

Original sponsor: Hackney

Offered: 3/11/80
Referred: Judiciary

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 367 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to savings associations; and pro-
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 06.30.025 is repealed and re-enacted to read:

10 Sec. 06.30.025. DECLARATION OF POLICY; RULE-MAKING AUTHORITY. (a)

11 In giving authority for the establishment of associations, it is the
12 intent of the legislature to make available to the people of the state
13 the benefits of savings and loan associations, thereby promoting a sound
14 and competitive association system, the practice of thrift, savings,
15 investment, home financing, and the security of persons saving through
16 associations.

17 (b) The commissioner may by regulation define the powers of asso-
18 ciations and adopt regulations to carry out the purposes of associations
19 consistent with this chapter and AS 06.01.020.

20 * Sec. 2. AS 06.30.030 is amended to read:

21 Sec. 06.30.030. STANDARDS FOR REGULATIONS. The commissioner in
22 the exercise of the power to issue regulations under [NECESSARY TO CARRY
23 OUT] this chapter shall act in the interests of a sound and competitive
24 savings and loan system and in the interest of promoting and encouraging
25 thrift, savings, investment, home financing, and the security of persons
26 saving through savings associations.

27 * Sec. 3. AS 06.30.280 is amended by adding a new paragraph to read:

28 (19) under regulations adopted by the department provide
29 negotiable or nonnegotiable orders of withdrawal accounts for its

1 depositors.

2 * Sec. 4. AS 06.30.295 is amended to read:

3 Sec. 06.30.295. FIXED RATE, FIXED TERM ACCOUNTS. No association
4 may issue, sell, negotiate, or advertise for sale either to members or
5 the public any type of investment security other than savings accounts
6 unless otherwise provided in this chapter or in regulations adopted
7 under AS 06.01.020. An association may accept accounts bearing a
8 definite rate of return for fixed periods of time when its board of
9 directors has adopted a resolution providing for the issuance of fixed
10 rate, fixed term accounts and those accounts are insured by the Federal
11 Savings and Loan Insurance Corporation.

12 * Sec. 5. AS 06.30.375 is amended to read:

13 Sec. 06.30.375. SAVINGS ACCOUNTS IN GENERAL. (a) Savings
14 accounts shall be opened for cash or its equivalent. Except as limited
15 by the board of directors, a member may make additions to his savings
16 accounts in amounts and at times he chooses.

17 (b) Dividends on accounts shall be fixed or otherwise declared in
18 accordance with the provisions of this chapter, the implementing regula-
19 tions adopted under this chapter, or regulations adopted under AS 06.01.
20 020.

21 (c) Under regulations adopted by the department, each association
22 may classify and differentiate among accounts but [EXCEPT AS PROVIDED IN
23 AS 06.30.450 - 06.30.455,] an association may not prefer one of its
24 savings accounts within an account class over another savings account
25 in the same class as to the right to participate in [RECEIVE] divi-
26 dends.

27 (d) No preference between savings account members may be created
28 with respect to the distribution of assets upon voluntary or involuntary
29 liquidation, dissolution or winding up the business of the association.

1 * Sec. 6. AS 06.30.450 is amended to read:

2 Sec. 06.30.450. DECLARATION OF DIVIDENDS. As of one of the last
3 three business days before the closing of any period as fixed by the
4 board of directors, the board may declare a dividend on various account
5 classifications [SAVINGS ACCOUNTS] of record on that date. The dividend
6 shall be payable as of that date or a later date not more than 30 days
7 following the close of the period as determined by the board. No divi-
8 dends shall be declared except dividends payable as provided in this
9 section.

10 * Sec. 7. AS 06.30.455 is amended to read:

11 Sec. 06.30.455. COMPUTATION AND PAYMENT OF DIVIDENDS ON SAVINGS
12 PLANS. Dividends shall be credited to savings accounts on the books of
13 the association on the dividend-payment date unless a savings account
14 holder requests and the association agrees to pay dividends on all or
15 part of a savings account in cash. Dividends payable in cash shall be
16 paid on the dividend-payment date and may be paid by check or bank
17 draft. All [SAVINGS] account holders shall participate equally in
18 dividends pro rata to the withdrawal value of their respective accounts
19 unless an association has classified or differentiated among its ac-
20 counts. If an association has classified and differentiated among its
21 accounts, all account holders in the same class participate equally in
22 dividends pro rata to the withdrawal value of their respective accounts.
23 [, EXCEPT THE] The association may pay dividends according to the rate
24 limitations prescribed for different classes of accounts and adminis-
25 tered by the Federal Home Loan Bank Board. Dividends shall be declared
26 on the withdrawal value of each savings account at the beginning of the
27 dividend period, plus additions to it made during the dividend period,
28 less amounts withdrawn and noticed for withdrawal, which for dividend
29 purposes shall be deducted from the latest previous addition, computed

1 at the declared rate for the time invested. The date of investment is
2 the date of actual receipt by the association of an account or an addi-
3 tion to an account. If the board of directors so determines, accounts
4 or additions received by the association on or before a date not later
5 than the 10th day of the month, unless the day determined is not a
6 business day, in which case it may be the next succeeding business day,
7 shall receive dividends as if invested on the first day of the month in
8 which the payments were received. If the board makes this determina-
9 tion, it also shall determine that payments received after the determi-
10 nation date shall either (1) receive dividends as if invested on the
11 first day of the next succeeding month, or (2) receive dividends from
12 the date of actual receipt by the association.

13 * Sec. 8. AS 06.30.460 is repealed and re-enacted to read:

14 Sec. 06.30.460. APPLICATION FOR WITHDRAWAL OR TRANSFER. An
15 account holder or an authorized representative may at any time apply for
16 withdrawal or transfer of all or a part of an account. The application
17 may consist of a negotiable or nonnegotiable order of withdrawal or an
18 authorization for transfer from one account to another. Each appli-
19 cation shall request immediate withdrawal or transfer of a specified
20 amount in accordance with AS 06.30.470. A member may cancel his
21 application at any time in whole or in part by written notice.

22 * Sec. 9. AS 06.30 is amended by adding a new section to article 15 to
23 read:

24 Sec. 06.30.897. ADDITIONAL POWERS. The enumeration of the general
25 powers of association in AS 06.30.280 does not exclude the exercise of
26 other powers that are appropriate for the achievement of the objectives
27 and purposes of an association under this chapter. With the approval of
28 the department, an association may provide for the exercise of other
29 powers in its bylaws or regulations.

1 * Sec. 10. AS 06.30.910 is amended by adding a new paragraph to read:
2 (27) "order of withdrawal" means an order directing withdrawal
3 from a savings or similar interest-bearing account.
4 * Sec. 11. This Act takes effect on January 1, 1981.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29