

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1108**

Introduced by Gragert, 40.

Read first time January 22, 2020

Committee:

1 A BILL FOR AN ACT relating to property; to amend sections 69-1301,  
2 69-1302, 69-1303, 69-1305, 69-1305.01, 69-1307, 69-1307.03, 69-1308,  
3 69-1310, 69-1318, and 69-1322, Reissue Revised Statutes of Nebraska,  
4 and sections 76-1416 and 79-956, Revised Statutes Supplement, 2019;  
5 to change provisions relating to the Uniform Disposition of  
6 Unclaimed Property Act and the School Employees Retirement Act; to  
7 provide for donated claims; to change a security deposit provision  
8 under the Uniform Residential Landlord and Tenant Act; to harmonize  
9 provisions; and to repeal the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-1301, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 69-1301 As used in the Uniform Disposition of Unclaimed Property Act  
4 unless the context otherwise requires:

5 (a) Banking organization means any bank, trust company, savings  
6 bank, industrial bank, land bank, or safe deposit company.

7 (b) Business association means any corporation, joint-stock company,  
8 business trust, partnership, limited liability company, or association  
9 for business purposes of two or more individuals, but does not include a  
10 public corporation.

11 (c) Financial organization means any savings and loan association,  
12 building and loan association, credit union, cooperative bank, or  
13 investment company, doing business in this state.

14 (d) General-use prepaid card means a plastic card or other  
15 electronic payment device usable with multiple, unaffiliated sellers of  
16 goods or services.

17 (e) Holder means any person in possession of property subject to the  
18 act belonging to another, or who is trustee in case of a trust, or is  
19 indebted to another on an obligation subject to the act.

20 (f) Life insurance corporation means any association or corporation  
21 transacting within this state the business of insurance on the lives of  
22 persons or insurance appertaining thereto, including, but not limited to,  
23 endowments and annuities.

24 (g) Military medal means any decoration or award that may be  
25 presented or awarded to a member of a unit of the United States Armed  
26 Forces or National Guard.

27 (h) Owner means a depositor in case of a deposit, a beneficiary in  
28 case of a trust, a creditor, claimant, or payee in case of other choses  
29 in action, or any person having a legal or equitable interest in property  
30 subject to the act, or his or her legal representative.

31 (i) Person means any individual, business association, governmental

1 or political subdivision, public corporation, public authority, estate,  
2 trust, two or more persons having a joint or common interest, or any  
3 other legal or commercial entity.

4 (j) Record means information that is inscribed on a tangible medium  
5 or that is stored in an electronic or other medium and is retrievable in  
6 perceivable form. The phrase "records of the holder" includes records  
7 maintained by a third party that has contracted with the holder.

8 (k) (j) Utility means any person who owns or operates within this  
9 state, for public use, any plant, equipment, property, franchise, or  
10 license for the transmission of communications or the production,  
11 storage, transmission, sale, delivery, or furnishing of electricity,  
12 water, steam, or gas.

13 Sec. 2. Section 69-1302, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 69-1302 The following property held or owing by a banking or  
16 financial organization or by a business association is presumed  
17 abandoned:

18 (a) Any demand, savings, or matured time deposit that is not  
19 automatically renewable made in this state with a banking organization,  
20 together with any interest or dividends thereon, excluding any charges  
21 that may lawfully be withheld, unless the owner has, within three ~~five~~  
22 years:

23 (1) Increased or decreased the amount of the deposit, or presented  
24 the passbook or other similar evidence of the deposit for the crediting  
25 of interest or dividends; or

26 (2) Corresponded in writing with the banking organization concerning  
27 the deposit; ~~or~~

28 (3) Communicated by means of a secure, password-protected,  
29 electronic contact, communication, or transaction with the banking  
30 organization concerning the deposit; or

31 (4) (3) Otherwise indicated an interest in the deposit as evidenced

1 by a memorandum or other record on file with the banking organization; or  
2 ~~(5) (4)~~ Owned other property to which subdivision (a)(1), (2), ~~or~~  
3 ~~(3), or (4) of this section~~ applies and if the banking organization  
4 corresponds in writing with the owner with regard to the property that  
5 would otherwise be presumed abandoned under subdivision (a) of this  
6 section at the address to which correspondence regarding the other  
7 property regularly is sent; or

8 ~~(6) (5)~~ Had another relationship with the banking organization  
9 concerning which the owner has:

10 (i) Corresponded in writing with the banking organization;~~or~~

11 ~~(ii) Communicated by means of a secure, password-protected,~~  
12 ~~electronic contact, communication, or transaction with the banking~~  
13 ~~organization; or~~

14 ~~(iii) (ii)~~ Otherwise indicated an interest as evidenced by a  
15 memorandum or other record on file with the banking organization and if  
16 the banking organization corresponds in writing with the owner with  
17 regard to the property that would otherwise be abandoned under  
18 subdivision (a) of this section at the address to which correspondence  
19 regarding the other relationship regularly is sent.

