit child care facility, or ~~and~~
28 facilities related and subordinate thereto.

29 Nothing in this subdivision shall be construed to include any rental
30 or residential housing, residential energy conservation device, or
31 agriculture or agricultural enterprise;

1 (4) Any land, building, or other improvement, any real or personal
2 property, or any equipment and any undivided or other interest in any of
3 the foregoing, whether or not in existence, used by a nonprofit entity as
4 an office building, but only if (a) the principal long-term occupant or
5 occupants thereof initially employ at least fifty people, (b) the office
6 building will be used by the principal long-term occupant or occupants as
7 a national, regional, or divisional office, (c) the principal long-term
8 occupant or occupants are engaged in a multistate operation, and (d) the
9 authority makes the findings specified in subdivision (1) of section
10 58-251;

11 (5) Wastewater treatment or safe drinking water project which shall
12 include any project or undertaking which involves the construction,
13 development, rehabilitation, and improvement of wastewater treatment
14 facilities or safe drinking water facilities and is financed by a loan
15 from or otherwise provided financial assistance by the Wastewater
16 Treatment Facilities Construction Loan Fund or any comparable state fund
17 providing money for the financing of safe drinking water facilities;

18 (6) Any cost necessary for abatement of an environmental hazard or
19 hazards in school buildings or on school grounds upon a determination by
20 the school that an actual or potential environmental hazard exists in the
21 school buildings or on the school grounds under its control;

22 (7) Any accessibility barrier elimination project costs necessary
23 for accessibility barrier elimination in school buildings or on school
24 grounds upon a determination by the school that an actual or potential
25 accessibility barrier exists in the school buildings or on the school
26 grounds under its control;

27 (8) Solid waste disposal project which shall include land,
28 buildings, equipment, and improvements consisting of all or part of an
29 area or a facility for the disposal of solid waste, including recycling
30 of waste materials, either publicly or privately owned or operated, and
31 any project or program undertaken by a county, city, village, or entity

1 created pursuant to the Interlocal Cooperation Act or the Joint Public
2 Agency Act for closure, monitoring, or remediation of an existing solid
3 waste disposal area or facility and any undivided or other interest in
4 any of the foregoing;

5 (9) Any affordable housing infrastructure which shall include
6 streets, sewers, storm drains, water, broadband, electrical and other
7 utilities, sidewalks, public parks, public playgrounds, public swimming
8 pools, public recreational facilities, and other community facilities,
9 easements, and similar use rights thereof, as well as improvements
10 preparatory to the development of housing units;

11 (10) Any public safety communication project, including land,
12 buildings, equipment, easements, licenses, and leasehold interests, and
13 any undivided or other interest in any of the foregoing, held for or on
14 behalf of any public safety communication system owned or operated by (a)
15 a joint entity providing public safety communications and created
16 pursuant to the Interlocal Cooperation Act or (b) a joint public agency
17 providing public safety communications and created pursuant to the Joint
18 Public Agency Act; and

19 (11) Economic-impact projects.

20 Sec. 37. Section 58-220, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 58-220 Rental housing shall mean a specific work or improvement
23 within this state undertaken primarily to provide rental dwelling
24 accommodations for low-income or moderate-income persons, which work or
25 improvement shall include the acquisition, construction, reconstruction,
26 or rehabilitation of land, buildings, and improvements thereto and such
27 other nonhousing facilities, including commercial facilities, as may be
28 ~~incidental or appurtenant thereto so long as the cost of such nonhousing~~
29 facilities does not exceed twenty percent of the total cost of the rental
30 housing.

31 Sec. 38. Section 58-221, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 58-221 Residential energy conservation device shall mean any prudent
3 means of reducing the demands for conventional fuels or increasing the
4 supply or efficiency of these fuels in residential housing and shall
5 include, but not be limited to:

6 (1) Caulking and weather stripping of doors and windows;

7 (2) Furnace efficiency modifications, including:

8 (a) Replacement burners, furnaces, heat pumps, or boilers or any
9 combination thereof which, as determined by the Director of Environment
10 and Energy, substantially increases the energy efficiency of the heating
11 system;

12 (b) Any device for modifying flue openings which will increase the
13 energy efficiency of the heating system; and

14 (c) Any electrical or mechanical furnace ignition system which
15 replaces a standing gas pilot light;

16 (3) A clock thermostat;

17 (4) Ceiling, attic, wall, and floor insulation;

18 (5) Water heater insulation;

19 (6) Storm windows and doors, multiglazed windows and doors, and
20 heat-absorbed or heat-reflective glazed window and door materials;

21 (7) Any device which controls demand of appliances and aids load
22 management;

23 (8) Any device to utilize solar energy, biomass, geothermal, or wind
24 power for any residential energy conservation purpose including heating
25 of water and space heating or cooling; and

26 (9) Any other conservation device, renewable energy technology, and
27 specific home improvement necessary to insure the effectiveness of the
28 energy conservation measures as the Director of Environment and Energy by
29 rule or regulation identifies.

30 Sec. 39. Section 58-222, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 58-222 Residential housing shall mean a specific work or improvement
2 within this state undertaken primarily to provide owner-occupied single-
3 ~~family~~ dwelling accommodations for low-income and moderate-income
4 persons, which work or improvement shall include the acquisition,
5 construction, reconstruction, or rehabilitation of land, buildings, and
6 improvements thereto, including residential energy conservation devices,
7 and such other nonhousing facilities, including commercial facilities, as
8 may be ~~incidental or appurtenant thereto~~ so long as the cost of such
9 nonhousing facilities does not exceed twenty percent of the total cost of
10 the residential housing , ~~including residential energy conservation~~
11 ~~devices.~~

12 Sec. 40. Section 58-239, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 58-239 The authority is hereby granted all powers necessary or
15 appropriate to carry out and effectuate its public and corporate purposes
16 including:

17 (1) To have perpetual succession as a body politic and corporate and
18 an independent instrumentality exercising essential public functions;

19 (2) To adopt, amend, and repeal bylaws, rules, and regulations not
20 inconsistent with the Nebraska Investment Finance Authority Act, to
21 regulate its affairs, to carry into effect the powers and purposes of the
22 authority, and to conduct its business;

23 (3) To sue and be sued in its own name;

24 (4) To have an official seal and alter it at will;

25 (5) To maintain an office at such place or places within the state
26 as it may designate;

27 (6) To make and execute contracts and all other instruments as
28 necessary or convenient for the performance of its duties and the
29 exercise of its powers and functions under the act;

30 (7) To employ architects, engineers, attorneys, inspectors,
31 accountants, building contractors, financial experts, and such other

1 advisors, consultants, and agents as may be necessary in its judgment and
2 to fix their compensation;

3 (8) To obtain insurance against any loss in connection with its
4 bonds, property, and other assets in such amounts and from such insurers
5 as it deems advisable;

6 (9) To borrow money and issue bonds as provided by the act;

7 (10) To receive and accept from any source aid or contributions of
8 money, property, labor, or other things of value to be held, used, and
9 applied to carry out the purposes of the act subject to the conditions
10 upon which the grants or contributions are made including gifts or grants
11 from any department, agency, or instrumentality of the United States, and
12 to make grants, for any purpose consistent with the act;

13 (11) To enter into agreements with any department, agency, or
14 instrumentality of the United States or this state and with lenders for
15 the purpose of carrying out projects authorized under the act;

16 (12) To enter into contracts or agreements with lenders for the
17 servicing and processing of mortgages or loans pursuant to the act;

18 (13) To provide technical assistance to local public bodies and to
19 for-profit and nonprofit entities in the areas of housing for low-income
20 and moderate-income persons, agricultural enterprises, and community or
21 economic development, to distribute data and information concerning the
22 needs of the state in these areas, and, at the discretion of the
23 authority, to charge reasonable fees for such assistance;

24 (14) To the extent permitted under its contract with the holders of
25 bonds of the authority, to consent to any modification with respect to
26 the rate of interest, time, and payment of any installment of principal
27 or interest or any other term of any contract, loan, loan note, loan note
28 commitment, mortgage, mortgage loan, mortgage loan commitment, lease, or
29 agreement of any kind to which the authority is a party;

