



CHAPTER 6 – BANK RELOCATION APPLICATIONS

Section 1. Application Required.

To obtain the Commissioner's approval of a relocation, a bank shall submit to the Commissioner an application. The application shall be in writing and contain the information required in Section 2.

Section 2. Content of Application.

(a) The application shall contain the information required in W.S. 13-4-101(a) and the following:

(i) The bank's verification of the truth and accuracy of the matters set forth in the application; and

(ii) A request that the Commissioner approve the relocation;

(b) An application shall not be considered to have been received by the Commissioner unless and until it is complete.

Section 3. Commissioner to Set Hearing; Extensions.

(a) The Commissioner shall inform the bank, in writing, of his determination as to whether the proposed relocation may be desirable, within thirty (30) days after his receipt of the application.

(b) Within five (5) days after the determination date, the Commissioner shall set the hearing date. Unless extended pursuant to subsection (c), the hearing date shall be a date within thirty (30) days after the determination date. The Commissioner shall give prompt notice to the bank of the date, time and place of the hearing. The notice shall be in a form comparable to a hearing notice relating to a petition.

(c) Upon timely written request from the bank and for good cause shown, the Commissioner may extend the hearing date to such later date as he may determine to be in the public interest.

Section 4. Contents of Public Notice.

(a) After its receipt of the hearing notice, the bank shall cause notice of the hearing to be published in the manner prescribed in Section 5. The published notice shall include the following information:

(i) The name of the bank; and

(ii) The date, time, place and nature of the hearing to be held on the application;

(iii) A caption or other statement to the effect that the hearing is to be held before the Commissioner pursuant to W.S. 13-4-101;

(iv) The street address of the existing place of business;

(v) The street address of the proposed, relocated place of business; and

(vi) The date by which persons must submit written comments.

Section 5. Publication Requirements.

(a) The public notice shall be published in a newspaper of general circulation in all municipalities affected by the proposed relocation.

(b) The public notice shall be published on the same day of the week as that of the hearing date, in each of the three (3) calendar weeks immediately preceding the hearing date. The bank shall exercise reasonable diligence in ensuring that the required insertions are published on the required dates.

(i) When the public notice will be published in a newspaper published less often than daily,

(A) the public notice is not required to be published on the same day of the week as the hearing date but instead shall be published on the newspaper's regular publication date in the same week that is nearest to such day of the week;

(B) the last insertion shall be published within seven (7) days before the hearing date and (iii) not more than seven (7) days shall elapse between each insertion.

(ii) If an insertion is not published on the required date due solely to the newspaper's error and the bank has exercised reasonable diligence in discovering the error, the insertion shall be published on the next date that is available in light of the newspaper publication schedule, but in no event after the hearing date.

(c) The public notice shall be printed in the same type size that the newspaper uses in regular classified advertising columns, provided that such type size shall be no smaller than nine (9) point with spacing between lines not exceeding one-half (1/2) point leading. The date, time and place of the hearing must be in boldface. The public notice shall be entitled "Notice of Public Hearing." Such title and the case caption shall be set forth in all capital letters and in boldface.

(d) The bank shall pay all expenses associated with publication of the public notice.

(e) The bank shall deliver to the Commissioner at or before the hearing a satisfactory publisher's affidavit of publication in accordance with this Section.

(f) This Section is intended to implement and be consistent with the requirements of W.S. 1-6-201 through 1-6-203, which provide minimum requirements for certain public notices.

Section 6. Final Determination.

(a) The Commissioner's final determination relating to an application shall be in writing, shall be based solely on the record and shall include findings of fact and conclusions of law separately stated. Findings of fact shall be based exclusively on the evidence received at the hearing, the application, written comments received by the Commissioner and matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(b) In his final determination, the Commissioner must find that the relocation is desirable and is in the best interests of the bank and the municipality to which the bank proposes to move.

(c) The Commissioner shall deliver a copy of his final determination to each party.