20 (b) Any funds paid in this state toward the purchase of shares or  
21 other interest in a financial organization or any deposit that is not  
22 automatically renewable, including a certificate of indebtedness that is  
23 not automatically renewable, made therewith in this state, and any  
24 interest or dividends thereon, excluding any charges that may lawfully be  
25 withheld, unless the owner has within ~~three~~ five years:

26 (1) Increased or decreased the amount of the funds or deposit, or  
27 presented an appropriate record for the crediting of interest or  
28 dividends; or

29 (2) Corresponded in writing with the financial organization  
30 concerning the funds or deposit; or

31 (3) Otherwise indicated an interest in the funds or deposit as

1 evidenced by a memorandum or other record on file with the financial  
2 organization; or

3 (4) Owned other property to which subdivision (b)(1), (2), or (3)  
4 applies and if the financial organization corresponds in writing with the  
5 owner with regard to the property that would otherwise be presumed  
6 abandoned under subdivision (b) of this section at the address to which  
7 correspondence regarding the other property regularly is sent; or

8 (5) Had another relationship with the financial organization  
9 concerning which the owner has:

10 (i) Corresponded in writing with the financial organization; or

11 (ii) Otherwise indicated an interest as evidenced by a memorandum or  
12 other record on file with the financial organization and if the financial  
13 organization corresponds in writing with the owner with regard to the  
14 property that would otherwise be abandoned under this subdivision (b) of  
15 this section at the address to which correspondence regarding the other  
16 relationship regularly is sent.

17 (c) A holder may not, with respect to property described in  
18 subdivision (a) or (b) of this section, impose any charges solely due to  
19 dormancy or cease payment of interest solely due to dormancy unless there  
20 is a written contract between the holder and the owner of the property  
21 pursuant to which the holder may impose reasonable charges or cease  
22 payment of interest or modify the imposition of such charges and the  
23 conditions under which such payment may be ceased. A holder of such  
24 property who imposes charges solely due to dormancy may not increase such  
25 charges with respect to such property during the period of dormancy. The  
26 contract required by this subdivision may be in the form of a signature  
27 card, deposit agreement, or similar agreement which contains or  
28 incorporates by reference (1) the holder's schedule of charges and the  
29 conditions, if any, under which the payment of interest may be ceased or  
30 (2) the holder's rules and regulations setting forth the holder's  
31 schedule of charges and the conditions, if any, under which the payment

1 of interest may be ceased.

2 (d)(1) Any time deposit that is automatically renewable, including a  
3 certificate of indebtedness that is automatically renewable, made in this  
4 state with a banking or financial organization, together with any  
5 interest thereon, seven years after the expiration of the initial time  
6 period or any renewal time period unless the owner has, during such  
7 initial time period or renewal time period:

8 (i) Increased or decreased the amount of the deposit, or presented  
9 an appropriate record or other similar evidence of the deposit for the  
10 crediting of interest;

11 (ii) Corresponded in writing with the banking or financial  
12 organization concerning the deposit;

13 (iii) Otherwise indicated an interest in the deposit as evidenced by  
14 a memorandum or other record on file with the banking or financial  
15 organization;

16 (iv) Owned other property to which subdivision (d)(1)(i), (ii), or  
17 (iii) of this section applies and if the banking or financial  
18 organization corresponds in writing with the owner with regard to the  
19 property that would otherwise be presumed abandoned under subdivision (d)  
20 of this section at the address to which correspondence regarding the  
21 other property regularly is sent; or

22 (v) Had another relationship with the banking or financial  
23 organization concerning which the owner has:

24 (A) Corresponded in writing with the banking or financial  
25 organization; or

26 (B) Otherwise indicated an interest as evidenced by a memorandum or  
27 other record on file with the banking or financial organization and if  
28 the banking or financial organization corresponds in writing with the  
29 owner with regard to the property that would otherwise be abandoned under  
30 subdivision (d) of this section at the address to which correspondence  
31 regarding the other relationship regularly is sent.

