

By: Representative Ford

To: Banks and Banking

HOUSE BILL NO. 465
(As Passed the House)

1 AN ACT TO REENACT SECTION 81-3-12, MISSISSIPPI CODE OF 1972,
2 WHICH CREATES THE STATE BOARD OF BANKING REVIEW AND PRESCRIBES ITS
3 DUTIES AND POWERS; TO REPEAL SECTION 81-3-14, MISSISSIPPI CODE OF
4 1972, WHICH IS A REPEALER ON THE CODE SECTION CREATING THE STATE
5 BOARD OF BANKING REVIEW AND PRESCRIBING ITS DUTIES AND POWERS; AND
6 FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 81-3-12, Mississippi Code of 1972, is
9 reenacted as follows:

10 81-3-12. (1) There is created the State Board of Banking
11 Review, which shall be composed of five (5) members appointed by
12 the Governor as provided in this section, one (1) of whom shall be
13 from the First Supreme Court District, one (1) of whom shall be
14 from the Second Supreme Court District, one (1) of whom shall be
15 from the Third Supreme Court District, and two (2) of whom shall
16 be from the state at large. The members appointed from the state
17 at large shall be designated as representatives of the banks and
18 shall be active executive officers or directors of state chartered
19 banks with actual practical experience of at least five (5) years
20 therein. The members appointed from each Supreme Court District
21 shall be persons knowledgeable in economic affairs and of
22 recognized ability in a trade or business, with at least three (3)
23 years' actual experience therein, but shall not presently be
24 officers or directors in any banking corporation, shall not have
25 been officers or directors in any banking corporation for the past
26 five (5) years immediately prior to their appointment to the
27 board, shall not become officers or directors of any banking
28 corporation while serving on the board, and shall not be the

29 beneficial owner, directly or indirectly, of five percent (5%) or
30 more of the capital stock in any banking corporation; such persons
31 shall be designated representatives of borrowers and depositors.
32 Each member shall be eligible for reappointment at the discretion
33 of the Governor. The board shall elect from its number a chairman
34 and a vice chairman. Each member of the board shall be a citizen
35 of the United States, a resident of the State of Mississippi and a
36 qualified elector therein, of integrity and sound and nonpartisan
37 judgment. Each member shall qualify by taking the oath of office
38 and shall hold office until his successor is appointed and
39 qualified.

40 (2) On March 21, 1980, the board shall be appointed as
41 follows: The Governor shall appoint one (1) member from the Third
42 Supreme Court District for a term of one (1) year, one (1) member
43 from the Second Supreme Court District for a term of two (2)
44 years, one (1) member from the First Supreme Court District for a
45 term of three (3) years, one (1) member from the state at large
46 for a term of four (4) years, and one (1) member from the state at
47 large for a term of five (5) years. Upon the expiration of the
48 foregoing terms, members shall be appointed by the Governor for
49 terms of five (5) years. The Governor shall fill any vacancy in
50 the above terms by appointment of a member for the unexpired term.
51 All appointments shall be with the advice and consent of the
52 Senate.

53 (3) The members of the board shall serve without
54 compensation except that members shall be paid their actual and
55 necessary expenses in connection with the performance of their
56 duties as members of the board, including mileage, as authorized
57 in Section 25-3-41, plus a per diem as is authorized by law while
58 engaged in the performance of such duties. Such expenses, mileage
59 and per diem allowance shall be paid out of the maintenance fund
60 of the Department of Banking and Consumer Finance.

61 (4) If an application for authority to establish a bank,
62 branch bank or branch office be filed with the commissioner for
63 consideration from any municipality or county of which the member
64 of the board who is a representative of the banks is a resident,
65 or if such application is filed from any county in which the
66 member's bank has a branch bank or branch office, such member
67 shall be ineligible to serve in consideration and determination of
68 such application, and the commissioner shall certify such fact to
69 the Governor who shall thereupon appoint another banker from the
70 same geographical location as the member who is ineligible to
71 serve on the board in the place and stead of such member during
72 consideration of such application.

73 (5) In addition to its other duties and powers, the board
74 may adopt reasonable rules or regulations, consistent with
75 applicable provisions of law, concerning the conduct of board
76 meetings and hearings and all formal and informal board procedures
77 relating to such meetings and hearings. The board shall have
78 authority, with respect to its hearings or meetings, to determine
79 the order and form in which evidence may be presented and to
80 impose reasonable time limitations on presentation of evidence.

81 SECTION 2. Section 81-3-14, Mississippi Code of 1972, which
82 is a repealer on the code section creating the State Board of
83 Banking Review and prescribing its duties and powers, is repealed.

84 SECTION 3. This act shall take effect and be in force from
85 and after July 1, 2001.