



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa2465/1
KSH;jlg:lp

**SENATE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 831**

April 30, 1998 – Offered by Senators PANZER, DARLING and DRZEWIECKI.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 3: after “securities” insert “, transfers of trust business within
3 bank holding company systems”.

4 **2.** Page 4, line 1: before that line insert:

5 “**SECTION 1e.** 220.32 of the statutes is created to read:

6 **220.32 Transfer of trust business within bank holding company**
7 **groups. (1) DEFINITIONS.** In this section:

8 (a) “Corporate fiduciary” means all of the following:

9 1. A trust company bank, state bank with trust powers, corporation or limited
10 liability company, that is authorized under the laws of this state to accept and
11 execute trusts.

1 2. A national bank or other federally chartered financial institution, if that
2 bank or institution has its principal place of business in this state and is authorized
3 by the appropriate federal agency to accept and execute trusts.

4 (b) “Subsidiary” of a bank holding company means any other corporation or
5 limited liability company of which voting stock having a majority of the votes entitled
6 to be cast is owned, directly or indirectly, by the bank holding company.

7 (c) “Trust business” includes self-declared trusts that are established and
8 maintained by a corporate fiduciary, such as common trust funds and group trust
9 funds, and all other activities in which a corporate fiduciary is acting as a fiduciary,
10 as defined in s. 112.01 (1) (b), regardless of whether or not a portion of these activities
11 could be undertaken by an entity that is not authorized to accept and execute trusts
12 in this state.

13 **(2) TRANSFER TO SUCCESSOR FIDUCIARY.** If the board of directors of a bank holding
14 company adopt a resolution directing one of its subsidiaries that is a corporate
15 fiduciary to succeed to all or part of the existing or future trust business of another
16 of its subsidiaries that is a corporate fiduciary, the successor corporate fiduciary shall
17 succeed to the predecessor corporate fiduciary. The substitution shall be effective on
18 the date specified in the resolution and no additional authorization is needed. The
19 successor corporate fiduciary shall succeed to all capacities in which the predecessor
20 corporate fiduciary had been acting with respect to the transferred trust business.
21 If, or to the extent that, the resolution directs that one subsidiary shall succeed to
22 future trust business of another subsidiary of the same bank holding company, the
23 successor shall be considered to be named as fiduciary in all writings that named the
24 predecessor corporate fiduciary as trustee, including all wills, trusts, court orders
25 and similar documents and instruments.”.

