

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB155

Hearing Date: Tuesday January 20, 2015
Committee On: Banking, Commerce and Insurance
Introducer: Williams
One Liner: Change provisions relating to capital stock requirements and clearing and settlement of checks

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Campbell, Craighead, Gloor, Lindstrom, Scheer, Schumacher, Williams
Nay:		
Absent:	1	Senator Howard
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator Matt Williams
Robert Hallstrom

Representing:

Introducer
NE Bankers Association

Opponents:

Katie Zulkowski

Representing:

NE State Bar Association

Neutral:

Representing:

Summary of purpose and/or changes:

This bill would amend various sections with regard to state-chartered banks.

Section 1 would amend section 8-116 of the Nebraska Banking Act to eliminate the requirement that an applicant for a state bank charter shall have a minimum paid-up capital stock in amounts categorized by the population of the village, city, or county of location.

Section 2 would amend section 8-128 of the Nebraska Banking Act to eliminate a requirement that a notice containing a statement of any proposed reduction of paid-in capital stock by a state-chartered bank shall be published for four weeks in some newspaper published and of general circulation in the county where the bank is located.

Section 3 would amend section 8-153 of the Nebraska Banking Act to provide that with regard to the requirement that all checks drawn on a state-chartered bank shall be cleared "at par" by the bank on which they are drawn, the term "at par" applies only to the settlement of checks between collecting and paying or remitting banks and does not apply to a fee deducted from the face amount of the check for paying the check if the check is presented to the bank by the payee in person.

Section 4 would amend section 8-1402 which provides that any person, party, agency, or organization requesting disclosure of confidential records or information from a corporate entity or financial institution pursuant to section 8-1401 shall pay the costs of providing such records or information. The bill would eliminate an exception to this requirement if

the rules for discovery promulgated pursuant to section 25-1273.01 of the Civil Procedure Code provide for the method of payment.

Explanation of amendments:

The committee amendments would become the bill. They would change the amendments in sections 8-116, 8-128, and 8-1402 (Sections 1, 2, and 4 of the bill as introduced.)

The committee amendments would amend section 8-116 with additional provisions to require that a state bank charter shall not be issued unless the applicant has surplus and paid-up capital stock in an amount not less than the amount necessary to obtain Federal Deposit Insurance Corporation coverage for a newly chartered bank.

The committee amendments would amend section 8-128 to reinstate the requirement that a notice containing a statement of any proposed reduction of paid-in capital stock by a state-chartered bank shall be published for four weeks in some newspaper published and of general circulation in the county where the bank is located. In the reinstated provisions the committee amendments would reduce the required number of publications from "four" to "two."

The committee amendments would amend section 8-1402 to provide that the requesting person, party, agency, or organization shall pay the actual cost of providing the records or information and would define what are the "actual costs" of providing records and information, as they regard search and processing costs, reproduction costs, and transportation costs.

Jim Scheer, Chairperson