

AMENDMENTS TO LB838

Introduced by Banking, Commerce and Insurance.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 8-2701, Revised Statutes Supplement, 2025, is
4 amended to read:

5 8-2701 Sections 8-2701 to 8-2742 and sections 5 to 8 of this act
6 shall be known and may be cited as the Nebraska Money Transmitters Act.

7 **Sec. 2.** Section 8-2702, Revised Statutes Supplement, 2025, is
8 amended to read:

9 8-2702 For purposes of the Nebraska Money Transmitters Act:

10 (1) Acting in concert means persons knowingly acting together with a
11 common goal of jointly acquiring control of a licensee whether or not
12 pursuant to an express agreement;

13 (2) Applicant means a person filing an application for a license
14 under the Nebraska Money Transmitters Act;

15 (3) Authorized delegate means a person designated by the licensee to
16 engage in money transmission on behalf of the licensee;

17 (4) Average daily money transmission liability means the amount of
18 the licensee's outstanding money transmission obligations in this state
19 at the end of each day in a given period of time, added together, and
20 divided by the total number of days in the given period of time. For
21 purposes of calculating average daily money transmission liability under
22 the Nebraska Money Transmitters Act for any licensee required to do so,
23 the given period of time shall be each calendar quarter;

24 (5) Closed loop stored value means stored value that is redeemable
25 by the issuer of such stored value only for goods or services provided by
26 the issuer or affiliates of such issuer or franchisees of the issuer or
27 affiliates of such franchisees, except to the extent the stored value is

1 required by applicable law to be redeemable in cash for the cash value of
2 the stored value;

3 (6)(a) Control means:

4 (i) Direct or indirect power over the vote of at least twenty-five
5 percent of the outstanding voting shares or voting interests of a
6 licensee or person in control of a licensee;

7 (ii) The power to elect or appoint a majority of key individuals,
8 executive officers, managers, directors, trustees, or other persons that
9 have managerial authority of a person in control of a licensee; or

10 (iii) The power to exercise, directly or indirectly, a controlling
11 influence over the management or policies of a licensee or person in
12 control of a licensee.

13 (b) For purposes of determining the percentage of a person
14 controlled by any other person, the person's interest shall be aggregated
15 with the interest of any other immediate family member, including the
16 person's spouse, parents, children, siblings, mothers-in-law, fathers-in-
17 law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law,
18 and any other person who shares such person's residence;

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

20 (8) Director means the Director of Banking and Finance;

21 (9) Eligible rating means a credit rating of any of the three
22 highest rating categories provided by an eligible rating service, whereby
23 each category may include rating category modifiers such as plus or minus
24 for Standard and Poor's Corporation or the equivalent for any other
25 eligible rating service. Long-term credit ratings are deemed eligible if
26 the rating is equal to A- or higher by Standard and Poor's Corporation,
27 or the equivalent from any other eligible rating service. Short-term
28 credit ratings are deemed eligible if the rating is equal to or higher
29 than A-2 or SP-2 by Standard and Poor's Corporation or the equivalent
30 from any other eligible rating service. In the event that ratings differ
31 among eligible rating services, the highest rating shall apply when

1 determining whether a security bears an eligible rating.

2 (10) Eligible rating service means any nationally recognized
3 statistical rating organization approved by the Securities and Exchange
4 Commission and any other organization designated by the director by rule
5 or order;

6 (11) Federally insured depository financial institution means a
7 bank, credit union, savings and loan association, trust company, savings
8 association, savings bank, industrial bank, or industrial loan company
9 organized under the laws of the United States or any state of the United
10 States, when such bank, credit union, savings and loan association, trust
11 company, savings association, savings bank, industrial bank, or
12 industrial loan company has federally insured deposits;

13 (12) Foreign adversary person means:

14 (a) A foreign person that is domiciled in, is headquartered in, has
15 its principal place of business in, or is organized under the laws of any
16 country listed in 15 C.F.R. 791.4;

17 (b) An entity with respect to which a foreign person or combination
18 of foreign persons described in subdivision (12)(a) of this section
19 directly or indirectly own at least a twenty-five percent share; or

20 (c) A person subject to the direction or control of a foreign person
21 or entity described in subdivision (12)(a) or (b) of this section;

22 (13) ~~(12)~~ In this state means at a physical location within this
23 state for a transaction requested in person. For a transaction requested
24 electronically or by telephone, the provider of money transmission may
25 determine if the person requesting the transaction is in this state by
26 relying on other information provided by such person regarding the
27 location of the individual's residential address or the entity's
28 principal place of business or other physical address location and any
29 records associated with such person that the provider of money
30 transmission may have that indicate the location of the individual's
31 residential address or the entity's principal place of business or other

1 physical address location, including, but not limited to, an address
2 associated with an account;

3 (14) (13) Individual means a natural person;

4 (15)(a) Informal value transfer system services means services
5 provided by any system, mechanism, or network of persons or entities
6 that:

7 (i) Receives money for the purpose of making the funds or an
8 equivalent value payable to a third party in another geographic location,
9 whether or not in the same form; or

10 (ii) Facilitates the transfer of money domestically or
11 internationally outside the conventional money-transmission system.

12 (b) Informal value transfer system services includes hawala systems
13 or agencies or similar systems or agencies for transferring money by
14 payment to an agent who instructs a remote associate to pay a final
15 recipient.

16 (c) Informal value transfer system services does not include armored
17 car services or issuance of gift cards;

18 (16) (14) Key individual means any individual ultimately responsible
19 for establishing or directing policies and procedures of the licensee,
20 such as an executive officer, manager, director, or trustee;

21 (17) (15) Licensee means a person licensed under the Nebraska Money
22 Transmitters Act;

23 (18) (16) Material litigation means litigation, that according to
24 United States generally accepted accounting principles, is significant to
25 a person's financial health and would be required to be disclosed in the
26 person's annual audited financial statements, report to shareholders, or
27 similar records;

28 (19) (17) Model Money Transmission Modernization Act means the Model
29 Money Transmission Modernization Act approved for state adoption by the
30 Conference of State Bank Supervisors Board of Directors that sets
31 nationwide standards, including net worth, surety bond, and permissible

1 investments requirements, to modernize the supervision and regulation of
2 money transmitters;

3 ~~(20)~~ ~~(18)~~ Monetary value means a medium of exchange, whether or not
4 redeemable in money;

5 ~~(21)~~ ~~(19)~~ Money means a medium of exchange that is authorized or
6 adopted by the United States or a foreign government. Money includes a
7 monetary unit of account established by an intergovernmental organization
8 or by agreement between two or more governments;

9 ~~(22)(a)~~ ~~(20)(a)~~ Money transmission means any of the following:

10 (i) Selling or issuing payment instruments to a person located in
11 this state;

12 (ii) Selling or issuing stored value to a person located in this
13 state; and

14 (iii) Receiving money for transmission from a person located in this
15 state.