1 (2) If, at the time provided for delivery in section 69-1310, a  
2 penalty or forfeiture in the payment of interest would result from the  
3 delivery of a time deposit subject to subdivision (d) of this section,  
4 the time for delivery shall be extended until the time when no penalty or  
5 forfeiture would result.

6 (e) Any sum payable on checks certified in this state or on written  
7 instruments issued in this state on which a banking or financial  
8 organization or business association is directly liable, including, by  
9 way of illustration but not of limitation, certificates of deposit that  
10 are not automatically renewable, drafts, money orders, and traveler's  
11 checks, that, with the exception of money orders and traveler's checks,  
12 has been outstanding for more than three ~~five~~ years from the date it was  
13 payable, or from the date of its issuance if payable on demand, or, in  
14 the case of (i) money orders, that has been outstanding for more than  
15 seven years from the date of issuance and (ii) traveler's checks, that  
16 has been outstanding for more than fifteen years from the date of  
17 issuance, unless the owner has within three ~~five~~ years, or within seven  
18 years in the case of money orders and within fifteen years in the case of  
19 traveler's checks, corresponded in writing with the banking or financial  
20 organization or business association concerning it, or otherwise  
21 indicated an interest as evidenced by a memorandum or other record on  
22 file with the banking or financial organization or business association.

23 (f) Any funds or other personal property, tangible or intangible,  
24 removed from a safe deposit box or any other safekeeping repository or  
25 agency or collateral deposit box in this state on which the lease or  
26 rental period has expired due to nonpayment of rental charges or other  
27 reason, or any surplus amounts arising from the sale thereof pursuant to  
28 law, that have been unclaimed by the owner for more than three ~~five~~ years  
29 from the date on which the lease or rental period expired. If the State  
30 Treasurer or his or her designee determines after investigation that any  
31 delivered property has insubstantial commercial value, the State

1 Treasurer or his or her designee may destroy or otherwise dispose of the  
2 property at any time. No action or proceeding may be maintained against  
3 the state or any officer or against the banking or financial organization  
4 for or on account of any action taken by the State Treasurer pursuant to  
5 this subsection.

6 (g) For the purposes of this section failure of the United States  
7 mails to return a letter, duly deposited therein, first-class postage  
8 prepaid, to the last-known address of an owner of tangible or intangible  
9 property shall be deemed correspondence in writing and shall be  
10 sufficient to overcome the presumption of abandonment created herein. A  
11 memorandum or writing on file with such banking or financial organization  
12 shall be sufficient to evidence such failure.

13 Sec. 3. Section 69-1303, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 69-1303 (a) Unclaimed funds, as defined in this section, held and  
16 owing by a life insurance corporation shall be presumed abandoned if the  
17 last-known address, according to the records of the corporation, of the  
18 person entitled to the funds is within this state. If a person other than  
19 the insured or annuitant is entitled to the funds and no address of such  
20 person is known to the corporation or if it is not definite and certain  
21 from the records of the corporation what person is entitled to the funds,  
22 it is presumed that the last-known address of the person entitled to the  
23 funds is the same as the last-known address of the insured or annuitant  
24 according to the records of the corporation.

25 (b) Unclaimed funds, as used in this section, means all money held  
26 and owing by any life insurance corporation unclaimed and unpaid for more  
27 than three ~~five~~ years after the money became due and payable as  
28 established from the records of the corporation under any life or  
29 endowment insurance policy or annuity contract which has matured or  
30 terminated. A life insurance policy not matured by actual proof of the  
31 death of the insured is deemed to be matured and the proceeds thereof are



1 deemed to be due and payable if such policy was in force when the insured  
2 attained the limiting age under the mortality table on which the reserve  
3 is based, unless the person appearing entitled thereto has within the  
4 preceding three ~~five~~ years, (1) assigned, readjusted, or paid premiums on  
5 the policy, or subjected the policy to loan, or (2) corresponded in  
6 writing with the life insurance corporation concerning the policy. Money  
7 otherwise payable according to the records of the corporation are deemed  
8 due and payable although the policy or contract has not been surrendered  
9 as required.

