

No. 38, S.]

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CHAPTER 592

AN ACT to amend 222.21 (3) and 223.02 (1) of the statutes, relating to indemnity security deposits by trust company banks prior to commencing business and by mutual trust banks prior to exercising trust powers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 222.21 (3) of the statutes is amended to read:

222.21 (3) When authorized by the commissioner of banks, any mutual savings bank having aggregate deposits in excess of \$2,000,000 may exercise trust powers according to the provisions of ch. 223 upon making a deposit with the state treasurer in the sum of \$100,000 in cash or securities * * * *eligible for trust investments under ch. 320 and approved by the commissioner.* Before authorization, the commissioner shall take into consideration the total amount of the guaranty fund, the amount of aggregate deposits, the needs of the community to be served and any other facts or circumstances including public convenience and welfare.

SECTION 2. 223.02 (1) of the statutes is amended to read:

223.02 (1) Before any such corporation shall commence business it shall deposit with the state treasurer not less than 50 per cent of the amount of its capital stock, * * * *but no such corporation shall be required to deposit more than \$100,000, such deposit to be in cash, or * * * securities * * * eligible for trust investments under ch. 320 and approved by the commissioner of banks and shall be held by the state treasurer in trust as security for the faithful execution of any trust which may be lawfully imposed upon and accepted by it; such corporation may from time to time withdraw the said securities as well as the cash, or any part thereof; provided that securities or cash of the amount and value required by this section shall, at all times, during the existence of such corporation remain in the possession of the state treasurer for the purpose aforesaid and until otherwise ordered by a court of competent jurisdiction, unless released pursuant to sub. (2).* * * * The said treasurer shall pay over to such cor-

poration the interest, dividends or other income which he * * * *collects* upon such securities, or he may authorize the said corporation to collect the same for its own benefit. Upon such deposit being made and approved, the state treasurer shall issue a certificate of such fact and an amount equal to the sum stated in such certificate shall remain with him in the manner provided above; in case the capital stock * * * *is* increased or diminished the amount of such deposit shall be increased or diminished to comply herewith and a new certificate of such fact shall be issued accordingly.

Approved October 27, 1961.
