

Banking Code Recodification – SB 240

New Sections: Topics	Action:	Explanation:
New Sec. 1: Pledging to secure public money.	New	Kansas banks can pledge assets to secure public funds at branches in other states provided it is done in accordance with that state's laws. This new section is being codified from a special order.
New Sec. 2: Commissioner closings banks upon emergency.	Recod of 9-515	If an emergency exists the Commissioner may issue a proclamation allowing the affected banks to temporarily close. The section outlines the parameters and procedures for such.
New Sec. 3: Informal agreements.	New	The commissioner will have authority to enter into an informal, confidential memorandum to put a bank on notice that they be exhibiting some problem areas but have not deteriorated to a condition requiring a cease and desist order. Currently the commissioner does enter into these agreements. This addition is being added to clearly have the authority in statute.
New Sec. 4: Consent Orders.	New	The commissioner will have the authority to enter into consent orders, i.e. settle any adjudicative matter. The commissioner currently exercises this authority as a normal administrative end to litigation pursuant to cease and desist orders.
New Sec.5: Voluntary liquidation.	Recod of 9-1108	Authority, approval, and the process for a bank to enter into voluntary liquidation.
New Section 6: Borrowing pursuant to voluntary liquidation.	Recod of 9-1109	Authority and approval for bank to borrow money to effectuate voluntary liquidation.
New Sec. 7: Sale of assets pursuant to voluntary liquidation.	Recod of 9-1110	Bank may sell its assets in exchange for cash or shares of stock in the purchasing bank.
New Sec. 8: Obstruction of examination.	New	Would make it a crime for bank or trust company personnel to destroy records with intent to obstruct any investigation or examination by the commissioner.
New Sec. 9: Relocation of place of business.	Recod of 9-1804	No bank shall change their place of business unless they make application and garner approval.

Banking Code Recodification
SB 240

New Sec. 10: Art. 8 application fees.	New Recod of 9-1803	Establishes a fee as determined by new sec. 12 for all of the applications under Art. 8. i.e. new charter, conversion, change of name, and relocation.
New Sec. 11: Establishing a bankers' bank.	Recod of 9-1808	Authority and approval to establish a bankers' bank.
New Sec. 12: Establishes fees in statute.	New	Authority for commissioner to charge a fee and when. Commissioner may waive or increase fee by 150% by rules and reg.
New Sec. 13: Securing Indian tribe funds.	New	Authority to pledge to secure funds of federally recognized Indian tribes. This is being codified from a special order.

Art. 5 Sections: Bank Holding Companies.	Explanation: This article contains the process, procedure, application, and examination processes and procedures concerning bank holding companies who own banks in Kansas.
Sec. 14, K.S.A. 9-519: Bank holding company definitions.	Amended to rearrange and alphabetize.
Sec. 15, K.S.A. 9-520: Limitation on acquiring more than 15% of deposits.	Language here was clarified.
Sec. 16, K.S.A. 2014 Supp. 9-532: Bank holding company, authority, fee.	Amendment adds authority to become a holding company and when. Also added is updated fee language pursuant to statute.
Sec. 17, K.S.A. 2014 Supp. 9-533: Bank holding company, application.	Amendment would repeal some unnecessary and burdensome application requirements.
Sec. 18, K.S.A. 2014 Supp. 9-534: Bank holding company, approval criteria.	Amendment would re-state and clarify the criteria.
Sec. 19, K.S.A. 2014 Supp. 9-535: Bank holding company, approval.	Amendment more concisely states the applicant's rights.
Sec. 20, K.S.A. 9-536: Bank holding company, change of control.	Amendment clarifies that banks so acquired, who trigger the requirement may need to submit a change of control application.
Sec. 21, K.S.A. 9-542: Citation of the Code.	Minimal reference clean-up.

Banking Code Recodification
SB 240

Article 7 Sections: Definitions.	Explanation: Definitions.
Sec. 22, K.S.A. 9-701: Definitions.	Definitions applicable throughout the code. Unused terms are eliminated and outdated terms have been updated.