10 Sec. 4. Section 69-1305, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 69-1305 (a) Any stock, shareholding, or other intangible ownership  
13 interest in a business association, the existence of which is evidenced  
14 by records available to the association, is presumed abandoned and, with  
15 respect to the interest, the association is the holder, if:

16 (1) The interest in the association is owned by a person who for  
17 more than three ~~five~~ years has not claimed a dividend, distribution, or  
18 other sum payable as a result of the interest or has not communicated  
19 with the association regarding the interest or a dividend, distribution,  
20 or other sum payable as a result of the interest, as evidenced by a  
21 memorandum or other record on file with the association prepared by an  
22 employee of the association; and

23 (2) The association does not know the location of the owner at the  
24 end of the three-year ~~five-year~~ period.

25 (b) The return of official shareholder notifications or  
26 communications by the postal service as undeliverable shall be evidence  
27 that the association does not know the location of the owner.

28 (c) The Uniform Disposition of Unclaimed Property Act shall be  
29 applicable to both the underlying stock, shareholdings, or other  
30 intangible ownership interests of an owner, and any stock, shareholdings,  
31 or other intangible ownership interest of which the business association

1 is in possession of the certificate or other evidence or indicia of  
2 ownership, and to the stock, shareholdings, or other intangible ownership  
3 interests of dividend- and non-dividend-paying business associations  
4 whether or not the interest is represented by a certificate.

5 Sec. 5. Section 69-1305.01, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 69-1305.01 The Uniform Disposition of Unclaimed Property Act does  
8 not apply to any stock or other intangible ownership interest enrolled in  
9 a plan that provides for the automatic reinvestment of dividends,  
10 distributions, or other sums payable as a result of the interest unless:

11 (a) The records available to the administrator of the plan show,  
12 with respect to any intangible ownership interest not enrolled in the  
13 reinvestment plan, that the owner has not within three ~~five~~ years  
14 communicated in any manner described in subdivision (a)(1) of section  
15 69-1305; or

16 (b) Three ~~Five~~ years have elapsed since the location of the owner  
17 became unknown to the business association as evidenced by the return of  
18 official shareholder notifications or communications by the postal  
19 service as undeliverable and the owner has not within those three ~~five~~  
20 years communicated in any manner described in subdivision (a)(1) of  
21 section 69-1305. The three-year ~~five-year~~ period from the return of  
22 official shareholder notifications or communications shall commence from  
23 the return of the notification or communication.

24 Sec. 6. Section 69-1307, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 69-1307 All intangible personal property and any income or increment  
27 thereon, held in a fiduciary capacity for the benefit of another person  
28 is presumed abandoned unless the owner has, within three ~~five~~ years after  
29 it becomes payable or distributable, increased or decreased the  
30 principal, accepted payment of principal or income, corresponded in  
31 writing concerning the property, or otherwise indicated an interest as

1 evidenced by a memorandum on file with the fiduciary:

2 (a) If the property is held by a banking organization or a financial  
3 organization, or by a business association organized under the laws of or  
4 created in this state; or

5 (b) If it is held by a business association, doing business in this  
6 state, but not organized under the laws of or created in this state, and  
7 the records of the business association indicate that the last-known  
8 address of the person entitled thereto is in this state; or

9 (c) If it is held in this state by any other person.

10 Sec. 7. Section 69-1307.03, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 69-1307.03 All intangible property and any income or increment  
13 derived therefrom held in an individual retirement account, a retirement  
14 plan for self-employed individuals, or similar account or plan  
15 established pursuant to the internal revenue laws of the United States,  
16 which has not been paid or distributed for more than thirty days after  
17 the earliest of the following: (a) The actual date of distribution or  
18 attempted distribution; (b) the date contracted for distribution in the  
19 plan or trust agreement governing the account or plan; or (c) the date  
20 specified in the internal revenue law of the United States by which  
21 distribution must begin in order to avoid a tax penalty, is presumed  
22 abandoned unless the owner or beneficiary within the three ~~five~~ years  
23 preceding any such date has made additional payments or transfers of  
24 property to the account or plan, was paid or received a distribution,  
25 communicated concerning the property, or otherwise indicated an interest  
26 as evidenced by a memorandum or other record on file with the account or  
27 plan fiduciary.