30 (15) To the extent permitted under its contract with the holders of
31 bonds of the authority, to enter into contracts with any lender

1 containing provisions enabling it to reduce the rental or carrying
2 charges to persons unable to pay the regular schedule of charges when, by
3 reason of other income or payment by any department, agency, or
4 instrumentality of the United States of America or of the state, the
5 reduction can be made without jeopardizing the economic stability of the
6 project being financed;

7 (16) To acquire by construction, purchase, devise, gift, or lease or
8 any one or more of such methods one or more projects located within this
9 state, except that the authority shall not acquire any projects or parts
10 of such projects by condemnation;

11 (17) To lease to others any or all of its projects for such rentals
12 and upon such terms and conditions as the authority may deem advisable
13 and as are not in conflict with the act;

14 (18) To issue bonds for the purpose of paying the cost of financing
15 any project or projects and to secure the payment of such bonds as
16 provided in the act;

17 (19) To sell and convey any real or personal property and make such
18 order respecting the same as it deems conducive to the best interest of
19 the authority;

20 (20) To make and undertake commitments to make loans to lenders
21 under the terms and conditions requiring the proceeds of the loans to be
22 used by such lenders to make loans for projects. Loan commitments or
23 actual loans shall be originated through and serviced by any bank, trust
24 company, savings and loan association, mortgage banker, or other
25 financial institution authorized to transact business in the state;

26 (21) To hold and dispose of any real or personal property, whether
27 tangible or intangible, and any distributions thereon, transferred to or
28 received by the authority as collateral or in payment of amounts due the
29 authority or otherwise pursuant to state law, in accordance with the act;

30 (22) To invest in, purchase, make commitments to invest in or
31 purchase, and take assignments or make commitments to take assignments of

1 loans made by lenders for the construction, rehabilitation, or purchase
2 of projects;

3 (23) To enter into financing agreements with others with respect to
4 projects to provide financing for such projects upon such terms and
5 conditions as the authority deems advisable to effectuate the public
6 purposes of the act, which projects shall be located within the state.
7 ~~The authority shall not operate any project referred to in this section~~
8 ~~as a business or in any manner except as the lessor or seller of such~~
9 ~~project;~~

10 (24) To enter into financing agreements with any corporation,
11 partnership, limited liability company, or individual or with any county,
12 city, village, or entity created pursuant to the Interlocal Cooperation
13 Act or the Joint Public Agency Act for purposes of financing any solid
14 waste disposal project;

15 (25) To enter into agreements with or purchase or guaranty
16 obligations of political subdivisions of the state, including
17 authorities, agencies, commissions, districts, and instrumentalities
18 thereof, to provide financing for affordable housing infrastructure and
19 to enter into financing agreements with private parties for the purpose
20 of financing infrastructure in connection with the development of
21 affordable housing; and

22 (26) In lieu of providing direct financing as authorized by the
23 Nebraska Investment Finance Authority Act, to guaranty debt obligations
24 of any project owner to whom, and for such purposes as, the authority
25 could otherwise provide direct financing, and the authority may establish
26 a fund or account and limit its obligation on such guaranties to money in
27 such fund or account. Any such guaranty shall contain a statement similar
28 to that required by section 58-255 for bonds issued by the authority.

29 Sec. 41. Section 58-251, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 58-251 Prior to providing financing for a development project as

1 defined by subdivision (3) of section 58-219, the authority shall make
2 specific findings relating to the public purposes to be effectuated
3 thereby, including but not limited to (1) with respect to a project as
4 defined in subdivision (3)(a), (3)(b), or (3)(c) of section 58-219, the
5 project's effect on the economic base, the tax base, tax revenue, and
6 employment opportunities, and (2) with respect to a project as defined in
7 subdivision (3)(d) of section 58-219, the project's effect on the
8 provision, including the continued provision, of health care, child care,
9 and related services.

10 Sec. 42. Section 59-1722, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 59-1722 (1) Any transaction involving the sale of a franchise as
13 defined in 16 C.F.R. 436.1(h), as such regulation existed on January 1,
14 2022 ~~2021~~, shall be exempt from the Seller-Assisted Marketing Plan Act,
15 except that such transactions shall be subject to subdivision (1)(d) of
16 section 59-1757, those provisions regulating or prescribing the use of
17 the phrase buy-back or secured investment or similar phrases as set forth
18 in sections 59-1726 to 59-1728 and 59-1751, and all sections which
19 provide for their enforcement. The exemption shall only apply if:

20 (a) The franchise is offered and sold in compliance with the
21 requirements of 16 C.F.R. part 436, Disclosure Requirements and
22 Prohibitions Concerning Franchising, as such part existed on January 1,
23 2022 ~~2021~~;

24 (b) Before placing any advertisement in a Nebraska-based
25 publication, offering for sale to any prospective purchaser in Nebraska,
26 or making any representations in connection with such offer or sale to
27 any prospective purchaser in Nebraska, the seller files a notice with the
28 Department of Banking and Finance which contains (i) the name, address,
29 and telephone number of the seller and the name under which the seller
30 intends to do business and (ii) a brief description of the plan offered
31 by the seller; and

1 (c) The seller pays a filing fee of one hundred dollars.

2 (2) The department may request a copy of the disclosure document
3 upon receipt of a written complaint or inquiry regarding the seller or
4 upon a reasonable belief that a violation of the Seller-Assisted
5 Marketing Plan Act has occurred or may occur. The seller shall provide
6 such copy within ten business days of receipt of the request.

7 (3) All funds collected by the department under this section shall
8 be remitted to the State Treasurer for credit to the Securities Act Cash
9 Fund.

10 (4) The Director of Banking and Finance may by order deny or revoke
11 an exemption specified in this section with respect to a particular
12 offering of one or more business opportunities if the director finds that
13 such an order is in the public interest or is necessary for the
14 protection of purchasers. An order shall not be entered without
15 appropriate prior notice to all interested parties, an opportunity for
16 hearing, and written findings of fact and conclusions of law. If the
17 public interest or the protection of purchasers so requires, the director
18 may by order summarily deny or revoke an exemption specified in this
19 section pending final determination of any proceedings under this
20 section. An order under this section shall not operate retroactively.

21 Sec. 43. Section 62-301, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 62-301 (1) For the purposes of the Uniform Commercial Code and
24 section 62-301.01, the following days shall be holidays: New Year's Day,
25 January 1; Birthday of Martin Luther King, Jr., the third Monday in
26 January; President's Day, the third Monday in February; Arbor Day, the
27 last Friday in April; Memorial Day, the last Monday in May; Juneteenth
28 National Independence Day, June 19; Independence Day, July 4; Labor Day,
29 the first Monday in September; Indigenous Peoples' Day and Columbus Day,
30 the second Monday in October; Veterans Day, November 11, and the
31 federally recognized holiday therefor, or either of them; Thanksgiving

1 Day, the fourth Thursday in November; the day after Thanksgiving; and
2 Christmas Day, December 25. If any such holiday falls on Sunday, the
3 following Monday shall be a holiday. If the date designated by the state
4 for observance of any legal holiday enumerated in this section, except
5 Veterans Day, is different from the date of observance of such holiday
6 pursuant to a federal holiday schedule, the federal holiday schedule
7 shall be observed.

8 (2) Any bank doing business in this state may, by a brief written
9 notice at, on, or near its front door, fully dispense with or restrict,
10 to such extent as it may determine, the hours within which it will be
11 open for business.

12 (3) Any bank may close on Saturday if it states such fact by a brief
13 written notice at, on, or near its front door. When such bank will, in
14 observance of such a notice, not be open for general business, such day
15 shall, with respect to the particular bank, be the equivalent of a
16 holiday as fully as if such day were listed in subsection (1) of this
17 section, and any act authorized, required, or permitted to be performed
18 at, by, or with respect to such bank which will, in observance of such
19 notice, not be open for general business, acting in its own behalf or in
20 any capacity whatever, may be performed on the next succeeding business
21 day and no liability or loss of rights on the part of any person shall
22 result from such delay.