Article 8 Sections: Organization.	Explanation: This article provides how and when bank and trust companies are organized, and how the same is applied for, approved, and when necessary, investigated. Applies specifically to new charters, conversions, relocation, and name changes.
Sec. 23, K.S.A. 9-801: Incorporation, application, criteria.	This statute explains the beginning stages to forming a bank. Statutes 1801 and 1802 were recodified to this section to put the application requirements and criteria for approval to conduct business into one location in the statutes.
Sec. 24, K.S.A. 9-802: Transaction of business before authorization.	Amendment cleans up language and clarifies when stock shall be subscribed for new institutions.
Sec. 25, K.S.A. 9-803: Renewal, extension, lapse in authority or existence.	Amendment cleans up language and recodifies K.S.A. 9-807 on lapsed articles of incorporation to this section. Amendment clarifies that if the articles do lapse, the actions of the bank are validated until renewal.
Sec. 26, K.S.A. 9-804: Examination and issuance of certificate of authority.	Clarifies the criteria under which the commissioner will examine a new institution prior to issuance of a certificate of authority, upon banking board approval of the application.
Sec. 27, K.S.A. 9-806: Failure to engage in activity, re-apply.	Language clean up only.
Sec. 28, K.S.A. 9-808: National bank conversion to state charter.	Amendment cleans up the language and adds naming restrictions for converting banks.
Sec. 29, K.S.A. 9-809: State bank conversion to national bank.	Amendment clarifies that for purposes of a state bank converting to a national bank, a copy of the application filed with the Office of the Comptroller of the Currency (OCC) must be filed with our office. The bank shall also notify our office of the OCC's final decision on the conversion.
Sec. 30, K.S.A. 9-811: Prohibition on non-banks, exceptions.	The stricken provision mirrors federal law on the allowance of credit card banks.
Sec. 31, K.S.A. 9-812: Change of name, approval, dba names.	This statute is amended to outline the process and limitations for name changes of both banks and trust companies. The provisions also address the use of dba names, approval for such, and posting requirements to avoid consumer confusion.

Article 9 Sections: Capital Stock/Structure.	Explanation: This article provides for the structural requirements for capital stock and addresses issues affecting the same such as impairments, increases, decreases, issuance of preferred stock and the issuance of dividends.
Sec. 32, K.S.A. 9-901a: Capital requirements.	This statute provides for the capital structure for banks and trust companies. We did general clean up and formatting changes. Minimum capital amounts for banks were increased to \$3,000,000. Trust company capital minimums were raised to \$500,000.
Sec. 33, K.S.A. 9-902: Par value of stock.	Updated for greater flexibility of preferred stock structure. Removed limiting \$5 increment for shares. Clarified that the allowance to swap common for preferred stock does not implicate the requirements for capital reduction and new issue of stock.
Sec. 34, K.S.A. 9-903: Transfer of stock, reporting.	Clarified the language and broke into subsections.
Sec. 35, K.S.A. 9-904: Reduction of capital stock.	Amendment will just clarify the process for capital stock reduction.
Sec. 36, K.S.A. 9-905: Increase of capital stock.	Removed unnecessary and obsolete language.
Sec. 37, K.S.A. 9-906: Restoration of impaired capital, process.	Formatted into subsections and clarified language. Added definition of impairment.
Sec. 38, K.S.A. 9-907: Assessment on delinquent stockholders.	Re-written to clean up language and formatting. No substantive change.
Sec. 39, K.S.A. 9-908: Preferred stock.	Re-written to clean up language. Removed allowance to reduce capital stock upon approval of the state banking board as that requirement is a dated provision.
Sec. 40, K.S.A. 9-909: Preferred stock, rights and immunities.	Minimal language clean-up only.
Sec. 41, K.S.A. 9-910: Prohibition on declaring dividend from capital stock.	Language clean-up only.

Banking Code Recodification
SB 240

Sec. 42, K.S.A. 9-911: Declaration of dividends.	Re-written to clean up language and formatting. No substantive change.
Sec. 43, K.S.A. 9-912: Surplus account, stock dividends.	Cleaned up the language and formatted into subsections only.

