

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB813

Hearing Date: Tuesday January 16, 2018
Committee On: Banking, Commerce and Insurance
Introducer: Lindstrom
One Liner: Redefine terms and adopt certain federal provisions relating to the Securities Act of Nebraska

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Baker, Brewer, Harr, Kolterman, Lindstrom, McCollister, Schumacher, Williams
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Brett Lindstrom
Director Mark Quandahl

Representing:

Introducer
NE Dept. of Banking and Finance

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB813, introduced at the request of the Nebraska Department of Banking and Finance, would amend various sections of the Securities Act of Nebraska. The bill would provide, section by section, as follows:

Section 1 would amend section 8-1101, which is the definitional section of the act. The amendments would:

Correct a discrepancy between the definition of a federal covered adviser in subsection (4) and an exclusion to the definition of an investment adviser in subdivision (7)(h). The effect of the amendment will be that persons who are excluded from the federal definition of investment adviser will not be included in the state's definition of a federal covered adviser, and

Update subdivision (14) to provide that references to named federal securities acts will be those acts as they existed on January 1, 2018 (currently January 1, 2017).

Section 2 would amend section 8-1101.01 to update references to federal rules and regulations adopted under the federal Investment Advisors Act of 1940 and the federal Securities Act of 1933 as those rules and regulations existed on January 1, 2018 (currently January 1, 2017), and to remove an obsolete reference to federal Rules 147 and Rule 147A adopted under the Securities Act of 1933.

Section 3 would amend section 8-1103, which is the principal registration statute in the act for firms and individuals providing securities-related services and products, to update a reference within subdivision (9)(c)(i) to the fair practice

and ethical standards adopted by the Securities and Exchange Commission or the Financial Industry Regulatory Authority in effect on January 1, 2018 (currently January 1, 2017).

Section 4 would amend section 8-1111, which provides for transactional exemptions from registration (securities, broker-dealer, agent) under the act, to update a reference within subdivision (5) to the federal Interstate Land Sales Full Disclosure Act as that act existed on January 1, 2018 (currently January 1, 2017).

Section 5 would provide for repealers of amendatory sections.

Section 6 would provide for the emergency clause.

Brett Lindstrom, Chairperson