23 (4) Any bank which, by the notice provided for by subsection (3) of
24 this section, has created the holiday for such bank may, without
25 destroying the legal effect of the holiday for it and solely for the
26 convenience of its customers, remain open all or part of such day in a
27 limited fashion by treating every transaction with its customers on such
28 day as though the transaction had taken place immediately upon the
29 opening of such bank on the first following business day.

30 (5) Whenever the word bank is used in this section it includes
31 building and loan association, savings and loan association, credit

1 union, savings bank, trust company, investment company, and any other
2 type of financial institution.

3 Sec. 44. Section 69-2103, Revised Statutes Supplement, 2021, is
4 amended to read:

5 69-2103 For purposes of the Consumer Rental Purchase Agreement Act:

6 (1) Advertisement means a commercial message in any medium that
7 aids, promotes, or assists directly or indirectly a consumer rental
8 purchase agreement but does not include in-store merchandising aids such
9 as window signs and ceiling banners;

10 (2) Cash price means the price at which the lessor would have sold
11 the property to the consumer for cash on the date of the consumer rental
12 purchase agreement for the property;

13 (3) Consumer means a natural person who rents property under a
14 consumer rental purchase agreement;

15 (4) Consumer rental purchase agreement means an agreement which is
16 for the use of property by a consumer primarily for personal, family, or
17 household purposes, which is for an initial period of four months or
18 less, whether or not there is any obligation beyond the initial period,
19 which is automatically renewable with each payment, and which permits the
20 consumer to become the owner of the property. A consumer rental purchase
21 agreement in compliance with the act shall not be construed to be a lease
22 or agreement which constitutes a credit sale as defined in 12 C.F.R.
23 1026.2(a)(16), as such regulation existed on January 1, 2022 ~~2021~~, and 15
24 U.S.C. 1602(h), as such section existed on January 1, 2022 ~~2021~~, or a
25 lease which constitutes a consumer lease as defined in 12 C.F.R. 1013.2,
26 as such regulation existed on January 1, 2022 ~~2021~~. Consumer rental
27 purchase agreement does not include:

28 (a) Any lease for agricultural, business, or commercial purposes;

29 (b) Any lease made to an organization;

30 (c) A lease or agreement which constitutes an installment sale or
31 installment contract as defined in section 45-335;

1 (d) A security interest as defined in subdivision (35) of section
2 1-201, Uniform Commercial Code; and

3 (e) A home solicitation sale as defined in section 69-1601;

4 (5) Consummation means the occurrence of an event which causes a
5 consumer to become contractually obligated on a consumer rental purchase
6 agreement;

7 (6) Department means the Department of Banking and Finance;

8 (7) Lease payment means a payment to be made by the consumer for the
9 right of possession and use of the property for a specific lease period
10 but does not include taxes imposed on such payment;

11 (8) Lease period means a week, month, or other specific period of
12 time, during which the consumer has the right to possess and use the
13 property after paying the lease payment and applicable taxes for such
14 period;

15 (9) Lessor means a person who in the ordinary course of business
16 operates a commercial outlet which regularly leases, offers to lease, or
17 arranges for the leasing of property under a consumer rental purchase
18 agreement;

19 (10) Property means any property that is not real property under the
20 laws of this state when made available for a consumer rental purchase
21 agreement; and

22 (11) Total of payments to acquire ownership means the total of all
23 charges imposed by the lessor and payable by the consumer as a condition
24 of acquiring ownership of the property. Total of payments to acquire
25 ownership includes lease payments and any initial nonrefundable
26 administrative fee or required delivery charge but does not include
27 taxes, late charges, reinstatement fees, or charges for optional products
28 or services.

29 Sec. 45. Section 69-2104, Revised Statutes Supplement, 2021, is
30 amended to read:

31 69-2104 (1) Before entering into any consumer rental purchase

1 agreement, the lessor shall disclose to the consumer the following items
2 as applicable:

3 (a) A brief description of the leased property sufficient to
4 identify the property to the consumer and lessor;

5 (b) The number, amount, and timing of all payments included in the
6 total of payments to acquire ownership;

7 (c) The total of payments to acquire ownership;

8 (d) A statement that the consumer will not own the property until
9 the consumer has paid the total of payments to acquire ownership plus
10 applicable taxes;

11 (e) A statement that the total of payments to acquire ownership does
12 not include other charges such as taxes, late charges, reinstatement
13 fees, or charges for optional products or services the consumer may have
14 elected to purchase and that the consumer should see the rental purchase
15 agreement for an explanation of these charges;

16 (f) A statement that the consumer is responsible for the fair market
17 value, remaining rent, early purchase option amount, or cost of repair of
18 the property, whichever is less, if it is lost, stolen, damaged, or
19 destroyed;

20 (g) A statement indicating whether the property is new or used. A
21 statement that indicates that new property is used shall not be a
22 violation of the Consumer Rental Purchase Agreement Act;

23 (h) A statement of the cash price of the property. When the
24 agreement involves a lease for two or more items, a statement of the
25 aggregate cash price of all items shall satisfy the requirement of this
26 subdivision;

27 (i) The total amount of the initial payments required to be paid
28 before consummation of the agreement or delivery of the property,
29 whichever occurs later, and an itemization of the components of the
30 initial payment, including any initial nonrefundable administrative fee
31 or delivery charge, lease payment, taxes, or fee or charge for optional

1 products or services;

2 (j) A statement clearly summarizing the terms of the consumer's
3 options to purchase, including a statement that at any time after the
4 first periodic payment is made the consumer may acquire ownership of the
5 property by tendering an amount which may not exceed fifty-five percent
6 of the difference between the total of payments to acquire ownership and
7 the total of lease payments the consumer has paid on the property at that
8 time;

9 (k) A statement identifying the party responsible for maintaining or
10 servicing the property while it is being leased, together with a
11 description of that responsibility and a statement that if any part of a
12 manufacturer's warranty covers the leased property at the time the
13 consumer acquires ownership of the property, such warranty shall be
14 transferred to the consumer if allowed by the terms of the warranty; and

15 (1) The date of the transaction and the names of the lessor and the
16 consumer.

17 (2) With respect to matters specifically governed by the federal
18 Consumer Credit Protection Act, 15 U.S.C. 1601 et seq., as such act
19 existed on January 1, 2022 ~~2021~~, compliance with such act shall satisfy
20 the requirements of this section.

21 (3) Subsection (1) of this section shall not apply to a lessor who
22 complies with the disclosure requirements of the federal Consumer Credit
23 Protection Act, 15 U.S.C. 1667a, as such section existed on January 1,
24 2022 ~~2021~~, with respect to a consumer rental purchase agreement entered
25 into with a consumer.

26 Sec. 46. Section 69-2112, Revised Statutes Supplement, 2021, is
27 amended to read:

28 69-2112 (1) Any advertisement for a consumer rental purchase
29 agreement which refers to or states the amount of any payment or the
30 right to acquire ownership for any specific item shall also state clearly
31 and conspicuously the following if applicable:

1 (a) That the transaction advertised is a consumer rental purchase
2 agreement;

3 (b) The total of payments to acquire ownership; and

4 (c) That the consumer acquires no ownership rights until the total
5 of payments to acquire ownership is paid.

6 (2) Any owner or employee of any medium in which an advertisement
7 appears or through which it is disseminated shall not be liable under
8 this section.

9 (3) Subsection (1) of this section shall not apply to an
10 advertisement which does not refer to a specific item of property, which
11 does not refer to or state the amount of any payment, or which is
12 published in the yellow pages of a telephone directory or any similar
13 directory of business.

14 (4) With respect to matters specifically governed by the federal
15 Consumer Credit Protection Act, 15 U.S.C. 1601 et seq., as such act
16 existed on January 1, 2022 ~~2021~~, compliance with such act shall satisfy
17 the requirements of this section.

