

FILED

2003 MAR 27 P 4:44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2003

ENROLLED

SENATE BILL NO. 189

(By Senator Minard, et al)

PASSED March 7, 2003

In Effect ninety days from **Passage**

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SECRETARY OF STATE

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Senate Bill No. 189

(BY SENATORS MINARD, SHARPE AND JENKINS)

[Passed March 7, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact sections five and six, article eight-e, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the requirement of notice and conditions for approval of out-of-state bank applications to establish bank branches in West Virginia; alternate method of providing notice to the commissioner; and removal of the commissioner's right to object to branch proposals upon grounds purely dealing with the procedures of the out-of-state bank's supervisory agency.

Be it enacted by the Legislature of West Virginia:

That sections five and six, article eight-e, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 8E. INTERSTATE BRANCHING BY DE NOVO ENTRY AND ACQUISITION OF BRANCHES.

§31A-8E-5. Requirement of notice.

1 An out-of-state bank desiring to establish and maintain
2 a de novo branch or to acquire a branch in this state
3 pursuant to this article shall provide written notice of the
4 proposed transaction to the commissioner not later than
5 the date on which the bank applies to the responsible
6 federal or state bank supervisory agency for approval to
7 establish the branch. The out-of-state bank may comply
8 with this requirement by filing an additional copy of its
9 branch application with its home state regulator and
10 requesting that the home state regulator provide the copy
11 to the commissioner. The commissioner may notify the
12 home state regulator that the out-of-state bank must pay
13 to the West Virginia division of banking a fee of up to two
14 hundred fifty dollars.

§31A-8E-6. Conditions for approval.

1 No branch of an out-of-state bank may be established in
2 this state under this article unless the bank or its home
3 state regulator:

4 (a) Confirms in writing to the commissioner that as long
5 as it maintains a branch in West Virginia, the out-of-state
6 bank will comply with all applicable laws of this state,
7 including consumer protection laws and any acquisition
8 deposit limitations, as well as maintenance of deposit
9 insurance and capital requirements in the same manner as
10 required for West Virginia state banks.

11 (b) Provides satisfactory evidence to the commissioner of
12 compliance with the applicable requirements of West
13 Virginia law requiring foreign corporations to qualify to
14 do business in West Virginia.

15 (c) The commissioner, acting within thirty days after
16 receiving notice of an application under section five of this
17 article, or within seven days after a decision if a hearing is
18 held, certifies to the responsible federal bank supervisory
19 agency that the requirements of this article have been met.
20 Unless preempted by federal law, the commissioner shall

21 have thirty days from receipt of the written notice to
22 object to the proposed transaction and request a hearing
23 before the board on the basis that the transaction is
24 contrary to applicable West Virginia law. The failure to
25 object within thirty days shall be construed as consent by
26 the commissioner or, in his or her discretion, the commis-
27 sioner may, at any time, consent in writing.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Tommy Nor
.....
Chairman Senate Committee

Greg Butcher
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell Elshes
.....
Clerk of the Senate

Bruce M. Paul
.....
Clerk of the House of Delegates

Carl Ray Tomelich
.....
President of the Senate

Robert Skross
.....
Speaker House of Delegates

The within is approved this the 27th
Day of March, 2003.

Bob Wise
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3-19-03

Time 4:30 pm

BW

Administrative
Level

