

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 72

(By Mr. White)



PASSED February 4, 1937

In Effect from Passage

Filed in the office of the Secretary of State
of West Virginia. FEB 13 1937
Wm. S. O'BRIEN,
Secretary of State

ENROLLED

House Bill No. 72

(By MR. WHITE)

[Passed February 4, 1937; in effect from passage.]

AN ACT to amend article eight, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapters five and seven, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, by adding a new section to said article to be designated as section forty-five, relating to banking institutions incorporated under the laws of the state of West Virginia whose business is solely conducted outside the limits of this state.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapters five and seven, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended by

adding a new section to said article to be designated section forty-five, to read as follows:

Section 45. *Banking Institutions Incorporated Under Laws of This State Whose Business Is Conducted Entirely Outside State.* Any banking institutions, incorporated under the laws of this state, all of whose business is conducted entirely outside of the state of West Virginia, shall not be subject to supervision by the department of banking or the commissioner of banking, and shall not be required to make any reports to it or him, or to publish such reports, and no consent or authority of the commissioner shall be necessary or required as to any of the acts and practices of said non-resident banks in and about the conduct of their business outside of the state of West Virginia, and the commissioner of banking shall not be responsible for any acts or practices of said non-resident banks. The officers and directors of such non-resident banking institutions may all be non-residents of the state of West Virginia, and such non-resident banking institutions may conduct the banking business at such place or places outside of the state of West Virginia as they may be permitted under the laws of the jurisdiction in which such

20 place or places are situated. The restrictions in the banking
21 laws of this state contained as to establishment and main-
22 tenance of branch banks shall not be applicable to said non-
23 resident banks, but no non-resident bank shall operate or
24 maintain any branch bank in this state. The provisions, re-
25 quirements, restrictions and limitations in the banking laws
26 contained relative to the capital stock, either authorized or
27 issued, and to the increase thereof, to the acquisition and
28 holding of real estate, to the oath and qualifications of direc-
29 tors, to loans and the property, real or personal, upon the
30 security of which loans may be made, to the borrowing of
31 money by banking institutions and the hypothecation of
32 securities or other property for the same, to reserves, and to
33 dividends and all other restrictions and limitations of the
34 banking laws of this state, shall not apply to said non-resident
35 banks: *Provided, however,* That nothing in this act shall be
36 construed as relieving said non-resident banks from compli-
37 ance with the laws of the jurisdiction in which they may con-
38 duct business: *Provided, further,* That this section shall not
39 apply to any banking institution, any part of whose actual
40 business is conducted within the state of West Virginia.

41 And *provided further*, That nothing in this section contained
42 shall be interpreted as rendering any laws now in force or
43 hereafter enacted inapplicable to banking institutions doing
44 any actual business in the state of West Virginia, and such
45 future legislation, unless it specifically or by necessary im-
46 plication appear to the contrary, shall be construed as ap-
47 plicable only to banking institutions having a place of busi-
48 ness in the state of West Virginia.

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

Carl B. Galbreath

Chairman Senate Committee

Wesley Baker

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

Charles H. Hinkle

Clerk of the Senate

Wm. S. Hare

Clerk of the House of Delegates

Chas. E. Hoyle

President of the Senate

James M. Thomas

Speaker House of Delegates

The within *Approved* this the *11th*

day of *February*, 1937.

James A. Holt

Governor.

Filed in the office of the Secretary of State of West Virginia. **FEB 13 1937**

Wm. S. O'BRIEN, Secretary of State