

LEGISLATURE OF NEBRASKA
 ONE HUNDRED SECOND LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 74

Introduced by Pahls, 31.

Read first time January 06, 2011

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to banks and banking; to amend sections 8-1,140,
 2 8-355, 8-602, 8-1510, and 21-17,115, Revised Statutes
 3 Cumulative Supplement, 2010; to eliminate provisions
 4 relating to impairment of bank capital; to revise powers
 5 of state-chartered banks, building and loan associations,
 6 and credit unions; to change provisions relating to the
 7 schedule of fees; to change provisions relating to
 8 acquisitions and mergers; to provide operative dates; to
 9 repeal the original sections; to outright repeal section
 10 8-132.01, Reissue Revised Statutes of Nebraska; and to
 11 declare an emergency.
 12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 8-1,140, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 8-1,140 Notwithstanding any of the other provisions of
4 the Nebraska Banking Act or any other Nebraska statute, any bank
5 incorporated under the laws of this state and organized under the
6 provisions of the act, or under the laws of this state as they
7 existed prior to May 9, 1933, shall directly, or indirectly through a
8 subsidiary or subsidiaries, have all the rights, powers, privileges,
9 benefits, and immunities which may be exercised as of January 1,
10 ~~2010, 2011,~~ by a federally chartered bank doing business in Nebraska,
11 including the exercise of all powers and activities that are
12 permitted for a financial subsidiary of a federally chartered bank.
13 Such rights, powers, privileges, benefits, and immunities shall not
14 relieve such bank from payment of state taxes assessed under any
15 applicable laws of this state.

16 Sec. 2. Section 8-355, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 8-355 Notwithstanding any of the provisions of Chapter 8,
19 article 3, or any other Nebraska statute, except as provided in
20 section 8-345.02, any association incorporated under the laws of the
21 State of Nebraska and organized under the provisions of such article
22 shall have all the rights, powers, privileges, benefits, and
23 immunities which may be exercised as of January 1, ~~2010, 2011,~~ by a
24 federal savings and loan association doing business in Nebraska. Such
25 rights, powers, privileges, benefits, and immunities shall not

1 relieve such association from payment of state taxes assessed under
2 any applicable laws of this state.

3 Sec. 3. Section 8-602, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 8-602 The Director of Banking and Finance shall charge
6 and collect fees for certain services rendered by the Department of
7 Banking and Finance according to the following schedule:

8 (1) For filing and examining articles of incorporation,
9 articles of association, and bylaws, except credit unions, one
10 hundred dollars, and for credit unions, fifty dollars;

11 (2) For filing and examining an amendment to articles of
12 incorporation, articles of association, and bylaws, except credit
13 unions, fifty dollars, and for credit unions, fifteen dollars;

14 (3) For issuing to banks, credit card banks, trust
15 companies, and building and loan associations a charter, authority,
16 or license to do business in this state, a sum which shall be
17 determined on the basis of one dollar and fifty cents for each one
18 thousand dollars of authorized capital, except that the minimum fee
19 in each case shall be two hundred twenty-five dollars;

20 (4) For issuing an executive officer's or loan officer's
21 license, fifty dollars at the time of the initial license and fifteen
22 dollars on or before January 15 each year thereafter, except credit
23 unions for which the fee shall be twenty-five dollars at the time of
24 the initial license and fifteen dollars on or before January 15 each
25 year thereafter;

1 (5) For affixing certificate and seal, five dollars;

2 (6) For making substitution of securities held by it and
3 issuing a receipt, fifteen dollars;

4 (7) For issuing a certificate of approval to a credit
5 union, ten dollars;

6 (8) For investigating the applications required by
7 sections 8-117, 8-120, ~~and 8-331,~~ and 8-2402 and the documents
8 required by section 8-201, the cost of such examination,
9 investigation, and inspection, including all legal expenses and the
10 cost of any hearing transcript, with a minimum fee under (a) sections
11 8-117, 8-120, and 8-2402 of two thousand five hundred dollars, (b)
12 section 8-331 of two thousand dollars, and (c) section 8-201 of one
13 thousand dollars. The department may require the applicant to procure
14 and give a surety bond in such principal amount as the department may
15 determine and conditioned for the payment of the fees provided in
16 this subdivision;

17 (9) For registering a statement of intention to engage in
18 the business of making personal loans pursuant to section 8-816,
19 fifty dollars;

20 (10) For the handling of pledged securities as provided
21 in sections 8-210 and 8-1006, at the time of the initial deposit of
22 such securities, one dollar and fifty cents for each thousand dollars
23 of securities deposited and a like amount on or before January 15
24 each year thereafter. The fees shall be paid by the company, national
25 bank, federal savings association, federally chartered trust company,

1 out-of-state trust company authorized under the Interstate Trust
2 Company Office Act, or state-chartered bank pledging the securities;