16 (b) Money transmission includes payroll processing services and
17 informal value transfer system services. Money transmission does not
18 include the provision solely of online or telecommunications services or
19 network access;

20 ~~(23)~~ ~~(21)~~ Multistate licensing process means any agreement entered
21 into by and among state regulators relating to coordinated processing of
22 applications for money transmission licenses, applications for the
23 acquisition of control of a licensee, control determinations, or notice
24 and information requirements for a change of key individuals;

25 ~~(24)~~ ~~(22)~~ Nationwide Mortgage Licensing System and Registry means
26 the Nationwide Mortgage Licensing System and Registry, also known as the
27 Nationwide Multistate Licensing System and Registry, developed by the
28 Conference of State Bank Supervisors and the American Association of
29 Residential Mortgage Regulators and owned and operated by the State
30 Regulatory Registry LLC, or any successor or affiliated entity, for the
31 licensing and registration of persons in financial services industries;

1 ~~(25)(a)~~ ~~(23)(a)~~ Outstanding money transmission obligation means:

2 (i) Any payment instrument or stored value issued or sold by the
3 licensee to a person located in the United States or reported as sold by
4 an authorized delegate of the licensee to a person that is located in the
5 United States that has not yet been paid or refunded by or for the
6 licensee or has been escheated in accordance with applicable abandoned
7 property laws; or

8 (ii) Any money received for transmission by the licensee or an
9 authorized delegate in the United States from a person located in the
10 United States that has not been received by the payee or refunded to the
11 sender or has been escheated in accordance with applicable abandoned
12 property laws.

13 (b) For purposes of subdivision ~~(25)~~ ~~(23)~~ of this section, in the
14 United States includes, to the extent applicable, a person in any state,
15 territory, or possession of the United States; the District of Columbia;
16 the Commonwealth of Puerto Rico; or a United States military installation
17 that is located in a foreign country;

18 ~~(26)~~ ~~(24)~~ Payment instrument means a written or electronic check,
19 draft, money order, traveler's check, or other written or electronic
20 instrument for the transmission or payment of money or monetary value,
21 whether or not negotiable. Payment instrument does not include stored
22 value or any instrument that:

23 (a) Is redeemable by the issuer only for goods or services provided
24 by the issuer or affiliates of such issuer or franchisees of the issuer
25 or affiliates of such franchisees except to the extent the instrument is
26 required by applicable law to be redeemable in cash for the cash value of
27 the instrument; or

28 (b) Is not sold publicly but issued and distributed as part of a
29 loyalty, rewards, or promotional program;

30 ~~(27)~~ ~~(25)~~ Payroll processing services means receiving money for
31 transmission pursuant to a contract with a person to deliver wages or

1 salaries, make payment of payroll taxes to state and federal agencies,
2 make payments relating to employee benefit plans, or make distributions
3 of other authorized deductions from wages or salaries. Payroll processing
4 services does not include an employer performing payroll processing
5 services on the employer's own behalf or on behalf of an affiliate of the
6 employer;

7 (28) ~~(26)~~ Person means any individual, general partnership, limited
8 partnership, limited liability company, corporation, trust, association,
9 joint stock corporation, or other corporate entity identified by the
10 director;

11 (29) ~~(27)~~ Receipt means a paper receipt, electronic record, or other
12 written confirmation;

13 (30) ~~(28)~~ Receiving money for transmission or money received for
14 transmission means receiving money or monetary value in the United States
15 for transmission within or outside the United States by electronic or
16 other means;

17 (31) ~~(29)~~ Remit means to make direct payments of money to a licensee
18 or a representative of a licensee authorized to receive money or to
19 deposit money in a bank in an account specified by the licensee; and

20 (32) ~~(30)~~ Stored value means monetary value representing a claim
21 against the issuer of the stored value evidenced by an electronic or
22 digital record, and that is intended and accepted for use as a means of
23 redemption for money or monetary value, or payment for goods or services.
24 Stored value includes, but is not limited to, prepaid access as defined
25 by 31 C.F.R. 1010.100. Notwithstanding the foregoing, stored value does
26 not include a payment instrument or closed loop stored value, or stored
27 value not sold publicly but issued and distributed as part of a loyalty,
28 rewards, or promotional program.

29 **Sec. 3.** Section 8-2711, Revised Statutes Supplement, 2025, is
30 amended to read:

31 8-2711 (1) Applicants for a license shall apply in a form and in a

1 medium as prescribed by the director. Each such form shall contain
2 content as set forth by rule, regulation, instruction, or procedure of
3 the director and may be changed or updated by the director in accordance
4 with applicable law in order to carry out the purposes of the Nebraska
5 Money Transmitters Act and maintain consistency with Nationwide Mortgage
6 Licensing System and Registry licensing standards and practices. The
7 application shall state or contain, as applicable:

8 (a) The legal name and residential and business addresses of the
9 applicant and any fictitious or trade name used by the applicant in
10 conducting the applicant's business;

11 (b) A list of any criminal conviction of the applicant and any
12 material litigation in which the applicant has been involved in the ten-
13 year period next preceding the submission of the application;

14 (c) A description of any money transmission previously provided by
15 the applicant and the money transmission that the applicant seeks to
16 provide in this state;

17 (d) A list of the applicant's proposed authorized delegates and the
18 locations in this state where the applicant and its authorized delegates
19 propose to engage in money transmission;

20 (e) A list of other states in which the applicant is licensed to
21 engage in money transmission and any license revocation, suspension, or
22 other disciplinary action taken against the applicant in another state;

23 (f) Information concerning any bankruptcy or receivership proceeding
24 affecting the applicant or a person in control of an applicant;

25 (g) A sample form of contract for authorized delegates, if
26 applicable;

27 (h) A sample form of payment instrument or stored value, as
28 applicable;

29 (i) The name and address of any federally insured depository
30 financial institution through which the applicant plans to conduct money
31 transmission; and

1 (j) A certification that the applicant is not a foreign adversary
2 person, along with sufficient information to enable the director to
3 verify the veracity of the certification;

4 (k) A certification that each key individual and person in control
5 of the applicant is not a foreign adversary person, along with sufficient
6 information to enable the director to verify the veracity of the
7 certification; and

8 (l) ~~(j)~~ Any other information the Director or the Nationwide
9 Mortgage Licensing System and Registry reasonably requires with respect
10 to the applicant.

11 (2) If an applicant is a corporation, limited liability company,
12 partnership, or other legal entity, the applicant shall also provide:

13 (a) The date of the applicant's incorporation or formation and state
14 or country of incorporation or formation;

15 (b) If applicable, a certificate of good standing from the state or
16 country in which the applicant was incorporated or formed;

17 (c) A brief description of the structure or organization of the
18 applicant, including any parents or subsidiaries of the applicant, and
19 whether any such parents or subsidiaries are publicly traded;

20 (d) The legal name, any fictitious or trade name, all business and
21 residential addresses, and the employment, as applicable, of each key
22 individual and person in control of the applicant in the ten-year period
23 preceding the submission of the application;

24 (e) A list of any criminal convictions and material litigation for a
25 person in control of the applicant that is not an individual that has
26 been involved with the applicant in the ten-year period preceding the
27 submission of the application;

28 (f) A copy of audited financial statements of the applicant for the
29 most recent fiscal year and for the two-year period preceding the
30 submission of the application or, if determined to be acceptable to the
31 director, certified unaudited financial statements for the most recent

1 fiscal year or any other period acceptable to the director;

2 (g) A certified copy of unaudited financial statements of the
3 applicant for the most recent fiscal quarter;

4 (h) If the applicant is a publicly traded corporation, a copy of the
5 most recent report filed with the Securities and Exchange Commission
6 pursuant to the Securities Exchange Act of 1934;

7 (i) If the applicant is a wholly owned subsidiary of:

8 (i) A corporation publicly traded in the United States, a copy of
9 audited financial statements for the parent corporation for the most
10 recent fiscal year or a copy of the parent corporation's most recent
11 report filed pursuant to the Securities Exchange Act of 1934; or

12 (ii) A corporation publicly traded outside the United States, a copy
13 of similar documentation filed with the regulator of the parent
14 corporation's domicile outside the United States;

15 (j) The name and address of the applicant's registered agent in this
16 state; and

17 (k) Any other information the director reasonably requires with
18 respect to the applicant.

