

Reprinted

FEB 13 1991

HOUSE FILE 231
BY COMMITTEE ON COMMERCE

Place on Calendar

(SUCCESSOR TO HSB 64)

Passed House, Date 2/21/91 (p. 414) Passed Senate, Date _____
Vote: Ayes 98 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act relating to the number of presidents of a state bank which
- 2 is established by merger or consolidation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 231

H-3056

- 1 Amend House File 231 as follows:
- 2 1. Page 1, by striking lines 6 through 11 and
- 3 inserting the following: "bank may have a
- 4 chairperson, additional presidents, additional vice
- 5 presidents, assistant vice presidents, assistant
- 6 cashiers, and other officers as may be prescribed by
- 7 the articles of incorporation or the bylaws. Upon
- 8 notice".

By MILLAGE of Scott

H-3056 FILED FEBRUARY 13, 1991 WISSING of Scott (2/14)

Adopted 2/21 (p. 414)

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1 Section 1. Section 524.701, Code 1991, is amended to read
2 as follows:

3 524.701 OFFICERS AND EMPLOYEES.

3054 4 A state bank shall have, as officers, a president, one vice
5 president, and a cashier. As additional officers the state
6 bank may have a chairperson, additional vice presidents,
7 assistant vice presidents, assistant cashiers, and other
8 officers as may be prescribed by the articles of incorporation
9 or the bylaws. However, if affiliate banks merge or
10 consolidate to become a state bank under section 524.1213,
11 that state bank may have more than one president. Upon notice
12 by the superintendent, an individual who performs active
13 executive or official duties for a state bank may be treated
14 as an officer for the purpose of this chapter. A state bank
15 may have a chairperson of the board of directors and one vice
16 president who, if they do not perform executive or official
17 duties or receive a salary, need not be treated as officers
18 for the purpose of this chapter. All officers shall be
19 elected by the board of directors. No more than two offices
20 may be held by the same individual. All other individuals
21 employed by a state bank, except directors who are not
22 officers, ~~shall be~~ are employees for the purpose of this
23 chapter. The president of a state bank ~~shall be~~ is a member
24 of the board of directors.

25 Sec. 2. Section 524.706, subsection 1, paragraph c, Code
26 1991, is amended to read as follows:

27 c. For the purposes of this subsection "executive officer"
28 means an officer of a state bank who participates or has
29 authority to participate, otherwise than in the capacity of a
30 director, in major policymaking functions of the bank,
31 regardless of whether the officer has an official title or
32 whether the officer's title contains a designation of
33 assistant and regardless of whether the officer is serving
34 without salary or other compensation. The chairperson of the
35 board, the every president, every vice president, the cashier,

1 secretary, and treasurer of a state bank are assumed to be
2 executive officers, unless, by resolution of the board of
3 directors or by the bank's bylaws, but subject to contrary
4 notice by the superintendent as provided for in section
5 524.701, any such officer is excluded from participation in
6 major policymaking functions, otherwise than in the capacity
7 of a director of the bank, and the officer does not actually
8 participate.

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10 EXPLANATION

11 This bill provides that a state bank which is established
12 as the result of merger or consolidation may have more than
13 one president.

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HOUSE FILE 231
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 64)

(As Amended and Passed by the House February 21, 1991)

Passed House, Date 2/21/91 (p. 414) Passed Senate, Date 2/27/91 (p. 454)
Vote: Ayes 98 Nays 0 Vote: Ayes 45 Nays 0
Approved March 7, 1991 (p. 570)

A BILL FOR

1 An Act relating to the number of presidents of a state bank which
2 is established by merger or consolidation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

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3 524.701 OFFICERS AND EMPLOYEES.

