

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Wingfield**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR EMERGENCY ACQUISITIONS OF FAILED
9 BANKS AND FAILED SAVINGS AND LOAN ASSOCIATIONS; AND FOR
10 OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. Notwithstanding any other provision of state law, any bank
15 which purchases assets or assumes liabilities of a failed bank or a failed
16 savings and loan association closed by its chartering authority and for the
17 purpose of restoring financial services which had been provided by such failed
18 bank or failed savings and loan association, may establish, maintain and
19 operate facilities or branches at all locations which were formerly operated
20 by the failed bank or failed savings and loan association. For purposes of
21 this subsection, the term "failed bank or failed savings and loan association"
22 shall include a bank or savings and loan association which has been declared
23 insolvent or closed by its primary regulatory authority.

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25 SECTION 2. The Arkansas Bank Commissioner is hereby authorized to
26 approve an application for an emergency bank charter for a bank holding
27 company or a group of individuals and approve emergency branch bank facilities
28 in order to facilitate the restoration of financial services to the public.

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30 SECTION 3. The Arkansas Bank Commissioner is further authorized to
31 consider an application by a bank holding company or a group of individuals
32 for an emergency bank charter at any office or branch location of a failed
33 bank or failed savings and loan association should the receiver of such failed
34 bank or failed savings and loan association determine to solicit bids for
35 separate offices or branches of a failed bank or failed savings and loan

1 association. Any bank charter issued under this subsection shall be
2 authorized to apply for additional branches or facilities as are permitted for
3 commercial banks in this state.

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5 SECTION 4. Any bank charter issued pursuant to this act shall not be
6 considered a "de novo" charter under §23-32-303 and §23-32-306, and other
7 applicable provisions, shall not prohibit or impair acquisitions made in
8 accordance with this act.

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10 SECTION 5. The Bank Commissioner and the State Banking Board may adopt
11 rules and regulations requiring filing fees for applications submitted
12 pursuant to this act.

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14 SECTION 6. Arkansas Code Annotated §23-32-307 is repealed.

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16 SECTION 7. All provisions of this act of a general and permanent nature
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 8. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 9. All laws and parts of laws in conflict with this act are
27 hereby repealed.

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29 SECTION 10. EMERGENCY. It is hereby found and determined by the
30 Seventy-Eighth General Assembly that for the purpose of restoration and
31 maintenance of financial services in communities in which insolvent banks or
32 savings and loans are located and in order for the Bank Commissioner to make
33 orderly decisions to protect the public of this state against financial losses
34 resulting from the failure of banks or savings and loan institutions, the
35 immediate passage of the act is necessary for the clarification of the banking

1 laws of this state and to preserve the safety and soundness of the Arkansas
2 banking system. Therefore, an emergency is hereby declared to exist and this
3 act, being immediately necessary for the preservation of the public peace,
4 health and safety, shall be in full force and effect from its passage and
5 approval.

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