

LEGISLATIVE BILL 356

Approved by the Governor March 22, 1993

Introduced by Witek, 31

AN ACT relating to public funds; to amend section 77-2326.04, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to contents of the written receipt delivered by a depository to court officials as prescribed; to provide an exemption from certain provisions; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 77-2326.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2326.04. (1) No deposits in excess of the amount insured by the Federal Deposit Insurance Corporation shall be made to accumulate in any bank or capital stock financial institution designated as a depository unless and until the county judge, clerk of the county court, or clerk of the district court, as the case may be, has received from such depository as security for the prompt repayment by the depository of his or her respective deposits in excess of the amount insured by the Federal Deposit Insurance Corporation either a surety bond in form and with corporate sureties approved by the county judge or judges or by formal resolution of the county board, as the case may be, or in lieu thereof a pledge of or grant of a security interest in:

(a) Bonds, notes, certificates of indebtedness, or treasury bills of the United States Government of any issue;

(b) Obligations fully and unconditionally guaranteed both as to principal and interest by the United States or bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration;

(c) Bonds of any county, city, village, or school district of this state which have been issued and registered as required by law;

(d) Loan participations which carry the guarantee of the Commodity Credit Corporation, an instrumentality of the United States Department of Agriculture; or

(e) Registered warrants of any county, city, or school district of this state.

(2) The delivery by the bank or capital stock financial institution designated as a depository to the county judge, clerk of the county court, or clerk of the district court, as the case may be, of a written receipt or acknowledgment from a Federal Reserve Bank or branch thereof or some other bank, capital stock financial institution, or trust company in this state, other than the bank or capital stock financial

institution granting the security interest, that includes the ~~name and~~ title of such public officer, describes securities identified on the books or records of the depository, and provides that the securities or the proceeds of securities will be delivered only upon surrender of the receipt or the acknowledgment duly executed by the public officer designated thereon and by the authorized representative of the depository shall, together with such public officer's actual and continued possession of such receipt or acknowledgment, constitute a valid and perfected security interest in favor of such public officer in and to the securities so identified. ~~Article~~ Articles 8 and 9, Uniform Commercial Code, shall not apply to any security interest arising under this section. The provisions of section 77-2366 shall apply to deposits in capital stock financial institutions.

Sec. 2. That original section 77-2326.04, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.