Article 11 Sections: Powers.	Explanation: This article provides the powers that banks may exercise and the limitations on said powers.
Sec. 44, K.S.A. 2014 Supp. 9-1101: General Powers.	This is the general powers section and specifically enumerates the individual powers banks may exercise. This section has been supplemented by the inclusion of at least 12 special orders. Nothing has been removed.
Sec. 45, K.S.A. 9-1101a: Allowance for capital notes and debentures under certain limitations	Minimal language clean-up.
Sec. 46, K.S.A. 9-1102: Holding real estate, limitations.	Re-writing to clarify the language on holding real estate. Added holding provisions to cover personal property as well. Added language clarifying when the holding periods start. Added allowance to operate a wholly owned subsidiary to manage property acquired through debt. Added allowance to exchange interest in property for interest in a corporation that will manage such.
Sec. 47, K.S.A. 2014 Supp. 9-1104: Legal lending limit.	Language clean up and clarification only.
Sec. 48, K.S.A. 9-1107: Temporary borrowing.	Minimal language and reference clean-up.
Sec. 49, K.S.A. 2014 Supp. 9-1111: Establishing branches, branch re-location.	Amended to eliminate board approval for non-eligible banks to branch. Approval will be with the Commissioner. Added ability to do loan and deposit production activity at locations other than places of business.
Sec. 50, K.S.A. 9-1111b: Branch application fees.	Minimal language and reference clean-up.
Sec. 51, K.S.A. 9-1112: Unlawful transactions/Preferences.	Clarification of language. Added "related interests". Combined 9-1113 to address unlawful preferences as well.
Sec. 52, K.S.A. 2014 Supp. 9-1114: Board of director's rules and requirements.	Re-written to clean up language and formatting. Added oath and submission of stockholder list to commissioner from 9-1118.

Sec. 53, K.S.A. 9-1116: Board of directors meetings, minutes kept, audits performed.	Added a provision from regulation to state clearly in statute what needs to be in the minutes.
Sec. 54, K.S.A. 9-1119: Certified checks, drafts and orders	Minimal language clean-up.
Sec. 55, K.S.A. 9-1122: Closing of banks, business hours, emergency.	Statute was supplemented with emergency closing procedures and definitions from 9-514-518.
Sec. 56, K.S.A. 9-1123: Definitions for bank service corporation sections.	Corporation changed to company to accommodate LLC and other forms. No substantive change.
Sec. 57, K.S.A. 9-1124: Investment in bank service companies.	Corporation changed to company to accommodate LLC and other forms. No substantive change.
Sec. 58, K.S.A. 9-1125: Prohibition on discrimination from bank service company.	Corporation changed to company to accommodate LLC and other forms. No substantive change.
Sec. 59, K.S.A. 9-1127a: Services that can be performed by a bank service company.	Corporation changed to company to accommodate LLC and other forms. No substantive change.
Sec. 60, K.S.A. 9-1127b: Limitations on bank service company services. .	Corporation changed to company to accommodate LLC and other forms. No substantive change.
Sec. 61, K.S.A. 9-1127c: Investment in bank service company, approval.	Corporation changed to company to accommodate LLC and other forms. No substantive change.
Sec. 62, K.S.A. 9-1130: Record retention.	Clarified that fiduciary documents shall be kept in their original form.
Sec. 63, K.S.A. 9-1132: Liability of officers.	Minimal language clean-up.
Sec. 64, K.S.A. 9-1133: Liability of officers, misc. application.	Reference clean-up.

Banking Code Recodification
SB 240

Sec. 65, K.S.A. 9-1137: Compliance review committee.	Rearrangement of subsections.
Sec. 66, K.S.A. 9-1138: School savings deposit programs.	Minimal language clean-up.
Sec. 67, K.S.A. 2014 Supp. 9-1140: Prohibition on branching on affiliates engaged in commercial activities.	Rearranged to accommodate 9-1139.