28 Sec. 8. Section 69-1308, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 69-1308 (a) Except as provided in subsection (b) of this section,  
31 all intangible personal property, not otherwise covered by the Uniform

1 Disposition of Unclaimed Property Act, including any income or increment  
2 thereon after deducting any lawful charges, that is held or owing in this  
3 state in the ordinary course of the holder's business and has remained  
4 unclaimed by the owner for more than three ~~five~~ years after it became  
5 payable or distributable, is presumed abandoned.

6 (b) The unredeemed value of a general-use prepaid card, including  
7 any income or increment thereon after deducting any lawful charges, that  
8 is held or owing in this state in the ordinary course of the holder's  
9 business and has remained unclaimed by the owner for more than three ~~five~~  
10 years after the last transaction initiated by the card owner, is presumed  
11 abandoned.

12 Sec. 9. Section 69-1310, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 69-1310 (a) Every person holding funds or other property, tangible  
15 or intangible, presumed abandoned under the Uniform Disposition of  
16 Unclaimed Property Act shall report to the State Treasurer with respect  
17 to the property as hereinafter provided.

18 (b) The report shall be verified and shall include:

19 (1) Except with respect to traveler's checks and money orders, the  
20 name, if known, and last-known address, if any, of each person appearing  
21 from the records of the holder to be the owner of any property presumed  
22 abandoned under the act;

23 (2) In case of unclaimed funds of life insurance corporations, the  
24 full name of the insured or annuitant and his or her last-known address  
25 according to the life insurance corporation's records;

26 (3) The nature and identifying number, if any, or description of the  
27 property and the amount appearing from the records to be due, ~~except that~~  
28 ~~items of less than twenty-five dollars may be reported in the aggregate;~~

29 (4) The date when the property became payable, demandable, or  
30 returnable, and the date of the last transaction with the owner with  
31 respect to the property; and

1           (5) Other information which the State Treasurer may prescribe by  
2 rule as necessary for the administration of the act.

3           (c) If the person holding property presumed abandoned is a successor  
4 to other persons who previously held the property for the owner, or if  
5 the holder has changed his or her name while holding the property, he or  
6 she shall file with his or her report all prior known names and addresses  
7 of each holder of the property.

8           (d) The report shall be filed before November 1 of each year as of  
9 June 30 next preceding, but the report of life insurance corporations  
10 shall be filed before May 1 of each year as of December 31 next  
11 preceding. A one-time supplemental report shall be filed by life  
12 insurance corporations with regard to property subject to section  
13 69-1307.05 before November 1, 2003, as of December 31, 2002, as if  
14 section 69-1307.05 had been in effect before January 1, 2003. The  
15 property must accompany the report unless excused by the State Treasurer  
16 for good cause. The State Treasurer may postpone the reporting date upon  
17 written request by any person required to file a report. Any person  
18 holding intangible property presumed abandoned due to be reported with a  
19 cumulative value of fifty dollars or less in a single reporting year  
20 shall not be required to report the property in that year but shall  
21 report the property in any year when the property value or total report  
22 value exceeds fifty dollars.

23           (e) If the holder of property presumed abandoned under the act knows  
24 the whereabouts of the owner and if the owner's claim has not been barred  
25 by the statute of limitations, the holder shall, before filing the annual  
26 report, communicate with the owner and take necessary steps to prevent  
27 abandonment from being presumed. The holder shall exercise due diligence  
28 to ascertain the whereabouts of the owner.

29           (f) Verification, if made by a partnership, shall be executed by a  
30 partner; if made by a limited liability company, by a member; if made by  
31 an unincorporated association or private corporation, by an officer; and

1 if made by a public corporation, by its chief fiscal officer.

2 Sec. 10. Section 69-1318, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 69-1318 (1) Any person claiming an interest in any property  
5 delivered to the state under sections 24-345, and 69-1301 to 69-1329 may  
6 file a claim thereto or to the proceeds from the sale thereof on the form  
7 prescribed by the State Treasurer.

8 (2) As directed by the claimant, the State Treasurer or his or her  
9 designee shall pay over or deliver any property, proceeds, and other sums  
10 payable to the claimant, to a nonprofit organization nominated by the  
11 State Treasurer.