19 (3) A nonrefundable application fee of one thousand five hundred
20 dollars must accompany an application for a license under this section.

21 (4) Other than the nonrefundable application fee, the director may
22 waive one or more requirements of this section or permit an applicant to
23 submit other information in lieu of the required information.

24 **Sec. 4.** Section 8-2742, Revised Statutes Supplement, 2025, is
25 amended to read:

26 8-2742 For purposes of the Nebraska Money Transmitters Act:

27 (1) 15 C.F.R. 791.4 means 15 C.F.R. 791.4, as such regulation
28 existed on January 1, 2026;

29 (2) ~~(1)~~ 31 C.F.R. 1010.100 means 31 C.F.R. 1010.100, as such
30 regulation existed on January 1, 2025;

31 (3) ~~(2)~~ Bank Secrecy Act means the Bank Secrecy Act, 31 U.S.C. 5311

1 et seq., and the implementing regulations of such act, as such act and
2 regulations existed on January 1, 2025;

3 (4) ~~(3)~~ Bank Service Company Act means the Bank Service Company Act,
4 12 U.S.C. 1861 et seq., as such act existed on January 1, 2025;

5 (5) ~~(4)~~ Commodity Exchange Act means the Commodity Exchange Act, 7
6 U.S.C. 1 et seq., as such act existed on January 1, 2025;

7 (6) ~~(5)~~ Edge Act means the Edge Act, 12 U.S.C. 611 et seq., as such
8 act existed on January 1, 2025;

9 (7) ~~(6)~~ Federal Credit Union Act means the Federal Credit Union Act,
10 12 U.S.C. 1751 et seq., as such act existed on January 1, 2025;

11 (8) ~~(7)~~ Federal Deposit Insurance Act means the Federal Deposit
12 Insurance Act, 12 U.S.C. 1811 et seq., as such act existed on January 1,
13 2025;

14 (9) ~~(8)~~ Federal remittance rule means 12 C.F.R. part 1005, subpart
15 B, as such regulation existed on January 1, 2025;

16 (10) ~~(9)~~ Foreign Account Tax Compliance Act means the Foreign
17 Account Tax Compliance Act, 26 U.S.C. 1471 et seq., as such act existed
18 on January 1, 2025;

19 (11) ~~(10)~~ International Banking Act of 1978 means the International
20 Banking Act of 1978, 12 U.S.C. 3101 et seq., as such act existed on
21 January 1, 2025;

22 (12) ~~(11)~~ Securities Exchange Act of 1934 means the Securities
23 Exchange Act of 1934, 15 U.S.C. 78a et seq., as such act existed on
24 January 1, 2025;

25 (13) ~~(12)~~ United States Bankruptcy Code means 11 U.S.C. 101 et seq.,
26 as such sections existed on January 1, 2025; and

27 (14) ~~(13)~~ Uniting and Strengthening America by Providing Appropriate
28 Tools Required to Intercept and Obstruct Terrorism Act of 2001 means the
29 Uniting and Strengthening America by Providing Appropriate Tools Required
30 to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56, as
31 such act existed on January 1, 2025.

1 **Sec. 5.** The Legislature finds and declares that:

2 (1) The United States has determined that the governments of China,
3 Cuba, Iran, North Korea, Russia, and the Maduro Regime in Venezuela are
4 foreign adversaries of the United States because they have engaged in
5 long-term patterns or serious instances of conduct significantly adverse
6 to United States national security or the security and safety of United
7 States persons;

8 (2) China's effort to advance its technological capabilities poses
9 significant threats to the United States and its citizens;

10 (3) China is currently operating a Military-Civil Fusion strategy
11 with the goal of developing the most technologically advanced military in
12 the world. A key part of this strategy is removing barriers between
13 China's civilian sectors and its military and defense industrial sectors;

14 (4) China is also seeking to grow its technological dominance in
15 international markets;

16 (5) To advance its missions, China has increased its efforts to
17 collect foreign data;

18 (6) Under Article 7 of China's National Intelligence Law of 2017,
19 which states in part that any organization or citizen shall support,
20 assist, and cooperate with the state intelligence work, China may compel
21 its citizens and companies to assist with surveillance efforts or
22 surrender data to Chinese intelligence agencies, including data belonging
23 to the United States or its citizens;

24 (7) China's collection of data is a threat to national security and
25 the United States Department of Homeland Security and the National
26 Counterintelligence and Security Center have both issued publications
27 warning United States citizens and businesses of the potential threats
28 stemming from China's intelligence laws;

29 (8) In November 2025, the White House produced a security memo
30 asserting that a Chinese technology company shares its customers' data,
31 including customers' payment records, with the Chinese government and

1 concurrently the Pentagon sent a letter to Congress indicating intent to
2 list that Chinese technology company as a Chinese military company;

3 (9) The threat of data collection by foreign adversaries is not only
4 a national security threat but also a threat to consumers who provide
5 data and other information to foreign adversary-based companies;

6 (10) Pursuant to this state's supervisory authority over financial
7 transactions, the state has put in place a regulatory scheme for
8 licensing money transmitters;

9 (11) Money transmitters provide consumers with nonbank access to
10 sending and receiving funds, often internationally, and require access to
11 sensitive customer data;

12 (12) As a part of the licensing scheme, the state looks at the
13 character and general fitness of applicants to ensure that it is in the
14 interest of the public to permit the applicant to engage in money
15 transmission in the state; and

16 (13) Due to the risks posed by foreign adversaries to this state and
17 its citizens, the state finds that it should not grant money transmitter
18 licenses to companies with connections to foreign adversaries.

19 **Sec. 6.** (1)(a) For purposes of section 8-2713, if an applicant or
20 any key individual or person in control of the applicant fails to
21 establish that such applicant, key individual, or person in control is
22 not a foreign adversary person, the director shall presume that the
23 character and general fitness of such applicant, key individual, or
24 person in control indicates that it is not in the interest of the public
25 to permit the applicant to engage in money transmission.

26 (b) For purposes of section 8-2716, if a person, or group of persons
27 acting in concert, seeking to acquire control of a licensee or if any key
28 individual or person that would be in control of a licensee after
29 acquisition of control fails to establish that such person, group, or key
30 individual is not a foreign adversary person, the director shall presume
31 that the character and general fitness of such person, group, or key

1 individual indicates that it is not in the interest of the public to
2 permit the person, group of persons acting in concert, or key individual
3 to control the licensee.

4 (c) For purposes of section 8-2734, if a licensee or authorized
5 delegate or any key individual or persons in control of a licensee or
6 responsible person in control of the authorized delegate fails to
7 establish that such licensee, delegate, key individual, or person in
8 control is not a foreign adversary person, the director shall presume
9 that the character and general fitness of such licensee, delegate, key
10 individual, or person in control indicates that it is not in the interest
11 of the public to permit the licensee, delegate, key individual, or person
12 in control to provide money transmission.

13 (d) For purposes of section 8-2735, if an authorized delegate or a
14 person in control of the authorized delegate fails to establish that such
15 delegate or person in control is not a foreign adversary person, the
16 director shall presume that the character and general fitness of such
17 delegate or person in control indicates that it is not in the interest of
18 the public to permit the authorized delegate to provide money
19 transmission.

