

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 414

Short Title: Annual Fee for Banks.

(Public)

Sponsors: Representatives Rhyne and Brubaker.

Referred to: Commerce.

March 1, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A MINIMUM ANNUAL ASSESSMENT FOR BANK
BRANCHES AND LIMITED SERVICE FACILITIES AND TO AUTHORIZE
THE COMMISSIONER OF BANKS TO SET FEES FOR OTHER SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 53-122 reads as rewritten:

"§ 53-122. Fees for examinations and other services.

For the purpose of paying the salaries and necessary traveling expenses of the
Commissioner of Banks, State bank examiners, assistant State bank examiners, clerks,
stenographers and other employees of the Commissioner of Banks, the following fees
shall be paid into the office of the Commissioner of Banks:

- (1) Each bank and each branch of any bank which under the laws of the
State of North Carolina is subject to supervision and examination by
the Commissioner of Banks and is authorized to do business or is in
process of voluntary liquidation, shall, within 10 days after the
assessment has been made, pay into the office of the Commissioner of
Banks according to its total resources as shown by its report of
condition made to the Commissioner of Banks at the close of business
December 31, 1978, and on the thirty-first day of December, or the
date most nearly approximating same of each year thereafter on which
a report of condition is made to the Commissioner of Banks not in
excess of the following fees for its annual examination: eighty-five
dollars (\$85.00) for the first one hundred thousand dollars (\$100,000)
of assets or less, twelve dollars (\$12.00) for each one hundred

1 thousand dollars (\$100,000) or fraction in excess thereof, and three
2 dollars and fifty cents (\$3.50) for each one hundred thousand dollars
3 (\$100,000) or fraction thereof of trust assets, which said trust assets
4 shall not include real estate carried as such; provided, however, with
5 respect to loan agencies or brokers subject to the provisions of Article
6 15 of Chapter 53 of the General Statutes, the fee shall be one hundred
7 seventy dollars (\$170.00) for the first one hundred thousand dollars
8 (\$100,000) of assets or less, and twelve dollars (\$12.00) for each one
9 hundred thousand dollars (\$100,000) or fraction in excess thereof. In
10 addition to the assessment set out in this subdivision, each bank which
11 under the laws of the State of North Carolina is subject to supervision
12 and examination by the Commissioner of Banks shall pay a minimum
13 annual assessment of eighty-five dollars (\$85.00) for each of its
14 branches and limited service facilities.

15 (2) All examinations made other than those provided for in subdivision (1)
16 hereof shall be deemed special examinations and for such special
17 examination the bank shall pay into the office of the Commissioner of
18 Banks the following fees for each special examination: eighty-five
19 dollars (\$85.00) for the first one hundred thousand dollars (\$100,000)
20 of assets or less, twelve dollars (\$12.00) for each one hundred
21 thousand dollars (\$100,000) or fraction in excess thereof, and three
22 dollars and fifty cents (\$3.50) for each one hundred thousand dollars
23 (\$100,000) or fraction thereof of trust assets, which said trust assets
24 shall not include real estate carried as such; provided, however, with
25 respect to loan agencies or brokers subject to the provisions of Article
26 15 of Chapter 53 of the General Statutes, the fee shall be one hundred
27 seventy dollars (\$170.00) for the first one hundred thousand dollars
28 (\$100,000) of assets or less, and twelve dollars (\$12.00) for each one
29 hundred thousand dollars (\$100,000) or fraction in excess thereof. The
30 fees paid for special examination shall be based on the assets of the
31 bank examined as of the date of such examination.

32 (3) ~~The Commissioner of Banks may require reimbursement for all costs and~~
33 ~~expenses incurred in by rule set the amount to be collected for~~
34 ~~processing any application or other proceedings required by law to be~~
35 ~~filed with the Commissioner and for providing services other than~~
36 ~~examination for any bank or any branch or limited service facility or~~
37 ~~any licensee under Article 15 of this Chapter.~~

38 (4) In all criminal cases tried in any of the courts of this State wherein any
39 of the employees of the Commissioner of Banks are used as witnesses,
40 a fee of ten dollars (\$10.00) per day and actual expenses incurred shall
41 be allowed such witnesses and the same shall be paid to the
42 Commissioner of Banks by the clerk of the court of the county in
43 which the case is tried and thereafter charged in bill of costs as are
44 other costs incurred in the trial; and in all civil actions tried in any of

1 the courts of this State, wherein any of the employees of the
2 Commissioner of Banks are required as witnesses, the party requiring
3 such employee as witness shall deposit with the Commissioner of
4 Banks when the subpoena is served a sufficient sum to cover the
5 witness fee of ten dollars (\$10.00) per day and expenses, and such
6 sums as may thus be advanced shall thereafter be charged in the bill of
7 costs as other costs are charged.

8 All sums paid under this subdivision shall be paid to the
9 Commissioner of Banks as are fees for examination and used in like
10 manner.

11 (5) The total compensation and necessary traveling expenses of the
12 employees of the Commissioner of Banks shall not in any one year
13 exceed the total fees collected under the provisions of this section,
14 provided such expenses and compensation may exceed the total fees
15 collected in any year when surplus funds are available.

16 (6) In the first half of each calendar year, the State Banking Commission
17 shall review the estimated cost of maintaining the office of the
18 Commissioner of Banks for the next fiscal year. If the estimated fees
19 provided for under subdivisions (1) and (2) shall exceed the estimated
20 cost of maintaining the office of the Commissioner of Banks for the
21 next fiscal year, then the State Banking Commission may reduce by
22 uniform percentage the fees provided for in subdivisions (1) and (2) of
23 this section but not in a percentage greater than fifty percent (50%) nor
24 to an amount which will reduce the amount of the fees to be collected
25 below the estimated cost of maintaining the office of the
26 Commissioner of Banks for the next fiscal year. If the estimated fees
27 provided for under subdivisions (1) and (2) shall be less than the
28 estimated cost of maintaining the office of the Commissioner of Banks
29 for the next fiscal year, then the State Banking Commission may
30 increase by uniform percentage the fees provided for in subdivisions
31 (1) and (2) of this section to an amount which will increase the amount
32 of the fees to be collected to an amount at least equal to the estimated
33 cost of maintaining the office of the Commissioner of Banks for the
34 next fiscal year. Such fees shall be reduced whenever a surplus exists
35 which exceeds the estimated cost of operating the office of the
36 Commissioner of Banks for one year, even if such reduction shall
37 result in the collection of a smaller sum than the estimated cost of
38 maintaining the office of the Commissioner of Banks for that year. In
39 no event shall any surplus at the end of any fiscal year resulting from
40 the collection of fees pursuant to this section revert to the general
41 fund."

42 Sec. 2. This act shall become effective July 1, 1989.