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5 president, and a cashier. As additional officers the state
6 bank may have a chairperson, additional presidents, additional
7 vice presidents, assistant vice presidents, assistant
8 cashiers, and other officers as may be prescribed by the
9 articles of incorporation or the bylaws. Upon notice by the
10 superintendent, an individual who performs active executive or
11 official duties for a state bank may be treated as an officer
12 for the purpose of this chapter. A state bank may have a
13 chairperson of the board of directors and one vice president
14 who, if they do not perform executive or official duties or
15 receive a salary, need not be treated as officers for the
16 purpose of this chapter. All officers shall be elected by the
17 board of directors. No more than two offices may be held by
18 the same individual. All other individuals employed by a
19 state bank, except directors who are not officers, ~~shall be~~
20 are employees for the purpose of this chapter. The president
21 of a state bank ~~shall be~~ is a member of the board of
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23 Sec. 2. Section 524.706, subsection 1, paragraph c, Code
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31 assistant and regardless of whether the officer is serving
32 without salary or other compensation. The chairperson of the
33 board, the every president, every vice president, the cashier,
34 secretary, and treasurer of a state bank are assumed to be
35 executive officers, unless, by resolution of the board of

1 directors or by the bank's bylaws, but subject to contrary
2 notice by the superintendent as provided for in section
3 524.701, any such officer is excluded from participation in
4 major policymaking functions, otherwise than in the capacity
5 of a director of the bank, and the officer does not actually
6 participate.

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GILL-C
SHERZAN
METCALF

HSB 64

Commerce

HOUSE FILE 231
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON HANSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the number of presidents of a state bank which
2 is established by merger or consolidation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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18 for the purpose of this chapter. All officers shall be
19 elected by the board of directors. No more than two offices
20 may be held by the same individual. All other individuals
21 employed by a state bank, except directors who are not
22 officers, ~~shall-be~~ are employees for the purpose of this
23 chapter. The president of a state bank ~~shall-be~~ is a member
24 of the board of directors.

25 Sec. 2. Section 524.706, subsection 1, paragraph c, Code
26 1991, is amended to read as follows:

27 c. For the purposes of this subsection "executive officer"
28 means an officer of a state bank who participates or has
29 authority to participate, otherwise than in the capacity of a
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35 board, the every president, every vice president, the cashier,

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2 executive officers, unless, by resolution of the board of
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4 notice by the superintendent as provided for in section
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HOUSE FILE 231

AN ACT

RELATING TO THE NUMBER OF PRESIDENTS OF A STATE BANK WHICH IS ESTABLISHED BY MERGER OR CONSOLIDATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 524.701, Code 1991, is amended to read as follows:

524.701 OFFICERS AND EMPLOYERS.

A state bank shall have, as officers, a president, one vice president, and a cashier. As additional officers the state bank may have a chairperson, additional presidents, additional vice presidents, assistant vice presidents, assistant cashiers, and other officers as may be prescribed by the articles of incorporation or the bylaws. Upon notice by the superintendent, an individual who performs active executive or official duties for a state bank may be treated as an officer for the purpose of this chapter. A state bank may have a chairperson of the board of directors and one vice president who, if they do not perform executive or official duties or receive a salary, need not be treated as officers for the purpose of this chapter. All officers shall be elected by the board of directors. No more than two offices may be held by the same individual. All other individuals employed by a state bank, except directors who are not officers, shall be are employees for the purpose of this chapter. The president of a state bank shall be is a member of the board of directors.

Sec. 2. Section 524.706, subsection 1, paragraph c, Code 1991, is amended to read as follows:

c. For the purposes of this subsection "executive officer" means an officer of a state bank who participates or has authority to participate, otherwise than in the capacity of a director, in major policymaking functions of the bank, regardless of whether the officer has an official title or

whether the officer's title contains a designation of assistant and regardless of whether the officer is serving without salary or other compensation. The chairperson of the board, the every president, every vice president, the cashier, secretary, and treasurer of a state bank are assumed to be executive officers, unless, by resolution of the board of directors or by the bank's bylaws, but subject to contrary notice by the superintendent as provided for in section 524.701, any such officer is excluded from participation in major policymaking functions, otherwise than in the capacity of a director of the bank, and the officer does not actually participate.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 231, Seventy-fourth General Assembly.

Approved *March 7*, 1991
JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor