

LEGISLATIVE BILL 375

Approved by the Governor April 8, 1988

Introduced by Harris, 27; Schmit, 23; Morehead, 30

AN ACT relating to banks and banking; to amend sections 8-705, 8-706, 8-901, 8-902, 8-1202, and 8-1206, Reissue Revised Statutes of Nebraska, 1943, sections 8-103, 8-108, and 8-903, Revised Statutes Supplement, 1986, and section 8-101, Revised Statutes Supplement, 1987; to define terms; to provide for examinations and reports as prescribed; to change provisions relating to bank holding companies as prescribed; to provide an application procedure prior to acquisition of a bank as prescribed; to provide duties for the Director of Banking and Finance; to require submission of applications for interstate transactions as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. That section 8-101, Revised Statutes Supplement, 1987, be amended to read as follows:

8-101. As used in sections 8-101 to 8-1,129, unless the context otherwise requires:

(1) Capital or capital stock shall mean capital stock;

(2) Department shall mean the Department of Banking and Finance;

(3) Director shall mean the Director of Banking and Finance;

(4) Bank or banking corporation shall be construed to mean any incorporated banking institution which shall have been incorporated under the laws of this state as they existed prior to May 9, 1933, and any corporation duly organized under the laws of this state for the purpose of conducting a bank within this state under sections 8-101 to 8-1,129. Bank shall be construed to mean any such banking institution as shall be, in addition to the exercise of other powers, following the practice of repaying deposits upon check, draft, or order and of making loans;

(5) Order shall include orders transmitted by

electronic transmission;

(6) Electronic terminal shall mean an off-premises unmanned facility or terminal through which banking transactions are transmitted to a financial institution by means of an electronic impulse. Electronic terminals shall be capable of operation initiated by transaction cards or credit cards compatible with other participants in the electronic funds transfer system;

(7) Manned electronic terminal shall mean an off-premises facility, terminal, or place at which banking transactions are brought about with the assistance of one or more persons and transmitted to a financial institution by means of an electronic impulse. Such person or persons shall not be employees of the financial institution involved with such transmissions. Manned electronic terminals shall be capable of operation initiated by transaction cards or credit cards compatible with other participants in the electronic funds transfer system;

(8) Making loans shall include advances or credits that are initiated by means of credit card or other transaction card. Transaction card and other transactions, including transactions made pursuant to prior agreements, may be brought about and transmitted by means of an electronic impulse. Such loan transactions including transactions made pursuant to prior agreements shall be subject to sections 8-815 to 8-829 and shall be deemed loans made at the place of business of the financial institution;

(9) Establishing financial institution shall mean any financial institution establishing an electronic terminal or a manned electronic terminal;

(10) User financial institution shall mean any financial institution which desires to avail itself and its customers of an electronic terminal or manned electronic terminal services;

(11) Financial institution shall mean a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering electronic terminal transactions;

(12) Financial institution employees shall include parent holding company and affiliate employees;

(13) Switch shall mean an installation where a transaction impulse is received and the transaction message is immediately routed and electronically transmitted to a processing center. A switch may be a processing center;

(14) Impulse shall mean an electronic impulse;

(15) A processing center shall mean a place, designated by a user financial institution, capable of receiving and processing electronic impulse transactions; and

(16) Insolvent shall mean a condition in which (a) the actual cash market value of the assets of a bank is insufficient to pay its liabilities to its depositors, (b) a bank is unable to meet the demands of its creditors in the usual and customary manner, (c) a bank, after demand in writing by the director, fails to make good any deficiency in its reserves as required by law, or (d) the stockholders of a bank, after written demand by the director, fail to make good an impairment of its capital or surplus; and

(17) Foreign state agency shall mean any duly constituted regulatory or supervisory agency which has authority over financial institutions and which is created under the laws of any other state, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands or which is operating under the code of law for the District of Columbia.