Article 12: Transactions	Explanation: This article deals with accounts at banks that may have specific circumstances and how those account shall be paid out. Specific circumstances include: minors name on the account, draws on failed banks, adverse claims, and death of depositors.
Sec. 68, K.S.A. 9-1201: Application.	Clarification on application to only banks in this state.
Sec. 69, K.S.A. 9-1204: Deposits of minors.	Language clean-up only.
Sec. 70, K.S.A. 9-1205: Joint accounts, payment.	Language clean-up only.
Sec. 71, K.S.A. 9-1207: Adverse claims.	Language clean-up only.
Sec. 72, K.S.A. 9-1213: Payment of drafts on failed banks.	Re-written to clean up language and formatting. No substantive change.
Sec. 73, K.S.A. 9-1214: Payment of drafts on failed banks, liability.	Minimal language clean-up.
Sec. 74, K.S.A. 2014 Supp. 9-1215: Payable on death accounts.	Re-written to clean up language and formatting. Incorporated 9-1216.

Banking Code Recodification
SB 240

Article 13: Deposit Insurance.	Explanation: This article deals with deposit insurance.
Sec. 75, K.S.A. 9-1301: Deposit insurance.	A large portion is eliminated dealing with the outdated notion that banks may opt out of having FDIC insurance. Added that banks can purchase surety bonds in excess of FDIC insurance.
Sec. 76, K.S.A. 9-1304: Closed banks borrowing from FDIC.	Language clean-up and eliminated requirement that FDIC garner approval from the district court.

Article 14: Public moneys.	Explanation: This article concerns when public funds are deposited into a bank and what banks must do to secure those funds.
Sec. 77, K.S.A. 2014 Supp. 9-1401: Designation of depository for public funds, agreement.	Additions made to statute to incorporate provisions on the security agreement between banks and municipalities from K.S.A. 9-1405(c).
Sec. 78, K.S.A. 2014 Supp. 9-1402: Securing deposit of public funds.	Eliminated outdated provisions, i.e. allowance for personal bonds, and reference to the savings and loan commissioner.
Sec. 79, K.S.A. 9-1403: Peak deposit periods and authority to lower amount of security on public funds by agreement.	Clarified and cleaned up the language to make certain what the agreement designates.
Sec. 80, K.S.A. 9-1405: Deposit of securities for public funds with specific custodians.	Re-written to clean up language and formatting. No substantive change.
Sec. 81, K.S.A. 2014 Supp. 9-1407: FDIC insured funds and reciprocal deposit programs exemptions.	Minor re-arrangement. No substantive change.
Sec. 82, K.S.A. 2014 Supp. 9-1408: Definitions for Art. 14.	Rearranged. Made clarification for when state bank and national bank are used.

Article 15: Safe deposit boxes.	Explanation: This article outlines the authority and relationship between renters of safe deposit boxes and banks.
Sec. 83, K.S.A. 9-1501: Authority to keep and maintain safe deposit boxes.	Policy statement was removed from this section. Section was re-written to reflect a more traditional authorizing section.
Sec. 84, K.S.A. 9-1502: Legal relationship between renter and the bank.	Removed unnecessary language. Clarified that relationship is that of lessor and lessee as those terms are used in the remainder of the article.
Sec. 85, K.S.A. 9-1503: Joint tenancy, liability.	Minimal language clean-up.
Sec. 86, K.S.A. 9-1504: Disposition of contents upon the death of a lessee.	Added language to clarify the exact process a bank should take to adequately comply with probate procedures.
Sec. 87, K.S.A. 9-1505: Disclosure of ownership for tax purposes.	Minimal language clean-up.
Sec. 88, K.S.A. 9-1506: Default, failure to surrender, sale of contents.	Language was re-written to clarify when and how a bank may open a safe deposit box upon the failure to pay rent or the failure to surrender the box after the lease period ends. Combines with a repealed K.S.A. 9-1507.

