

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 155

Introduced by Williams, 36; Stinner, 48.

Read first time January 09, 2015

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to banks and banking; to amend sections 8-116,
2 8-128, and 8-153, Reissue Revised Statutes of Nebraska, and section
3 8-1402, Revised Statutes Cumulative Supplement, 2014; to change
4 amounts of and notice requirements for capital stock requirements;
5 to change provisions relating to the clearing and settlement of
6 checks; to change provisions relating to disclosure of confidential
7 records; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 8-116, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 8-116 (1) Except as provided in subsection (2) of this section, a A
4 charter for a bank ~~hereafter organized~~ shall not be issued unless the
5 corporation applying therefor has ~~shall~~ have a surplus of not less than
6 seventy thousand dollars or seventy percent of its paid-up capital stock,
7 whichever is greater, ~~and a paid-up capital stock as follows: In villages~~
8 ~~or counties of less than one thousand inhabitants, one hundred thousand~~
9 ~~dollars; in cities, villages, or counties of one thousand or more and~~
10 ~~less than twenty-five thousand inhabitants, not less than one hundred~~
11 ~~fifty thousand dollars; in cities or counties of twenty-five thousand or~~
12 ~~more and less than one hundred thousand inhabitants, not less than two~~
13 ~~hundred thousand dollars; and in cities or counties of one hundred~~
14 ~~thousand or more inhabitants, not less than five hundred thousand~~
15 ~~dollars.~~

16 (2) ~~The~~ Notwithstanding ~~subsection (1) of this section,~~ the
17 department shall have the authority to determine the minimum amount of
18 paid-up capital stock and surplus required for any corporation applying
19 for a bank charter, ~~which amounts shall not be less than the amounts~~
20 ~~provided in subsection (1) of this section.~~

21 (3) ~~For purposes of this section, population shall be determined by~~
22 ~~the most recent federal decennial census.~~

23 Sec. 2. Section 8-128, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 8-128 The paid-in capital stock of any bank may be increased or
26 decreased in the following manner: The stockholders at any regular
27 meeting or at any special meeting duly called for such purpose shall by
28 vote of those owning two-thirds of the capital stock authorize the
29 president or cashier to notify the department of the proposed increase or
30 reduction of paid-in capital stock, ~~and a notice containing a statement~~
31 ~~of the amount of any proposed reduction of paid-in capital stock shall be~~

1 ~~published for four weeks in some newspaper published and of general~~
2 ~~circulation in the county where such bank is located.~~ Reduction of paid-
3 in capital stock shall be discretionary with the department, but shall be
4 denied if granting the same would reduce the paid-in capital stock below
5 the requirements of the Nebraska Banking Act or would impair the security
6 of the depositors. The bank shall notify the department when the proposed
7 increase or decrease of the paid-in capital stock has been consummated.

8 Sec. 3. Section 8-153, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 8-153 All checks, unless sent to banks as special collection items,
11 shall have preprinted the magnetically encoded routing and transit symbol
12 of the bank and either the name of the maker or the magnetically encoded
13 account number of the maker. Except for checks sent to banks as special
14 collection items or checks presented for payment by the payee in person,
15 all checks drawn on any bank organized under the laws of this state shall
16 be cleared at par by the bank on which they are drawn. The term at par
17 applies only to the settlement of checks between collecting and paying or
18 remitting banks and does not apply to, or prohibit a bank from, deducting
19 a fee from the face amount of the check for paying the check if the check
20 is presented to the bank by the payee in person.

21 Sec. 4. Section 8-1402, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 8-1402 (1) Any person, party, agency, or organization requesting
24 disclosure of records or information pursuant to section 8-1401 shall pay
25 the costs of providing such records or information, unless:

26 (a) The request for disclosure is made pursuant to subdivision (1)
27 (a) of section 8-1401 and a Nebraska Supreme Court rule provides for the
28 method of payment;

29 ~~(b) The request is made pursuant to subdivision (1)(b) of section~~
30 ~~8-1401 and the rules for discovery provide for the method of payment;~~

31 (b) (e) The request for disclosure is made pursuant to subdivision (1)

1 (d) or (1)(e) of section 8-1401;

2 (c ~~d~~) Otherwise ordered by a court of competent jurisdiction; or

3 (d ~~e~~) The person making the disclosure waives any or all of the
4 costs.

5 (2) The requesting person, party, agency, or organization shall pay
6 five dollars per hour per person for the time actually spent on the
7 service or, if such person can show that its actual expense in providing
8 the records or information was greater than five dollars per hour per
9 person, it shall be paid the actual cost of providing the records or
10 information.

11 (3) No person authorized to receive payment pursuant to subsection
12 (1) of this section has an obligation to provide any records or
13 information pursuant to section 8-1401 until assurances are received that
14 the costs due under this section will be paid, except for requests made
15 pursuant to subdivisions (1)(d), (1)(e), (1)(f), and (1)(g) of section
16 8-1401.

17 Sec. 5. Original sections 8-116, 8-128, and 8-153, Reissue Revised
18 Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative
19 Supplement, 2014, are repealed.