

Bill Summary

June 02, 2023

2023 Nebraska Bankers Association

Bill Analysis & Disposition Form

Bill
Introducer
Committee
Hearing Date

NBA Position

Status

General Banking Issues

LB 8	MOBILE HOME LANDLORD AND TENTANT ACT	Watch & Seek Amendments	In Committee
Blood Judiciary 03/09/2023	Would grant a holder of a security interest who repossesses a mobile home located in a mobile home park to sell the home through an in-park sale provided the secured party a) notifies the landlord that the mobile home has been repossessed; b) the landlord has not already recovered possession of the mobile home space through an action for possession; c) the secured party pays any past due rent, not to exceed three months rent; d) the secured party makes monthly rent payments until a buyer of the repossessed mobile home has been approved by the landlord as a tenant; and e) the secured party complies with all rules and regulations relating to maintenance of mobile home spaces and mobile homes. Would subject a secured party offering the mobile home in-park sale to action for possession on the same grounds as a tenant and subject to other remedies available to a landlord against a tenant. Would establish a lien in favor of the landlord against the mobile home for unpaid rent if the mobile home is presumed abandoned and the mobile home is not subject to any lien of another lienholder. Would grant the landlord a superior lien against a mobile home for unpaid rent, even if the mobile home is subject to a perfected lien or security interest of another lienholder if a) the mobile home is presumed abandoned; b) the abandonment is without consent of the landlord; and c) the landlord that provides notice to the other lienholder that the lienholder may redeem the mobile home by removing it from the mobile home park within 30 days after receipt of notice. (The bill "other lienholder or another lienholder" as a person other than landlord, who holds the lien or security interest in the mobile home that is perfected pursuant to Section 60-164) (lien provisions of bill would not apply to a mobile home which is affixed to real estate as described in Section 60-169).		
LB 77	CONCEALED WEAPONS	Watch	Passed & Signed
Brewer Judiciary 01/26/2023	Would authorize a county to allow the carrying of concealed weapons for all persons not otherwise prohibited from possessing or carrying such weapons under state or federal law. (Retains provisions of existing law prohibiting a person not prohibited from possession or carrying a concealed handgun to carry a concealed handgun in specified business locations, including a financial institution.) BREWER PRIORITY BILL		
LB 83	UNIFORM COMMUNITY PROPERTY DISPOSITION AT DEATH ACT	Watch	General File
DeBoer Judiciary 02/02/2023	Would presume any property characterized as community property at the time of acquisition to be community property in the state of Nebraska at the time of death. Would divide community property ownership equally between the spouse and a decedent.		
LB 132	AUTOMATIC RENEWAL LIMITATION ACT	Watch	In Committee
Cavanaugh, J. Banking, Commerce & Insurance 01/24/2023	Would prohibit the ongoing charging of consumer credit, debit cards or third-party payment accounts without the consumer's explicit consent for ongoing shipments of a product or ongoing deliveries of the service. Would establish specific notice requirements and information regarding how to cancel services under the automatic renewal of a product or service.		

