

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

2

SENATE BILL 936

Banks and Thrift Institutions Committee Substitute Adopted 5/5/93

Short Title: Interstate Branch Banking.

(Public)

---

Sponsors:

---

Referred to: Judiciary II.

---

April 21, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE NATIONWIDE INTERSTATE BRANCH BANKING  
3 AND SAVINGS AND LOAN AND SAVINGS BANK BRANCHING.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 53 of the General Statutes is amended by adding the  
6 following new Article to read:

7 **"ARTICLE 17A.**

8 **"INTERSTATE BRANCH BANKING.**

9 **"§ 53-219. Title.**

10 This Article shall be known and may be cited as the North Carolina Interstate  
11 Branch Banking Act.

12 **"§ 53-220. Definitions.**

13 As used in this Article, unless the context clearly requires otherwise, the following  
14 definitions apply:

- 15 (1) 'Bank' means any corporation or national bank association, other than  
16 savings and loan associations, savings banks, industrial banks, and  
17 credit unions, receiving, soliciting, or accepting money or its  
18 equivalent on deposit as a business.
- 19 (2) 'Branch' means a full service office of a bank through which it receives  
20 deposits, checks are paid, or loans are made, other than its principal  
21 office. Any of the functions or services authorized to be engaged in by  
22 a bank may be carried out in an authorized branch office.
- 23 (3) 'Commissioner' means the Commissioner of Banks of North Carolina.

1           (4) 'Home state' means (i) as to a state bank, the state which granted the  
2 bank its charter, and (ii) as to a national bank, the state in which the  
3 bank has its principal office.

4           (5) 'Out-of-state' bank means a bank chartered by any state other than this  
5 State and whose principal office is not within this State.

6           (6) 'State bank' means a bank chartered under the laws of this State.

7           (7) 'Supervisor' means the state banking supervisor or equivalent state  
8 official having primary regulatory authority over an out-of-state bank.

9 **"§ 53-221. Establishment of branches by out-of-state banks.**

10 Any out-of-state bank that meets the requirements of this Article may establish a  
11 branch within North Carolina either by (i) **de novo** entry; (ii) the purchase of an  
12 existing branch; (iii) the purchase of all or substantially all of the assets of a State bank  
13 located in North Carolina; or (iv) merger or consolidation.

14 **"§ 53-222. Application requirements.**

15       (a) Any out-of-state bank desiring to establish a branch office under this Article  
16 shall file with the Commissioner a written application meeting the following  
17 requirements:

18           (1) The out-of-state bank shall agree to comply with all the applicable  
19 rules and regulations, and informational filing requirements contained  
20 in the laws and rules of this State that would apply to a State bank  
21 engaging in an equivalent form of transaction. Additionally, the  
22 Commissioner shall apply the same standards of approval to the  
23 application of the out-of-state bank as would apply to an application by  
24 a State bank for an equivalent form of transaction.

25           (2) The out-of-state bank shall provide the Commissioner, in the manner  
26 prescribed by the Commissioner, with such additional information as  
27 the Commissioner deems necessary, to fully evaluate the application.

28           (3) The out-of-state bank shall pay an application fee established by the  
29 Commissioner pursuant to G.S. 53-122(3).

30           (4) The out-of-state bank shall not commence operations of the branch  
31 office until it has received the written approval of the Commissioner.

32       (b) The Commissioner shall act on the application within 90 days of receipt of  
33 the completed application.

34 **"§ 53-223. Conditions for approval.**

35 No application by an out-of-state bank received under this Article may be finally  
36 approved by the Commissioner unless:

37           (1) The Commissioner has received in writing approval of the proposed  
38 transaction from the supervisor of the out-of-state bank;

39           (2) The supervisor of the out-of-state bank agrees in writing to share with  
40 the Commissioner examination reports prepared by the supervisor and  
41 any other information deemed necessary by the Commissioner  
42 regarding the out-of-state bank;

- 1           (3) The out-of-state bank agrees in writing to make available to the  
2 Commissioner all information that may be required to effectively  
3 examine the bank;
- 4           (4) The out-of-state bank agrees in writing that so long as it maintains a  
5 branch in North Carolina, it will meet the conditions set forth in this  
6 Article and comply with all applicable North Carolina laws and any  
7 rules issued thereunder, as well as any orders or directives issued to the  
8 bank by the Commissioner;
- 9           (5) The home state of the out-of-state bank permits banks chartered under  
10 the laws of this State to establish branches within its border; and
- 11           (6) The out-of-state bank designates and files with the Office of the  
12 Secretary of State a document appointing an agent in this State to  
13 receive service of judicial process.

