

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1978



ENROLLED

HOUSE BILL No. 1681

(By Mr. Shingleton + Mr. Morasco)



PASSED March 11, 1978

In Effect ninety days from Passage

ENROLLED

H. B. 1681

(By MR. SHINGLETON and MR. MORASCO)

---

[Passed March 11, 1978; in effect ninety days from passage.]

---

AN ACT to amend and reenact section three, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the capital stock of state chartered banking institutions; minimum par value.

*Be it enacted by the Legislature of West Virginia:*

That section three, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. BANKING INSTITUTIONS AND SERVICES GENERALLY.**

**§31A-4-3. Minimum capital stock; one class of stock; par value; capitalization of surplus.**

- 1 (a) No banking institution shall hereafter be incorporated
- 2 unless it shall have a bona fide subscribed capital stock of:
  - 3 (1) At least fifty thousand dollars, if the population of the
  - 4 community in which the bank is to be located be not more
  - 5 than three thousand;
  - 6 (2) At least seventy-five thousand dollars, if the popula-
  - 7 tion of the community in which the bank is to be located
  - 8 be more than three thousand, but not more than six thousand;
  - 9 (3) At least one hundred thousand dollars, if the popula-
  - 10 tion of the community in which the bank is to be located

11 be more than six thousand but not more than twenty-five  
12 thousand;

13 (4) At least one hundred twenty-five thousand dollars,  
14 if the population of the community in which the bank is to  
15 be located be more than twenty-five thousand but not more  
16 than fifty thousand; and

17 (5) At least one hundred fifty thousand dollars, if the  
18 population of the community in which the bank is to be  
19 located be more than fifty thousand.

20 The population figures as herein specified shall be ascer-  
21 tainable from and be based upon the latest available United  
22 States census.

23 (b) Notwithstanding any provision of subsection (a), no  
24 banking institution proposing to engage in the trust business  
25 shall be incorporated unless it shall have a bona fide sub-  
26 scribed capital stock of at least one hundred thousand dollars.

27 (c) Banking institutions shall issue but one class of stock  
28 and the shares shall have a nominal or par value of not  
29 less than one dollar nor more than one hundred dollars each,  
30 and as to each banking institution each share shall be equal  
31 in all respects with any other share.

32 (d) Any banking institution may capitalize its surplus and  
33 undivided profits by issuing shares of stock against the same  
34 at par and distributing such shares among its stockholders,  
35 or change the par value of its shares, when and to the extent  
36 that any such action may be authorized in writing by the  
37 commissioner.

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

*James L. Davis*  
-----  
Chairman Senate Committee

*Lawrence C. Chester Jr.*  
-----  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. C. Willou Jr.*  
-----  
Clerk of the Senate

*C. D. Blankenship*  
-----  
Clerk of the House of Delegates

*W. T. Brotherton Jr.*  
-----  
President of the Senate

*Donald L. Kopp*  
-----  
Speaker House of Delegates

The within is approved this the 30  
day of March, 1978.

*J. D. Rhyne*  
-----  
Governor

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar. 30, 1978

Time 9:30 A.M.

RECEIVED

MAR 17 10 47 AM '78

OFFICE OF THE GOVERNOR

RECEIVED

78 MAR 30 P 9: 25

OFFICE  
REGY. OF STATE