18 Sec. 47. Section 76-2201, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 76-2201 Sections 76-2201 to 76-2250 and section 51 of this act shall
21 be known and may be cited as the Real Property Appraiser Act.

22 Sec. 48. Section 76-2203, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 76-2203 For purposes of the Real Property Appraiser Act, the
25 definitions found in sections 76-2203.01 to 76-2219.02 and section 51 of
26 this act shall be used.

27 Sec. 49. Section 76-2207.23, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 76-2207.23 Completed application means an application for
30 credentialing has been processed, all statutory requirements for a
31 credential to be issued ~~awarded~~ have been met by the applicant, and all

1 required documentation is submitted to the board for final consideration.

2 Sec. 50. Section 76-2207.30, Revised Statutes Supplement, 2021, is
3 amended to read:

4 76-2207.30 Financial Institutions Reform, Recovery, and Enforcement
5 Act of 1989 means the act as it existed on January 1, 2022 ~~2021~~.

6 Sec. 51. PAREA program means a practical applications of real
7 estate appraisal program approved by the Appraiser Qualifications Board
8 as prescribed by rules and regulations of the Real Property Appraiser
9 Board.

10 Sec. 52. Section 76-2218, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 76-2218 (1) Except as provided in subsections (2) through (6) ~~(2)~~
13 ~~and (3)~~ of this section, two-year continuing education period means the
14 period of twenty-four months commencing on January 1 and completed on
15 December 31 of the following year.

16 (2) For a In the case of new real property appraiser credential
17 holders credentialed prior to July 1 pursuant to section 76-2228.01,
18 76-2230, 76-2231.01, or 76-2232, two-year continuing education period
19 means the period commencing on the date of initial credentialing and
20 completed on December 31 of the following year.

21 (3) For a In the case of new real property appraiser credential
22 holders credentialed on or and after July 1 pursuant to section
23 76-2228.01, 76-2230, 76-2231.01, or 76-2232, two-year continuing
24 education period means the period of twenty-four months commencing on
25 January 1 of the ~~following year~~ following the date of initial
26 credentialing.

27 (4) For a new real property appraiser credentialed pursuant to
28 section 76-2233 who held a valid credential of the same class to engage
29 in real property appraisal practice under the laws of another
30 jurisdiction on January 1 of the year in which the credential was issued
31 by the board, two-year continuing education period means the period of

1 twenty-four months commencing on January 1 of the year in which the
2 credential was issued by the board.

3 (5) For a new real property appraiser credentialed pursuant to
4 section 76-2233 who (a) did not hold a valid credential of the same class
5 to engage in real property appraisal practice under the laws of another
6 jurisdiction on January 1 of the year in which the credential was issued
7 by the board and (b) was credentialed pursuant to section 76-2233 prior
8 to July 1, two-year continuing education period means the period
9 commencing on the date of initial credentialing and completed on December
10 31 of the following year.

11 (6) For a new real property appraiser credentialed pursuant to
12 section 76-2233 who (a) did not hold a valid credential of the same class
13 to engage in real property appraisal practice under the laws of another
14 jurisdiction on January 1 of the year in which the credential was issued
15 by the board and (b) was credentialed pursuant to section 76-2233 on or
16 after July 1, two-year continuing education period means the period of
17 twenty-four months commencing on January 1 of the year following the date
18 of initial credentialing.

19 Sec. 53. Section 76-2221, Revised Statutes Supplement, 2021, is
20 amended to read:

21 76-2221 The Real Property Appraiser Act shall not apply to:

22 (1) Any person who is a salaried employee of (a) the federal
23 government, (b) any agency of the state government or a political
24 subdivision which appraises real estate, (c) any insurance company
25 authorized to do business in this state, or (d) any bank, savings bank,
26 savings and loan association, building and loan association, credit
27 union, or small loan company licensed by this state or supervised or
28 regulated by or through federal enactments covering financial
29 institutions who renders an estimate or opinion of value of real estate
30 or any interest in real estate when such estimate or opinion is rendered
31 in connection with the salaried employee's employment for an entity

1 listed in subdivisions (a) through (d) of this subdivision, except that
2 any salaried employee of the entities listed in subdivisions (a) through
3 (d) of this subdivision who signs a report as a credentialed real
4 property appraiser shall be subject to the act and the Uniform Standards
5 of Professional Appraisal Practice. Any salaried employee of the entities
6 listed in subdivisions (a) through (d) of this subdivision who is a
7 credentialed real property appraiser and who does not sign a report as a
8 credentialed real property appraiser shall include the following
9 disclosure prominently with such report: This opinion of value may not
10 meet the minimum standards contained in the Uniform Standards of
11 Professional Appraisal Practice and is not governed by the Real Property
12 Appraiser Act;

13 (2) A person referred to in subsection (1) of section 81-885.16;

14 (3) Any person who provides assistance (a) in obtaining the data
15 upon which assignment results are based, (b) in the physical preparation
16 of a report, such as taking photographs, preparing charts, maps, or
17 graphs, or typing or printing the report, or (c) that does not directly
18 involve the exercise of judgment in arriving at the assignment results
19 set forth in the report;

20 (4) Any owner of real estate, employee of the owner, or attorney
21 licensed to practice law in this state representing the owner who renders
22 an estimate or opinion of value of the real estate or any interest in the
23 real estate when such estimate or opinion is for the purpose of real
24 estate taxation, or any other person who renders such an estimate or
25 opinion of value when that estimate or opinion requires a specialized
26 knowledge that a real property appraiser would not have, ~~except that a~~
27 ~~real property appraiser or a person licensed under the Nebraska Real~~
28 ~~Estate License Act is not exempt under this subdivision;~~

29 (5) Any owner of real estate, employee of the owner, or attorney
30 licensed to practice law in this state representing the owner who renders
31 an estimate or opinion of value of real estate or any interest in real

1 estate or damages thereto when such estimate or opinion is offered as
2 testimony in any condemnation proceeding, or any other person who renders
3 such an estimate or opinion when that estimate or opinion requires a
4 specialized knowledge that a real property appraiser would not have,
5 ~~except that a real property appraiser or a person licensed under the~~
6 ~~Nebraska Real Estate License Act is not exempt under this subdivision;~~

7 (6) Any owner of real estate, employee of the owner, or attorney
8 licensed to practice law in this state representing the owner who renders
9 an estimate or opinion of value of the real estate or any interest in the
10 real estate when such estimate or opinion is offered in connection with a
11 legal matter involving real property;

12 (7) Any person appointed by a county board of equalization to act as
13 a referee pursuant to section 77-1502.01, except that any person who also
14 practices as an independent real property appraiser for others shall be
15 subject to the Real Property Appraiser Act and shall be credentialed
16 prior to engaging in such other real property appraisal practice. Any
17 real property appraiser appointed to act as a referee pursuant to section
18 77-1502.01 and who prepares a report for the county board of equalization
19 shall not sign such report as a credentialed real property appraiser and
20 shall include the following disclosure prominently with such report: This
21 opinion of value may not meet the minimum standards contained in the
22 Uniform Standards of Professional Appraisal Practice and is not governed
23 by the Real Property Appraiser Act;

24 (8) Any person who is appointed to serve as an appraiser pursuant to
25 section 76-706, except that if such person is a credential holder, he or
26 she shall (a) be subject to the scope of practice applicable to his or
27 her classification of credential and (b) comply with the Uniform
28 Standards of Professional Appraisal Practice, excluding standards 1
29 through 10; or

30 (9) Any person, including an independent contractor, retained by a
31 county to assist in the appraisal of real property as performed by the

1 county assessor of such county subject to the standards established by
2 the Tax Commissioner pursuant to section 77-1301.01. A person so retained
3 shall be under the direction and responsibility of the county assessor.