12 Sec. 11. Section 69-1322, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 69-1322 (a) The State Treasurer, at reasonable times and on  
15 reasonable notice, may: ~~If the State Treasurer has reason to believe that~~  
16 ~~any person has failed to report property in accordance with the Uniform~~  
17 ~~Disposition of Unclaimed Property Act, the State Treasurer may demand~~  
18 ~~that such person file a verified report or otherwise comply with the act~~  
19 ~~within thirty days of the demand.~~

20 (1) Examine the records of any person to determine whether the  
21 person has complied with the Uniform Disposition of Unclaimed Property  
22 Act even if the person believes it is not in possession of any property  
23 that must be reported, paid, or delivered under the act;

24 (2) Issue an administrative subpoena requiring the person or agent  
25 of the person to make records available for examination; and

26 (3) Bring an action seeking judicial enforcement of the subpoena.

27 ~~(b) The State Treasurer may at reasonable times and upon reasonable~~  
28 ~~notice examine the records of any person if he or she has reason to~~  
29 ~~believe that such person has failed to report property that should have~~  
30 ~~been reported pursuant to the act.~~

31 (b) (e) If an examination of the records of a person results in the

1 disclosure of property reportable under the act, the State Treasurer may  
2 assess the cost of the examination against the holder but in no case may  
3 the charges exceed the value of the property found to be reportable.

4 (c)(1) ~~(d)(1)~~ Every holder required to file a report under section  
5 69-1310, as to any property for which it has obtained the last-known  
6 address of the owner, shall maintain a record of the name and last-known  
7 address of the owner for seven years after the property becomes  
8 reportable, except to the extent that a shorter time is provided in  
9 subdivision (2) of this subsection or by rule of the State Treasurer.

10 (2) Any holder that sells in this state its travelers checks, money  
11 orders, or other similar written instruments on which the holder is  
12 directly liable, or that provides such instruments to others for sale in  
13 this state, shall maintain a record of those instruments while they  
14 remain outstanding, indicating the state and date of issue for three  
15 years after the date the property is reportable.

16 Sec. 12. Section 76-1416, Revised Statutes Supplement, 2019, is  
17 amended to read:

18 76-1416 (1) A landlord may not demand or receive security, however  
19 denominated, in an amount or value in excess of one month's periodic  
20 rent, except that a pet deposit not in excess of one-fourth of one  
21 month's periodic rent may be demanded or received when appropriate, but  
22 this subsection shall not be applicable to housing agencies organized or  
23 existing under the Nebraska Housing Agency Act.

24 (2) Upon termination of the tenancy, property or money held by the  
25 landlord as prepaid rent and security may be applied to the payment of  
26 rent and the amount of damages which the landlord has suffered by reason  
27 of the tenant's noncompliance with the rental agreement or section  
28 76-1421. The balance, if any, and a written itemization shall be  
29 delivered or mailed to the tenant within fourteen days after the date of  
30 termination of the tenancy. If no mailing address or instructions are  
31 provided by the tenant to the landlord, the landlord shall mail, by

1 first-class mail, the balance of the security deposit to be returned, if  
2 any, and a written itemization of the amount of the security deposit not  
3 returned to the tenant's last-known mailing address. If the mailing is  
4 returned as undeliverable, or if the returned balance of the security  
5 deposit remains outstanding for one year, it shall be considered  
6 abandoned property to be reported and paid to the State Treasurer in  
7 accordance with ~~thirty days after the date of the mailing, the landlord~~  
8 ~~shall, not later than sixty days after the date of the mailing, remit the~~  
9 ~~outstanding balance of the security deposit to the State Treasurer for~~  
10 ~~disposition pursuant to the Uniform Disposition of Unclaimed Property~~  
11 Act.

12 (3) If the landlord fails to comply with subsection (2) of this  
13 section, the tenant may recover the property and money due him or her,  
14 court costs, and reasonable attorney's fees. In addition, if the  
15 landlord's failure to comply with subsection (2) of this section is  
16 willful and not in good faith, the tenant may recover an amount equal to  
17 one month's periodic rent or two times the amount of the security  
18 deposit, whichever is less, as liquidated damages.

19 (4) This section does not preclude the landlord or tenant from  
20 recovering other damages to which he or she may be entitled under the  
21 Uniform Residential Landlord and Tenant Act. However, a tenant shall not  
22 be liable for damages directly related to the tenant's removal from the  
23 premises by order of any governmental entity as a result of the premises  
24 not being fit for habitation due to the negligence or neglect of the  
25 landlord.