20 (2) The presumptions described in subsection (1) of this section
21 shall only be rebutted by clear and convincing evidence that:

22 (a) The relevant foreign government or foreign nongovernment person
23 listed in 15 C.F.R. 791.4 has expressly exempted the relevant applicant,
24 licensee, authorized delegate, key individual, or person from all legal
25 obligations to share any information from an individual in this state
26 with any foreign adversary person;

27 (b) The exemption described in subdivision (2)(a) of this section
28 will be judicially enforceable within this state against the foreign
29 government and nongovernment person by any individual in this state who
30 uses the money transmitter services of the exempted individual or person;

31 (c) The exempted individual or person has established a relationship

1 with an auditor organized within, and with its primary place of business
2 within, the United States that will verify, through an external
3 compliance audit or similar process conducted at least quarterly and in
4 compliance with all applicable auditing standards, whether any
5 information is shared by the exempted individual or person with a foreign
6 adversary person during the duration of the license or at any point
7 within three years after the expiration of the license; and

8 (d) The exempted individual or person has adopted a policy that it
9 will promptly notify all affected individuals and the Attorney General if
10 it or its auditor concludes that information has been shared with a
11 foreign adversary person during the duration of the license or at any
12 point within three years after the expiration of the license.

13 **Sec. 7.** (1) On the operative date of this section, the changes made
14 by this legislative bill shall apply to all existing and future licenses
15 and applications for license under the Nebraska Money Transmitters Act.

16 (2) Within sixty days after the operative date of this section, the
17 director shall send a written request to each licensee and applicant with
18 a completed application that requests supplemental information necessary
19 for the director to investigate and determine compliance with the changes
20 made by this legislative bill, including the certifications required by
21 section 8-2711. For any licensee that does not provide such information
22 within sixty days after receiving such request or that the director has
23 reasonable suspicion to believe is a foreign adversary person or has any
24 key individual or person in control that is a foreign adversary person,
25 the director shall institute proceedings under section 8-2734 to revoke
26 the licensee's license.

27 **Sec. 8.** Within thirty days after the operative date of this
28 section, the director shall prescribe forms and instructions and issue an
29 order governing applications under the Nebraska Money Transmitters Act to
30 require information sufficient to show that the applicant is not a
31 foreign adversary person.

1 **Sec. 9.** Section 8-2901, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 8-2901 For purposes of sections 8-2901 to 8-2903:

4 (1) Account means a contract of deposit of funds between the
5 depositor and a financial institution and:

6 (a) The account is owned by a vulnerable adult or senior adult,
7 whether individually or with one or more other persons; or

8 (b) A vulnerable adult or senior adult is a beneficiary of the
9 account, including a formal or informal trust account, a payable on death
10 account, a conservatorship account, or a guardianship account;

11 (2) Authorized contact means an adult person designated by a
12 vulnerable adult or senior adult to be contacted by a financial
13 institution in the event of an emergency, a loss of contact with the
14 customer, or suspected financial exploitation;

15 (3) ~~(2)~~ Department means the Department of Health and Human
16 Services;

17 (4) ~~(3)~~ Financial exploitation means:

18 (a) The wrongful or unauthorized taking, withholding, appropriation,
19 or use of the money, assets, or other property or the identifying
20 information of a vulnerable adult or senior adult by any person; or

21 (b) An act or omission by a person, including through the use of a
22 power of attorney on behalf of, or as the conservator or guardian of, a
23 vulnerable adult or senior adult, to:

24 (i) Obtain control, through deception, intimidation, fraud, or undue
25 influence, over the vulnerable adult's or senior adult's money, assets,
26 or other property to deprive the vulnerable adult or senior adult of the
27 ownership, use, benefit, or possession of the property; or

28 (ii) Convert the money, assets, or other property of a vulnerable
29 adult or senior adult to deprive a vulnerable adult or senior adult of
30 the ownership, use, benefit, or possession of the property;

31 (5) ~~(4)~~ Financial institution means a bank, savings bank, building

1 and loan association, savings and loan association, or credit union,
2 whether chartered by the Department of Banking and Finance, the United
3 States, or a foreign state agency; any other similar organization which
4 is covered by federal deposit insurance; a subsidiary or affiliate of any
5 such entity; or a trust company as defined in section 8-230;

6 (6) ~~(5)~~ Law enforcement agency has the same meaning as in section
7 28-359;

8 (7) ~~(6)~~ Senior adult has the same meaning as in section 28-366.01;

9 (8) ~~(7)~~ Transaction means any of the following as applicable to
10 services provided by a financial institution:

11 (a) A transfer or request to transfer or disburse funds or assets in
12 an account;

13 (b) A request to initiate a wire transfer, initiate an automated
14 clearinghouse transfer, or issue a money order, cashier's check, or
15 official check;

16 (c) A request to negotiate a check or other negotiable instrument;

17 (d) A request to change the ownership of, or access to, an account;

18 (e) A request for a loan, guarantee of a loan, extension of credit,
19 or draw on a line of credit;

20 (f) A request to encumber any movable or immovable property,
21 including real property, personal property, or fixtures; and

22 (g) A request to designate or change the designation of
23 beneficiaries to receive any property, benefit, or contract right for a
24 vulnerable adult or senior adult at death; and

25 (9) ~~(8)~~ Vulnerable adult has the same meaning as in section 28-371.

26 **Sec. 10.** Section 8-2903, Revised Statutes Supplement, 2025, is
27 amended to read:

28 8-2903 (1) When a financial institution, or an employee of a
29 financial institution, reasonably believes, or has received information
30 from the department or a law enforcement agency demonstrating that it is
31 reasonable to believe, that financial exploitation of a vulnerable adult

1 or senior adult may have occurred, may have been attempted, is occurring,
2 or is being attempted, the financial institution may, but is not required
3 to:

4 (a) Delay or refuse a transaction with or involving the vulnerable
5 adult or senior adult;

6 (b) Delay or refuse to permit the withdrawal or disbursement of
7 funds contained in the vulnerable adult's or senior adult's account;

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

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

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

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

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

27 (3)(a)(i) A financial institution may notify any third party
28 reasonably associated with a vulnerable adult or senior adult if the
29 financial institution reasonably believes that the financial exploitation
30 of a vulnerable adult or senior adult may have occurred, may have been
31 attempted, is occurring, or is being attempted.

1 (ii) A third party reasonably associated with a vulnerable adult or
2 senior adult includes, but is not limited to, the following: (A) A
3 parent, spouse, adult child, sibling, or other known family member or
4 close associate of a vulnerable adult or senior adult; (B) an authorized
5 contact provided by a vulnerable adult or senior adult to the financial
6 institution; (C) a co-owner, additional authorized signatory, or
7 beneficiary on a vulnerable adult's or a senior adult's account; (D) an
8 attorney in fact, trustee, conservator, guardian, or other fiduciary who
9 has been selected by a vulnerable adult or senior adult, a court, or a
10 third party to manage some or all of the financial affairs of the
11 vulnerable adult or senior adult; and (E) an attorney known to represent
12 or have represented the vulnerable adult or senior adult.

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

21 (c) Nothing in this subsection shall prevent a financial institution
22 from notifying the department or a law enforcement agency, 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 (4) The authority granted the financial institution under subsection
27 (1) of this section expires upon the sooner of: (a) Thirty business days
28 after the date on which the financial institution first acted under
29 subsection (1) of this section; (b) when the financial institution is
30 satisfied that the transaction or act will not result in financial
31 exploitation of the vulnerable adult or senior adult; or (c) upon

1 termination by an order of a court of competent jurisdiction.