Article 16: Trust departments/authority.	Explanation: This article contains the application process for banks to obtain trust authority. It also enumerates the available powers.
Sec. 89, K.S.A. 2014 Supp. 9-1601: Application and authority to act as trust company, exemptions.	Re-written with additions to mirror the powers statute for trust companies. Addition of application approval factors from K.S.A. 9-1602.
Sec. 90, K.S.A. 9-1602: Revocation of authority.	Removed application approval to 9-1601. Clarified the language.
Sec. 91, K.S.A. 9-1603: Segregation for fiduciary accounts, security of funds.	Clarified the requirement for pledging to trust funds pursuant to federal and state regulations.
Sec. 92, K.S.A. 9-1604: Liquidation, termination of trust authority/accounts.	Trust services are not actually liquidated. So this statute is amended to make clear that there are only two preferred methods of winding up a trust business: 1) successor trustee as provided by the trust code, or 2) contract out the services.
Sec. 93, K.S.A. 9-1607: Appointment of nominee by fiduciary.	Minimal language change. Addition of the repealed 9-1608.
Sec. 94, K.S.A. 9-1609: Fiduciary may establish trust funds for certain purposes.	Added affiliates to the list of who furnished investments. This addition was to mirror federal law.
Sec. 95, K.S.A. 9-1611: Authorization to engage in activity with controlling or acquiring company.	Language clarification only. No substantive change.
Sec. 96, K.S.A. 9-1612: Change of control definition.	Addition of "directing management and policy" to how someone may exercise control. Addition necessary to mirror other similarly defined "control statutes".

Article 17: Commissioner's Powers.	Explanation: This article contains the powers under which the commissioner undertakes examinations and receives reports on state banks. This article also contains the authority to make rules and regulations, special orders and other administrative orders. Finally, this article contains the process and procedures by which banks may acquire other banks or be merged.
Sec. 97, K.S.A. 9-1701: Authority to examine or accept other reports.	Minor re-arrangement for clarification. The only substantive addition is for the commissioner to accept examination reports from federal regulators.
Sec. 98, K.S.A. 2014 Supp. 9-1702: Commissioner may examine fiduciaries and affiliates of a bank.	Minimal language clean-up. No substantive change.
Sec. 99, K.S.A. 2014 Supp. 9-1703: Examination expense, assessments.	Minimal language clean-up. No substantive change.
Sec. 100, K.S.A. 2014 Supp. 9-1704: Commissioner may request reports from banks and trust companies.	Minimal language clean-up. Added how a request must be made from K.S.A. 9-1707.
Sec. 101, K.S.A. 9-1708: Refusal to be examined, remedy.	Minimal language clean-up. Amendment will also remove the authority to revoke authority for the bank to transact business and instead lists the other administrative remedies available to the commissioner.
Sec. 102, K.S.A. 9-1709: Failure to respond to a lawful request of the commissioner.	Amendment adds a specific framework for affording due process to a bank that willfully refuses a lawful request of the commissioner.
Sec. 103, K.S.A. 9-1712: Confidentiality of examination and investigative material, disclosure.	Only minimal language clean-up to the original section. Amendment will add language clearly indicating to whom and when the commissioner may share information garnered in examination and investigation of a state bank. Large portions were carried over from K.S.A. 9-1303.
Sec. 104, K.S.A. 2014 Supp. 9-1713: Adoption of rules and regulations.	Minimal language clean-up. No substantive change.

Sec. 105, K.S.A. 9-1714: Appointment of special deputy.	Clean up on the language about hearings and judicial review rights.
Sec. 106, K.S.A. 9-1715: Special orders, when appropriate, procedures.	Language clean-up for clarification. Removed redundant reporting provision.
Sec. 107, K.S.A. 9-1716: Restriction on paying dividends.	Clean up on the language about hearings and judicial review rights.
Sec. 108, K.S.A. 9-1717: Prohibition against felon serving as officer, director of a bank.	Amendment increases the fine to a more modern \$1,000/day.
Sec. 109, K.S.A. 9-1719: Change of control definition.	Language clean up and clarification to mirror other portions of the code when “change of control” is defined.
Sec. 110, K.S.A. 9-1720: Change of control, approval.	Language clean up and added a provision to capture mergers as well. The addition is part of the effort to have the same process for change of control applications and for acquisitions and mergers.
Sec. 111, K.S.A. 2014 Supp. 9-1721: Application process, approval factors and criteria.	This statute is being re-written to have the same process for change of control applications as there are for mergers. The specific changes are to make this statute clear on the application receipt and review process.
Sec. 112, K.S.A. 2014 Supp. 9-1722: Application requirements.	This statute is being minimally changed but still represents the efforts to have the same process for change of control applications as there are for mergers, specifically regarding the application requirements.
Sec. 113, K.S.A. 9-1724: Exception for mergers resulting in a national bank.	This statute was gutted largely to combine relevant portions with the change of control statutes in 9-1720-1722. The surviving portions carve out the exemption and procedures for when the resulting bank is a national bank. The commissioner will require notice of the transaction and notice of publication in the community.

Banking Code Recodification
SB 240

Article 18: Powers of the state banking board.	Explanation: This article outlines the administrative remedies for certain infractions or circumstances under which the state banking board will be involved with issuing orders and conducting hearings.
Sec. 114, K.S.A. 2014 Supp. 9-1805: Removal of an officer or director.	Clean up on the language about hearings and judicial review rights.
Sec. 115, K.S.A. 9-1807 Cease and desist orders.	Language clarification only. No substantive change.

Article 19: Dissolutions, undercapitalization, insolvency, receivers.	Explanation: This article deals with the dissolution of banks and trust companies whether that is done on the entity's own decision or whether it is necessary for the commissioner to act to do the same by receivership.
Sec. 116, K.S.A. 9-1901: Dissolution.	Amendment will remove the outdated language referencing the process and procedures for winding up a bank's business. By today's standards, the commissioner will first have an interest that the bank has liquidated the deposits. Afterward, the corporation may dissolve under the adequate structures inherent in the corporation code.
Sec. 117, K.S.A. 9-1902: Insolvency definitions.	Minimal language clean-up. No longer will a bank be insolvent for failure to make good its reserve as requirements to maintain a reserve have been previously removed from statute.
Sec. 118, K.S.A. 9-1902a: Definition of critically undercapitalized.	Clarified that intangibles will not be included in capital calculations.
Sec. 119, K.S.A. 9-1903: Commissioner authority to take charge upon insolvency or undercapitalization.	Substantial rearrangement and language clarification. Amendment here is intended to make it absolutely clear what options the commission has when a bank is undercapitalized and maintain the mandatory action for when a bank is insolvent. One addition was to allow the commissioner to notify the bank by informal memorandum of an undercapitalization, so, if capable, the bank may undertake a capital injection to correct the undercapitalization.
Sec. 120, K.S.A. 9-1905: Appointment of receiver.	Substantial rearrangement and language clarification. The amendments are intended to make it absolutely clear that there are two methods for the appointment of a receiver: 1) to appoint the FDIC, and 2) appointment of anyone else capable under the circumstances of the appointment. Receivers other than the FDIC will be required to undertake the district court process. Amendment also adds an expedited due process procedure to efficiently provide judicial rights.
Sec. 121, K.S.A. 9-1906: Order of payments to creditors after receivership.	Made it clear that the FDIC is not bound by state law but the process still applies to other duly appointed receivers.
Sec. 122, K.S.A. 9-1907: Authorization for FDIC to be receiver.	Language clarification only. No substantive change.

Banking Code Recodification
SB 240

Sec. 123, K.S.A. 9-1908: Effect of FDIC acceptance as receiver.	Minimal language clean-up. No substantive change.
Sec. 124, K.S.A. 9-1909: Claims to be filed within one year.	Minimal language clean-up. No substantive change.
Sec. 125, K.S.A. 9-1910: Surrender control to the commissioner.	Amendment will make clear what the statute means by which a bank can surrender complete control to the commissioner. Additions include a process under which the commissioner shall act in such circumstances.
Sec. 126, K.S.A. 9-1915: Prohibition/liability for accepting deposits after bank insolvency.	Language clarification only. No substantive change.
Sec. 127, K.S.A. 9-1916: Actions to enforce liability for accepting deposits after bank insolvency.	Language clarification only. No substantive change.