Bill Introducer Committee Hearing Date		NBA Position	Status
LB 343	ANTI-DISCRIMINATION AGAINST ISRAEL ACT	Watch	General File
Slama Gov't, Military & Veterans Affairs 02/10/2023	Would prohibit a public entity (state of Nebraska or any political subdivision) from entering into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in and will not for the duration of the contract engage in, a boycott of Israel. Would not apply to contracts with a total potential value of less than \$100,000 or to contractors with less than 10 employees.		
LB 446	PEER-TO-PEER VEHICLE SHARING PROGRAM ACT	Watch & Seek Amendments	In Committee
Bostar Banking, Commerce & Insurance 03/13/2023	Would require a Peer-to-Peer vehicle Sharing Program Act.		
LB 462	MIDDLE-INCOME WORKFORCE HOUSING INVESTMENT ACT	Watch	General File
Conrad Urban Affairs 02/28/2023	Would increase the maximum value of owner-occupied housing units as workforce housing to not more than \$330,000 and allow for the use of annual updates and valuations based upon the most recent increase or decrease in producer price index. SPEAKER PRIORITY BILL		
LB 466	GARNISHMENT	Watch	In Committee
DeBoer Judiciary 03/09/2023	Would require notice of the filing of a garnishment involving a corporate entity (corporation, limited liability company, limited liability partnership, or series limited liability company) to be served upon the corporation's registered agent for service of process in the state. Would exclude financial institutions which may designate its main chartered office, if located in this state, or if its main chartered offices located in another state designate anyone of its offices or branches or its agents for service of process in the state for service of summons.		
LB 538	BANK BOARD OF DIRECTORS VACANCY	Watch	In Committee
Slama Banking, Commerce & Insurance 03/21/2023	Would require a bank to notify the Department of any vacancy on the board of directors within 30 days of such vacancy occurring.		
LB 629	MIDDLE-INCOME WORKFORCE HOUSING	Watch	General File
McKinney Urban Affairs 02/21/2023	Would expand the definition of workforce housing to include housing that does not receive federal or state low-income housing tax credits, community development block grants, home funds, funds from the National Housing Trust Fund, or funds from the Affordable Housing Trust Fund, thereby allowing for the use of such funds, together with Middle-Income Workforce Housing Investment Funds. Would provide infrastructure improvements, lot acquisitions and similar preparation costs from the determination of total housing construction costs.		

Bill
Introducer
Committee
Hearing Date

NBA Position

Status

LB 643	ABANDONED MOBILE HOME ACT	Watch & Seek Amendments	In Committee
Brewer	Would authorize a landlord to provide written notice of a sale of an abandoned mobile home within 30 days of having provided notice by certified mail to the tenant of an abandoned mobile home and to each lienholder of record for the abandoned mobile home. Would provide for distribution of proceeds of sale a) to the landlord for reasonable costs incurred in selling the abandoned mobile home; b) to the county treasurer for taxes owed; c) to the landlord in the amount of the lien for up to two months of unpaid lot rent; d) to each lienholder of record in order of priority in the amount certified by each lienholder, and e) any remaining proceeds to the landlord. Would provide in the event that the abandoned mobile home does not sell, for the landlord to obtain title to the abandoned mobile home and dispose of the abandoned mobile home without needing to pay any taxes or lienholders, or in the alternative, to obtain title to the abandoned mobile home and pay all taxes owed and satisfy all liens of record.		
Judiciary			
03/09/2023			

General Business Issues

LB 19	CRIMINAL PENALTIES	Watch	In Committee
Wayne Judiciary 02/02/2023	Would increase the dollar threshold for the crime of criminal mischief to \$10,000 (was \$5,000) for a Class IV felony; to \$3,000 (was \$1,500) or more but less than \$10,000 (was \$5,000) for a Class I misdemeanor; to \$1,000 (was \$500) or more but less than \$3,000 (was \$1,500) for a Class II misdemeanor; and to \$1,000 (was \$500) or if the action results in no particular pecuniary loss for a Class III misdemeanor. Would also increase dollar thresholds for criminal penalties associated with forgery and criminal possession of a forged instrument and issuing a bad check, issuing a no-account check and unauthorized use of a financial transaction device, and identity theft.		
LB 56	DIAPER CHANGING ACCOMMODATION ACT	Watch	General File
McKinney Business & Labor 01/30/2023	Would require any newly built or substantially renovated business or public facility with restrooms open and accessible open to the public to make at least one diaper changing station available in a men's restroom and one in a women's restroom.		
LB 165	NEBRASKA EDUCATIONAL SAVINGS PLAN TRUST	Watch	In Committee
Geist Revenue 03/02/2023	Would include savings plans for elementary and secondary education in the Nebraska Educational Savings Plan Trust. Would limit expenditures for enrollment or attendance at an elementary or secondary school to \$10,000 per beneficiary per taxable year. BOSTELMAN PRIORITY BILL		
LB 424	DEPARTMENT OF HOUSING	Watch	In Committee
DeBoer Urban Affairs 03/07/2023	Would create the Department of Housing and Urban Development as an independent state agency to oversee all state housing programs. Would transfer all duties and functions of the housing division of the Department of Economic Development, including the middle-income Workforce Housing Investment Act and the Rural Workforce Housing Investment Act to the Department of Housing and Urban Development.		
LB 456	COMPENSATION FOR LOSS OF CROPS AND LIVESTOCK	Watch	In Committee
Brewer Natural Resources 02/09/2023	Provide for claims for monetary compensation for damage caused by elk or mountain lions and authorize the control of elk and mountain lion populations		
LB 549	AGE OF MAJORITY – TRUSTS AND POWERS OF ATTORNEY	Watch	In Committee
Ballard Judiciary 03/15/2023	Would clarify that a person 18 years of age or not a minor is considered to be an adult under the Nebraska Uniform Power of Attorney Act; may be a settlor of a trust for purposes of executing a Healthcare Power of Attorney; may serve as the settlor of a trust, and is considered to be a principal for purposes of the Uniform Power Of Attorney Act.		

