

SENATE FILE NO. SF0095

Special purpose depository institution-amendments.

Sponsored by: Senator(s) Rothfuss, Nethercott and Olsen and
Representative(s) Andrew, Filer, Singh and
Yin

A BILL

for

1 AN ACT relating to banks, banking and finance; providing
2 for the conversion of special purpose depository
3 institutions into public trust companies; amending capital
4 startup requirements for special purpose depository
5 institutions; amending deposit requirements; repealing
6 requirements limiting depositors of special purpose
7 depository institutions to legal entities and requirements
8 of legal entities as specified; repealing a supervision fee
9 for banks providing digital asset custodial services;
10 providing for unexpended fees; requiring rulemaking; and
11 providing for effective dates.

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13 *Be It Enacted by the Legislature of the State of Wyoming:*

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15 **Section 1.** W.S. 13-5-523 is created to read:

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2 **13-5-523. Conversion from special purpose depository**
3 **institutions.**

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5 (a) The commissioner, with approval of the board, may
6 convert the charter of a special purpose depository
7 institution chartered under W.S. 13-12-115 to a public
8 trust company chartered under this article. A conversion
9 shall occur as follows:

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11 (i) A special purpose depository institution
12 seeking to convert its charter to a public trust company
13 shall file an application to convert that contains a
14 comprehensive plan for conversion as required by this
15 section and rules promulgated by the commissioner. The
16 application shall include a certificate signed by the
17 institution's president and a majority of the board of
18 directors setting forth the action taken to support the
19 proposed conversion in compliance with this section. The
20 plan of conversion and a proposed organizational instrument
21 that includes the information required by W.S. 13-5-501
22 shall be approved by the shareholders of the special

1 purpose depository institution prior to submitting an
2 application for conversion;

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4 (ii) The application to convert shall include a
5 comprehensive plan for conversion setting forth any
6 necessary disposition of assets and liabilities in
7 reasonable detail to effect the conversion, and any other
8 plans required by the commissioner. The application shall
9 be accompanied by a fee established by rule and regulation
10 of the commissioner. The plan of conversion shall provide
11 for the discharge or assumption of all known and unknown
12 claims and liabilities of the special purpose depository
13 institution. Additionally, the application for conversion
14 shall include other evidence, certifications, affidavits,
15 documents or information as the commissioner may require,
16 including demonstration of how assets and liabilities will
17 be disposed, the timetable for effecting disposition or
18 transfer of the assets and liabilities and a proposal for
19 addressing any claims that are asserted after conversion
20 has been completed;

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22 (iii) The commissioner shall examine the
23 application for compliance with this section, W.S. 13-5-510

1 through 13-5-520 and applicable rules. The commissioner may
2 conduct a special examination of the special purpose
3 depository institution, consistent with W.S. 13-12-119(c),
4 for purposes of evaluating the application.

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6 (b) Upon receipt of a complete application, the
7 commissioner shall notify the board. The board, in its
8 discretion, may allow the commissioner to proceed with
9 approval of an application on an expedited basis without
10 further oversight or approval by the board or, if deemed
11 necessary by the board, the board may require a process
12 consistent with W.S. 13-5-502 and 13-5-507. Where an
13 expedited review is allowed by the board, the commissioner
14 shall approve or deny a conversion application under this
15 section within ninety (90) days of receipt of a complete
16 application.

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18 (c) The application shall not be approved under this
19 section until the board or commissioner, as applicable, has
20 ascertained to the board's or commissioner's satisfaction
21 that the proposed public trust company satisfies all
22 criteria under W.S. 13-5-507(a)(i) through (v), meets all
23 applicable requirements of W.S. 13-5-510 through 13-5-520

1 and meets any applicable rules to operate in all respects
2 as a public trust company.

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4 (d) A public trust company that results from a
5 conversion under this section shall be deemed to have been
6 in existence for the same period of time as the special
7 purpose depository institution from which it converted and
8 shall surrender its certificate of authority under W.S.
9 13-12-116. Upon completion of the conversion the company
10 shall not use the term "special purpose depository
11 institution" or "bank" in its business name or in
12 connection with its ongoing business.

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14 (e) The commissioner shall adopt all rules necessary
15 to implement this section.

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17 **Section 2.** W.S. 13-12-102(b)(xiv), 13-12-104(a)(iii)
18 and 13-12-110(b) are amended to read:

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20 **13-12-102. Applicability of other provisions.**

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22 (b) The following provisions of this title shall not
23 apply to this chapter:

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(xiv) W.S. 13-5-101 through 13-8-302, except as otherwise provided in W.S. 13-5-523.

13-12-104. Requirements relating to depositors; nature of business.

(a) Except as otherwise provided by subsection (d) of this section, no depositor shall maintain an account with a special purpose depository institution or otherwise receive any services from the institution unless the depositor meets the criteria of this subsection. A depositor shall:

(iii) Maintain deposits with the institution totaling not less than ~~five thousand dollars (\$5,000.00)~~ one thousand dollars (\$1,000.00). A depositor shall not be deemed in violation of this paragraph unless the total deposit amount is less than one thousand dollars (\$1,000.00) for five (5) or more consecutive business days;

13-12-110. Required initial capital and surplus; additional capital.

1 (b) No special purpose depository institution shall
2 commence business until the full amount of its authorized
3 capital is subscribed and all capital stock is fully paid
4 in. No special purpose depository institution may be
5 chartered without a paid up surplus fund of not less than
6 twenty percent (20%) of its legally authorized capital
7 stock and undivided profits in an amount not less than
8 three (3) years of estimated operating expenses in the
9 amount disclosed pursuant to W.S. 13-12-111(b) or in
10 another amount required by the commissioner.

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12 **Section 3.** W.S. 13-12-104(a)(i), (ii), (iv), (c) and
13 (d) and 34-29-104(n) are repealed.

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15 **Section 4.** Fees collected pursuant to W.S.
16 34-29-104(n) prior to July 1, 2025 remaining in the
17 financial institutions administration account on and after
18 July 1, 2025 may be expended for any purpose authorized for
19 that account and shall be reported as required by W.S.
20 13-1-603(e).

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