Article 20: Crimes and Punishment.	Explanation: This article is an extension of the criminal code and outlines crimes specific to the banking industry and punishments thereon.
Sec. 128, K.S.A. 9-2001: Failing to perform a duty.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.
Sec. 129, K.S.A. 9-2002: Making false report.	Minimal language clean-up. Added the recognition of electronic information.
Sec.130 K.S.A. 2014 Supp. 9-2004: Swearing or affirming falsely.	Minimal language clean-up. Updated the bad reference to old perjury law. Still punished under perjury.
Sec. 131, K.S.A. 9-2005: Neglect of commissioner.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.
Sec. 132, K.S.A. 9-2006: Receiving deposits after authority revoked.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.
Sec. 133, K.S.A. 9-2007: Violations by a receiver.	Amendment will exempt out the FDIC. Amended to reflect the criminal classification modern standards.
Sec. 134, K.S.A. 9-2008: Unlawfully certifying a check without the funds.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.
Sec. 135, K.S.A. 9-2010: Punishment for receiving deposit when insolvent.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.
Sec. 136, K.S.A. 9-2011: Unlawfully advertising or holding out to conduct bank or trust business.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.
Sec. 137, K.S.A. 9-2012: Intent to injure or defraud.	Amendment will eliminate the embezzlement provisions as that is adequately covered under the criminal code. Statute will specifically address deceiving for personal gain and using the entity name to do the same.
Sec. 138, K.S.A. 9-2013: Unlawful solicitation.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.

Banking Code Recodification
SB 240

Sec. 139, K.S.A. 9-2014: Duty of commissioner to inform the county or district attorney of crimes.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.
Sec. 140, K.S.A. 9-2016: Unlawfully engaging in banking business.	Minimal language clean-up. Amended to reflect the criminal classification modern standards.
Sec. 141, K.S.A. 9-2018: Severability statute.	These statutes generally apply to the entirety of the code in which they appear thus clarification was made to that effect.

Article 21: Trust Companies.	Explanation: This article contains the specific statutes pertaining to trust company application, authority, powers, trust service offices and out-of-state trust facilities.
Sec. 142, K.S.A. 9-2101: Authority to do business for trust who could already accept deposits.	Minimal language clean-up. No substantive change.
Sec. 143, K.S.A. 9-2102: Applicability.	Clarification to broaden application of the banking code.
Sec. 144, K.S.A. 9-2103: Powers.	Minimal change made to mirror powers of trust departments. Eliminated outdated powers.
Sec. 145, K.S.A. 9-2104: Liability/voting of stock holder.	Language and clarification clean up to clearly state the intention that owners of stock are liable, not those who may be holding the stock in another capacity. Either may vote the stock depending on the arrangement.
Sec. 146, K.S.A. 2014 Supp. 9-2107: Contracting trustee process, approval, procedures, etc.	Minimal language clean-up. Clean up on the language about hearings and judicial review rights. Clarified the remedies the commissioner has available.
Sec. 147, K.S.A. 2014 Supp. 9-2108: Trust service office, location, application, procedure.	Amendment will add a provision on the limitations for naming trust service offices. Clean up on the language about hearings and judicial review rights. Clarified the remedies the commissioner has available.
Sec. 148, K.S.A. 2014 Supp. 9-2111: Prohibition on out-of-state trust facilities.	Amendment adds the authority to charge a fee for application pursuant to new section 12.

Banking Code Recodification
SB 240

Sec. 149-150: Statutes not in the banking code but reference code provisions that are being repealed.	Explanation: These statutes need to be amended to eliminate reference to the banking code that will no longer appear in statute after the passage of the legislation.
Sec. 149, K.S.A. 2014 Supp. 44-314: Pay periods and payment methods.	This statute referenced K.S.A. 9-1111d, stating that a payroll card is a machine readable instruments for purposes of 9-1111d. Review was done and that statute will not be adversely affected by amendment.
Sec. 150, K.S.A. 2014 Supp. 39-709: Eligibility requirements for state assistance.	Statutory reference to K.S.A. 9-1216 remains covered by the surviving reference to 9-1215. Thus no adverse effect.