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**CHAPTER 130**

AN ACT to re-enact 221.33 (1) of the statutes, as amended by chapter 42, laws of 1963, to remove any doubts as to its validity because of the procedure followed in its earlier enactment, relating to temporary borrowing by banks.

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

221.33 (1) of the statutes is amended to read :

221.33 (1) No bank or bank officer shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security.  
\* \* \* A state bank may deposit with the treasurer of the United States, or

in the custody of federal reserve banks or branches thereof designated by the judges of the several courts of bankruptcy, so much of its assets not exceeding its capital and surplus as may be necessary under the act of congress approved June 25, 1910, and all amendments thereof, to qualify as a depository for postal savings funds, other government deposits and as depository for bankrupt estates, debtors, corporations and railroads under reorganization under U.S. bankruptcy laws, and amendments thereto, and receivers, trustees and other officers thereof appointed by any U.S. district court or by any bankruptcy court of the United States and that in acting as such depository a state bank shall have all the rights and privileges granted to banking institutions under section 61 of the U.S. bankruptcy act, and amendments thereto; and \* \* \* any bank may borrow money for temporary purposes, and may pledge assets of the bank not exceeding 50 per cent in excess of the amount borrowed as collateral security therefor \* \* \*. Any state bank so authorized by the commissioner of banks, who \* \* \* *complies* with s. 223.02, shall be exempt from furnishing the bond specified in s. 221.04 (6), and shall be entitled to the same exemption as to making and filing any oath or giving any bond or security as is conferred on trust company banks by s. 223.03 (8), but it is unlawful for any bank to borrow money unless *the board of directors has adopted a resolution \* \* \* which shall be effective for a period of not to exceed 6 months, unless sooner rescinded designating the bank from which \* \* \* the money may be borrowed, the maximum amount for which the bank may become indebted at any one time, and \* \* \* the names of the officers who may sign the promissory note evidencing \* \* \* the indebtedness.* A bank may pledge assets in an amount not to exceed 4 times the amount of its capital and surplus to the federal reserve bank (as fiscal agent of the United States) of the federal reserve district in which it is located, except that no such pledge shall be made in excess of the amount of its capital and surplus without the consent of the commissioner of banks. \* \* \* Whenever it \* \* \* *appears* that a bank is borrowing habitually for the purpose of reloading, the commissioner may require such bank to repay money so borrowed. Nothing herein contained shall prevent any bank from rediscounting in good faith and indorsing any of its negotiable notes if the same \* \* \* *has* been authorized by a recorded resolution of the board of directors.

Approved June 24, 1963.

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