

LEGISLATIVE BILL 136

Approved by the Governor June 3, 1997

Introduced by Landis, 46

AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996, as amended by section 1, Legislative Bill 56, Ninety-fifth Legislature, First Session, 1997, and section 9, Legislative Bill 351, Ninety-fifth Legislature, First Session, 1997; to provide for mobile branch banks; to repeal the original section; and to declare an emergency.

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

Section 1. Section 8-157, Revised Statutes Supplement, 1996, as amended by section 1, Legislative Bill 56, Ninety-fifth Legislature, First Session, 1997, and section 9, Legislative Bill 351, Ninety-fifth Legislature, First Session, 1997, is amended to read:

8-157. (1) Except as provided in subsections (2) through (10) of this section, section 8-122.01, and section 4 of this act, the general business of every bank shall be transacted at the place of business specified in its charter.

(2)(a) With the approval of the director, any bank may maintain an attached branch bank if such branch bank is physically connected by a pneumatic tube or tubes or a walkway, a tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office.

(b) With the approval of the director, any bank located in a Class I or Class III county may establish and maintain in Class I and Class III counties an unlimited number of detached branch banks at which all banking transactions allowed by law may be made.

(c)(i) With the approval of the director, any bank located in a Class II county may establish and maintain not more than the number of detached branch banks permitted under subdivision (2)(c)(ii) of this section at which all banking transactions allowed by law may be made.

(ii)(A) If the bank is located within the corporate limits of a city, such bank may establish and maintain not more than twelve such detached branch banks and such detached branch banks shall be within the corporate limits of the city.

(B) If the bank is located within the zoning jurisdiction of a city of the primary class or is located within an unincorporated city or unincorporated area in a county which contains a city of the primary class, such bank may establish and maintain not more than nine such detached branch banks and such detached branch banks may also be within the corporate limits of such city if the bank was in existence at such location prior to April 4, 1996.

(d) With the approval of the director, any bank located in a Class IV county may establish and maintain not more than six detached branch banks at which all banking transactions allowed by law may be made. Such detached branch banks shall be within the corporate limits of the city in which such bank is located.

(e) Any detached branch bank established and maintained by a bank pursuant to an acquisition or merger under sections 8-1506 to 8-1510 or an acquisition under section 8-1515 shall not count against the number of locations of detached branch banks permitted under this subsection.

(f) With the approval of the director, any bank or any detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank may establish and maintain a mobile branch bank at which all banking transactions allowed by law may be made. Such mobile branch bank may consist of one or more vehicles which may transact business only within the corporate limits of the city in which such bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank is located, except that (i) a mobile branch bank of a bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank located in a Class I or Class III county, may transact business anywhere in Class I and III counties and (ii) a mobile branch bank of a bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank located in a Class II county and within

the zoning jurisdiction of a city of the primary class or within an unincorporated city or unincorporated area in a county which contains a city of the primary class may transact business within the corporate limits of such city if the bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank was in existence at such location prior to April 4, 1996.

(g) For purposes of this section:

(i) Class I county ~~shall mean~~ means a county in this state with a population of three hundred thousand or more as determined by the most recent federal decennial census;

(ii) Class II county ~~shall mean~~ means a county in this state with a population of at least two hundred thousand and less than three hundred thousand as determined by the most recent federal decennial census;

(iii) Class III county ~~shall mean~~ means a county in this state with a population of at least one hundred thousand and less than two hundred thousand as determined by the most recent federal decennial census; and

(iv) Class IV county ~~shall mean~~ means a county in this state with a population of less than one hundred thousand as determined by the most recent federal decennial census.

(3) With the approval of the director, a bank may acquire another financial institution in Nebraska as the result of a purchase or merger pursuant to section 8-1516. Any detached branch banks established and maintained by a bank pursuant to a purchase or merger under section 8-1516 shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. If the acquired institution is in a Class I county or in a Class III county, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branches to the same extent that the acquired institution could have established and maintained a mobile branch bank and detached branches as provided in subdivision subdivisions (2)(b) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. If the acquired institution is in a Class II county and it has not established a mobile branch bank and twelve or nine detached branches as permitted by subdivision (2)(c)(ii)(A) or (2)(c)(ii)(B) of this section, respectively, and subdivision (2)(f) of this section or section 8-345.02, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branch banks to the same extent that the acquired institution could have established and maintained a mobile branch bank and detached branches as provided in subdivision subdivisions (2)(c) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. If the acquired institution is in a Class IV county and it has not established a mobile branch bank and six detached branches as permitted by subdivision subdivisions (2)(d) and (2)(f) of this section or section 8-345.02, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branches to the same extent that the acquired institution could have established and maintained a mobile branch bank and detached branches as provided in subdivision subdivisions (2)(d) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. Regardless of the date of acquisition of such financial institution or whether the acquired financial institution was state-chartered or federally chartered, the acquired institution shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of this section or under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch. For purposes of this subsection, financial institution or institution means a bank, savings bank, building and loan association, or savings and loan association organized under the laws of this state or organized under the laws of the United States to do business in this state.