4 Sec. 54. Section 76-2230, Revised Statutes Supplement, 2021, is
5 amended to read:

6 76-2230 (1) To qualify for a credential as a licensed residential
7 real property appraiser, an applicant shall:

8 (a) Be at least nineteen years of age;

9 (b) Hold a high school diploma or a certificate of high school
10 equivalency or have education acceptable to the Real Property Appraiser
11 Board;

12 (c)(i) Have successfully completed and passed examination for no
13 fewer than one hundred fifty class hours in Real Property Appraiser
14 Board-approved qualifying education courses conducted by education
15 providers as prescribed by rules and regulations of the Real Property
16 Appraiser Board and completed the fifteen-hour National Uniform Standards
17 of Professional Appraisal Practice Course. Each course shall include a
18 proctored, closed-book examination pertinent to the material presented;
19 or

20 (ii) Hold a degree in real estate from an accredited degree-awarding
21 college or university that has had all or part of its curriculum approved
22 by the Appraiser Qualifications Board as required core curriculum or the
23 equivalent as determined by the Appraiser Qualifications Board. If the
24 degree in real estate or equivalent as approved by the Appraiser
25 Qualifications Board does not satisfy all required qualifying education
26 for credentialing, the remaining class hours shall be completed in Real
27 Property Appraiser Board-approved qualifying education pursuant to
28 subdivision (c)(i) of this subsection;

29 (d)(i) ~~(d)~~ Have no fewer than one thousand hours of experience as
30 prescribed by rules and regulations of the Real Property Appraiser Board.
31 The required experience shall be acceptable to the Real Property

1 Appraiser Board and subject to review and determination as to conformity
2 with the Uniform Standards of Professional Appraisal Practice. The
3 experience shall have occurred during a period of no fewer than six
4 months; or

5 (ii) Successfully complete a PAREA program. If the PAREA program
6 does not satisfy all required experience for credentialing, the remaining
7 experience hours shall be completed pursuant to subdivision (d)(i) of
8 this subsection;

9 (e) Submit two copies of legible ink-rolled fingerprint cards or
10 equivalent electronic fingerprint submissions to the Real Property
11 Appraiser Board for delivery to the Nebraska State Patrol in a form
12 approved by both the Nebraska State Patrol and the Federal Bureau of
13 Investigation. A fingerprint-based national criminal history record check
14 shall be conducted through the Nebraska State Patrol and the Federal
15 Bureau of Investigation with such record check to be carried out by the
16 Real Property Appraiser Board; and

17 (f) Within the twelve months following approval of the applicant's
18 education and experience by the Real Property Appraiser Board, pass a
19 licensed residential real property appraiser examination, certified
20 residential real property appraiser examination, or certified general
21 real property appraiser examination, approved by the Appraiser
22 Qualifications Board, prescribed by rules and regulations of the Real
23 Property Appraiser Board, and administered by a contracted testing
24 service.

25 (2) To qualify for an upgraded credential, a licensed residential
26 real property appraiser shall satisfy the appropriate requirements as
27 follows:

28 (a) Submit two copies of legible ink-rolled fingerprint cards or
29 equivalent electronic fingerprint submissions to the Real Property
30 Appraiser Board for delivery to the Nebraska State Patrol in a form
31 approved by both the Nebraska State Patrol and the Federal Bureau of

1 Investigation. A fingerprint-based national criminal history record check
2 shall be conducted through the Nebraska State Patrol and the Federal
3 Bureau of Investigation with such record check to be carried out by the
4 Real Property Appraiser Board; and

5 (b) Within the twelve months following approval of the applicant's
6 education and experience by the Real Property Appraiser Board for an
7 upgraded credential, pass an appropriate examination approved by the
8 Appraiser Qualifications Board for that upgraded credential, prescribed
9 by rules and regulations of the Real Property Appraiser Board, and
10 administered by a contracted testing service.

11 (3) To qualify for a credential as a certified residential real
12 property appraiser, a licensed residential real property appraiser shall:

13 (a)(i) Meet the postsecondary educational requirements pursuant to
14 subdivisions (1)(b) and (c) of section 76-2231.01; or

15 (ii)(A) Have held a credential as a licensed residential real
16 property appraiser for a minimum of five years; and

17 (B) Not have been subject to a nonappealable disciplinary action by
18 the board or any other jurisdiction, which action limited the real
19 property appraiser's legal eligibility to engage in real property
20 appraisal practice within five years immediately preceding the date of
21 application for the certified residential real property appraiser
22 credential;

23 (b) Successfully complete and pass proctored, closed-book
24 examinations for no fewer than fifty additional class hours in board-
25 approved qualifying education courses conducted by education providers as
26 prescribed by rules and regulations of the board, or hold a degree in
27 real estate from an accredited degree-awarding college or university or
28 equivalent pursuant to subdivision (1)(d)(ii) of section 76-2231.01; and

29 (c) Meet the experience requirements pursuant to subdivision (1)(e)
30 of section 76-2231.01.

31 (4) To qualify for a credential as a certified general real property

1 appraiser, a licensed residential real property appraiser shall:

2 (a) Meet the postsecondary educational requirements pursuant to
3 subdivisions (1)(b) and (c) of section 76-2232;

4 (b) Successfully complete and pass proctored, closed-book
5 examinations for no fewer than one hundred fifty additional class hours
6 in board-approved qualifying education courses conducted by education
7 providers as prescribed by rules and regulations of the board, or hold a
8 degree in real estate from an accredited degree-awarding college or
9 university or equivalent pursuant to subdivision (1)(d)(ii) of section
10 76-2232; and

11 (c) Meet the experience requirements pursuant to subdivision (1)(e)
12 of section 76-2232.

13 (5) An appraiser holding a valid licensed residential real property
14 appraiser credential shall satisfy the requirements for the trainee real
15 property appraiser credential for a downgraded credential.

16 (6) The scope of practice for a licensed residential real property
17 appraiser shall be limited to real property appraisal practice concerning
18 noncomplex residential real property or real estate having no more than
19 four units, if any, with a transaction value of less than one million
20 dollars and complex residential real property or real estate having no
21 more than four units, if any, with a transaction value of less than four
22 hundred thousand dollars. The appraisal of subdivisions for which a
23 development analysis or appraisal is necessary is not included in the
24 scope of practice for a licensed residential real property appraiser.

25 Sec. 55. Section 76-2231.01, Revised Statutes Supplement, 2021, is
26 amended to read:

27 76-2231.01 (1) To qualify for a credential as a certified
28 residential real property appraiser, an applicant shall:

29 (a) Be at least nineteen years of age;

30 (b)(i) Hold a bachelor's degree, or higher, from an accredited
31 degree-awarding college or university;

1 (ii) Hold an associate's degree from an accredited degree-awarding
2 community college, college, or university in the study of business
3 administration, accounting, finance, economics, or real estate;

4 (iii) Successfully complete thirty semester hours of college-level
5 education from an accredited degree-awarding community college, college,
6 or university that includes:

7 (A) Three semester hours in each of the following: English
8 composition; microeconomics; macroeconomics; finance; algebra, geometry,
9 or higher mathematics; statistics; computer science; and business law or
10 real estate law; and

11 (B) Three semester hours each in two elective courses in any of the
12 topics listed in subdivision (b)(iii)(A) of this subsection, or in
13 accounting, geography, agricultural economics, business management, or
14 real estate;

15 (iv) Successfully complete thirty semester hours of the College-
16 Level Examination Program ~~from an accredited degree-awarding community~~
17 ~~college, college, or university~~ that includes:

18 (A) Three ~~three~~ semester hours in each of the following subject
19 matter areas: College algebra; ~~college composition~~; college composition
20 modular; ~~college mathematics~~; principles of macroeconomics; principles of
21 microeconomics; introductory business law; and information systems; and
22 ~~or~~

23 (B) Six semester hours in each of the following subject matter
24 areas: College composition; and college mathematics; or

25 (v) Successfully complete any combination of subdivisions (b)(iii)
26 and (iv) of this subsection that ensures coverage of all topics and hours
27 identified in subdivision (b)(iii) of this subsection;

28 (c) Have his or her education evaluated for equivalency by one of
29 the following if the college degree is from a foreign country:

30 (i) An accredited degree-awarding college or university;