Sec. 2. That section 8-103, Revised Statutes Supplement, 1986, be amended to read as follows:

8-103. (1) The director shall have charge of and full supervision over the examination of banks and the enforcement of compliance with the statutes by banks and their holding companies in their business and functions and shall constructively aid and assist banks in maintaining proper banking standards and efficiency. The director shall also have charge of and full supervision over the examination of and the enforcement of compliance with the statutes by trust companies, building and loan associations, industrial loan and investment companies, credit unions, and cooperative credit associations in their business and functions and shall constructively aid and assist trust companies, building and loan associations, industrial loan and investment companies, and cooperative credit associations in maintaining proper standards and efficiency.

(2) If the director is financially interested directly or indirectly in any bank or other institution doing business in Nebraska, subject to his or her jurisdiction, the same shall be under the direct supervision of the Governor, and as to such bank or other institution, the Governor shall exercise all the supervisory powers otherwise vested in the Director of

Banking and Finance by the laws of this state, and reports of examination by state bank examiners, foreign state bank examiners, examiners of the Federal Reserve Board, examiners of the Office of the Comptroller of the Currency, and by examiners for the Federal Deposit Insurance Corporation shall be transmitted to the Governor.

(3) No person employed by the department shall be permitted to borrow money from any bank or other institution doing business in Nebraska subject to the jurisdiction of the department, except that persons employed by the department may borrow money in the normal course of business from the Nebraska State Employees Credit Union.

(4) Any person who intentionally violates this section or who aids, abets, or assists in a violation of this section shall be guilty of a Class IV felony.

Sec. 3. That section 8-108, Revised Statutes Supplement, 1986, be amended to read as follows:

8-108. The director, his or her deputy, or any duly appointed examiner shall have power to make a thorough examination into all the books, papers, and affairs of any bank or other institution in Nebraska subject to the department's jurisdiction, or its holding company, if any, and in so doing to administer oaths and affirmations, and to examine on oath or affirmation the officers, agents, and clerks of such institution or its holding company, if any, touching the matter which they may be authorized and directed to inquire into and examine, and to subpoena the attendance of any person or persons in this state to testify under oath or affirmation in relation to the affairs of such institution or its holding company, if any. Such powers shall include, but not be limited to, the authority to examine and monitor by electronic means the books, papers, and affairs of any financial institution or the holding company of a financial institution. The examination may be in the presence of at least two members of the board of directors of the institution or its holding company, if any, undergoing such examination, and it shall be the duty of the examiner to incorporate in his or her report the names of the directors in whose presence the examination was made. The director may accept any examination or report from the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Comptroller of the Currency, or a foreign state agency. The director may provide any such examination or report to the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Comptroller

of the Currency, or a foreign state agency.

Sec. 4. That section 8-705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-705. The Director of Banking and Finance is authorized to accept in his or her discretion, in lieu of any examination authorized by the laws of this state to be conducted by his or her department of a banking institution, the examination that may have been made of same such banking institution within a reasonable period by the Federal Deposit Insurance Corporation, provided the Federal Reserve Board, the Comptroller of the Currency, or a foreign state agency if a copy of the examination is furnished to the director. The director may also in his or her discretion accept any report relative to the condition of a banking institution which may have been obtained by said corporation the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Comptroller of the Currency, or a foreign state agency within a reasonable period; in lieu of a report authorized by the laws of this state to be required of such institution by his or her department; provided if a copy of such report is furnished to the director.

As used in this section, unless the context otherwise requires, foreign state agency shall mean any duly constituted regulatory or supervisory agency which has authority over financial institutions and which is created under the laws of any other state, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands or which is operating under the code of law for the District of Columbia.

Sec. 5. That section 8-706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-706. The Director of Banking and Finance may furnish to said corporation the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Comptroller of the Currency, or a foreign state agency, or to any official or examiner thereof, a copy or copies of any or all examinations made of any such banking institution and of any or all reports made by it; and shall give access and disclose to said corporation the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Comptroller of the Currency, or a foreign state agency, or to any official or examiner thereof, any and all information possessed by the office of the director with reference to the conditions or

affairs of any such insured institution. Nothing in this section shall be construed to limit the duty of any banking institution in this state, deposits in which are to any extent insured under the provisions of section 8 of the Banking Act of 1933 (section 12B of the Federal Reserve Act, as amended), or of any amendment of or substitution for the same, to comply with the provisions of said such act, its amendments or substitutions, or the requirements of said corporation the Federal Deposit Insurance Corporation relative to examinations and reports, nor to limit the powers of the director with reference to examinations and reports under existing law.

