

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 836

FINAL READING

Introduced by Jacobson, 42.

Read first time January 08, 2026

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to banking and finance; to amend sections
2 8-108, 8-603, 8-605, 8-606, and 8-607, Reissue Revised Statutes of
3 Nebraska, and sections 8-601 and 8-604, Revised Statutes Supplement,
4 2025; to change provisions relating to charges for the examination
5 of financial institutions, the levying of assessments, fees, and
6 costs on certain financial entities, and transfers from the
7 Financial Institution Assessment Cash Fund; to harmonize provisions;
8 and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

11 8-601 The Director of Banking and Finance may employ deputies,
12 examiners, attorneys, and other assistants as may be necessary for the
13 administration of the provisions and purposes of the Credit Union Act,
14 Delayed Deposit Services Licensing Act, Interstate Branching and Merger
15 Act, Interstate Trust Company Office Act, Nebraska Bank Holding Company
16 Act of 1995, Nebraska Banking Act, Nebraska Financial Innovation Act,
17 Nebraska Installment Loan and Sales Act, Nebraska Money Transmitters Act,
18 Nebraska Trust Company Act, and Residential Mortgage Licensing Act;
19 Chapter 8, articles 3, 5, 6, 7, 8, 13, 14, 15, 16, 19, 20, 24, and 25;
20 and Chapter 45, articles 1 and 2. The director may levy upon any entities
21 chartered, licensed, or registered under such laws ~~financial~~
22 ~~institutions, namely, the banks, trust companies, building and loan~~
23 ~~associations, savings and loan associations, savings banks, digital asset~~
24 ~~depositories, and credit unions, organized under the laws of this state,~~
25 ~~and holding companies, if any, of such financial institutions,~~ an
26 assessment each year based upon factors such as the asset size,
27 origination volume, servicing volume, or transmission volume of the
28 entity ~~financial institution~~, except that in determining the asset size
29 of a holding company or digital asset depository, the assets of any
30 financial institution or holding company otherwise assessed pursuant to
31 this section and the assets of any nationally chartered financial

1 institution shall be excluded. The assessment for digital asset
2 depositories under the Nebraska Financial Innovation Act shall be in an
3 amount to offset the costs of supervision and administration of the
4 Nebraska Financial Innovation Act. The assessment shall be a sum
5 determined by the director ~~in accordance with section 8-606~~ and approved
6 by the Governor.

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

9 8-603 The assessments referred to in sections 8-601 and 8-605, the
10 costs charged pursuant to section ~~and~~ 8-606, examination fees,
11 investigation fees, filing fees, registration fees, licensing fees, and
12 all other fees and money, except fines, collected by or paid to the
13 Director of Banking and Finance under any of the laws specified in
14 section 8-601, shall be remitted to the State Treasurer for credit to the
15 Financial Institution Assessment Cash Fund. Fines collected by the
16 director under such laws shall be remitted to the State Treasurer for
17 distribution in accordance with Article VII, section 5, of the
18 Constitution of Nebraska.

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

21 8-604 (1) The Financial Institution Assessment Cash Fund is hereby
22 created. The fund shall be used solely for the purposes of administering
23 and enforcing the laws specified in section 8-601 ~~, except that transfers~~
24 ~~may be made from the fund to the General Fund at the direction of the~~
25 ~~Legislature.~~

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

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

3 8-605 (1) As soon as reasonably possible after June 30 of each year,
4 the Director of Banking and Finance shall estimate the total sum required
5 for the purposes set forth in section 8-604 for the succeeding fiscal
6 year. The director shall also estimate the total sum expected to be
7 collected pursuant to section 8-603. The director shall use the
8 difference between the estimate of the total sum required and the
9 estimate of the total sum to be collected as the basis for the assessment
10 to be levied.

11 (2) The assessment upon each financial institution shall be based
12 upon the total assets of each financial institution, as reported in each
13 financial institution's report of condition prepared for the period
14 ending June 30 of each year, and ~~, after June 30, 2009,~~ may further be
15 based upon the total amount of fiduciary and related assets and the total
16 amount of off-balance-sheet receivables as reported in each financial
17 institution's report of condition prepared for the period ending June 30
18 of each year.

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

26 (4) ~~(3)~~ The director shall have the authority to prorate the
27 assessment for any financial institution or entity which surrenders its
28 charter or license or receives its charter or license during the
29 assessment period. Proration shall be based on the number of months the
30 financial institution held its charter or license. Any portion of a month
31 shall be counted as one month.

1 (5) (4) If the estimated sum levied and collected is insufficient to
2 defray the expenditures for the fiscal year for which it was made, a
3 special assessment may be levied and collected in like manner for the
4 balance of the fiscal year.

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

7 8-606 ~~(1) As soon as reasonably possible following the examination~~
8 ~~of a financial institution or entity pursuant to the laws specified in~~
9 ~~section 8-601, the Department of Banking and Finance shall bill the~~
10 ~~financial institution or entity the costs of the examination. Such costs~~
11 ~~may include an hourly fee for examiner time, which shall be determined~~
12 ~~once each year by the Director of Banking and Finance, with the approval~~
13 ~~of the Governor, and which shall take into consideration whether the~~
14 ~~financial institution or entity is subject to the assessment.~~

15 (1) (2) In case an extra examination or an investigation of any
16 financial institution or entity becomes necessary and is made pursuant to
17 the laws specified in section 8-601, the costs thereof shall be paid by
18 the financial institution or entity examined or investigated.

19 (2) (3) In the case of a financial institution or entity organized
20 under the law of a state other than this state or a financial institution
21 or entity organized under the law of this state but which maintains an
22 office in another state or states, travel expenses involved in conducting
23 an examination or investigation may also be billed to the financial
24 institution or entity, if the examination or investigation involves
25 travel outside this state.

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

28 8-607 (1) If a financial institution or entity fails to pay an
29 annual assessment, special assessment, examination fee, examination cost,
30 investigation fee, investigation cost, hearing cost, or travel expense by
31 a date specified by the Department of Banking and Finance, which shall be

1 not less than thirty days from the date of billing, the department may,
2 following notice and opportunity for hearing pursuant to the
3 Administrative Procedure Act, impose a fine in accordance with section
4 8-1,134 for each day the financial institution or entity is in arrears.

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

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

16 **Sec. 8.** Original sections 8-108, 8-603, 8-605, 8-606, and 8-607,
17 Reissue Revised Statutes of Nebraska, and sections 8-601 and 8-604,
18 Revised Statutes Supplement, 2025, are repealed.