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

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

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

20 (b) Notwithstanding any other law to the contrary, a reasonable
21 belief that payment of a check will facilitate the financial exploitation
22 of a vulnerable adult or senior adult shall constitute reasonable grounds
23 to doubt the collectability of the item for purposes of the federal Check
24 Clearing for the 21st Century Act, 12 U.S.C. 5001 et seq., the federal
25 Expedited Funds Availability Act, 12 U.S.C. 4001 et seq., and 12 C.F.R.
26 part 229, as such acts and part existed on January 1, 2025.

27 (8) A financial institution shall be immune from any civil,
28 criminal, or administrative liability that may otherwise exist for
29 choosing not to implement an authorized contact program. A financial
30 institution, when acting in a reasonable manner, shall be immune from any
31 civil, criminal, or administrative liability that may otherwise exist for

1 any actions or omissions related to the administration of such a program.
2 A financial institution shall not be liable for the actions of an
3 authorized contact.

4 (9) A financial institution shall be immune from any civil,
5 criminal, or administrative liability for declining to interact with an
6 authorized contact if the financial institution reasonably believes that:

7 (a) The authorized contact is, may be, or may have been engaged in
8 the financial exploitation of the vulnerable adult or senior adult; or

9 (b) Such interaction is not in the best interests of the vulnerable
10 adult or senior adult.

11 (10) A person designated as an authorized contact who acts in good
12 faith and exercises reasonable care in providing information to the
13 financial institution, or in assisting the financial institution or law
14 enforcement in an investigation of suspected financial exploitation,
15 shall be immune from any administrative, civil, or criminal liability
16 that might otherwise arise from such actions.

17 **Sec. 11.** Section 25-2701, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 25-2701 (1) All provisions in the rules and codes of criminal and
20 civil procedure governing actions and proceedings in the district court
21 not in conflict with statutes specifically governing procedure in county
22 courts and related to matters for which no specific provisions have been
23 made for county courts shall govern and apply to all actions and
24 proceedings in the county court.

25 (2) County courts may seal records of a person as provided under
26 sections 43-2,108.01 to 43-2,108.05.

27 (3) Unless specifically provided to the contrary in the Uniform
28 Probate Code or unless inconsistent with its provisions, the rules and
29 codes of civil procedure, including the rules concerning vacation of
30 orders and appellate review, govern proceedings under this section.

31 **Sec. 12.** Section 30-2301, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 30-2301 (1) Any part of a decedent's estate not effectively disposed
3 of by will passes by intestate succession to the decedent's heirs as
4 prescribed in the following sections of this code, except as modified by
5 the decedent's will.

6 (2) A decedent by will may expressly exclude or limit the right of
7 an individual or class to succeed to property of the decedent passing by
8 intestate succession. If that individual or a member of that class
9 survives the decedent, the share of the decedent's intestate estate to
10 which that individual or class would have succeeded passes as if that
11 individual or each member of that class had disclaimed the intestate
12 share. Any part of the estate of a decedent not effectively disposed of
13 by his will passes to his heirs as prescribed in the following sections
14 of this code.

15 **Sec. 13.** Section 30-2302, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 30-2302 The intestate share of the surviving spouse is:

18 (1) if there is no surviving issue or parent of the decedent, the
19 entire intestate estate;

20 (2) if there is no surviving issue but the decedent is survived by a
21 parent or parents, the first one hundred fifty thousand dollars, plus
22 one-half of the balance of the intestate estate;

23 (3) if there are surviving issue all of whom are issue of the
24 surviving spouse also, the first one hundred fifty thousand dollars, plus
25 one-half of the balance of the intestate estate;

26 (4) if there are surviving issue one or more of whom are not issue
27 of the surviving spouse, one-half of the intestate estate.

28 **Sec. 14.** Section 30-2322, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 30-2322 A surviving spouse of a decedent who was domiciled in this
31 state is entitled to a homestead allowance of seven thousand five hundred

1 dollars for a decedent who dies before January 1, 2011, ~~and~~ twenty
2 thousand dollars for a decedent who dies on or after January 1, 2011, and
3 before January 1, 2027, and twenty-five thousand dollars for a decedent
4 who dies on or after January 1, 2027. If there is no surviving spouse,
5 each minor child and each dependent child of the decedent is entitled to
6 a homestead allowance amounting to the amount allowed for a surviving
7 spouse divided by the number of minor and dependent children of the
8 decedent. The homestead allowance is exempt from and has priority over
9 all claims against the estate except for costs and expenses of
10 administration. Homestead allowance is in addition to any share passing
11 to the surviving spouse or minor or dependent child by the will of the
12 decedent unless otherwise provided therein, by intestate succession or by
13 way of elective share.

14 **Sec. 15.** Section 30-2323, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 30-2323 (1) In addition to the homestead allowance, the surviving
17 spouse of a decedent who was domiciled in this state is entitled from the
18 estate to value not exceeding five thousand dollars for a decedent who
19 dies before January 1, 2011, ~~and~~ twelve thousand five hundred dollars for
20 a decedent who dies on or after January 1, 2011, and before January 1,
21 2027, and seventeen thousand five hundred dollars for a decedent who dies
22 on or after January 1, 2027, in excess of any security interests therein
23 in household furniture, automobiles, furnishings, appliances, and
24 personal effects. If there is no surviving spouse, children of the
25 decedent are entitled jointly to the same value unless the decedent has
26 provided in his or her will that one or more of such children shall be
27 disinherited, in which case only those children not so disinherited shall
28 be so entitled. For purposes of this section, disinherited means
29 providing in one's will that a child shall take nothing or a nominal
30 amount of ten dollars or less from the estate.

31 (2) If encumbered chattels are selected and if the value in excess

1 of security interests, plus that of other exempt property, is less than
2 the amount allowed under subsection (1) of this section, or if there is
3 not that amount worth of exempt property in the estate, the spouse or
4 children are entitled to other assets of the estate, if any, to the
5 extent necessary to make up the amount allowed under subsection (1) of
6 this section. Rights to exempt property and assets needed to make up a
7 deficiency of exempt property have priority over all claims against the
8 estate except for costs and expenses of administration, except for claims
9 filed by the Department of Health and Human Services pursuant to section
10 68-919 notwithstanding the order of payment established in section
11 30-2487, and except that the right to any assets to make up a deficiency
12 of exempt property shall abate as necessary to permit prior payment of
13 homestead allowance and family allowance.

14 (3) These rights are in addition to any benefit or share passing to
15 the surviving spouse by the will of the decedent unless otherwise
16 provided therein, by intestate succession, or by way of elective share.
17 These rights are in addition to any benefit or share passing to the
18 surviving children by intestate succession and are in addition to any
19 benefit or share passing by the will of the decedent to those surviving
20 children not disinherited unless otherwise provided in the will.

