

# Legislature - First Session - 2019

## Introducer's Statement of Intent

### LB259

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**Chairperson: Senator Matt Williams**

**Committee: Banking, Commerce and Insurance**

**Date of Hearing: January 29, 2019**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 259 is a bill introduced at the request of the Nebraska Department of Banking and Finance to update provisions of the Securities Act of Nebraska, the Nebraska Commodity Code, and the Consumer Rental Purchase Agreement Act.

The bill would correct a discrepancy in the Act between the definition of a federal covered adviser and an exclusion to the definition of an investment adviser. 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. (§8-1101(4), (7)) (Section 1).

The bill would update requirements related to the sale of federal covered securities exempt from federal registration pursuant to Tier 2 of federal Regulation A, 17 C.F.R. 230.251(a). The bill would allow issuers relying upon this exemption to sell securities without utilizing a broker-dealer as long as no commissions or other remuneration are paid for soliciting potential investors.

(§ 8-1108.02(2)(b) Section 4).

The bill would update all cross-referenced federal statutes, regulations, and standards to refer to those statutes and regulations as they existed on January 1, 2019, and would remove obsolete language related to two federal rules.

(§8-1101; §8-1101.01; §8-1103; §8-1111; §8-1704; §8-1707; 69-2103; 69-2104; 69-2112)

(Sections 1, 2, 3, 5, 6, 7, 9, 10, 11).

The bill would update language in the Nebraska Commodity Code and the Consumer Rental Purchase Agreement Act relating to the disposition of fines to the State Treasurer.

(§8-1726; 69-2117) (Sections 8, 12)

The bill would provide for an emergency clause.

**Principal Introducer:** \_\_\_\_\_

Senator Brett Lindstrom