CHAPTER 33

Banker’s Banks

**SECTION 34‑33‑10.** “Banker’s bank” defined.

As used in this chapter, “banker’s bank” means a bank insured by the Federal Deposit Insurance Corporation or the holding company which owns or controls such an insured bank where the stock of the bank or holding company is owned exclusively by other banks and the bank or holding company and all its subsidiaries are engaged exclusively in providing services for other depository institutions, their officers, directors, and employees.

HISTORY: 1985 Act No. 46 Section 1.

Federal Aspects

Federal Deposit Insurance Corporation generally, see 12 U.S.C.A. Sections 1811 et seq.

Attorney General’s Opinions

State‑chartered banks may invest up to 15% of their capital accounts in capital stock of banker’s bank chartered in this or another state, subject to the percentage limitations specified in Section 34‑33‑60. 1993 Op Atty Gen No. 93‑33.

**SECTION 34‑33‑20.** Formation of corporation.

With the approval of the State Board of Financial Institutions, a corporation may be formed under the laws of this State for the purpose of becoming a banker’s bank.

HISTORY: 1985 Act No. 46 Section 2.

LIBRARY REFERENCES

9 C.J.S., Banks and Banking Sections 41‑47.

**SECTION 34‑33‑30.** Applicability of banking laws and regulations.

A banker’s bank chartered pursuant to this chapter is subject to the appropriate banking provisions in Title 34 of the 1976 Code and the regulations thereunder and except as specifically provided in this chapter or by order of the State Board of Financial Institutions, a banker’s bank is vested with and subject to the same rights, privileges, duties, restrictions, penalties, liabilities, conditions, and limitations that would apply to a state bank.

HISTORY: 1985 Act No. 46 Section 3.

LIBRARY REFERENCES

9 C.J.S., Banks and Banking Sections 4‑40.

**SECTION 34‑33‑40.** Repurchase of capital stock.

Notwithstanding any provision of Title 34 of the 1976 Code, a banker’s bank may repurchase, for its own account, shares of its own capital stock, but the outstanding capital stock may not be reduced below the minimum required by law without the prior approval of the State Board of Financial Institutions.

HISTORY: 1985 Act No. 46 Section 4.

LIBRARY REFERENCES

9 C.J.S., Banks and Banking Sections 58‑60.

**SECTION 34‑33‑50.** Exemption from banking laws.

If the State Board of Financial Institutions determines that any provision of Title 34 of the 1976 Code is inconsistent with the purpose for which a banker’s bank is organized and that the public welfare or any financial institution would not be jeopardized thereby, it may by regulation exempt a banker’s bank from the provision or limit its application.

HISTORY: 1985 Act No. 46 Section 5.

**SECTION 34‑33‑60.** Limitation on investments in banker’s banks.

Notwithstanding any other provision of law, up to fifteen percent of the capital accounts of a bank may be invested in the capital stock of a banker’s bank, except that no purchase of stock may result in acquisition of more than five percent of any class of voting securities of the banker’s bank.

HISTORY: 1985 Act No. 46 Section 6.

LIBRARY REFERENCES

9 C.J.S., Banks and Banking Sections 57‑66.

Attorney General’s Opinions

State‑chartered banks may invest up to 15% of their capital accounts in capital stock of banker’s bank chartered in this or another state, subject to the percentage limitations specified in Section 34‑33‑60. 1993 Op Atty Gen No. 93‑33.