LB 587	INSURANCE REGULATORY SANDBOX ACT	Watch	General File
Wishart	Would create a regulatory sandbox program under the Department of Insurance, allowing a participant to temporarily test innovative insurance products or services on a limited basis without otherwise being licensed or authorized to act under the laws of the state.		
Banking, Commerce & Insurance			
03/06/2023			
LB 634	CANNABIS CONTROL ACT AND CANNABIS CONVICTION CLEAN SLATE ACT	Watch	In Committee
McKinney	Would remove cannabis as a controlled substance under the Uniform Controlled Substance Act and provide a "clean slate" for individuals convicted of certain controlled substance violations involving cannabis. Would authorize a financial institution to loan money to, accept deposits from, and otherwise do business with any licensee to the same extent as other persons, subject to any restrictions of the Cannabis Control Act.		
Judiciary			
02/09/2023			
LB 778	PHARMACY BENEFIT MANAGER LICENSURE AND REGULATION ACT	Watch	In Committee
Bostar	Would expand the definition of health benefit plan to include plan sponsors and the medical assistance program. Would prohibit a pharmacy benefit manager from requiring pharmacy accreditation standards or recertification requirements to participate in a network, which are inconsistent with, more stringent than, or in addition to the federal and state requirements for licensure as a pharmacy in the state. Would prohibit a pharmacy benefit manager from reimbursing a pharmacy or pharmacist an amount less than the amount that the pharmacy benefit manager reimburses a pharmacy benefit manager affiliate providing the same pharmacist services. Would also prohibit a pharmacy benefit manager from directly or indirectly engaging in patient steering to a pharmacy benefit manager affiliate. Would establish a pharmacy benefit manager duty of care, good faith, and fair dealing which is owed to covered persons, health benefit plans and providers. Would prohibit a pharmacy benefit manager, health carrier, or health benefit plan from directly or indirectly engaging in a contract involving spread pricing.		
Banking, Commerce & Insurance			
03/21/2023			