21 **Sec. 16.** Section 30-2325, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 30-2325 If the estate is otherwise sufficient, property specifically
24 devised is not used to satisfy rights to homestead and exempt property.
25 Subject to this restriction, the surviving spouse, the guardians of the
26 minor children, or children who are adults may select property of the
27 estate as homestead allowance and exempt property. After giving such
28 notice as the court may require in a proceeding initiated under the
29 provisions of section 30-2405, the personal representative may make these
30 selections if the surviving spouse, the children or the guardians of the
31 minor children are unable or fail to do so within a reasonable time or if

1 there are no guardians of the minor children. The personal representative
2 may execute an instrument or deed of distribution to establish the
3 ownership of property taken as homestead allowance or exempt property.
4 The personal representative may determine the family allowance in a lump
5 sum not exceeding nine thousand dollars for a decedent who dies before
6 January 1, 2011, ~~and~~ twenty thousand dollars for a decedent who dies on
7 or after January 1, 2011, and before January 1, 2027, and twenty-five
8 thousand dollars for a decedent who dies on or after January 1, 2027, or
9 periodic installments not exceeding seven hundred fifty dollars per month
10 for one year for a decedent who dies before January 1, 2011, ~~and~~ one
11 thousand six hundred sixty-six dollars and sixty-seven cents per month
12 for one year for a decedent who dies on or after January 1, 2011, and
13 before January 1, 2027, and two thousand eighty-three dollars and thirty-
14 three cents per month for one year for a decedent who dies on or after
15 January 1, 2027. The personal representative may disburse funds of the
16 estate in payment of the family allowance and any part of the homestead
17 allowance payable in cash. The personal representative or any interested
18 person aggrieved by any selection, determination, payment, proposed
19 payment, or failure to act under this section may petition the court for
20 appropriate relief, which relief may provide a family allowance larger or
21 smaller than that which the personal representative determined or could
22 have determined.

23 The homestead allowance, the exempt property, and the family
24 allowance as finally determined by the personal representative or by the
25 court, shall vest in the surviving spouse as of the date of decedent's
26 death, as a vested indefeasible right of property, shall survive as an
27 asset of the surviving spouse's estate if unpaid on the date of death of
28 such surviving spouse, and shall not terminate upon the death or
29 remarriage of the surviving spouse.

30 **Sec. 17.** Section 30-3801, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 30-3801 (UTC 101) Sections 30-3801 to 30-38,115 and sections 19 to
2 21 of this act shall be known and may be cited as the Nebraska Uniform
3 Trust Code.

4 **Sec. 18.** Section 30-3803, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 30-3803 (UTC 103) In the Nebraska Uniform Trust Code:

7 (1) "Action", with respect to an act of a trustee, includes a
8 failure to act.

9 (2) "Ascertainable standard" means a standard relating to an
10 individual's health, education, support, or maintenance within the
11 meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue
12 Code of 1986, as defined in section 49-801.01.

13 (3) "Beneficiary" means a person that:

14 (A) has a present or future beneficial interest in a trust, vested
15 or contingent; or

16 (B) in a capacity other than that of trustee, holds a power of
17 appointment over trust property.

18 (4) "Charitable trust" means a trust, or portion of a trust, created
19 for a charitable purpose described in subsection (a) of section 30-3831.

20 (5) "Conservator" means a person appointed by the court to
21 administer the estate of a minor or adult individual.

22 (6) "Environmental law" means a federal, state, or local law, rule,
23 regulation, or ordinance relating to protection of the environment.

24 (7) "Guardian" means a person who has qualified as a guardian of a
25 minor or incapacitated person pursuant to testamentary or court
26 appointment, but excludes one who is merely a guardian ad litem.

27 (8) "Interests of the beneficiaries" means the beneficial interests
28 provided in the terms of the trust.

29 (9) "Jurisdiction", with respect to a geographic area, includes a
30 state or country.

31 (10) "Person" means an individual, corporation, business trust,

1 estate, trust, partnership, limited liability company, association, joint
2 venture, government; governmental subdivision, agency, or
3 instrumentality; public corporation, or any other legal or commercial
4 entity.

5 (11) "Power of withdrawal" means a presently exercisable general
6 power of appointment other than a power: (A) which is exercisable by a
7 trustee and limited by an ascertainable standard; or (B) which is
8 exercisable by another person only upon consent of the trustee or a
9 person holding an adverse interest.

10 (12) "Property" means anything that may be the subject of ownership,
11 whether real or personal, legal or equitable, or any interest therein.

12 (13) "Qualified beneficiary" means a beneficiary who, on the date
13 the beneficiary's qualification is determined:

14 (A) is a distributee or permissible distributee of trust income or
15 principal;

16 (B) would be a distributee or permissible distributee of trust
17 income or principal if the interests of the distributees described in
18 subdivision (A) of this subdivision terminated on that date without
19 causing the trust to terminate; or

20 (C) would be a distributee or permissible distributee of trust
21 income or principal if the trust terminated on that date.

22 (14) "Regulated financial-service institution" means a state-
23 chartered or federally chartered financial institution in which the
24 monetary deposits are insured by the Federal Deposit Insurance
25 Corporation.

26 (15) "Revocable", as applied to a trust, means revocable by the
27 settlor without the consent of the trustee or a person holding an adverse
28 interest.

29 (16) "Settlor" means a person, including a testator, who creates, or
30 contributes property to, a trust. If more than one person creates or
31 contributes property to a trust, each person is a settlor of the portion

1 of the trust property attributable to that person's contribution except
2 to the extent another person has the power to revoke or withdraw that
3 portion.

4 (17) "Spendthrift provision" means a term of a trust which restrains
5 both voluntary and involuntary transfer of a beneficiary's interest.

6 (18) "State" includes any state of the United States, the District
7 of Columbia, the Commonwealth of Puerto Rico, and any territory or
8 possession subject to the legislative authority of the United States.

9 (19) "Terms of a trust" means: (A) Except as otherwise provided in
10 subdivision (19)(B) of this section, the manifestation of the settlor's
11 intent regarding a trust's provisions as: (i) Expressed in the trust
12 instrument; or (ii) established by other evidence that would be
13 admissible in a judicial proceeding; or (B) the trust's provisions, as
14 established, determined, or amended by a: (i) Trustee or other person in
15 accordance with applicable law; (ii) court order; or (iii) nonjudicial
16 settlement agreement under section 30-3811. ~~the manifestation of the~~
17 settlor's intent regarding a trust's provisions as expressed in the trust
18 instrument or as may be established by other evidence that would be
19 admissible in a judicial proceeding.

20 (20) "Trust instrument" means an instrument executed by the settlor
21 that contains terms of the trust, including any amendments thereto.

22 (21) "Trustee" includes an original, additional, and successor
23 trustee, and a cotrustee.

24 **Sec. 19.** A contract to make a trust, or not to revoke a trust, if
25 executed on or after January 1, 1977, shall only be established by: (1)
26 Provisions of a will or a trust stating the material provisions of the
27 contract; (2) an express reference in a will or trust to a contract and
28 extrinsic evidence proving the terms of the contract; or (3) a writing
29 signed by the decedent evidencing the contract. The execution of a joint
30 trust does not create a presumption of a contract not to revoke the
31 trust.

1 **Sec. 20.** A provision in a trust purporting to penalize any
2 interested person for contesting the trust or instituting other
3 proceedings relating to the trust is unenforceable if probable cause
4 exists for instituting proceedings.

5 **Sec. 21.** The rules of construction that apply in this state to the
6 interpretation and disposition of property by will shall also apply as
7 appropriate to the interpretation of the terms of a trust and the
8 disposition of the trust property.