31 (ii) A foreign degree credential evaluation service company that is

1 a member of the National Association of Credential Evaluation Services;
2 or

3 (iii) A foreign degree credential evaluation service company that
4 provides equivalency evaluation reports accepted by an accredited degree-
5 awarding college or university;

6 (d)(i) Have successfully completed and passed examination for no
7 fewer than two hundred class hours in Real Property Appraiser Board-
8 approved qualifying education courses conducted by education providers as
9 prescribed by rules and regulations of the Real Property Appraiser Board
10 and completed the fifteen-hour National Uniform Standards of Professional
11 Appraisal Practice Course. Each course shall include a proctored, closed-
12 book examination pertinent to the material presented; or

13 (ii) Hold a degree in real estate from an accredited degree-awarding
14 college or university that has had all or part of its curriculum approved
15 by the Appraiser Qualifications Board as required core curriculum or the
16 equivalent as determined by the Appraiser Qualifications Board. If the
17 degree in real estate or equivalent as approved by the Appraiser
18 Qualifications Board does not satisfy all required qualifying education
19 for credentialing, the remaining class hours shall be completed in Real
20 Property Appraiser Board-approved qualifying education pursuant to
21 subdivision (d)(i) of this subsection;

22 ~~(e)(i) {e}~~ Have no fewer than one thousand five hundred hours of
23 experience as prescribed by rules and regulations of the Real Property
24 Appraiser Board. The required experience shall be acceptable to the Real
25 Property Appraiser Board and subject to review and determination as to
26 conformity with the Uniform Standards of Professional Appraisal Practice.
27 The experience shall have occurred during a period of no fewer than
28 twelve months; or

29 (ii) Successfully complete a PAREA program. If the PAREA program
30 does not satisfy all required experience for credentialing, the remaining
31 experience hours shall be completed pursuant to subdivision (e)(i) of

1 this subsection;

2 (f) Submit two copies of legible ink-rolled fingerprint cards or
3 equivalent electronic fingerprint submissions to the Real Property
4 Appraiser Board for delivery to the Nebraska State Patrol in a form
5 approved by both the Nebraska State Patrol and the Federal Bureau of
6 Investigation. A fingerprint-based national criminal history record check
7 shall be conducted through the Nebraska State Patrol and the Federal
8 Bureau of Investigation with such record check to be carried out by the
9 Real Property Appraiser Board; and

10 (g) Within the twelve months following approval of the applicant's
11 education and experience by the Real Property Appraiser Board, pass a
12 certified residential real property appraiser examination or certified
13 general real property appraiser examination, approved by the Appraiser
14 Qualifications Board, prescribed by rules and regulations of the Real
15 Property Appraiser Board, and administered by a contracted testing
16 service.

17 (2) To qualify for an upgraded credential, a certified residential
18 real property appraiser shall satisfy the following requirements:

19 (a) Submit two copies of legible ink-rolled fingerprint cards or
20 equivalent electronic fingerprint submissions to the Real Property
21 Appraiser Board for delivery to the Nebraska State Patrol in a form
22 approved by both the Nebraska State Patrol and the Federal Bureau of
23 Investigation. A fingerprint-based national criminal history record check
24 shall be conducted through the Nebraska State Patrol and the Federal
25 Bureau of Investigation with such record check to be carried out by the
26 Real Property Appraiser Board; and

27 (b) Within the twelve months following approval of the applicant's
28 education and experience by the Real Property Appraiser Board for an
29 upgrade to a certified general real property appraiser credential, pass a
30 certified general real property appraiser examination approved by the
31 Appraiser Qualifications Board, prescribed by rules and regulations of

1 the Real Property Appraiser Board, and administered by a contracted
2 testing service.

3 (3) To qualify for a credential as a certified general real property
4 appraiser, a certified residential real property appraiser shall:

5 (a) Meet the postsecondary educational requirements pursuant to
6 subdivisions (1)(b) and (c) of section 76-2232;

7 (b) Successfully complete and pass proctored, closed-book
8 examinations for no fewer than one hundred additional class hours in
9 board-approved qualifying education courses conducted by education
10 providers as prescribed by rules and regulations of the board, or hold a
11 degree in real estate from an accredited degree-awarding college or
12 university or equivalent pursuant to subdivision (1)(d)(ii) of section
13 76-2232; and

14 (c) Meet the experience requirements pursuant to subdivision (1)(e)
15 of section 76-2232.

16 (4) A certified residential real property appraiser shall satisfy
17 the requirements for the trainee real property appraiser credential and
18 licensed residential real property appraiser credential for a downgraded
19 credential. If requested, evidence acceptable to the Real Property
20 Appraiser Board concerning the experience shall be presented along with
21 an application in the form of written reports or file memoranda.

22 (5) The scope of practice for a certified residential real property
23 appraiser shall be limited to real property appraisal practice concerning
24 residential real property or real estate having no more than four
25 residential units, if any, without regard to transaction value or
26 complexity. The appraisal of subdivisions for which a development
27 analysis or appraisal is necessary is not included in the scope of
28 practice for a certified residential real property appraiser.

29 Sec. 56. Section 76-2232, Revised Statutes Supplement, 2021, is
30 amended to read:

31 76-2232 (1) To qualify for a credential as a certified general real

1 property appraiser, an applicant shall:

2 (a) Be at least nineteen years of age;

3 (b) Hold a bachelor's degree, or higher, from an accredited degree-
4 awarding college or university;

5 (c) Have his or her education evaluated for equivalency by one of
6 the following if the college degree is from a foreign country:

7 (i) An accredited degree-awarding college or university;

8 (ii) A foreign degree credential evaluation service company that is
9 a member of the National Association of Credential Evaluation Services;
10 or

11 (iii) A foreign degree credential evaluation service company that
12 provides equivalency evaluation reports accepted by an accredited degree-
13 awarding college or university;

14 (d)(i) Have successfully completed and passed examination for no
15 fewer than three hundred class hours in Real Property Appraiser Board-
16 approved qualifying education courses conducted by education providers as
17 prescribed by rules and regulations of the Real Property Appraiser Board
18 and completed the fifteen-hour National Uniform Standards of Professional
19 Appraisal Practice Course. Each course shall include a proctored, closed-
20 book examination pertinent to the material presented; or

21 (ii) Hold a degree in real estate from an accredited degree-awarding
22 college or university that has had all or part of its curriculum approved
23 by the Appraiser Qualifications Board as required core curriculum or the
24 equivalent as determined by the Appraiser Qualifications Board. If the
25 degree in real estate or equivalent as approved by the Appraiser
26 Qualifications Board does not satisfy all required qualifying education
27 for credentialing, the remaining class hours shall be completed in Real
28 Property Appraiser Board-approved qualifying education pursuant to
29 subdivision (d)(i) of this subsection;

30 (e)(i) ~~(e)~~ Have no fewer than three thousand hours of experience, of
31 which one thousand five hundred hours shall be in nonresidential

1 appraisal work, as prescribed by rules and regulations of the Real
2 Property Appraiser Board. The required experience shall be acceptable to
3 the Real Property Appraiser Board and subject to review and determination
4 as to conformity with the Uniform Standards of Professional Appraisal
5 Practice. The experience shall have occurred during a period of no fewer
6 than eighteen months; or

7 (ii) Successfully complete a PAREA program. If the PAREA program
8 does not satisfy all required experience for credentialing, the remaining
9 experience hours shall be completed pursuant to subdivision (e)(i) of
10 this subsection;

11 (f) Submit two copies of legible ink-rolled fingerprint cards or
12 equivalent electronic fingerprint submissions to the Real Property
13 Appraiser Board for delivery to the Nebraska State Patrol in a form
14 approved by both the Nebraska State Patrol and the Federal Bureau of
15 Investigation. A fingerprint-based national criminal history record check
16 shall be conducted through the Nebraska State Patrol and the Federal
17 Bureau of Investigation with such record check to be carried out by the
18 Real Property Appraiser Board; and

19 (g) Within the twelve months following approval of the applicant's
20 education and experience by the Real Property Appraiser Board, pass a
21 certified general real property appraiser examination, approved by the
22 Appraiser Qualifications Board, prescribed by rules and regulations of
23 the Real Property Appraiser Board, and administered by a contracted
24 testing service.

25 (2) A certified general real property appraiser shall satisfy the
26 requirements for the trainee real property appraiser credential, licensed
27 residential real property appraiser credential, and certified residential
28 real property appraiser credential for a downgraded credential. If
29 requested, evidence acceptable to the Real Property Appraiser Board
30 concerning the experience shall be presented along with an application in
31 the form of written reports or file memoranda.

1 (3) The scope of practice for the certified general real property
2 appraiser shall include real property appraisal practice concerning all
3 types of real property or real estate that appraiser is competent to
4 engage in.

5 Sec. 57. Section 76-2233.01, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 76-2233.01 (1) A nonresident currently credentialed to engage in
8 real property appraisal practice concerning real estate and real property
9 under the laws of another jurisdiction may obtain a temporary credential
10 as a licensed residential real property appraiser, a certified
11 residential real property appraiser, or a certified general real property
12 appraiser to engage in real property appraisal practice in this state.

13 (2) To qualify for the issuance of a temporary credential, an
14 applicant shall:

15 (a) Submit an application on a form approved by the board;

16 (b) Submit a letter of engagement or a contract indicating the
17 location of the real property appraisal practice assignment—and
18 ~~completion date;~~

19 (c) Submit an irrevocable consent that service of process upon him
20 or her may be made by delivery of the process to the director of the
21 board if the plaintiff cannot, in the exercise of due diligence, effect
22 personal service upon the applicant in an action against the applicant in
23 a court of this state arising out of the applicant's activities in this
24 state; and

25 (d) Pay the appropriate application fee in an amount established by
26 the board pursuant to section 76-2241.

27 (3) The credential status of an applicant under this section,
28 including current standing and any disciplinary action imposed against
29 his or her credentials, shall be verified through the National Registry
30 of the Appraisal Subcommittee of the Federal Financial Institutions
31 Examination Council.

1 (4) Application for a temporary credential is valid for one year
2 from the date application is made to the board or upon the expiration of
3 the assignment specified in the letter of engagement, whichever occurs
4 first.

5 (5) A temporary credential issued under this section shall be
6 expressly limited to a grant of authority to engage in real property
7 appraisal practice required for an assignment in this state. Each
8 temporary credential shall expire upon the completion of the assignment
9 or upon the expiration of a period of six months from the date of
10 issuance, whichever occurs first. A temporary credential may be renewed
11 for one additional six-month period.

12 (6) Any person issued a temporary credential to engage in real
13 property appraisal practice in this state shall comply with all of the
14 provisions of the Real Property Appraiser Act relating to the appropriate
15 classification of credentialing. The board may, upon its own motion, and
16 shall, upon the written complaint of any aggrieved person, cause an
17 investigation to be made with respect to an alleged violation of the act
18 by a person who is engaged in, or who has engaged in, real property
19 appraisal practice as a temporary credential holder, and that person
20 shall be deemed a real property appraiser within the meaning of the act.

21 Sec. 58. Section 76-2236, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 76-2236 (1) Every credential holder shall furnish evidence to the
24 board that he or she has satisfactorily completed no fewer than twenty-
25 eight hours of approved continuing education activities in each two-year
26 continuing education period. ~~The continuing education period begins on~~
27 ~~January 1 of the next year for any credential holder who first obtained~~
28 ~~his or her credential at the current level on or after July 1.~~ Hours of
29 satisfactorily completed approved continuing education activities cannot
30 be carried over from one two-year continuing education period to another.
31 Evidence of successful completion of such continuing education activities

1 for the two-year continuing education period, including passing
2 examination if applicable, shall be submitted to the board in the manner
3 prescribed by the board. No continuing education activity shall be less
4 than two hours in duration. A person who holds a temporary credential
5 does not have to meet any continuing education requirements in the Real
6 Property Appraiser Act.

7 (2) As prescribed by rules and regulations of the Real Property
8 Appraiser Board and at least once every two years, the seven-hour
9 National Uniform Standards of Professional Appraisal Practice Update
10 Course as approved by the Appraiser Qualifications Board or the
11 equivalent of the course as approved by the Real Property Appraiser
12 Board, shall be included in the continuing education requirement of each
13 credential holder. An instructor certified by the Appraiser
14 Qualifications Board satisfies this requirement by successfully
15 completing a seven-hour instructor recertification course and examination
16 as approved by the Appraiser Qualifications Board.

17 (3) A continuing education activity conducted in another
18 jurisdiction in which the activity is approved to meet the continuing
19 education requirements for renewal of a credential in such other
20 jurisdiction shall be accepted by the board if that jurisdiction has
21 adopted and enforces standards for such continuing education activity
22 that meet or exceed the standards established by the Real Property
23 Appraiser Act and the rules and regulations of the board.

24 (4) The board may adopt a program of continuing education for
25 individual credentials as long as the program is compliant with the
26 Appraiser Qualifications Board's criteria specific to continuing
27 education.

28 (5) No more than fourteen hours may be approved by the Real Property
29 Appraiser Board as continuing education in each two-year continuing
30 education period for participation, other than as a student, in appraisal
31 educational processes and programs, which includes teaching, program

1 development, authorship of textbooks, or similar activities that are
2 determined by the board to be equivalent to obtaining continuing
3 education. Evidence of participation shall be submitted to the board upon
4 completion of the appraisal educational process or program. No
5 preapproval will be granted for participation in appraisal educational
6 processes or programs.

7 (6) Qualifying education, as approved by the board, successfully
8 completed by a credential holder to fulfill the class-hour requirement to
9 upgrade to a higher classification than his or her current
10 classification, shall be approved by the board as continuing education.

11 (7) Qualifying education, as approved by the board, taken by a
12 credential holder not to fulfill the class-hour requirement to upgrade to
13 a higher classification, shall be approved by the board as continuing
14 education if the credential holder completes the examination.

15 (8) A board-approved supervisory real property appraiser and trainee
16 course successfully completed by a certified real property appraiser
17 shall be approved by the board as continuing education no more than once
18 during each two-year continuing education period.

19 (9) The Real Property Appraiser Board shall approve continuing
20 education activities and instructors which it determines would protect
21 the public by improving the competency of credential holders.

22 Sec. 59. Section 77-2387, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 77-2387 For purposes of the Public Funds Deposit Security Act,
25 unless the context otherwise requires:

26 (1) Affiliate means any entity that controls, is controlled by, or
27 is under common control with another entity;

28 (2) Bank means any state-chartered or federally chartered bank which
29 has a main chartered office in this state, any branch thereof in this
30 state, or any branch in this state of a state-chartered or federally
31 chartered bank which maintained a main chartered office in this state

1 prior to becoming a branch of such state-chartered or federally chartered
2 bank;

3 (3) Capital stock financial institution means a capital stock state
4 building and loan association, a capital stock federal savings and loan
5 association, a capital stock federal savings bank, and a capital stock
6 state savings bank, which has a main chartered office in this state, any
7 branch thereof in this state, or any branch in this state of a capital
8 stock financial institution which maintained a main chartered office in
9 this state prior to becoming a branch of such capital stock financial
10 institution;

11 (4) Control means to own directly or indirectly or to control in any
12 manner twenty-five percent of the voting shares of any bank, capital
13 stock financial institution, or holding company or to control in any
14 manner the election of the majority of directors of any bank, capital
15 stock financial institution, or holding company;

16 (5) Custodial official means an officer or an employee of the State
17 of Nebraska or any political subdivision who, by law, is made custodian
18 of or has control over public money or public funds subject to the act or
19 the security for the deposit of public money or public funds subject to
20 the act;

21 (6) Deposit guaranty bond means a bond underwritten by an insurance
22 company authorized to do business in this state which provides coverage
23 for deposits of a governing authority which are in excess of the amounts
24 insured or guaranteed by the Federal Deposit Insurance Corporation;

25 (7) Director means the Director of Banking and Finance;