Economic Development

LB 113	AFFORDABLE ECONOMIC DEVELOPMENT – AFFORDABLE HOUSING	Watch	In Committee
McDonnell	Would appropriate an additional \$10,500,000 in fiscal year 2023-24 and fiscal year 2024-25 to the Department of Economic Development to contract with the Nebraska Investment Finance Authority for development of affordable housing units eligible for federal 4% and 9% Low-Income Housing Tax Credit Programs.		
Banking, Commerce & Insurance			
01/31/2023			
LB 350	PIONEER ECONOMIC TAX CREDIT ACT	Watch	In Committee
Wayne	Would allocate \$50 million annually in tax credits for taxpayers (including financial institutions) which make contributions to a qualifying organization (community development financial institution, or ihub) that is certified to provide tax credit-supported funding for eligible activities a) project to make a site ready for industrial development, which is owned by the qualifying organization or by a city or village in the state; b) project for the construction of intermodal facilities at the site owned by the qualifying organization or by the city or village in the state; c) project for the construction of the sports facility or stadium at a site owned by the qualifying organization or by city or village in the state; d) project provides funding for the creation or operation of an accelerator program for technology companies; e) project provides funding and support services to underrepresented companies. (tax credit equal to 50% of contribution subject to aggregate \$50 million annual funding)		
Health & Human Services			
03/15/2023			
LB 644		Watch	General File
McDonnell	Change provisions relating to the use of the Site and Building Development Fund. JACOBSON PRIORITY BILL		
Banking, Commerce & Insurance			
01/30/2023			
LB 707	AFFORDABLE HOUSING TRUST FUND	Watch	General File
Dungan	Would appropriate \$10 million to the Affordable Housing Trust Fund for grants to be used for the purpose of constructing housing to address affordable housing needs in the city of the primary class.		
Urban Affairs			
02/21/2023			
LB 746	TAX INCREMENT FINANCING	Watch	In Committee
Cavanaugh, M.	Would require any redevelopment project, if the total amount of ad valorem taxes estimated to be generated exceeds \$20 million to utilize the authorized division of taxes if the question of dividing taxes has been submitted at a Primary, General, or Special election held within the city and has been approved by the voters of the city.		
Urban Affairs			
02/28/2023			
LB 801	MIDDLE – INCOME WORKFORCE HOUSING/AFFORDABLE HOUSING	Watch	In Committee
Vargas	Would appropriate \$100 million for fiscal year 2023-24 to the Middle-Income Workforce Housing Investment Fund of the Affordable Housing Trust Fund and \$100 million in fiscal year 2024-25 to the Middle-Income Workforce Housing Investment Fund and the Affordable Housing Trust Fund to provide workforce housing grants.		
Appropriations			
03/08/2023			

Taxation/General

LB 154	TREASURER’S TAX DEEDS	Watch	In Committee
DeBoer	Would require a purchaser or assignee to a treasurer’s tax deed in cases in which notice of publication has been utilized, send by United States mail, within five days after the first publication of the notice, a copy of the published		
Revenue	notice to the person in whose name the title to the real property appears of record and file in the county treasurer’s		
01/27/2023	office an affidavit affirming that a copy of the published notice was sent to the person in whose name the title to real to the real property appears of record.		

Taxation/Personal Property Tax

LB 242 **NEBRASKA PROPERTY TAX INCENTIVE ACT** Watch In Committee

Briese Would eliminate the 5% cap on the amount of income tax credits provided for property taxes paid and replace it with limitations based on the total increase in statewide property tax valuations. (Provisions of LB 242 were amended into LB 243)

Revenue

01/09/2023

LB 243 **PROPERTY TAX CREDIT ACT** Watch Passed & Signed

Briese Would provide for the minimum amount of relief under the Property Tax Credit Act for 2024 and each year thereafter, in the amount of \$700 million, plus a percentage increase equal to the percentage increase, if any, in the total assessed value of all real property in the state from the prior year to the current year. SENATOR BRIESE PRIORITY BILL

Revenue

01/09/2023

LB 244 **NEBRASKA PROPERTY TAX INCENTIVE ACT** Watch In Committee

Briese Would extend the Nebraska Property Tax Incentive Act to allow credits for general taxes (property taxes levied on real property by any political subdivision other than a community college area or a school district or multiple-district school system, excluding any property taxes levied for bonded indebtedness and any property taxes levied as a result of an override of limits on property tax levies approved by voters). Would extend the credit to the franchise tax imposed by Section 77-3801 to 77-3807. Would establish the aggregate amount of tax credits the beginning calendar year 2024 in the amount of \$200 million to be increased in subsequent years by the allowable growth percentage. (Provisions of LB 244 were amended into LB 243)

Revenue

01/09/2023

LB 689 **PROPERTY TAX CREDIT FOR COMMUNITY COLLEGE TAXES** Watch In Committee

Linehan Would increase the income tax credit for community college property taxes paid to 100% beginning January 1, 2026. (Provisions of LB 689 were amended into LB 243)

Revenue

02/23/2023

LB 695 **TAXATION - PROPERTY TAX EXEMPTION** Watch In Committee

Linehan Would exempt the first \$25,000 of taxable valuation of any real property in the state from real property taxes if the real property is owned by a resident of the state or by an entity organized under the laws of the state.

