

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 414
Committee Substitute Favorable 4/21/89

Short Title: Annual Fee for Banks.

(Public)

Sponsors:

Referred to:

March 1, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE A MINIMUM ANNUAL ASSESSMENT FOR BANK
3 BRANCHES AND LIMITED SERVICE FACILITIES AND TO AUTHORIZE
4 THE COMMISSIONER OF BANKS TO SET FEES FOR OTHER SERVICES.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 53-122. Fees for examinations and other services.**

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

- 12 (1) Each bank and each branch and each limited service facility of any
13 bank which under the laws of the State of North Carolina is subject to
14 supervision and examination by the Commissioner of Banks and is
15 authorized to do business or is in process of voluntary liquidation,
16 shall, within 10 days after the assessment has been made, pay into the
17 office of the Commissioner of Banks according to its total resources as
18 shown by its report of condition made to the Commissioner of Banks
19 at the close of business December 31, 1978, and on the thirty-first day
20 of December, or the date most nearly approximating same of each year
21 thereafter on which a report of condition is made to the Commissioner
22 of Banks not in excess of the following fees for its annual
23 examination: eighty-five dollars (\$85.00) for the first one hundred

1 thousand dollars (\$100,000) of assets or less, twelve dollars (\$12.00)
2 for each one hundred thousand dollars (\$100,000) or fraction in excess
3 thereof, and three dollars and fifty cents (\$3.50) for each one hundred
4 thousand dollars (\$100,000) or fraction thereof of trust assets, which
5 said trust assets shall not include real estate carried as such; provided,
6 however, with respect to loan agencies or brokers subject to the
7 provisions of Article 15 of Chapter 53 of the General Statutes, the fee
8 shall be one hundred seventy dollars (\$170.00) for the first one
9 hundred thousand dollars (\$100,000) of assets or less, and twelve
10 dollars (\$12.00) for each one hundred thousand dollars (\$100,000) or
11 fraction in excess thereof.

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

29 (3) ~~The Commissioner of Banks may require reimbursement for all costs and~~
30 ~~expenses incurred in by rule set the amount to be collected for~~
31 ~~processing any application or petition required by law to be filed with~~
32 ~~the Commissioner and for obtaining copies of any publication or~~
33 ~~public record of the Banking Commission providing services other than~~
34 ~~examination for any bank or any licensee under Article 15 of this Chapter.~~

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

1 Banks when the subpoena is served a sufficient sum to cover the
2 witness fee of ten dollars (\$10.00) per day and expenses, and such
3 sums as may thus be advanced shall thereafter be charged in the bill of
4 costs as other costs are charged.

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

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

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

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