

LEGISLATIVE BILL 216

Approved by the Governor May 23, 1979

Introduced by Reutzell, 15

AN ACT to amend section 8-1401, Reissue Revised Statutes of Nebraska, 1943, relating to disclosure of confidential information; to provide for the payment of costs of disclosing certain information; 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 8-1401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-1401. No person or corporation or association organized under Chapter 8, article 1, 2, 3, or 4, or Chapter 21, article 17, 19, 20, 22, or 23, or otherwise authorized to conduct business in Nebraska or organized under the laws of the United States shall be required to disclose any information, financial or otherwise, that it deems confidential, concerning its affairs or the affairs of any person or corporation with which it is doing business to any person, party, agency, or organization unless there shall first be presented to such person, corporation, or association a court order of a court of competent jurisdiction setting forth the exact nature and limits of such required disclosure and a showing that all persons or organizations to be affected by such order have had reasonable notice and an opportunity to be heard upon the merits of such order. The requesting party shall pay the costs of providing such information as provided in section 2 of this act. This section shall not apply to any duly constituted supervisory regulatory agency of such person, corporation, or association or to such cases where specific disclosures are specifically required by other sections of the statutes heretofore or hereafter enacted, except that the Department of Banking and Finance shall be subject to the payment of cost provision of this section when making inquiries that are beyond those normally made in conducting examinations and inquiries for the purpose of determining the safety and soundness of a financial institution, but shall not be subject to the disclosure and reasonable notice provisions of this section when making reasonable inquiries of any person, corporation, or association for the purpose of enforcing any of the laws over which the department has jurisdiction.

Sec. 2. If any person, corporation, or association, covered by section 9-1401, is required by court order or shall, after receiving the written permission of the person, corporation, or association about whom information is being sought, voluntarily consent to provide information in its possession it shall be paid by the requesting person, party, agency, or organization for such service. The requesting party shall pay five dollars per hour for the time actually spent on such service or, if such person, corporation, or association can show that its actual expense in providing such information was greater than five dollars per hour, it shall be paid the actual cost of providing such information. No person, corporation, or association shall have an obligation to provide any information pursuant to section 9-1401, other than pursuant to a court order, until assurances have been received that the costs due under this section will be paid.

Sec. 3. That original section 9-1401, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.