Revenue

03/23/2023

Taxation/Income Taxes

LB 36	TAXATION INDIVIDUAL INCOME TAX RATES	Watch	In Committee
DeBoer	Would reduce individual income tax rates for the top two income brackets from 5.01% to 4.81% in 2023 and further reducing to 4.01% for 2027 and subsequent years and would reduce the top rate bracket from 6.84% to 6.64% in 2023 and reducing to 5.84% for 2027 and all subsequent years.		
Revenue			
03/15/2023			
LB 38	TAXATION - INDIVIDUAL INCOME TAXES	Watch	In Committee
Blood	Would exclude, beginning January 1, 2024, amounts received as annuities under the Federal Employees Retirement System or the Civil Service Retirement System earned for being employed by the federal government from state income taxation to the extent such amounts are included in federal adjusted gross income.		
Revenue			
02/15/2023			
LB 116	BEGINNING FARMER TAX CREDIT ACT	Watch	General File
Brandt	Would increase the net worth requirements for individuals to be qualified as a beginning Farmer or livestock producer under the beginning Farmer Tax Credit Act from \$200,000-\$1 million (pension, retirement, or other types of deferred benefit accounts owned by the beginning farmer or livestock producer, including such accounts owned by a spouse or dependent would be excluded from the determination of a qualified beginning farmer's or livestock producer's net worth). AGRICULTURE PRIORITY BILL		
Agriculture			
02/07/2023			
LB 173	TAXATION OF NONRESIDENT INCOME	Watch	In Committee
Bostar	Would exclude compensation paid by a business, trade, or profession from income derived from sources within the state if paid to a professional athlete, professional entertainer, public figure or compensation paid for employment duties performed by an individual while present in the state for 15 or fewer days in the taxable year; compensation is paid for employment duties performed by an individual while present in the state for 30 or fewer days in the taxable year; the individual performs employment duties in more than one state during the taxable year; and the compensation is not paid for employment duties performed by an individual in the individual's capacity as a professional athlete, professional entertainer, or public figure. (Provisions of LB 173 were amended into LB 743)		
Revenue			
02/23/2023			
LB 180	NEBRASKA BIODIESEL TAX CREDIT ACT	Watch	In Committee
Brandt	Would authorize taxpayers who are retail dealers and who sold and dispensed biodiesel on a retail basis during the prior calendar year through motor fuel pump located at the taxpayer's retail motor fuel site to be eligible to receive tax credits under the Nebraska Biodiesel Tax Credit Act in an amount equal to \$0.14 multiplied by the total number of gallons of biodiesel sold by the taxpayer during the prior calendar year. Would authorize it would authorize \$5 million in aggregate tax credits in any calendar year (contains provisions allowing financial institutions to take the biodiesel tax credit against the bank deposit tax).		
Revenue			
03/01/2023			
LB 185	INCOME TAXATION	Watch	In Committee
Cavanaugh, J.	Would require the Department of Revenue, during fiscal year 2023-24, to distribute \$500 million directly to qualified individuals (any resident individual who filed an individual income tax return in 2022 and persons claimed as dependents on a resident individual 2022 income tax return) by way of check. Would provide each qualified individual with a check in the amount of \$500 million less administrative cost incurred by the Department of Revenue, divided by the total number of qualified individuals.		
Revenue			
03/15/2023			