9 **Sec. 22.** Section 30-38,103, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 30-38,103 (a) A certification of trust may confirm the following
12 facts or contain the following information:

13 (1) The existence of a trust and, for an inter vivos trust, the date
14 of execution or, for a testamentary trust, the date of death of the
15 decedent;

16 (2) The identity of the grantor, settlor, or testator and each
17 currently acting trustee;

18 (3) The powers of the trustee and any restrictions imposed upon the
19 trustee in dealing with the assets of the trust;

20 (4) The name or method of choosing successor trustees;

21 (5) The revocability or irrevocability of the trust and the identity
22 of any person holding a power to revoke it;

23 (6) If there is more than one trustee, whether all of the currently
24 acting trustees must, or if less than all, may, act to exercise
25 identified powers of the trustee;

26 (7) The identifying number of the trust and whether it is a social
27 security number or an employer identification number;

28 (8) The name of each beneficiary and the relationship to the
29 grantor, settlor, or testator;

30 (9) The state or other jurisdiction under which the trust was
31 established; ~~and~~

1 (10) The form in which title to the assets of the trust is to be
2 taken; and -

3 (11) Any information necessary to establish a person's ownership of
4 a homestead for purposes of obtaining a homestead exemption under
5 sections 77-3501 to 77-3529.

6 (b) The certification of trust shall contain a statement that the
7 trust has not been revoked or amended to make any representations
8 contained in the certification of trust incorrect and that the signatures
9 are those of all the acting trustees.

10 **Sec. 23.** Section 77-2004, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 77-2004 (1) In the case of a person described in subsection (2) of
13 this section ~~father, mother, grandfather, grandmother, brother, sister,~~
14 ~~son, daughter, child or children legally adopted as such in conformity~~
15 ~~with the laws of the state where adopted, any lineal descendant, any~~
16 ~~lineal descendant legally adopted as such in conformity with the laws of~~
17 ~~the state where adopted, any person to whom the deceased for not less~~
18 ~~than ten years prior to death stood in the acknowledged relation of a~~
19 ~~parent, or the spouse or surviving spouse of any such persons, the rate~~
20 of tax shall be:

21 (a) For decedents dying prior to January 1, 2023, one percent of the
22 clear market value of the property received by each person in excess of
23 forty thousand dollars; and

24 (b) For decedents dying on or after January 1, 2023, one percent of
25 the clear market value of the property received by each person in excess
26 of one hundred thousand dollars.

27 (2) Persons subject to inheritance tax at the rate prescribed by
28 this section are:

29 (a) A father, mother, grandfather, grandmother, brother, sister,
30 son, daughter, child or children legally adopted as such in conformity
31 with the laws of the state where adopted;

1 (b) Any lineal descendant;

2 (c) Any lineal descendant legally adopted as such in conformity with
3 the laws of the state where adopted;

4 (d) Any person to whom the deceased for not less than ten years
5 prior to death stood in the acknowledged relation of a parent;

6 (e) Any lineal descendant of a person described in subdivision (d)
7 of this subsection;

8 (f) Any lineal descendant of a person described in subdivision (d)
9 of this subsection legally adopted as such in conformity with the laws of
10 the state where adopted; and

11 (g) The spouse or surviving spouse of any person described in
12 subdivisions (a) through (f) of this subsection.

13 (3) {2} Any interest in property, including any interest acquired in
14 the manner set forth in section 77-2002, which may be valued at a sum
15 less than or equal to the applicable exempt amount under subsection (1)
16 of this section shall not be subject to tax. In addition, the homestead
17 allowance, exempt property, and family maintenance allowance shall not be
18 subject to tax. Interests passing to the surviving spouse by will, in the
19 manner set forth in section 77-2002, or in any other manner shall not be
20 subject to tax. Any interest passing to a person described in subsection
21 (2) {1} of this section who is under twenty-two years of age shall not be
22 subject to tax.

23 **Sec. 24.** Section 77-3503, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 77-3503 Owner shall mean the owner of record or surviving spouse,
26 the vendee in possession under a land contract or surviving spouse, one
27 of the joint tenants or tenants in common or surviving spouse, or the
28 beneficiary of a trust of which the trustee is the record title owner and
29 the beneficiary-occupant (1) has a specific right to occupy the premises
30 as stated in the trust instrument, (2) has the right to amend or revoke
31 the trust to obtain such power of occupancy or of title, or (3) has the

1 power to withdraw the homestead premises from the trust and place the
2 record title in such occupant's name. Owner shall also mean a resident of
3 a dwelling complex, the record title owner of which is a not-for-profit
4 corporation, who has by purchase for fair market value secured a life
5 tenancy in a taxable unit of the complex. The deed, trust instrument, or
6 contract, or a certification of trust as described in sections 30-38,102
7 to 30-38,106, memorandum showing that the criteria of this section have
8 been met shall be on file on the appropriate public record as of January
9 1 of the year for which exemption is sought, except that if such
10 instrument is not on file as of January 1, a copy of such instrument
11 shall be attached to such application before the homestead exemption
12 shall be granted.

13 **Sec. 25.** Section 87-704, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 87-704 It shall be a violation of the Equipment Business Regulation
16 Act for a supplier:

17 (1) To require a dealer to accept delivery of equipment, repair
18 parts, or attachments that the dealer has not voluntarily ordered;

19 (2) To require a dealer to order or accept delivery of equipment
20 with special features or attachments not included in the base list price
21 of such equipment as publicly advertised by the supplier;

22 (3) To require a dealer to enter into any agreement, whether written
23 or oral, amendatory or supplementary to an existing dealer agreement with
24 the supplier unless such amendatory or supplementary agreement is imposed
25 on similarly situated dealers;

26 (4) To take action terminating, canceling, failing to renew, or
27 substantially changing the competitive circumstances intended by the
28 dealer agreement due to the results of conditions beyond the dealer's
29 control, including drought, flood, labor disputes, or economic recession.
30 This subdivision shall not apply if the dealer is in default of a
31 security agreement in effect with the supplier; ~~and~~

1 (5) To condition the renewal or extension of a dealer agreement on
2 (a) the dealer's substantial renovation of its place of business or the
3 construction, purchase, acquisition, or rental of a new place of business
4 by the dealer unless the supplier advises the dealer in writing of its
5 demand for such renovation, construction, purchase, acquisition, or
6 rental within a reasonable time prior to the effective date of the
7 proposed renewal or extension, but in no case less than one year prior to
8 such date, or (b) capital construction exceeding the terms of the dealer
9 agreement in force and effect on May 2, 1991; -

10 (6) To include any condition, stipulation, or provision in any
11 dealer agreement purporting to waive compliance with any provision of the
12 Equipment Business Regulation Act or any other provision of state law
13 applying to such agreements; or

14 (7) To include any provision in any dealer agreement restricting
15 jurisdiction or venue to a forum outside this state or requiring the
16 application of the laws of another state to disputes arising under the
17 agreement.

18 **Sec. 26.** Section 87-706, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 87-706 (1) A supplier shall provide for the availability of repair
21 parts throughout the reasonable useful life of any equipment sold.

