

## CHAPTER 64

### BANKING-REGULATORY AMENDMENTS

Original House Bill No. 62

AN ACT relating to banks and banking; removing requirements for directors of banks and savings and loan associations to be shareholders; removing requirements for notice to and approval of banking commissioner for specified bank closings; removing certain reporting requirements; making conforming amendments; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** 13-1-301(c) through (e), 13-2-401, 13-2-402(c), 13-3-304(c)(i) and 13-10-107(b) are amended to read:

#### **13-1-301. Banks.**

(c) If the officers of a bank believe that conditions exist which pose a threat to the safety or security of bank personnel or property, they may close the bank. ~~A bank closing pursuant to this subsection shall give as prompt notice to the state banking commissioner of the action as conditions permit.~~

(d) ~~At the request of the chairman of the board or the chief executive officer, the state banking commissioner may authorize~~ A bank to may close temporarily if the convenience and need of the local community in which the bank is located would best be served by the closing. A bank shall not be closed for more than twenty-four (24) consecutive hours pursuant to this subsection.

(e) As used in this section, "bank" includes the ~~principal bank, its offices~~ main office and any branches.

#### **13-2-401. Authority to manage banks; qualifications.**

The affairs of a bank shall be managed by not less than five (5) directors. Shareholders or the board of directors if provided by the articles of incorporation may adopt and amend bylaws for the management of the bank. ~~Each director shall be the owner, in his own name and right, of stock in the bank, or in the bank holding company which owns a controlling interest in the bank, of at least five hundred dollars (\$500.00) par value, or one thousand dollars (\$1,000.00) aggregate book value or fair market value. He~~ Each director shall take an oath that he is the owner of stock ~~to the extent specified in this section, that the stock is not in any way pledged or encumbered, that he will faithfully and diligently perform the duties of his office and will not violate or knowingly permit the violation of any of the laws of this state relating to the banking business. Within thirty (30) days after being elected or appointed each director of a bank shall file with the state banking commissioner the oath required by this section and a sworn financial statement on a form prescribed by the state banking commissioner.~~

#### **13-2-402. Election; term; vacancies; number.**

(c) Any director who during his tenure as a director becomes insolvent, ~~or makes a general assignment of his property for the benefit of creditors, or ceases to be the owner of the requisite amount of stock,~~ shall vacate his office.

**13-3-304. Dividends.**

(c) For the purpose of this section:

(i) "Net profits" means the net income or loss reported by a bank in its report of condition and income; ~~required by W.S. 13-3-701;~~

**13-10-107. Failure to report or cooperate with state banking commissioner.**

(b) Any bank failing to submit, ~~publish or supply proof of publication of~~ reports to the state banking commissioner as required by W.S. ~~13-3-701(e) and (d) 13-3-701(d)~~ is subject to a civil penalty of twenty-five dollars (\$25.00) per day for each day the reports are delayed, ~~beyond the time the reports were required to be submitted under this act.~~

**Section 2.** W.S. 13-3-701(a) through (c), 13-6-205 and 13-10-107(a) are repealed.

**Section 3.** This act is effective July 1, 1998.

Approved March 12, 1998.