26 (8) Event of default means the issuance of an order by a supervisory
27 authority or a receiver which restrains a bank, capital stock financial
28 institution, or qualifying mutual financial institution from paying its
29 deposit liabilities;

30 (9) Governing authority means the official, or the governing board,
31 council, or other body or group of officials, authorized to designate a

1 bank, capital stock financial institution, or qualifying mutual financial
2 institution as a depository of public money or public funds subject to
3 the act;

4 (10) Governmental unit means the State of Nebraska or any political
5 subdivision thereof;

6 (11) Political subdivision means any county, city, village,
7 township, district, authority, or other public corporation or entity,
8 whether organized and existing under direct provisions of the
9 Constitution of Nebraska or laws of the State of Nebraska or by virtue of
10 a charter, corporate articles, or other legal instruments executed under
11 authority of the constitution or laws, including any entity created
12 pursuant to the Interlocal Cooperation Act or the Joint Public Agency
13 Act;

14 (12) Qualifying mutual financial institution shall have the same
15 meaning as in section 77-2365.01;

16 (13) Repurchase agreement means an agreement to purchase securities
17 by the governing authority by which the counterparty bank, capital stock
18 financial institution, or qualifying mutual financial institution will
19 repurchase the securities on or before a specified date and for a
20 specified amount and the counterparty bank, capital stock financial
21 institution, or qualifying mutual financial institution will deliver the
22 underlying securities to the governing authority by book entry, physical
23 delivery, or third-party custodial agreement. The transfer of underlying
24 securities to the counterparty bank's, capital stock financial
25 institution's, or qualifying mutual financial institution's customer book
26 entry account may be used for book entry delivery if the governing
27 authority so chooses; and

28 (14) Securities means:

29 (a) Bonds or obligations fully and unconditionally guaranteed both
30 as to principal and interest by the United States Government;

31 (b) United States Government notes, certificates of indebtedness, or

1 treasury bills of any issue;

2 (c) United States Government bonds;

3 (d) United States Government guaranteed bonds or notes;

4 (e) Bonds or notes of United States Government agencies;

5 (f) Bonds of any state or political subdivision which are fully
6 defeased as to principal and interest by any combination of bonds or
7 notes authorized in subdivision (c), (d), or (e) of this subdivision;

8 (g) Bonds or obligations, including mortgage-backed securities and
9 collateralized mortgage obligations, issued by or backed by collateral
10 one hundred percent guaranteed by the Federal Home Loan Mortgage
11 Corporation, the Federal Farm Credit System, a Federal Home Loan Bank, or
12 the Federal National Mortgage Association;

13 (h) Student loans backed or partially guaranteed by the United
14 States Department of Education;

15 (i) Repurchase agreements the subject securities of which are any of
16 the securities described in subdivisions (a) through (g) of this
17 subdivision;

18 (j) Securities issued under the authority of the Federal Farm Loan
19 Act;

20 (k) Loan participations which carry the guarantee of the Commodity
21 Credit Corporation, an instrumentality of the United States Department of
22 Agriculture;

23 (l) Guaranty agreements of the Small Business Administration of the
24 United States Government;

25 (m) Bonds or obligations of any county, city, village, metropolitan
26 utilities district, public power and irrigation district, sewer district,
27 fire protection district, rural water district, or school district in
28 this state which have been issued as required by law;

29 (n) Bonds of the State of Nebraska or of any other state which are
30 purchased by the Board of Educational Lands and Funds of this state for
31 investment in the permanent school fund or which are purchased by the

1 state investment officer of this state for investment in the permanent
2 school fund;

3 (o) Bonds or obligations of another state, or a political
4 subdivision of another state, which are rated within the two highest
5 classifications by at least one of the standard rating services, with
6 such classifications to include the underlying credit rating or enhanced
7 credit rating, whichever is higher, with respect to bonds or obligations
8 of a political subdivision of another state;

9 (p) Warrants of the State of Nebraska;

10 (q) Warrants of any county, city, village, local hospital district,
11 or school district in this state;

12 (r) Irrevocable, nontransferable, unconditional standby letters of
13 credit issued by a Federal Home Loan Bank; and

14 (s) Certificates of deposit fully insured or guaranteed by the
15 Federal Deposit Insurance Corporation that are issued to a bank, capital
16 stock financial institution, or qualifying mutual financial institution
17 furnishing securities pursuant to the Public Funds Deposit Security Act.

18 Sec. 60. Section 81-887.03, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-887.03 All auctioneers of any state shall comply ~~Nothing~~
21 ~~contained in sections 81-887.01 to 81-887.03 shall be construed to permit~~
22 ~~any person to conduct a sale of real estate without first complying with~~
23 ~~the requirements of the Nebraska Real Estate License Act~~ before
24 conducting a sale of real estate in this state.

25 Sec. 61. Section 4A-108, Uniform Commercial Code, Revised Statutes
26 Supplement, 2021, is amended to read:

27 4A-108 Relationship to federal Electronic Fund Transfer Act.

28 (a) Except as provided in subsection (b), this article does not
29 apply to a funds transfer any part of which is governed by the federal
30 Electronic Fund Transfer Act, 15 U.S.C. 1693 et seq., as such act existed
31 on January 1, 2022 ~~2021~~.

1 (b) This article applies to a funds transfer that is a remittance
2 transfer as defined in the federal Electronic Fund Transfer Act, 15
3 U.S.C. 1693o-1, as such section existed on January 1, 2022 ~~2021~~, unless
4 the remittance transfer is an electronic fund transfer as defined in the
5 federal Electronic Fund Transfer Act, 15 U.S.C. 1693a, as such section
6 existed on January 1, 2022 ~~2021~~.

7 (c) In a funds transfer to which this article applies, in the event
8 of an inconsistency between an applicable provision of this article and
9 an applicable provision of the federal Electronic Fund Transfer Act, the
10 provision of the federal Electronic Fund Transfer Act governs to the
11 extent of the inconsistency.

12 Sec. 62. Sections 5, 6, 7, 8, 12, 13, 14, 22, 29, 30, 32, 33, 34,
13 35, 36, 37, 38, 39, 40, 41, 60, 64, and 66 of this act become operative
14 three calendar months after the adjournment of this legislative session.
15 The other sections of this act become operative on their effective date.

16 Sec. 63. If any section in this act or any part of any section is
17 declared invalid or unconstitutional, the declaration shall not affect
18 the validity or constitutionality of the remaining portions.

19 Sec. 64. Original sections 8-148.06, 8-1502, 30-3850, 45-736,
20 58-210.02, 58-219, 58-220, 58-221, 58-222, 58-239, 58-251, and 81-887.03,
21 Reissue Revised Statutes of Nebraska, sections 1-162.01, 8-108, 8-124,
22 8-148.07, 8-148.08, and 30-3881, Revised Statutes Cumulative Supplement,
23 2020, and sections 8-101.03, 8-3009, and 8-3024, Revised Statutes
24 Supplement, 2021, are repealed.

25 Sec. 65. Original sections 59-1722, 76-2201, 76-2203, 76-2207.23,
26 and 76-2218, Reissue Revised Statutes of Nebraska, sections 62-301,
27 76-2233.01, 76-2236, and 77-2387, Revised Statutes Cumulative Supplement,
28 2020, sections 8-135, 8-141, 8-143.01, 8-157.01, 8-183.04, 8-1,140,
29 8-318, 8-355, 8-1101, 8-1101.01, 8-1704, 8-1707, 8-2724, 8-2903, 8-3005,
30 8-3007, 21-17,115, 69-2103, 69-2104, 69-2112, 76-2207.30, 76-2221,
31 76-2230, 76-2231.01, and 76-2232, Revised Statutes Supplement, 2021, and

1 section 4A-108, Uniform Commercial Code, Revised Statutes Supplement,
2 2021, are repealed.

3 Sec. 66. The following sections are outright repealed: Sections
4 81-887.01 and 81-887.02, Reissue Revised Statutes of Nebraska.

5 Sec. 67. Since an emergency exists, this act takes effect when
6 passed and approved according to law.