

AMENDMENTS TO LB155

Introduced by Banking, Commerce and Insurance.

1           1. Strike the original sections and insert the following new  
2 sections:

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

5           8-116 (1) Except as provided in subsection (2) of this section, a A  
6 charter for a bank hereafter organized shall not be issued unless the  
7 corporation applying therefor has shall have a surplus and paid-up  
8 capital stock in an amount not less than the amount necessary for  
9 compliance with subsection (1) of section 8-702 for the insurance of  
10 deposits of not less than seventy thousand dollars or seventy percent of  
11 its paid-up capital stock, whichever is greater , and a paid-up capital  
12 stock as follows: In villages or counties of less than one thousand  
13 inhabitants, one hundred thousand dollars; in cities, villages, or  
14 counties of one thousand or more and less than twenty-five thousand  
15 inhabitants, not less than one hundred fifty thousand dollars; in cities  
16 or counties of twenty-five thousand or more and less than one hundred  
17 thousand inhabitants, not less than two hundred thousand dollars; and in  
18 cities or counties of one hundred thousand or more inhabitants, not less  
19 than five hundred thousand dollars.

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

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

27           Sec. 2. Section 8-128, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 8-128 The paid-in capital stock of any bank may be increased or  
3 decreased in the following manner: The stockholders at any regular  
4 meeting or at any special meeting duly called for such purpose shall by  
5 vote of those owning two-thirds of the capital stock authorize the  
6 president or cashier to notify the department of the proposed increase or  
7 reduction of paid-in capital stock, and a notice containing a statement  
8 of the amount of any proposed reduction of paid-in capital stock shall be  
9 published for two ~~four~~ weeks in some newspaper published and of general  
10 circulation in the county where such bank is located. Reduction of paid-  
11 in capital stock shall be discretionary with the department, but shall be  
12 denied if granting the same would reduce the paid-in capital stock below  
13 the requirements of the Nebraska Banking Act or would impair the security  
14 of the depositors. The bank shall notify the department when the proposed  
15 increase or decrease of the paid-in capital stock has been consummated.

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

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

29 Sec. 4. Section 8-1402, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 8-1402 (1) Any person, party, agency, or organization requesting

1 disclosure of records or information pursuant to section 8-1401 shall pay  
2 the costs of providing such records or information, unless:

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

6 ~~(b) The request is made pursuant to subdivision (1)(b) of section~~  
7 ~~8-1401 and the rules for discovery provide for the method of payment;~~

8 ~~(b e) The request for disclosure is made pursuant to subdivision (1)~~  
9 ~~(d) or (1)(e) of section 8-1401;~~

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

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

13 ~~(2)(a) The requesting person, party, agency, or organization shall~~  
14 ~~pay five dollars per hour per person for the time actually spent on the~~  
15 ~~service or, if such person can show that its actual expense in providing~~  
16 ~~the records or information was greater than five dollars per hour per~~  
17 ~~person, it shall be paid the actual cost of providing the records or~~  
18 ~~information.~~

19 ~~(b) For purposes of this subsection, actual cost means:~~

20 ~~(i) Search and processing costs, including the total amount of~~  
21 ~~personnel direct time incurred in locating and retrieving, reproducing,~~  
22 ~~packaging, and preparing records or information for shipment or delivery.~~  
23 ~~Search and processing costs may include the actual cost of extracting~~  
24 ~~information stored by computer in the format in which it is normally~~  
25 ~~produced, based on computer time and necessary supplies;~~

26 ~~(ii) Reproduction costs incurred in making copies of records or~~  
27 ~~information requested. The rate for reproduction costs for making copies~~  
28 ~~of requested records or information shall be the usual rate charged by~~  
29 ~~the person making the disclosure to its customers for reproducing copies,~~  
30 ~~including copies produced by reader-printer reproduction processes.~~  
31 ~~Photographs, films, and other materials shall be reimbursed at actual~~

1 cost; and

2 (iii) Transportation costs, including transport of personnel to  
3 locate and retrieve the records or information requested and including  
4 all other reasonably necessary costs to convey the records or  
5 information.

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

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

15 Sec. 6. Since an emergency exists, this act takes effect when passed  
16 and approved according to law.