14 **"§ 53-224. Special conditions.**

15           (a) The Commissioner may require an out-of-state bank to designate one of its  
16 branches in North Carolina as a 'headquarters branch' and may, by rule, require that  
17 reports, books, and records required of banks doing business under this Article be  
18 available at the designated headquarters branch.

19           (b) Once an out-of-state bank has established at least one branch in North  
20 Carolina pursuant to this Article, subsequent applications to establish additional  
21 branches shall be considered on the same basis as an application of a State bank to  
22 establish an additional branch pursuant to G.S. 53-62.

23           (c) If an out-of-state bank establishes a branch or branches by merger with or  
24 purchase from a bank located in this State, and the out-of-state bank and the bank  
25 located in this State are both owned by the same holding company, any conditions,  
26 limitations, or restrictions placed on the holding company, pursuant to Articles 17 and  
27 18 of this Chapter, shall continue to apply to both the acquiring out-of-state bank and its  
28 holding company.

29 **"§ 53-224.1. Powers.**

30           An out-of-state bank that establishes a branch in North Carolina may engage in all  
31 the activities authorized by North Carolina law for a State bank except to the extent that  
32 such activities have been expressly prohibited by the state supervisor of the out-of-state  
33 bank or the laws of the out-of-state bank's home state.

34 **"§ 53-224.2. Establishment of out-of-state branches by State banks.**

35           With the prior consent of the Commissioner, any bank chartered under the laws of  
36 North Carolina may establish a branch in any other state in accordance with the laws of  
37 such other state.

38 **"§ 53-224.3. Regulatory and supervisory oversight.**

39           (a) The Commissioner may enter into such agreements as necessary regarding  
40 the scope, timing, coordination, and frequency of examinations and other supervisory  
41 matters, including the sharing of information gathered in such examinations, with other  
42 supervisors and federal banking regulators. This authority applies to both out-of-state  
43 banks and their holding companies.

1       (b) The Commissioner may require periodic reports on the financial condition of  
2 any out-of-state bank or its holding company that maintains a branch within North  
3 Carolina and may, from time to time, require from any such out-of-state banks other  
4 reports under oath in such scope and detail as the Commissioner may reasonably  
5 determine to be necessary for the purpose of assuring continuing compliance with the  
6 provisions of this Article.

7       (c) The Commissioner may, if necessary, conduct full scope, on-site  
8 examinations of any branch established pursuant to this Article.

9       (d) Out-of-state banks shall be assessed and required to pay supervisory and  
10 examination fees in accordance with G.S. 53-122 and the rules issued thereunder.

11 **"§ 53-224.4. Enforcement.**

12       (a) Any enforcement authority available to the Commissioner for use against a  
13 State bank may, subject to the provisions of Chapter 150B of the General Statutes, be  
14 used against a branch established under this Article and against the out-of-state bank or  
15 its parent holding company establishing such branch.

16       (b) The Commissioner may suspend or revoke the authority of an out-of-state  
17 bank to establish or maintain a branch in North Carolina upon a finding of fact or  
18 condition or circumstance that is grounds for denial of an application to establish and  
19 maintain a branch under this Article.

20       (c) The Commissioner may enforce the provisions of this Article through an  
21 action in any court of North Carolina or any other state or any court of the United States  
22 as provided in G.S. 53-94 and G.S. 53-134 for the purpose of obtaining an appropriate  
23 remedy for violation of any provisions of this Article or the criminal penalties imposed  
24 by Article 10 of this Chapter.

25       (d) The Commissioner may enter into joint actions with other supervisors or  
26 federal banking regulators, or both, having concurrent jurisdiction over any out-of-state  
27 bank that has a branch in North Carolina or over any State bank that has a branch in  
28 another state, or may take such action independently to carry out the Commissioner's  
29 responsibilities under this Article and assure compliance with the provisions of this  
30 Article and the applicable banking laws of this State.

31 **"§ 53-224.5. Branch closings.**

32       An out-of-state bank that is subject to an order or written agreement revoking its  
33 authority to establish or maintain a branch in North Carolina and any State bank that is  
34 subject to an order or written agreement revoking its authority to establish or maintain a  
35 branch in another state shall wind up the business of that branch in an orderly manner  
36 that protects the depositors, customers, and creditors of the branch, and that complies  
37 with all North Carolina laws and all other applicable laws regarding the closing of the  
38 branch.

39 **"§ 53-224.6. Rules.**

40       The State Banking Commission may adopt rules as necessary to carry out the  
41 provisions of this Article.

42 **"§ 53-224.7. Appeal of Commissioner's decision.**

43       Any aggrieved party in a proceeding under this Article may, within 30 days after  
44 final decision of the Commissioner, appeal such decision to the State Banking

1 Commission. The State Banking Commission, within 30 days of receipt of the notice of  
2 appeal, shall approve, disapprove, or modify the Commissioner's decision. Failure of  
3 the State Banking Commission to act within 30 days of receipt of notice of appeal shall  
4 constitute a final decision of the State Banking Commission approving the decision of  
5 the Commissioner. Notwithstanding any other provision of law, any aggrieved party to  
6 a decision of the State Banking Commission shall be entitled to an appeal pursuant to  
7 G.S. 53-92.

8 **"§ 53-224.8. Severability.**

9 If any provision of this Article or the application of such provision to any persons or  
10 circumstances is found invalid, the remainder of this Article and its application to  
11 persons or circumstances other than those as to which it is held invalid, shall not be  
12 affected."

13 Sec. 2. Chapter 54B of the General Statutes is amended by adding the  
14 following new Article to read:

15 **"ARTICLE 14.**

16 **"SAVINGS AND LOAN INTERSTATE BRANCHES.**

17 **"§ 54B-265. Title.**

18 This Article shall be known and may be cited as the North Carolina Savings and  
19 Loan Interstate Branch Act.

20 **"§ 54B-266. Definitions.**

21 As used in this Article, unless the context clearly requires otherwise, the following  
22 definitions apply:

- 23 (1) 'Administrator' means the Administrator of the Savings Institution  
24 Division.
- 25 (2) 'Association' means a savings and loan association and includes a State  
26 association or a federal association unless limited by use of the words  
27 'State' or 'federal'.
- 28 (3) 'Branch' means a full-service office of an association through which it  
29 renders a savings and loan service other than its principal office. An  
30 association may engage in any authorized function or service through  
31 an authorized branch office.
- 32 (4) 'Commission' means the North Carolina Savings Institution  
33 Commission.
- 34 (5) 'Home state' means (i) as to a state association, the state which granted  
35 the association its charter, and (ii) as to a federal association, the state  
36 in which the association has its principal office.
- 37 (6) 'Out-of-state association' means an association chartered by any state  
38 other than this State and whose principal office is not within this State.
- 39 (7) 'State association' means an association chartered under the laws of  
40 this State.
- 41 (8) 'Supervisor' means the state association supervisor or equivalent state  
42 official having primary regulatory authority over an out-of-state  
43 association.

44 **"§ 54B-267. Establishment of branches by out-of-state associations.**

1        Any out-of-state association that meets the requirements of this Article may  
2 establish a branch within North Carolina either by (i) **de novo** entry; (ii) the purchase  
3 of an existing branch; (iii) the purchase of all or substantially all of the assets of a State  
4 association located in North Carolina; or (iv) merger or consolidation.

5 **"§ 54B-268. Application requirements.**

6        (a) Any out-of-state association desiring to establish a branch office under this  
7 Article shall file with the Administrator a written application meeting the following  
8 requirements:

- 9            (1) The out-of-state association shall agree to comply with all the  
10 applicable rules and regulations, and informational filing requirements  
11 contained in the laws and rules of this State that would apply to a State  
12 association engaging in an equivalent form of transaction.  
13 Additionally, the Administrator shall apply the same standards of  
14 approval to the application of the out-of-state association as would  
15 apply to an application by a State association for an equivalent form of  
16 transaction.
- 17            (2) The out-of-state association shall provide the Administrator, in the  
18 manner prescribed by the Administrator, with such additional  
19 information as the Administrator deems necessary, to fully evaluate  
20 the application.
- 21            (3) The out-of-state association shall pay an application fee established by  
22 the Administrator pursuant to G.S. 54B-9.
- 23            (4) The out-of-state association shall not commence operations of the  
24 branch office until it has received the written approval of the  
25 Administrator.

26        (b) The Administrator shall act on the application within 90 days of receipt of the  
27 completed application.

28 **"§ 54B-269. Conditions for approval.**

29        No application by an out-of-state association received under this Article may be  
30 finally approved by the Administrator unless:

- 31            (1) The Administrator has received in writing approval of the proposed  
32 transaction from the supervisor of the out-of-state association;
- 33            (2) The supervisor of the out-of-state association agrees in writing to share  
34 with the Administrator examination reports prepared by the supervisor  
35 and any other information deemed necessary by the Administrator  
36 regarding the out-of-state association;
- 37            (3) The out-of-state association agrees in writing to make available to the  
38 Administrator all information that may be required to effectively  
39 examine the association;
- 40            (4) The out-of-state association agrees in writing that so long as it  
41 maintains a branch in North Carolina, it will meet the conditions set  
42 forth in this Article and comply with all applicable North Carolina  
43 laws and any rules issued thereunder, as well as any orders or  
44 directives issued to the association by the Administrator;

1           (5) The home state of the out-of-state association permits associations  
2 chartered under the laws of this State to establish branches within its  
3 border; and

4           (6) The out-of-state association designates and files with the Office of the  
5 Secretary of State a document appointing an agent in this State to  
6 receive service of judicial process.

7 **"§ 54B-270. Special conditions.**

8           (a) The Administrator may require an out-of-state association to designate one of  
9 its branches in North Carolina as a 'headquarters branch' and may, by rule, require that  
10 reports, books, and records required of associations doing business under this Article be  
11 available at the designated headquarters branch.

12           (b) Once an out-of-state association has established at least one branch in North  
13 Carolina pursuant to this Article, subsequent applications to establish additional  
14 branches shall be considered on the same basis as an application of a State association  
15 to establish an additional branch pursuant to G.S. 54B-22.

16           (c) If an out-of-state association establishes a branch or branches by merger with  
17 or purchase from an association located in this State, and the out-of-state association  
18 and the association located in this State are both owned by the same holding company,  
19 any conditions, limitations, or restrictions placed on the holding company, pursuant to  
20 Articles 3A and 13 of this Chapter, shall continue to apply to both the acquiring out-of-  
21 state association and its holding company.

22 **"§ 54B-271. Powers.**

23           An out-of-state association that establishes a branch in North Carolina may engage  
24 in all the activities authorized by North Carolina law for a State association except to  
25 the extent that such activities have been expressly prohibited by the state supervisor of  
26 the out-of-state association or the laws of the out-of-state association's home state.

27 **"§ 54B-272. Establishment of out-of-state branches by state associations.**

28           With the prior consent of the Administrator, any association chartered under the  
29 laws of North Carolina may establish a branch in any other state in accordance with the  
30 laws of such other state.

31 **"§ 54B-273. Regulatory and supervisory oversight.**

32           (a) The Administrator may enter into such agreements as necessary regarding the  
33 scope, timing, coordination, and frequency of examinations and other supervisory  
34 matters, including the sharing of information gathered in such examinations, with other  
35 supervisors and federal association regulators. This authority applies to both out-of-  
36 state associations and their holding companies.

37           (b) The Administrator may require periodic reports on the financial condition of  
38 any out-of-state association or its holding company that maintains a branch within North  
39 Carolina and may from time to time require from any such out-of-state associations  
40 other reports under oath in such scope and detail as the Administrator may reasonably  
41 determine to be necessary for the purpose of assuring continuing compliance with the  
42 provisions of this Article.

43           (c) The Administrator may, if necessary, conduct full-scope, on-site  
44 examinations of any branch established pursuant to this Article.

1       (d) Out-of-state associations shall be assessed and required to pay supervisory  
2 and examination fees in accordance with G.S. 54B-57 and the rules issued thereunder.

3 **"§ 54B-274. Enforcement.**

4       (a) Any enforcement authority available to the Administrator for use against a  
5 State association may, subject to the provisions of Chapter 150B of the General  
6 Statutes, be used against a branch established under this Article and against the out-of-  
7 state association or its parent holding company establishing such branch.

8       (b) The Administrator may suspend or revoke the authority of an out-of-state  
9 association to establish or maintain a branch in North Carolina upon a finding of fact or  
10 condition or circumstance that is grounds for denial of an application to establish and  
11 maintain a branch under this Article.

12       (c) The Administrator may enforce the provisions of this Article through an  
13 action in any court of North Carolina or any other state or any court of the United States  
14 as provided in G.S. 54B-64, 54B-65, 54B-66, and 54B-68 for the purpose of obtaining  
15 an appropriate remedy for violation of any provisions of this Article.

16       (d) The Administrator may enter into joint actions with other supervisors or  
17 federal association regulators, or both, having concurrent jurisdiction over any out-of-  
18 state association that has a branch in North Carolina or over any State association that  
19 has a branch in another state, or may take such action independently to carry out the  
20 Administrator's responsibilities under this Article and assure compliance with the  
21 provisions of this Article and the applicable association laws of this State.

22 **"§ 54B-275. Branch closings.**

23       An out-of-state association that is subject to an order or written agreement revoking  
24 its authority to establish or maintain a branch in North Carolina and any State  
25 association that is subject to an order or written agreement revoking its authority to  
26 establish or maintain a branch in another state shall wind up the business of that branch  
27 in an orderly manner that protects the depositors, customers, and creditors of the branch,  
28 and that complies with all North Carolina laws and all other applicable laws regarding  
29 the closing of the branch.

30 **"§ 54B-276. Rules.**

31       The Commission may adopt rules as necessary to carry out the provisions of this  
32 Article.

33 **"§ 54B-277. Appeal of administrator's decision.**

34       Any aggrieved party in a proceeding under this Article may, within 30 days after  
35 final decision of the Administrator, appeal such decision to the Commission. The  
36 Commission, within 30 days of receipt of the notice of appeal, shall approve,  
37 disapprove, or modify the Administrator's decision. Failure of the Commission to act  
38 within 30 days of receipt of notice of appeal shall constitute a final decision of the  
39 Commission approving the decision of the Administrator. Notwithstanding any other  
40 provision of law, any aggrieved party to a decision of the Commission shall be entitled  
41 to an appeal pursuant to G.S. 54B-16.

42 **"§ 54B-278. Severability.**

43       If any provision of this Article or the application of such provision to any persons or  
44 circumstances is found invalid, the remainder of this Article and its application to



1 persons or circumstances other than those as to which it is held invalid, shall not be  
2 affected."

3 Sec. 3. Chapter 54C of the General Statutes is amended by adding the  
4 following new Article to read:

5 **"ARTICLE 10.**

6 **"SAVINGS BANK INTERSTATE BRANCHES.**

7 **"§ 54C-199. Title.**

8 This Article shall be known and may be cited as the North Carolina Savings Bank  
9 Interstate Branch Act.

10 **"§ 54C-200. Definitions.**

11 As used in this Article, unless the context clearly requires otherwise, the following  
12 definitions apply:

- 13 (1) 'Administrator' means the Administrator of the Savings Institution  
14 Division.
- 15 (2) 'Branch' means a full service office of a savings bank through which it  
16 renders a savings bank service other than its principal office. A  
17 savings bank may engage in any authorized function or service  
18 through an authorized branch office.
- 19 (3) 'Commission' means the North Carolina Savings Institution  
20 Commission.
- 21 (4) 'Home state' means (i) as to a state-chartered savings bank, the state  
22 which granted the savings bank its charter, and (ii) as to a federal  
23 savings bank, the state in which the savings bank has its principal  
24 office.
- 25 (5) 'Out-of-state' savings bank means a savings bank granted a charter by  
26 any state other than this State and whose principal office is not located  
27 in this State.
- 28 (6) 'Savings bank' means a state savings bank or a federal savings bank,  
29 unless limited by use of the words 'State' or 'federal'.
- 30 (7) 'State savings bank' means a depository institution chartered under the  
31 laws of this State.
- 32 (8) 'Supervisor' means the state savings bank supervisor or equivalent state  
33 official having primary regulatory authority over an out-of-state  
34 savings bank.

35 **"§ 54C-201. Establishment of branches by out-of-state savings banks.**

36 Any out-of-state savings bank that meets the requirements of this Article may  
37 establish a branch within North Carolina either by (i) **de novo** entry; (ii) the purchase  
38 of an existing branch; (iii) the purchase of all or substantially all of the assets of a State  
39 savings bank located in North Carolina; or (iv) merger or consolidation.

40 **"§ 54C-202. Application requirements.**

41 (a) Any out-of-state savings bank desiring to establish a branch office under this  
42 Article shall file with the Administrator a written application meeting the following  
43 requirements:

- 1           (1) The out-of-state savings bank shall agree to comply with all the  
2 applicable rules and regulations, and informational filing requirements  
3 contained in the laws and rules of this State that would apply to a State  
4 savings bank engaging in an equivalent form of transaction.  
5 Additionally, the Administrator shall apply the same standards of  
6 approval to the application of the out-of-state savings bank as would  
7 apply to an application by a State savings bank for an equivalent form  
8 of transaction.
- 9           (2) The out-of-state savings bank shall provide the Administrator, in the  
10 manner prescribed by the Administrator, with such additional  
11 information as the Administrator deems necessary, to fully evaluate  
12 the application.
- 13           (3) The out-of-state savings bank shall pay an application fee established  
14 by the Administrator pursuant to G.S. 54C-9.
- 15           (4) The out-of-state savings bank shall not commence operations of the  
16 branch office until it has received the written approval of the  
17 Administrator.

18       (b) The Administrator shall act on the application within 90 days of receipt of the  
19 completed application.

20 **"§ 54C-203. Conditions for approval.**

21 No application by an out-of-state savings bank received under this Article may be  
22 finally approved by the Administrator unless:

- 23           (1) The Administrator has received in writing approval of the proposed  
24 transaction from the supervisor of the out-of-state savings bank;
- 25           (2) The supervisor of the out-of-state savings bank agrees in writing to  
26 share with the Administrator examination reports prepared by the  
27 supervisor and any other information deemed necessary by the  
28 Administrator regarding the out-of-state savings bank;
- 29           (3) The out-of-state savings bank agrees in writing to make available to  
30 the Administrator all information that may be required to effectively  
31 examine the savings bank;
- 32           (4) The out-of-state savings bank agrees in writing that so long as it  
33 maintains a branch in North Carolina, it will meet the conditions set  
34 forth in this Article and comply with all applicable North Carolina  
35 laws and any rules issued thereunder, as well as any orders or  
36 directives issued to the savings bank by the Administrator;
- 37           (5) The home state of the out-of-state savings bank permits savings banks  
38 chartered under the laws of this State to establish branches within its  
39 border; and
- 40           (6) The out-of-state savings bank designates and files with the Office of  
41 the Secretary of State a document appointing an agent in this State to  
42 receive service of judicial process.

43 **"§ 54C-204. Special conditions.**

1 (a) The Administrator may require an out-of-state savings bank to designate one  
2 of its branches in North Carolina as a 'headquarters branch' and may, by rule, require  
3 that reports, books, and records required of savings banks doing business under this  
4 Article be available at the designated headquarters branch.

5 (b) Once an out-of-state savings bank has established at least one branch in North  
6 Carolina pursuant to this Article, subsequent applications to establish additional  
7 branches shall be considered on the same basis as an application of a State savings bank  
8 to establish an additional branch pursuant to G.S. 54C-23.

9 (c) If an out-of-state savings bank establishes a branch or branches by merger  
10 with or purchase from a savings bank located in this State, and the out-of-state savings  
11 bank and the savings bank located in this State are both owned by the same holding  
12 company, any conditions, limitations, or restrictions placed on the holding company,  
13 pursuant to Article 9 of this Chapter, shall continue to apply to both the acquiring out-  
14 of-state savings bank and its holding company.

15 **"§ 54C-205. Powers.**

16 An out-of-state savings bank that establishes a branch in North Carolina may engage  
17 in all the activities authorized by North Carolina law for a State savings bank except to  
18 the extent that such activities have been expressly prohibited by the state supervisor of  
19 the out-of-state savings bank or the laws of the out-of-state savings bank's home state.

20 **"§ 54C-206. Establishment of out-of-state branches by State savings banks.**

21 With the prior consent of the Administrator, any savings bank chartered under the  
22 laws of North Carolina may establish a branch in any other state in accordance with the  
23 laws of such other state.

24 **"§ 54C-207. Regulatory and supervisory oversight.**

25 (a) The Administrator may enter into such agreements as necessary regarding the  
26 scope, timing, coordination, and frequency of examinations and other supervisory  
27 matters, including the sharing of information gathered in such examinations, with other  
28 supervisors and federal savings bank regulators. This authority applies to both out-of-  
29 state savings banks and their holding companies.

30 (b) The Administrator may require periodic reports on the financial condition of  
31 any out-of-state savings bank or its holding company that maintains a branch within  
32 North Carolina and may from time to time require from any such out-of-state savings  
33 banks other reports under oath in such scope and detail as the Administrator may  
34 reasonably determine to be necessary for the purpose of assuring continuing compliance  
35 with the provisions of this Article.

36 (c) The Administrator may, if necessary, conduct full-scope, on-site  
37 examinations of any branch established pursuant to this Article.

38 (d) Out-of-state savings banks shall be assessed and required to pay supervisory  
39 and examination fees in accordance with G.S. 54C-55 and the rules issued thereunder.

40 **"§ 54C-208. Enforcement.**

41 (a) Any enforcement authority available to the Administrator for use against a  
42 State savings bank may, subject to the provisions of Chapter 150B of the General  
43 Statutes, be used against a branch established under this Article and against the out-of-  
44 state savings bank or its parent holding company establishing such branch.

1       (b) The Administrator may suspend or revoke the authority of an out-of-state  
2 savings bank to establish or maintain a branch in North Carolina upon a finding of fact  
3 or condition or circumstance that is grounds for denial of an application to establish and  
4 maintain a branch under this Article.

5       (c) The Administrator may enforce the provisions of this Article through an  
6 action in any court of North Carolina or any other state or any court of the United States  
7 as provided in G.S. 54C-76, 54C-77, 54C-78, and 54C-79 for the purpose of obtaining  
8 an appropriate remedy for violation of any provisions of this Article.

9       (d) The Administrator may enter into joint actions with other supervisors or  
10 federal savings banking regulators, or both, having concurrent jurisdiction over any out-  
11 of-state savings bank that has a branch in North Carolina or over any State savings bank  
12 that has a branch in another state, or may take such action independently to carry out the  
13 Administrator's responsibilities under this Article and assure compliance with the  
14 provisions of this Article and the applicable savings banking laws of this State.

15 **"§ 54C-209. Branch closings.**

16 An out-of-state savings bank that is subject to an order or written agreement  
17 revoking its authority to establish or maintain a branch in North Carolina and any State  
18 savings bank that is subject to an order or written agreement revoking its authority to  
19 establish or maintain a branch in another state shall wind up the business of that branch  
20 in an orderly manner that protects the depositors, customers, and creditors of the branch,  
21 and that complies with all North Carolina laws and all other applicable laws regarding  
22 the closing of the branch.

23 **"§ 54C-210. Rules.**

24 The Commission may adopt rules as necessary to carry out the provisions of this  
25 Article.

26 **"§ 54C-211. Appeal of Administrator's decision.**

27 Any aggrieved party in a proceeding under this Article may, within 30 days after  
28 final decision of the Administrator, appeal such decision to the Commission. The  
29 Commission, within 30 days of receipt of the notice of appeal, shall approve,  
30 disapprove, or modify the Administrator's decision. Failure of the Commission to act  
31 within 30 days of receipt of notice of appeal shall constitute a final decision of the  
32 Commission approving the decision of the Administrator. Notwithstanding any other  
33 provision of law, any aggrieved party to a decision of the Commission shall be entitled  
34 to an appeal pursuant to G.S. 54C-16.

35 **"§ 54C-212. Severability.**

36 If any provision of this Article or the application of such provision to any persons or  
37 circumstances is found invalid, the remainder of this Article and its application to  
38 persons or circumstances other than those as to which it is held invalid, shall not be  
39 affected."

40       Sec. 4. This act becomes effective October 1, 1993.