

## ENGROSSED LEGISLATIVE BILL 836

Introduced by Jacobson, 42.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-108, 8-603, 8-605, 8-606, and 8-607, Reissue Revised Statutes of Nebraska, and sections 8-601 and 8-604, Revised Statutes Supplement, 2025; to change provisions relating to charges for the examination of financial institutions, the levying of assessments, fees, and costs on certain financial entities, and transfers from the Financial Institution Assessment Cash Fund; to harmonize provisions; and to repeal the original sections.

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

**Section 1.** Section 8-108, Reissue Revised Statutes of Nebraska, is amended to read:

8-108 (1)(a) The director, the director's deputy, or any duly appointed examiner has the authority to make a thorough examination into all the books, papers, and affairs of any bank or other financial institution chartered by the department or a holding company or bank subsidiary of such bank or financial institution, if any, and in so doing to administer oaths and affirmations, to examine on oath or affirmation the officers, agents, and clerks of such bank, financial institution, holding company, or bank subsidiary touching the matter which they may be authorized and directed to inquire into and examine, and to subpoena the attendance of any person or persons in this state to testify under oath or affirmation in relation to the affairs of such bank, financial institution, holding company, or bank subsidiary. The director, deputy, or examiner has the authority to examine and monitor by electronic means the books, papers, and affairs of any such bank, financial institution, holding company, or bank subsidiary. The director may provide any examination or report to the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Comptroller of the Currency, the Consumer Financial Protection Bureau, or a

foreign state agency.

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

(2) The department has the authority to examine the books, papers, and affairs of any electronic data processing center which has contracted with a bank or financial institution to conduct the bank's or financial institution's electronic data processing business. The department may charge the electronic data processing center for the time spent by the department in such examination at a rate set by the director.

**Sec. 2.** Section 8-601, Revised Statutes Supplement, 2025, is amended to read:

8-601 The Director of Banking and Finance may employ deputies, examiners, attorneys, and other assistants as may be necessary for the administration of the provisions and purposes of the Credit Union Act, Delayed Deposit Services Licensing Act, Interstate Branching and Merger Act, Interstate Trust Company Office Act, Nebraska Bank Holding Company Act of 1995, Nebraska Banking Act, Nebraska Financial Innovation Act, Nebraska Installment Loan and Sales Act, Nebraska Money Transmitters Act, Nebraska Trust Company Act, and Residential Mortgage Licensing Act; Chapter 8, articles 3, 5, 6, 7, 8, 13, 14, 15, 16, 19, 20, 24, and 25; and Chapter 45, articles 1 and 2. The director may levy upon any entities chartered, licensed, or registered under such laws an assessment each year based upon factors such as the asset size, origination volume, servicing volume, or transmission volume of the entity, except that in

determining the asset size of a holding company or digital asset depository, the assets of any financial institution or holding company otherwise assessed pursuant to this section and the assets of any nationally chartered financial institution shall be excluded. The assessment for digital asset depositories under the Nebraska Financial Innovation Act shall be in an amount to offset the costs of supervision and administration of the Nebraska Financial Innovation Act. The assessment shall be a sum determined by the director and approved by the Governor.

**Sec. 3.** Section 8-603, Reissue Revised Statutes of Nebraska, is amended to read:

8-603 The assessments referred to in sections 8-601 and 8-605, the costs charged pursuant to section 8-606, examination fees, investigation fees, filing fees, registration fees, licensing fees, and all other fees and money, except fines, collected by or paid to the Director of Banking and Finance under any of the laws specified in section 8-601, shall be remitted to the State Treasurer for credit to the Financial Institution Assessment Cash Fund. Fines collected by the director under such laws shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

**Sec. 4.** Section 8-604, Revised Statutes Supplement, 2025, is amended to read:

8-604 (1) The Financial Institution Assessment Cash Fund is hereby created. The fund shall be used solely for the purposes of administering and enforcing the laws specified in section 8-601.

(2) Any money in the Financial Institution Assessment Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Beginning October 1, 2024, any investment earnings from investment of money in the fund shall be credited to the General Fund.

**Sec. 5.** Section 8-605, Reissue Revised Statutes of Nebraska, is amended to read:

8-605 (1) As soon as reasonably possible after June 30 of each year, the Director of Banking and Finance shall estimate the total sum required for the purposes set forth in section 8-604 for the succeeding fiscal year. The director shall also estimate the total sum expected to be collected pursuant to section 8-603. The director shall use the difference between the estimate of the total sum required and the estimate of the total sum to be collected as the basis for the assessment to be levied.

(2) The assessment upon each financial institution shall be based upon the total assets of each financial institution, as reported in each financial institution's report of condition prepared for the period ending June 30 of each year, and may further be based upon the total amount of fiduciary and related assets and the total amount of off-balance-sheet receivables as reported in each financial institution's report of condition prepared for the period ending June 30 of each year.

(3) The assessment upon each licensed or registered entity, including holders of licenses for delayed deposit service, installment loans, installment sales, money transmission, and residential mortgage loans, shall be based upon the total volume of transactions, makers, loan origination, loan servicing, money transmission, or other appropriate measures of licensable activity, depending upon the licenses or registrations held by the entity.

(4) The director shall have the authority to prorate the assessment for any financial institution or entity which surrenders its charter or license or receives its charter or license during the assessment period. Proration shall be based on the number of months the financial institution held its charter or license. Any portion of a month shall be counted as one month.

(5) If the estimated sum levied and collected is insufficient to defray the expenditures for the fiscal year for which it was made, a special assessment may be levied and collected in like manner for the balance of the fiscal year.

**Sec. 6.** Section 8-606, Reissue Revised Statutes of Nebraska, is amended to read:

8-606 (1) In case an extra examination or an investigation of any financial institution or entity becomes necessary and is made pursuant to the laws specified in section 8-601, the costs thereof shall be paid by the financial institution or entity examined or investigated.

(2) In the case of a financial institution or entity organized under the law of a state other than this state or a financial institution or entity organized under the law of this state but which maintains an office in another state or states, travel expenses involved in conducting an examination or investigation may also be billed to the financial institution or entity, if the examination or investigation involves travel outside this state.

**Sec. 7.** Section 8-607, Reissue Revised Statutes of Nebraska, is amended to read:

8-607 (1) If a financial institution or entity fails to pay an annual assessment, special assessment, examination fee, examination cost, investigation fee, investigation cost, hearing cost, or travel expense by a date specified by the Department of Banking and Finance, which shall be not less than thirty days from the date of billing, the department may, following notice and opportunity for hearing pursuant to the Administrative Procedure Act, impose a fine in accordance with section 8-1,134 for each day the financial institution or entity is in arrears.

(2) If the financial institution or entity is in arrears for sixty days or more, the department may, in addition to any fine imposed under this section, following notice and opportunity for hearing pursuant to the Administrative Procedure Act, suspend or revoke the charter, license, or registration of any financial institution or entity or the license or authority of any person responsible for such failure.

(3) The Director of Banking and Finance may, in his or her discretion and for good cause shown, permit the payment of any annual assessment, special assessment, examination fee, examination cost, investigation fee, investigation cost, hearing cost, travel expense, or fine, in installments.

**Sec. 8.** Original sections 8-108, 8-603, 8-605, 8-606, and 8-607, Reissue

Revised Statutes of Nebraska, and sections 8-601 and 8-604, Revised Statutes Supplement, 2025, are repealed.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 836 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the ..... day of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**