3 (11) For investigating an application to move its
4 location within the city or village limits of its original license or
5 charter for banks, trust companies, and building and loan
6 associations, two hundred fifty dollars;

7 (12) For investigating an application under subdivision
8 (6) of section 8-115.01, five hundred dollars;

9 (13) For investigating an application for approval to
10 establish or acquire a branch or to establish a mobile branch
11 pursuant to section 8-157, two hundred fifty dollars;

12 (14) For investigating a notice of acquisition of control
13 under subsection (1) of section 8-1502, five hundred dollars;

14 (15) For investigating an application for a cross-
15 industry merger under section 8-1510, five hundred dollars;

16 (16) For investigating an application for a merger of two
17 state banks or a merger of a state bank and a national bank in which
18 the state bank is the surviving entity, five hundred dollars;

19 (17) For investigating an application or a notice to
20 establish a branch trust office, five hundred dollars;

21 (18) For investigating an application or a notice to
22 establish a representative trust office, five hundred dollars;

23 (19) For investigating an application to establish a
24 credit union branch under section 21-1725.01, two hundred fifty
25 dollars;

1 (20) For investigating an applicant under section 8-1513,
2 five thousand dollars; and

3 (21) For investigating a request to extend a conditional
4 bank charter under section 8-117, one thousand dollars.

5 Sec. 4. Section 8-1510, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

7 8-1510 (1) The Director of Banking and Finance may permit
8 cross-industry acquisition or merger of one or more financial
9 institutions under its supervision upon the application of such
10 institutions to the Department of Banking and Finance. The
11 application shall be made on forms prescribed by the department.

12 (2) Except as provided for in subsection (3) of this
13 section, when an application is made for such an acquisition or
14 merger, notice of the filing of the application shall be published by
15 the department three weeks in a legal newspaper in or of general
16 circulation in the county where the applicant proposes to operate the
17 acquired or merged financial institution. A public hearing shall be
18 held on each application. The date for hearing the application shall
19 be not more than ninety days after the filing of the application and
20 not less than thirty days after the last publication of notice after
21 the examination and approval by the department of the application. If
22 the department, upon investigation and after public hearing on the
23 application, is satisfied that the stockholders and officers of the
24 financial institution applying for such acquisition or merger are
25 parties of integrity and responsibility, that the requirements of

1 section 8-702 have been met or some alternate form of protection for
2 depositors has been met, and that the public necessity, convenience,
3 and advantage will be promoted by permitting such acquisition or
4 merger, the department shall, upon payment of the required fees,
5 issue to such institution an order of approval for the acquisition or
6 merger.

7 (3) When application is made for cross-industry
8 acquisition or merger and the director determines, in his or her
9 discretion, that the financial condition of the financial institution
10 surviving the acquisition or merger is such as to indicate that a
11 hearing on the application would not be necessary, then the hearing
12 requirement of subsection (2) of this section shall only be required
13 if, (a) after publishing a notice of the proposed application in a
14 newspaper of general circulation in the county or counties where the
15 offices of the financial institution to be merged or acquired are
16 located and (b) after giving notice to all financial institutions
17 located within such county or counties, the director receives a
18 substantive objection to the application within fifteen days after
19 the first day of publication. The director shall send the notice to
20 financial institutions by first-class mail, postage prepaid, or
21 electronic mail. Electronic mail may be used if the financial
22 institution agrees in advance to receive such notices by electronic
23 mail. A financial institution may designate (i) one office for
24 receipt of any such notice if it has more than one office located
25 within the county where such notice is to be sent or (ii) a main

1 office in a county other than the county where such notice is to be
2 sent.

3 (4) The expense of any publication and mailing required
4 by this section shall be paid by the applicant.

5 Sec. 5. Section 21-17,115, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

7 21-17,115 Notwithstanding any of the other provisions of
8 the Credit Union Act or any other Nebraska statute, any credit union
9 incorporated under the laws of the State of Nebraska and organized
10 under the provisions of the act shall have all the rights, powers,
11 privileges, benefits, and immunities which may be exercised as of
12 January 1, ~~2010~~, 2011, by a federal credit union doing business in
13 Nebraska on the condition that such rights, powers, privileges,
14 benefits, and immunities shall not relieve such credit union from
15 payment of state taxes assessed under any applicable laws of this
16 state.

17 Sec. 6. Sections 3, 8, and 9 of this act become operative
18 three calendar months after the adjournment of this legislative
19 session. The other sections of this act become operative on their
20 effective date.

21 Sec. 7. Original sections 8-1,140, 8-355, 8-1510, and
22 21-17,115, Revised Statutes Cumulative Supplement, 2010, are
23 repealed.

24 Sec. 8. Original section 8-602, Revised Statutes
25 Cumulative Supplement, 2010, is repealed.

1 Sec. 9. The following section is outright repealed:

2 Section 8-132.01, Reissue Revised Statutes of Nebraska.

3 Sec. 10. Since an emergency exists, this act takes effect

4 when passed and approved according to law.