STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER No. 20-13

CORONAVIRUS – ACCELERATING ONLINE NOTARY ACCESS AND FINANCIAL INSTITUTIONS REGULATORY FLEXIBILITY

WHEREAS, a state of emergency was proclaimed in Nebraska on March 13, 2020, to control the spread of the coronavirus known as COVID-19;

WHEREAS, to complete a notarial act, a notary and a principal must be physically present together in order for the notary to properly notarize documents, including real estate closing papers, bank loans, and other legal documents;

WHEREAS, the Online Notary Public Act was enacted in 2019 by LB 186 to authorize commissioned notaries in Nebraska to be registered to perform online notarial acts, using approved technology, but the new law does not become operative until July 1, 2020;

WHEREAS, Neb. Rev. Stat. § 84-901.04 allows for an emergency regulation to protect public health;

WHEREAS, On April 2, 2020, I will approve the Secretary of State's Emergency Regulation, Title 433 Nebraska Administrative Code Chapter 9, which will authorize the Secretary of State to carry out the majority of provisions of the Online Notary Public Act commencing on April 2, 2020, and ending on June 30, 2020;

WHEREAS, state law and regulations require that financial institutions under the supervision of the Nebraska Department of Banking and Finance conduct annual examinations or audits of the institution's books and records or have such examinations or audits performed by outside accountants and also require submission of such reports to the Department within specific time periods;

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WHEREAS, state law requires that the Nebraska Department of Banking and Finance conduct annual examinations of installment loan companies and those examinations have been impeded by the COVID-19 social distancing restrictions;

WHEREAS, state law and regulations require that certain applications made by financial institutions and financial entities to the Nebraska Department of Banking and Finance be submitted in a hard-copy, manually signed format; and

WHEREAS, many financial institutions and financial entities that are regulated by the Nebraska Department of Banking and Finance have limited their office hours in order to practice social distancing for the health and safety of all Nebraskans, thereby reducing the ability to accomplish timely examination requirements.

NOW THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, hereby issue this waiver of specific state statutes pertaining to the Online Notary Public Act and laws and regulations governing financial institutions that are under supervision of the Nebraska Department of Banking and Finance.

Pursuant to this declaration, I hereby order the Secretary of State's Office and the Nebraska Department of Banking and Finance to implement the following temporary changes:

1. The July 1, 2020, operative date for the Online Notary Public Act, set forth in 2019 Neb. Laws, LB 186 section 27 (to be codified at Neb. Rev. Stat. § 64-401 through § 64-418) is waived so that the Secretary of State can immediately commence implementation of the Act; and

2. The requirements in Title 45 Nebraska Administrative Code Chapter 24 § 001.09 which require submission of an annual Director's Examination within 90 days of the calendar year end, or within 90 days of the completion of the examination are waived until 30 days after the lifting of the COVID-19 state of emergency; and

3. The requirements in Title 45 Nebraska Administrative Code Chapter 25 § 001.02B2 which require bank directors or an accountant to be physically present in order to carry out the regulation to count cash is waived until 30 days after the lifting of the COVID-19 state of emergency; and

4. The requirements in Title 45 Nebraska Administrative Code Chapter 25 § 001.05E for a board of directors or an accountant to submit three copies of the examination report within 90 days of the completion of an examination date is waived until 30 days after the lifting of the COVID-19 state of emergency; and

5. The requirements in Title 46 Nebraska Administrative Code Chapter 11 § 006.02 for the Supervisory Committee or an accountant to file two copies of its report with the Department of Banking within 90 days from the starting date of the audit is waived until 30 days after the lifting of the COVID-19 state of emergency; and

6. The calendar year requirement for examinations of the books and records of installment loan companies required in Neb. Rev. Stat. § 45-1017(1) is waived. The Department of Banking and Finance is directed to accomplish the examination as soon as is practicable to maintain the integrity of the annual calendar year requirement; and

7. Only one electronic or paper original of an application mandated by Title 49 Nebraska Administrative Code Chapter 2 § 005.02 needs to be filed, and may have an electronic or manual signature. Payment of fees for the application may be made by check or an ACH debit transaction. These changes are effective until 30 days after the lifting of the COVID-19 state of emergency.

8. This Executive Order shall become effective immediately and shall remain in effect until 30 days after the lifting of the COVID-19 state of emergency.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 1st day of April, 2020.

Attest:

Pete Ricketts, Governor
State of Nebraska

Robert B. Evnen,
Secretary of State
State of Nebraska