

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

951Q0393

HOUSE COMMERCE ENGROSSED NO. **SB 159** 3/4/2009

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Gray, Abdallah, Dempster, Garnos, Gillespie, Howie, Rhoden, and Turbak Berry and Representatives Rounds, Dennert, Feickert, Juhnke, Lederman, Olson (Betty), Rausch, and Street

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding bank names.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 51A-3-2 be amended to read as follows:

4 51A-3-2. For a bank organized as a corporation, the articles of incorporation of a bank shall
5 state, and for a bank organized as a limited liability company, the articles of organization of a
6 bank shall state:

7 (1) That the corporation or limited liability company is formed for the purpose of
8 engaging in the business of banking, or as a bank and trust company, or as a bank and
9 trust department;

10 (2) The period for which such corporation or limited liability company is organized, not
11 exceeding twenty years.

12 ~~The name of such bank shall be different from the name of any other bank or trust company~~
13 ~~in the county of its place of business.~~ The capital stock of a bank organized as a corporation



1 shall be divided into shares of not less than ten nor more than one hundred dollars each. The
2 members' equity of a bank organized as a limited liability company shall be divided into units
3 of not less than ten nor more than one hundred dollars each.

4 The name of a bank organized under this title shall be different from the name of any other
5 bank or trust company in the county of its place of business. However, the name of the bank is
6 not required to be different if the majority of the bank's outstanding stock is owned by a bank
7 holding company that also owns a majority of the outstanding stock of another bank or trust
8 company in the county of the bank's place of business and such other bank or trust company has
9 given its prior written consent.