26 (5) The holder of the landlord's interest in the premises at the  
27 time of the termination of the tenancy is bound by this section.

28 Sec. 13. Section 79-956, Revised Statutes Supplement, 2019, is  
29 amended to read:

30 79-956 (1)(a) Except as provided in section 42-1107, if a member  
31 dies before the member's retirement date, the member's accumulated



1 contributions shall be paid pursuant to section 79-969.

2 (b) Except for payment to an alternative payee pursuant to a  
3 qualified domestic relations order, if no legal representative or  
4 beneficiary applies for such accumulated contributions within three ~~five~~  
5 years following the date of the deceased member's death, the  
6 contributions shall be distributed in accordance with the Uniform  
7 Disposition of Unclaimed Property Act.

8 (2) When the deceased member has twenty years or more of creditable  
9 service regardless of age or dies on or after his or her sixty-fifth  
10 birthday and leaves a surviving spouse who has been designated by the  
11 member as the sole surviving primary beneficiary, on forms provided by  
12 the board, as of the date of the member's death, such beneficiary may  
13 elect, within twelve months after the death of the member, to receive (a)  
14 a refund of the member's contribution account balance, including  
15 interest, plus an additional one hundred one percent of the member's  
16 contribution account balance, including interest, or (b) an annuity which  
17 shall be equal to the amount that would have accrued to the member had he  
18 or she elected to have the retirement annuity paid as a one-hundred-  
19 percent joint and survivor annuity payable as long as either the member  
20 or the member's spouse should survive and had the member retired (i) on  
21 the date of death if his or her age at death is sixty-five years or more  
22 or (ii) at age sixty-five years if his or her age at death is less than  
23 sixty-five years.

24 (3) When the deceased member who was a school employee on or after  
25 May 1, 2001, has not less than five years of creditable service and less  
26 than twenty years of creditable service and dies before his or her sixty-  
27 fifth birthday and leaves a surviving spouse who has been designated in  
28 writing as beneficiary and who, as of the date of the member's death, is  
29 the sole surviving primary beneficiary, such beneficiary may elect,  
30 within twelve months after the death of the member, to receive (a) a  
31 refund of the member's contribution account balance with interest plus an

1 additional one hundred one percent of the member's contribution account  
2 balance with interest or (b) an annuity payable monthly for the surviving  
3 spouse's lifetime which shall be equal to the benefit amount that had  
4 accrued to the member at the date of the member's death, commencing when  
5 the member would have reached age sixty, or the member's age at death if  
6 greater, reduced by three percent for each year payments commence before  
7 the member would have reached age sixty-five, and adjusted for payment in  
8 the form of a one-hundred-percent joint and survivor annuity.

9 (4)(a) If the requirements of subsection (2) or (3) of this section  
10 are not met, a lump sum equal to all contributions to the fund made by  
11 such member plus regular interest shall be paid pursuant to section  
12 79-969.

13 (b) An application for benefits under subsection (2) or (3) of this  
14 section shall be deemed to have been timely filed if the application is  
15 received by the retirement system within twelve months after the date of  
16 the death of the member.

17 (5) Benefits to which a surviving spouse, beneficiary, or estate of  
18 a member shall be entitled pursuant to this section shall commence  
19 immediately upon the death of such member.

20 (6) A lump-sum death benefit paid to the member's beneficiary, other  
21 than the member's estate, that is an eligible distribution may be  
22 distributed in the form of a direct transfer to a retirement plan  
23 eligible to receive such transfer under the provisions of the Internal  
24 Revenue Code.

25 (7) For any member whose death occurs on or after January 1, 2007,  
26 while performing qualified military service as defined in section 414(u)  
27 of the Internal Revenue Code, the member's beneficiary shall be entitled  
28 to any additional death benefit that would have been provided, other than  
29 the accrual of any benefit relating to the period of qualified military  
30 service. The additional death benefit shall be determined as if the  
31 member had returned to employment with the employer and such employment

1 had terminated on the date of the member's death.

2       Sec. 14.   Original sections 69-1301, 69-1302, 69-1303, 69-1305,  
3 69-1305.01, 69-1307, 69-1307.03, 69-1308, 69-1310, 69-1318, and 69-1322,  
4 Reissue Revised Statutes of Nebraska, and sections 76-1416 and 79-956,  
5 Revised Statutes Supplement, 2019, are repealed.