

By: Senator(s) Mettetal

To: Business and Financial
Institutions

SENATE BILL NO. 2321

1 AN ACT TO AMEND SECTION 81-27-7.001, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE THE COMMISSIONER OF BANKING TO EXAMINE
3 COMPANIES OR OFFICES SUSPECTED OF CONDUCTING BUSINESS THAT
4 REQUIRES A CHARTER, LICENSE OR REGISTRATION UNDER THE LAWS
5 GOVERNING TRUST INSTITUTIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 81-27-7.001, Mississippi Code of 1972, is
8 amended as follows:

9 81-27-7.001. (a) For the purposes of this article, the term
10 "authorized trust institution" means any state trust company,
11 trust office or representative trust office.

12 (b) Every authorized trust institution shall be under the
13 supervision of the commissioner. The commissioner shall execute
14 and enforce through the department and such other agents as are
15 now or may hereafter be created or appointed, all laws which are
16 now or may hereafter be enacted relating to authorized trust
17 institutions. For the more complete and thorough enforcement of
18 the provisions of this chapter, the commissioner may promulgate
19 such rules or regulations not inconsistent with the provisions of
20 the chapter, as may, in its opinion, be necessary to carry out the
21 provisions of the laws relating to authorized trust institutions
22 and as may be further necessary to insure safe and conservative
23 management of an authorized trust institution under its
24 supervision taking into consideration the appropriate interest of
25 the creditors, stockholders, participants and the public in their
26 relations with such authorized trust institutions. All authorized
27 trust institutions doing business under the provisions of this
28 chapter shall conduct their business in a manner consistent with

29 all laws relating to authorized trust institutions, and all rules,
30 regulations, and instructions that may be promulgated or issued by
31 the commissioner.

32 (c) The commissioner, or his duly authorized representative,
33 for the purpose of discovering violations of this chapter and for
34 the purpose of determining whether companies or offices are
35 subject to the provisions of this article, may examine authorized
36 trust institutions that have a charter, license or registration
37 under this chapter and companies or offices that are reasonably
38 suspected by the commissioner of conducting business that requires
39 a charter, license or registration under this chapter, including
40 all relevant books, records and papers employed by those companies
41 or offices in the transaction of their business, and may summon
42 witnesses and examine them under oath concerning matters relating
43 to the business of those companies or offices, or such other
44 matters as may be relevant to the discovery of violations of this
45 chapter, including without limitation the conduct of business
46 without a charter, license or registration as required under this
47 chapter.

48 **SECTION 2.** This act shall take effect and be in force from
49 and after its passage.