

AMENDMENTS TO LB838

(Amendments to E and R amendments, ER141)

Introduced by Kauth, 31.

1           1. Insert the following new sections:

2           **Sec. 9.** The Department of Banking and Finance shall, as requested,  
3 provide to the Department of Revenue the data of money transmitters as  
4 necessary to meet the responsibilities of the Department of Revenue under  
5 the Nebraska Money Transmitters Act, to the extent the Department of  
6 Banking and Finance collects such information. The Department of Revenue  
7 may, as requested by the director, share information with the Department  
8 of Banking and Finance as necessary to enforce the Nebraska Money  
9 Transmitters Act.

10          **Sec. 10.** (1) For purposes of this section:

11          (a) Active duty member of the armed forces means a person who is a  
12 member of the armed forces of the United States on active duty as defined  
13 in 10 U.S.C. 101(d)(1), as such section existed on January 1, 2026, or a  
14 member of the Nebraska National Guard in active service of the state;

15          (b) Credit card has the same meaning as in 15 U.S.C. 1693o-2, as  
16 such section existed on January 1, 2026;

17          (c) Debit card has the same meaning as in 15 U.S.C. 1693o-2, as such  
18 section existed on January 1, 2026, except that debit card shall not  
19 include a general-use prepaid card as defined in 15 U.S.C. 1693l-1, as  
20 such section existed on January 1, 2026;

21          (d) Dependent means a spouse or any other person for whom an active  
22 duty member of the armed forces provided more than one-half of that  
23 person's support during the previous calendar year;

24          (e) Designated recipient has the same meaning as in section 919 of  
25 the Electronic Fund Transfer Act, 15 U.S.C. 1693o-1, as such section  
26 existed on January 1, 2026;

1           (f) Foreign adversary country means any country listed in 15 C.F.R.  
2           791.4, as such regulation existed on January 1, 2026;

3           (g) Remittance transfer has the same meaning as in section 919 of  
4           the Electronic Fund Transfer Act, 15 U.S.C. 16930-1, as such section  
5           existed on January 1, 2026, except that it shall only apply where the  
6           sender provides cash, a money order, a cashier's check, or any other  
7           similar physical instrument to the remittance transfer provider;

8           (h) Remittance transfer provider has the same meaning as in section  
9           919 of the Electronic Fund Transfer Act, 15 U.S.C. 16930-1, as such  
10           section existed on January 1, 2026; and

11           (i) Sender has the same meaning as in section 919 of the Electronic  
12           Fund Transfer Act, 15 U.S.C. 16930-1, as such section existed on January  
13           1, 2026.

14           (2) There is hereby imposed an excise tax of twenty-five percent on  
15           any remittance transfer by a licensee or authorized delegate to a  
16           resident of a foreign adversary country.

17           (3)(a) The tax imposed by this section shall not apply to a  
18           remittance transfer:

19           (i) If the sender or designated recipient of such transfer is an  
20           active duty member of the armed forces or a dependent of such member; or

21           (ii) For which the funds being transferred are:

22           (A) Withdrawn from an account held in or by a financial institution:

23           (I) Described in 31 U.S.C. 5312(a)(2)(A) through (H), as such  
24           section existed on January 1, 2026; and

25           (II) That is subject to the requirements of 31 U.S.C. Chapter 53,  
26           Subchapter II, as such subchapter existed on January 1, 2026; or

27           (B) Funded with a debit card or credit card issued in the United  
28           States.

29           (b) To qualify for the exemption under subdivision (3)(a)(i) of this  
30           section, the sender or designated recipient shall present a valid United  
31           States Department of Defense Common Access Card or other valid military

1 identification to the remittance transfer provider at the time of the  
2 transaction.

3 (4)(a) The sender of a remittance transfer shall pay the tax imposed  
4 by this section on such transfer.

5 (b) If any tax imposed by this section is not paid at the time a  
6 transfer is made, then to the extent that such tax is not paid, the  
7 remittance transfer provider of such transfer shall pay the tax.

8 (c) The remittance transfer provider of a remittance transfer shall  
9 collect the amount of the tax imposed by this section on such transfer  
10 from the sender and remit such tax to the Department of Revenue  
11 quarterly.

12 (5) Sections 77-2707 to 77-2711 shall apply to the tax imposed by  
13 this section as if such tax were a sales or use tax imposed by the  
14 Nebraska Revenue Act of 1967.

15 (6) The Department of Revenue may share any information related to  
16 the tax imposed by this section with the Department of Banking and  
17 Finance.

18 (7)(a) No refund of the tax imposed by this section shall be allowed  
19 unless a claim for such refund is filed within the required period for a  
20 refund of sales taxes.

21 (b) The Department of Revenue shall establish an expedited refund  
22 process for any active duty member of the armed forces or dependent who  
23 was charged the tax in error.

24 (c) To be eligible for the expedited refund process described in  
25 subdivision (7)(b) of this section, an active duty member of the armed  
26 forces or dependent who was charged in error shall submit proof of  
27 military status to the Department of Revenue.

28 (8) The Department of Revenue may adopt and promulgate rules and  
29 regulations to prescribe any and all forms and supporting documentation  
30 necessary for the payment, collection, and reporting of the tax imposed  
31 by this section and to establish the expedited refund process described

1 in subdivision (7)(b) of this section.

2 (9) The Department of Revenue may use electronic funds transfer to  
3 collect the tax imposed by this section or to pay any refund of such tax.

4 (10) The use of any electronic filing of documents or electronic  
5 funds transfer shall not alter the rights of any party from the rights of  
6 such party if a different method of filing or payment was used.

7 (11) All taxes received by the Department of Revenue pursuant to  
8 this section shall be remitted to the State Treasurer for credit to the  
9 General Fund.

10 (12) Upon request from the Department of Revenue, the Department of  
11 Banking and Finance may make a claim against the surety bond of a  
12 licensee for payment of any tax imposed by this section on such licensee.

13 2. On page 1, line 5, strike "8" and insert "10".

14 3. Renumber the remaining sections and correct internal references  
15 accordingly.

16 4. Correct the operative date section so that the sections added by  
17 this amendment become operative on July 1, 2026.