22 (2) A supplier shall at least annually provide dealers an
23 opportunity to return surplus repair parts for credit without
24 restrictions as follows:

25 (a)(i) The supplier may notify the dealers of a surplus parts return
26 program for a time period of at least sixty days in duration during which
27 dealers may submit a list of their surplus parts and return the parts to
28 the supplier; or

29 (ii) If twelve months have elapsed and the supplier has not notified
30 a dealer of a surplus parts return program, the dealer may submit to the
31 supplier a request to return surplus parts and the supplier shall allow

1 the dealer to return the parts within thirty days after receipt of the
2 request;

3 (b) Subject to the other provisions of this section, a supplier
4 shall allow a dealer to return parts with a dollar value equal to at
5 least six percent of the total dollar value of parts purchased by the
6 dealer from the supplier or the supplier's predecessor in interest during
7 the twelve-month period immediately preceding either the notification to
8 the dealer of the supplier's surplus parts return program or the month
9 the dealer's return request is made, whichever is applicable. A dealer
10 may elect to return a dollar value of parts equal to less than six
11 percent of such total dollar value of parts purchased;

12 (c) An obsolete or superseded part may not be returned, except that
13 any part listed in the supplier's current list of returnable parts and
14 any superseded part that has not been the subject of a surplus parts
15 return program as of the date of notification to the dealer by the
16 supplier of the current surplus parts return program or the date of the
17 dealer's request to return surplus parts, whichever is applicable, shall
18 be eligible for return;

19 (d) To be eligible for return, parts must be in new and unused
20 condition and must have been purchased by the dealer from the supplier to
21 whom they are returned or the supplier's predecessor in interest;

22 (e) The supplier shall allow credit for a returned part of at least
23 eighty-five percent of the current price of the part as listed in the
24 supplier's effective price list or catalog at the date of the
25 notification to the dealer by the supplier of the surplus parts return
26 program or the date of the dealer's request to return surplus parts,
27 whichever is applicable, or, if there is no effective price list or
28 catalog, in the supplier's invoices;

29 (f) The supplier shall issue credit to the dealer within ninety days
30 after receipt of the parts returned by the dealer;

31 (g) The dealer shall be presumed to have purchased the returned

1 parts from the supplier or the supplier's predecessor in interest, and
2 the burden shall be on the supplier to prove otherwise;

3 (h) The provisions of this section shall be supplemental to any
4 agreement between the dealer and the supplier covering the return of
5 parts which provides the dealer with greater protection;

6 (i) Nothing in this section shall be construed to affect the
7 existence or enforcement of a security interest which any person may have
8 in the parts of the dealer; and

9 (j) Nothing in this section shall preclude a credit for returned
10 parts which is greater than the total amount authorized by this section.

11 ~~(3) The annual parts return provided for in subsection (2) of this~~
12 ~~section may be waived by a dealer. If a majority of dealers from a single~~
13 ~~supplier choose to waive the provisions of such subsection, the supplier~~
14 ~~shall be exempt from such subsection.~~

15 **Sec. 27.** Section 87-709, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 87-709 (1) A term of a dealer agreement which is inconsistent with
18 the terms of the Equipment Business Regulation Act is contrary to public
19 policy and is ~~shall be~~ void and unenforceable and shall not waive any
20 rights which are provided to a person by the act.

21 (2) A dealer may bring an action against a supplier in any court of
22 competent jurisdiction for damages sustained by the dealer as a
23 consequence of the supplier's violation of the act together with the
24 actual costs of the action, including reasonable attorney's fees. The
25 dealer may also be granted injunctive relief against unlawful
26 termination, cancellation, nonrenewal, or change in competitive
27 circumstances. The remedies authorized by this section shall not be
28 exclusive and shall be in addition to any other remedies provided by law.

29 **Sec. 28.** (1) Any person selling goods or services in a cash
30 transaction, entering into any transaction that results in a payment or
31 transfer of cash between the parties to the transaction, or paying cash

1 wages to an employee as compensation:

2 (a) Except as provided in subdivision (1)(c) of this section, in any
3 case in which the total cash transaction amount, including any taxes,
4 fees, surcharges, assessments, and other governmental charges, or the
5 final cash amount paid out or returned to a customer or employee ends
6 with one, two, six, or seven as the final digit of the number of cents
7 for the transaction, may round down such number of cents to the nearest
8 number of cents divisible by five;

9 (b) In any case in which the total cash transaction amount,
10 including any taxes, fees, surcharges, assessments, and other
11 governmental charges, or the final cash amount paid out or returned to a
12 customer or employee ends with three, four, eight, or nine as the final
13 digit of the number of cents for the transaction, may round up such
14 number of cents to the nearest number of cents divisible by five; and

15 (c) In any case in which the total cash transaction amount,
16 including any taxes, fees, surcharges, assessments, and other
17 governmental charges, or the final cash amount paid out or returned to a
18 customer or employee totals one cent or two cents, shall round up the
19 transaction amount to five cents.

20 (2) This section shall not apply to any transaction for which
21 payment is made by any demand or negotiable instrument, electronic fund
22 transfer, check, gift card, money order, credit card, or other similar
23 instrument or method, except to the extent cash is disbursed to a
24 customer or employee.

25 (3) Any person rounding under this section shall use either (a) the
26 method of rounding under this section that uses the total cash
27 transaction amount, including any taxes, fees, surcharges, assessments,
28 and other governmental charges, or (b) the method of rounding under this
29 section that uses the final cash amount paid out or returned to a
30 customer or employee for all transactions by such person at any single
31 premise and shall not use both methods at such premise.

1 (4)(a) Rounding under this section shall be applied solely to the
2 final settled cash amount paid by, paid out to, or returned to a customer
3 or employee. Rounding under this section shall not alter:

4 (i) The sales price of any good or service;

5 (ii) The amount of any tax calculated or imposed under state or
6 local law; and

7 (iii) Any regulatory fee, government-imposed fee, surcharge,
8 assessment, or other charge required by law.

9 (b) The amounts described in subdivisions (4)(a)(i), (ii), and (iii)
10 of this section shall be calculated and imposed in the exact amount
11 otherwise required, without rounding.

12 (5) In a transaction involving both cash and noncash forms of
13 payment, payment by noncash or electronic means shall be applied first to
14 the amount due, with any remaining balance payable in cash.

15 (6) Any person selling goods or services shall calculate and remit
16 all taxes, fees, and other charges, whether imposed by state or local
17 taxing authorities or by such persons, based on the sales price prior to
18 any rounding under this section.

19 (7) Any person selling goods or services shall not be in violation
20 of any state or local requirements, laws, regulations, or standards based
21 on any action taken in compliance with this section.

22 (8) Notwithstanding any other provision of law to the contrary,
23 including section 77-1737, any rounding under this section shall be
24 considered an administrative settlement of the physical payment and shall
25 not be construed as a release, discharge, remission, or commutation of
26 any tax, fee, or assessment within the meaning of Article VIII, section
27 4, of the Constitution of Nebraska. The underlying tax liability for any
28 transaction where rounding under this section applies remains the exact
29 amount calculated prior to such rounding, and any difference resulting
30 from the settlement of a cash transaction shall be accounted for as an
31 administrative adjustment for the physical impossibility of exact

1 currency exchange.

2 **Sec. 29.** Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
3 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 30 of this act
4 become operative three calendar months after the adjournment of this
5 legislative session. The other sections of this act become operative on
6 their effective date.

7 **Sec. 30.** Original sections 8-2901, 25-2701, 30-2301, 30-2302,
8 30-2322, 30-2323, 30-2325, 30-3803, 30-38,103, 77-3503, 87-704, 87-706,
9 and 87-709, Reissue Revised Statutes of Nebraska, sections 30-3801 and
10 77-2004, Revised Statutes Cumulative Supplement, 2024, and sections
11 8-2701, 8-2702, 8-2711, 8-2742, and 8-2903, Revised Statutes Supplement,
12 2025, are repealed.

13 **Sec. 31.** Since an emergency exists, this act takes effect when
14 passed and approved according to law.