LB 239	TAXATION - INDIVIDUAL INCOME TAX RATES	Watch	In Committee
Wayne	Would reduce the tax rates for the lowest tax brackets, beginning January 1, 2024, from 2.46% on the first \$4,799 to 0% on the first \$54,999; extend the 2.46% bracket from income up to \$5,599 to \$60,599; extend the 3.51% bracket from incomes up to \$17,990 to \$60,999; extend the 3.51% bracket from income up to \$35,999 to \$90,999; extend the 5.01% bracket from \$57,999 to \$112,999; and extend the maximum bracket from income in excess of \$58,000 to income in excess of \$113,000.		
Revenue			
03/22/2023			
LB 416	TAXATION OF NONRESIDENT INCOME	Watch	In Committee
Kauth	Would exclude compensation paid by a business, trade, or profession from income derived from sources within the state if paid for employment duties performed by an individual while present in the state for 30 or fewer days in the taxable year; compensation is paid for employment duties performed by an individual while present in the state for 30 or fewer days in the taxable year; the individual performs employment duties in more than one state during the taxable year; and the compensation is not paid for employment duties performed by an individual in the individual's capacity.		
Gov't, Military & Veterans Affairs			
02/15/2023			
LB 492	TAXATION - INDIVIDUAL INCOME TAXES	Watch	In Committee
von Gillern	Would allow deductions from federal adjusted gross income for business assets covered under Section 168 of the Internal Revenue Code.		
Revenue			
02/08/2023			
LB 641	SOCIAL SECURITY BENEFITS	Watch	In Committee
Kauth	Would exclude 70% of Social Security benefits included in federal adjusted gross income from state taxation beginning January 1, 2023, and 100% of such benefits beginning January 1, 2024. (Provisions of LB 641 were amended into LB 754)		
Revenue			
02/03/2023			

Taxation/Property Taxes

LB 783	ELIMINATE THE LEVY AUTHORITY OF COMMUNITY COLLEGE AREAS	Watch	In Committee
Murman	Would remove property taxes as a source of funding for the state community colleges, shifting approximately \$200 million in property taxes annually to state sales and income taxes.		
Revenue			
02/02/2023			

Taxation/Sales Taxes

LB 496	SALES TAX EXEMPTION – BUSINESS INPUTS	Watch	In Committee
Linehan	Would exempt the sale, lease, or rental of and the storage, use, or other consumption of business inputs (a product or service that (a) is purchased by a business entity from a retailer; and (b) is used by the business entity, in the regular course of its business, in a way that is directly related to the production of a product or the provision of a service). in order for a product or service to be considered a business input a) the business entity must pass on the cost of such product or service to the entity’s customer; and b) the business entities customer can reasonably be considered as the ultimate considered consumers of such product or service.		
Revenue			
02/10/2023			

School Financing

LB 583	TAX EQUITY AND EDUCATIONAL OPPORTUNITY SUPPORT ACT	Watch	Final Reading
Sanders	Would provide \$1,500 in foundational aid added to the existing funding formula for every public student in the state (estimated cost \$113 million). Would also require that 80% of special education funding be covered through federal and state dollars (estimated cost \$160 million). SANDERS PRIORITY BILL		
Education			
02/07/2023			
LB 681	TAX EQUITY AND EDUCATIONAL OPPORTUNITIES SUPPORT ACT	Watch	In Committee
Clements	Would create the Education Future Fund to be administered by the Department of Education. Would require the fund to be used to provide foundation aid and additional aid for special education under the Tax Equity and Educational Opportunities Support Act and increase funding for school districts to provide direct property tax relief pursuant to a dollar-for-dollar replacement of property taxes by a state funding source. Would provide funding in the amount of \$1 billion for fiscal year 2023-24 and \$250 million in fiscal year 2024-25 and every year thereafter.		
Appropriations			
03/15/2023			

Bill
Introducer
Committee
Hearing Date

NBA Position

Status

Constitutional Amendments

LR 23 CA	PROPOSED CONSTITUTIONAL AMENDMENTS/INHERITANCE TAX	Watch	In Committee
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Riepe Would prohibit the levying of an inheritance tax.

Revenue

03/16/2023

LR 30 CA	PROPOSED CONSTITUTIONAL AMENDMENT-COMMERCIAL REAL ESTATE TAX	Watch	In Committee
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Murman Proposed constitutional amendment to provide for a different member method of taxing commercial real property.

Revenue

03/02/2023

NONE