As used in this section, unless the context otherwise requires, foreign state agency shall mean any duly constituted regulatory or supervisory agency which has authority over financial institutions and which is created under the laws of any other state, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands or which is operating under the code of law for the District of Columbia.

Sec. 6. That section 8-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-901. Sections 8-901 to 8-904 and sections 8 to 12 of this act shall be known and may be cited as the Bank Holding Company Act of 1963.

Sec. 7. That section 8-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-902. As used in sections 8-901 to 8-904 the Bank Holding Company Act of 1963, unless the context otherwise requires:

(1) Bank shall mean any national bank doing business in this state or any bank which is chartered to conduct a bank in this state as provided by sections 8-115 and 8-116;

(2) Company shall mean any corporation, business trust, association, or similar organization, but shall not include:

(a) An individual;

(b) Any partnership; or

(c) Any corporation, the majority of shares of which are owned by the United States or any state; and

(3)(a) Bank holding company shall mean any company:

(a) (i) Which directly or indirectly owns or controls twenty-five percent or more of the voting

shares of each of two or more banks;

~~(b)~~ (ii) Which controls in any manner the election of the majority of the directors of each of two or more banks; or

~~(e)~~ (iii) For the benefit of whose shareholders or members twenty-five percent or more of the voting shares of each of two or more banks or a bank holding company is held by trustees.

(b) Notwithstanding the foregoing:

~~(1)~~ (i) No estate, trust, guardianship, or conservatorship or fiduciary thereof shall be a bank holding company by virtue of its ownership or control of shares of stock of banks as herein defined if ~~PROVIDED~~; such trust is not a business trust or voting trust. It ~~AND PROVIDED FURTHER, that it~~ shall be unlawful for any such estate, trust, guardianship, or conservatorship to acquire, by purchase, ownership or control of twenty-five percent or more of the shares of any additional bank;

(ii) ~~(2)~~ No company shall be a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of bank shares and which are held only for such period of time as will permit the sale thereof on a reasonable basis; and

(iii) ~~(3)~~ No company shall be a bank holding company by virtue of its ownership or control of shares acquired and held in the ordinary course of securing or collecting a debt previously contracted in good faith;

(4) Nebraska bank shall mean a bank which, on and after the operative date of this act, (a) has its principal office located in Nebraska, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of its total deposits in Nebraska, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska;

(5) Nebraska bank holding company shall mean a bank holding company which, on and after the operative date of this act, (a) has its principal office located in Nebraska, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of all of its subsidiaries in Nebraska, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska;

(6) Regional out-of-state bank shall mean a bank which, on and after the operative date of this act, (a) has its principal office located in one of the north-central states, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of its total deposits in one or more of the north-central states, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska or one of the north-central states;

(7) Regional out-of-state bank holding company shall mean a bank holding company which, on and after the operative date of this act, (a) has its principal office located in one of the north-central states, (b) has held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of all of its subsidiaries in one or more of the north-central states, and (c) is not directly or indirectly controlled by another company which has not held, for the previous three hundred sixty-five days, more than fifty percent of the total deposits of its bank subsidiaries in Nebraska or one of the north-central states; and

(8) North-central states shall mean the states of Wisconsin, Minnesota, North Dakota, Montana, South Dakota, Wyoming, Colorado, Kansas, Iowa, and Missouri.

Sec. 8. A copy of any application for a proposed interstate purchase, acquisition, or merger shall be transmitted to the Department of Banking and Finance concurrently with the filing of the application with the Federal Reserve Board or other appropriate governmental agency. The department may, but shall not be required to, make and publish such comments as it deems appropriate.