(4) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch of another financial institution in Nebraska if:

(a) The acquired detached branch has been established, maintained, and operated for more than eighteen months; and

(b) The acquired detached branch is converted to a detached branch bank of the acquiring bank.

All banking transactions allowed by law may be made at a detached branch acquired pursuant to this subsection. Such detached branches shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in

this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate the mobile branch bank and all of the detached branch banks of the acquired bank as a mobile branch bank and detached branch banks of the acquiring bank.

For purposes of this subsection, financial institution means a bank, savings bank, building and loan association, or savings and loan association organized under the laws of this state or organized under the laws of the United States to do business in this state.

(5) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch bank of another bank in Nebraska or acquire the assets and assume the deposits of an eligible savings association acquired by another bank in Nebraska pursuant to section 8-1515 if:

(a) The acquired detached branch bank or eligible savings association is converted to a detached branch bank of the acquiring bank; and

(b) The detached branch bank or the eligible savings association to be acquired was operated, established, and maintained as an eligible savings association at its existing location prior to August 9, 1989, and was maintained at such location on such date.

All banking transactions allowed by law may be made at a detached branch bank acquired pursuant to this subsection. Such detached branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate the mobile branch bank and all of the detached branch banks of the acquired bank as a mobile branch bank and detached branch banks of the acquiring bank. The detached branch bank or eligible savings association acquired as a detached branch bank under this subsection and section 8-1515 shall continue to be entitled to establish and maintain such branches as it could have established and maintained if such acquisition had not occurred. Regardless of the date of acquisition of such detached branch bank or eligible savings association or whether the acquired detached branch bank or eligible savings association was state-chartered or federally chartered, the acquired detached branch bank or eligible savings association shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of this section or under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch.

(6) With the approval of the director, a bank may acquire a branch of a savings association which is a successor to an eligible savings association if such acquisition occurs within ninety days of the date the successor savings association acquired the eligible savings association and the branch is converted to a detached branch bank of the acquiring bank. The detached branch of an eligible savings association acquired as a detached branch bank under this subsection and section 8-1515 shall continue to be entitled to establish and maintain a mobile branch bank and such branches as it could have established and maintained if such acquisition had not occurred. Regardless of the date of acquisition of such detached branch of an eligible savings association or whether the acquired detached branch of an eligible savings association was state-chartered or federally chartered, the acquired detached branch of an eligible savings association shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch.

(7) With the approval of the director and subject to the limitations specified in this subsection, a single bank may establish one detached branch bank within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no other financial institution operates an office within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached branch bank by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased operation, the director may approve the establishment of a detached branch bank by any bank located within Nebraska.

For purposes of this subsection:

(a) An unattended automatic teller machine shall not be deemed to be an office operated by a financial institution; and

(b) Financial institution shall mean means a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering automatic teller machine transactions.

(8) The name given to any detached branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing branch bank or branch bank which is unaffiliated with the newly created detached branch bank and is located in the same municipality. The name of such newly created detached branch bank shall be approved by the director.

(9) A bank which has a main chartered office or an approved branch bank located in the State of Nebraska may, through any of its executive officers, including executive officers licensed as such pursuant to section 8-139, or designated agents, conduct a loan closing at a location other than the place of business specified in the bank's charter or any detached branch thereof. The director may adopt and promulgate rules and regulations to implement the provisions of this section.

(10) A bank which has a main chartered office or approved branch office located in the State of Nebraska may, upon notification to the department, establish savings account programs at any elementary or secondary school, whether public or private, located in the same city or village as the main chartered office or branch office of the bank, or, if the main office of the bank is located in an unincorporated area of a county, at any school located in the same unincorporated area. The savings account programs shall be limited to the establishment of individual student accounts and the receipt of deposits for such accounts.

Sec. 2. Original section 8-157, Revised Statutes Supplement, 1996, as amended by section 1, Legislative Bill 56, Ninety-fifth Legislature, First Session, 1997, and section 9, Legislative Bill 351, Ninety-fifth Legislature, First Session, 1997, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.