

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Dept. of Banking TITLE NUMBER: 106

CITE AUTHORITY West Virginia Code Sections 29A-3-3(a) & 31A-2-4(c)(11)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 13

TITLE OF RULE BEING PROPOSED: General Administration of Article 8A,
Chapter 31A Regarding Acquisition of Bank Shares, Interstate Issues

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

James H. Paige III

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: General Administration of Article 8A, Chapter 31A Regarding Acquisition of Bank Shares, Interstate Issues

Type of Rule: X Legislative Interpretive Procedural

Agency WV Dept of Banking Address Bldg., 3, Rm. 311
State Capitol Complex, Charleston, WV 25305

| 1. Effect of Proposed Rule | ANNUAL | | FISCAL YEAR | | |
|----------------------------|----------|----------|-------------|------|------------|
| | Increase | Decrease | Current | Next | Thereafter |
| Estimated Total Cost | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Personal Services | N/A | N/A | N/A | N/A | N/A |
| Current Expense | | | | | |
| Repairs and Alterations | | | | | |
| Equipment | | | | | |
| Other | | | | | |

2. Explanation of above estimates:

The rule will have no fiscal ramifications

3. Objectives of these rules:

To clarify the filing requirements for foreign bank holding companies attempting to acquire a West Virginia bank or bank holding company.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: June 11, 1990

Signature of Agency Head or Authorized Representative

WEST VIRGINIA EMERGENCY LEGISLATIVE RULES

COMMISSIONER OF BANKING

CHAPTER 31A-8A

Title: General Administration of Article 8A, Chapter 31A
Regarding Acquisition of Bank Shares, Interstate Issues

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WEST VIRGINIA EMERGENCY LEGISLATIVE RULES

COMMISSIONER OF BANKING

WEST VIRGINIA CODE §31A-8A-1 ET SEQ.

Title: General Administration of Article 8A, Chapter 31A
Regarding Acquisition of Bank Shares, Interstate Issues.

Section 1. General

1.1 Scope and Purpose - The purpose of these rules is to formalize application procedures for interstate bank holding company acquisition permitted pursuant to provisions of Chapter 31A, Article 8A of the West Virginia Code. The need for this regulation arises due to fact that the Commissioner has entered into cooperative agreements with regulators in other states regarding interstate acquisitions and applications procedures need to be clarified.

1.2 Authority - This regulation is promulgated under the authority of West Virginia Code §31A-2-4(c)(11) and §29A-3-3(a).

1.3 Filing Date -

1.4 Effective Date -

Section 2. Applications to Acquire Bank Shares.

2.1 West Virginia Bank Holding Companies -

(a) West Virginia bank holding companies proposing to acquire a bank or bank holding company in another state should contact the Commissioner in order to determine the appropriate application procedure. In some instances, the Commissioner has made a determination of reciprocity and entered into agreements with other state regulators governing interstate acquisition procedures pursuant to West Virginia Code §31A-8A-7(i).

(b) West Virginia bank holding companies, including those owning or controlling banks or bank holding companies in other states, proposing to acquire an additional bank or bank holding company in West Virginia are subject to West Virginia Code §31A-8A-4 and must submit the necessary application required thereunder.

2.2 Foreign Bank Holding Companies - Foreign bank holding companies proposing to acquire a bank or bank holding company in West Virginia are precluded from doing so under West Virginia Code §31A-8A-1(d) unless the procedures of West Virginia Code §31A-8A-7 are followed. West Virginia Code §31A-8A-1(d), as amended, requires that foreign bank holding companies must comply with the provisions of §31A-8A-7 if acquiring, directly or indirectly, five percent or more of the interest in, or assets of, any bank or bank holding company in West Virginia. (Section 31A-8A-1(d) does not govern or restrict, either as originally drafted or as amended, the acquisitions made by West Virginia bank holding companies.) West Virginia Code §31A-8A-7(d) requires the filing of an application with the Commissioner. Approved application forms may be obtained from the Commissioner. However, foreign bank holding company applicants should contact the Commissioner prior to filing to ascertain whether a determination of reciprocity has been made and the required cooperative agreement has been entered into with the state regulator of the state in which the applicant has its principal place of business.

Section 3. Definitions.

3.1 "West Virginia bank holding company" has the meaning set forth in §31A-8A-7(h)(6).

3.2 "Foreign bank holding company" means a bank holding company with its principal place of business in another state or jurisdiction.

3.3 "Principal place of business" has the meaning set forth in §31A-8A-7(h)(4).

3.4 "Commissioner" means the Commissioner of banking or his designee.



STATE OF WEST VIRGINIA
DEPARTMENT OF BANKING
CHARLESTON 25305

June 26, 1990

The Honorable Ken Hechler
Secretary of State
Building 1, Suite 157-K
Charleston, West Virginia

Re: Proposed Legislative Rule - General Administration of Article
8A, Chapter 31a Regarding Acquisition of Bank Shares,
Interstate Issues.

Dear Mr. Hechler:

Please be advised that the Department of Banking wishes to withdraw
the above-referenced rule. Due to technical errors, the
Department intends to resubmit the rule, with corrections, as a
procedural rule in the near future.

Thank you for your attention in this matter.

Very truly yours,

Richard L. Lancianese
Richard L. Lancianese
General Counsel

RLL/bl

cc: Legislative Rule-Making Committee

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