Sec. 9. Commencing on or after January 1, 1991, a bank holding company domiciled in a state which authorizes the acquisition or control of banks in that state by a Nebraska bank or Nebraska bank holding company under conditions no more restrictive than those imposed by the laws of Nebraska, as determined by the Director of Banking and Finance, may own or control more than twenty-five percent of the voting shares of any bank or the power to control in any manner the election of a majority of the directors of any bank upon the same conditions and with the same limitations as those made applicable to a regional out-of-state bank holding company incorporated and domiciled in a north-central

state by the Bank Holding Company Act of 1963.

Sec. 10. A regional out-of-state bank holding company and, on or after January 1, 1991, any bank holding company authorized by section 9 of this act to own or control banks in this state, which desires to make an acquisition as authorized by the Bank Holding Company Act of 1963, shall file an application with the Director of Banking and Finance accompanied by an application fee of five thousand dollars payable to the Department of Banking and Finance. The application shall contain such information as the director may, by rule and regulation, prescribe as necessary or appropriate. The applicant shall furnish to the director all of the following:

(1) Information establishing that the acquisition will promote the safety and soundness of the bank or bank holding company proposed to be acquired, including the subsidiary banks of the bank holding company proposed to be acquired;

(2) Information demonstrating that the applicant intends to adequately meet the convenience and needs of the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired in accordance with the federal Community Reinvestment Act of 1977 including, when applicable, information relating to the following:

(a) Procedures proposed to be carried out by the bank or subsidiary banks of the bank holding company proposed to be acquired to ascertain the credit needs of the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired, including the extent of proposed efforts to communicate to such communities the credit services proposed to be provided by the bank or subsidiary banks of the bank holding company proposed to be acquired;

(b) The extent of the proposed marketing and special credit-related programs to be conducted by the bank or subsidiary banks of the bank holding company proposed to be acquired to make the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired aware of the credit services proposed to be offered by it or them;

(c) The extent of proposed participation by the board of directors of the bank or subsidiary banks of the bank holding company proposed to be acquired in formulating the policies and reviewing the performance of the bank or subsidiary banks of the bank holding company proposed to be acquired in meeting the purposes of the federal Community Reinvestment Act of 1977;

(d) The expected geographic distribution of credit extensions, credit applications, and credit denials of the bank or subsidiary banks of the bank holding company proposed to be acquired;

(e) The proposed participation, including investments by the bank or subsidiary banks of the bank holding company proposed to be acquired, in local community development and redevelopment projects or programs or innovative agricultural enterprises or crop development programs; and

(f) The expected ability of the bank or subsidiary banks of the bank holding company proposed to be acquired to meet various credit needs of the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired;

(3) Proposed capital investment, loan, and dividend policies of the applicant, including a discussion of the range of consumer and business services which are proposed to be offered by the bank or subsidiary banks of the bank holding company proposed to be acquired and how the bank or subsidiary banks of the bank holding company proposed to be acquired propose to meet the credit needs of individuals, small business, and agriculture in the communities served by it or them;

(4) Any plans of the applicant to merge, sell the assets of, or liquidate the bank, bank holding company, or subsidiary banks of the bank holding company proposed to be acquired or to make any other major change in the business or corporate structure or management;

(5) Information on how the proposed acquisition will result in net new benefits to the communities served by the bank or subsidiary banks of the bank holding company proposed to be acquired; and

(6) Evidence of compliance by the subsidiary banks of the applicant in the states in which they are located with the federal Community Reinvestment Act of 1977 and any applicable state or community reinvestment statutes or rules.

Sec. 11. (1) The Director of Banking and Finance, within thirty days of receipt of an application by a regional out-of-state bank holding company or, on and after January 1, 1991, by any bank holding company authorized by section 9 of this act to own or control banks in this state to make an acquisition pursuant to section 10 of this act, shall do one of the following:

(a) Accept the application for processing if it is substantially complete;

(b) Request such additional information as may

be necessary to complete the application; or

(c) Return the application if it is substantially incomplete.

(2) If an application is accepted for processing, the Director of Banking and Finance shall immediately notify the applicant that the application is accepted for processing and publish notice of the application.

(3) Within thirty days of acceptance of an application for processing, the Director of Banking and Finance shall conduct an investigation into the condition of the applicant and the bank or bank holding company proposed to be acquired. The director may request additional information from the applicant and require its production as a condition of approval of the application.

(4) The Director of Banking and Finance shall approve or disapprove an application within one hundred twenty days after the filing of the complete application. If the director fails to approve or disapprove the application within one hundred twenty days after the filing of the complete application, it shall be deemed approved.

(5) In deciding whether to approve an application for an acquisition, the Director of Banking and Finance shall consider all of the following:

(a) Whether the subsidiary banks of the applicant are operated in a satisfactory manner;

(b) Whether the financial condition of the applicant or any of its subsidiary banks would jeopardize the financial stability of the bank or bank holding company proposed to be acquired;

(c) Whether the proposed acquisition would result in a bank that has inadequate capital or poor earnings prospects;

(d) Whether the subsidiary banks of the applicant have provided adequate and appropriate banking services in their communities, including services contemplated by the federal Community Reinvestment Act of 1977 and any applicable state or community reinvestment statutes or rules;

(e) Whether the applicant proposes to provide adequate banking services to meet the needs for banking services of the communities served by the bank or the subsidiary banks of the bank holding company proposed to be acquired, including services contemplated by the federal Community Reinvestment Act of 1977;

(f) Whether the applicant proposes adequate activities to ascertain and adequately meet the credit

needs of the communities served by the bank or the subsidiary banks of the bank holding company proposed to be acquired, including the extent of efforts to communicate the availability of all credit services offered;

(g) Whether the applicant has plans or practices which would discourage applications for specific types of loans; and

(h) Whether there is a record of prohibited discriminatory or other illegal practices by the subsidiary banks of the applicant.

(6) The Director of Banking and Finance shall issue an order either approving or disapproving an application. The order shall include findings of fact based upon the application, investigation, public comments, or other submittals or evidence considered. An order disapproving an application shall list the specific reasons for disapproval.

(7) Decisions of the Director of Banking and Finance under this section may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 12. Sections 10 and 11 of this act shall not apply to any out-of-state bank holding company, as defined in 12 U.S.C. 1842(d) as it existed on August 26, 1983, and which on March 12, 1963, owned at least two banks in this state.

Sec. 13. That section 8-903, Revised Statutes Supplement, 1986, be amended to read as follows:

8-903. It shall be unlawful for any action to be taken after March 12, 1963, which results in a company becoming a bank holding company as defined in section 8-902. Nothing in ~~sections 8-901 to 8-904~~ the Bank Holding Company Act of 1963 shall prohibit (1) a bank holding company or a company which owns only one bank which is not a bank holding company as defined in section 8-902, (2) a bank holding company as defined in section 8-1202, or (3) an out-of-state bank holding company as defined in 12 U.S.C. 1842(d) as it exists on August 26, 1983, and which on March 12, 1963, owned at least two banks in this state, or (4) on or after January 1, 1990, a bank holding company as defined or referred to in 12 U.S.C. 1842(d) and which is a regional out-of-state bank holding company incorporated and domiciled in a north-central state which authorizes the acquisition or control of banks in that state by a Nebraska bank or Nebraska bank holding company under conditions no more restrictive than those imposed by the laws of Nebraska, except that any out-of-state bank or

bank holding company shall not have a name deceptively similar to an existing Nebraska bank or Nebraska bank holding company, as determined by the Director of Banking and Finance from directly or indirectly owning or controlling more than twenty-five percent of the voting shares of any bank or the power to control in any manner the election of a majority of the directors of any bank unless upon such acquisition the banks so owned or controlled in Nebraska would have deposits in Nebraska greater than an amount equal to ~~eleven~~ twelve percent of the total deposits of all banks in this state plus the total deposits, savings accounts, passbook accounts, and shares in savings and loan associations and building and loan associations in this state as determined by the Director of Banking and Finance on the basis of the most recent calendar-year-end reports. If any person, association, partnership, or corporation owns twenty-five percent or more of the voting stock of any bank holding company acquiring a bank and any such person, association, partnership, or corporation owns twenty-five percent or more of the voting stock of any other bank or bank holding company in Nebraska, then the total deposits of such other bank or banks and of all banks owned or controlled by such bank holding company in Nebraska shall be included in the computation of the total deposits of a bank holding company acquiring a bank. Except as provided in subsection (3) of section 8-157, no bank holding company shall be allowed to own or control more than nine banks located in the State of Nebraska at any time after August 26, 1983. A bank holding company, including an out-of-state or regional out-of-state bank holding company, may not acquire any bank which has been chartered by this state or the Comptroller of the Currency of the United States of America for less than five years. A bank which acquires and holds all or substantially all of the voting stock of one newly established bank under sections 8-1512 and 8-1513 shall not have such acquisition count against the total deposit limitation or bank acquisition limitation imposed by this section, nor shall such acquisition be limited, restricted, or disallowed by any other prohibition imposed by this section. A bank holding company or out-of-state bank holding company which acquires an institution or which forms a bank which acquires an institution under sections 8-1506 to 8-1510 shall not have such acquisition or formation count against the total deposits limitation or bank acquisition limitation imposed by this section, nor shall such acquisition or formation be limited,

restricted, or disallowed by any other prohibition imposed by this section, except that any such acquisition which occurs under sections 8-1506 to 8-1510 after July 1, 1987, shall count against the total deposits limitation and the total bank acquisition limitation imposed by this section.

Sec. 14. That section 8-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1202. As used in ~~sections 8-1201 to 8-1207~~ the One Bank Holding Company Act of 1973, unless the context otherwise requires:

(1) Bank shall mean any national bank doing business in this state or any bank which is chartered to conduct a bank in this state as provided by sections 8-101 to 8-1,129;

(2) Company shall mean any corporation, business trust, association, or similar organization; but shall not include:

- (a) An individual;
- (b) Any partnership; or
- (c) Any corporation the majority of shares of

which are owned by the United States or any state;

(3) Foreign state agency shall mean any duly constituted regulatory or supervisory agency which has authority over financial institutions and which is created under the laws of any other state, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands or which is operating under the code of law for the District of Columbia; and

~~(4)~~ (a) One bank holding company shall mean any company:

~~(a)~~ (i) Which directly or indirectly owns or controls twenty-five percent or more of the voting shares of no more than one bank;

~~(b)~~ (ii) Which controls in any manner the election of the majority of the directors of no more than one bank; or

~~(c)~~ (iii) For the benefit of whose shareholders or members twenty-five percent or more of the voting shares of no more than one bank or a one bank holding company is held by trustees; ~~and~~

~~(4)~~ (b) Notwithstanding the foregoing:

~~(a)~~ (i) No estate, trust, guardianship, or conservatorship or fiduciary thereof shall be a one bank holding company by virtue of its ownership or control of shares of stock of a bank unless such trust is a business or voting trust;

(b) (ii) No company shall be a one bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of bank shares and which are held only for such period of time as will permit the sale thereof on a reasonable basis; and

(c) (iii) No company shall be a one bank holding company by virtue of its ownership or control of shares acquired and held in the ordinary course of securing or collecting a debt previously contracted in good faith.

Sec. 15. That section 8-1206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1206. The Director of Banking and Finance may in cases of emergency require reports made under oath to be filed in the Department of Banking and Finance to keep it informed as to the operation of any one bank holding company. The director may make examinations of each bank holding company and each subsidiary thereof, the cost of which shall be assessed, in the manner set forth in section 8-601, against and paid by such holding company. The director may accept reports of examination made by the Federal Reserve Board, the Comptroller of the Currency, ~~or~~ the Federal Deposit Insurance Corporation, or a foreign state agency in lieu of making an examination by the department.

Sec. 16. This act shall become operative on January 1, 1990.

Sec. 17. That original sections 8-705, 8-706, 8-901, 8-902, 8-1202, and 8-1206, Reissue Revised Statutes of Nebraska, 1943, sections 8-103, 8-108, and 8-903, Revised Statutes Supplement, 1986, and section 8-101, Revised Statutes Supplement, 1987, are repealed.