

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2261

Introduced by

Senator Mutch

1 A BILL for an Act to amend and reenact sections 6-08.3-02.1 and 6-08.3-13 of the North
2 Dakota Century Code, relating to the acquisition of a North Dakota state-chartered or national
3 bank by an out-of-state bank holding company and interstate banking authorization; and to
4 repeal section 6-08.3-04 of the North Dakota Century Code, relating to the formation of a
5 state-chartered bank by an out-of-state bank holding company.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 6-08.3-02.1 of the 1995 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **6-08.3-02.1. Application to acquire a state-chartered or national bank.** An
10 out-of-state bank holding company may acquire a North Dakota state-chartered or national
11 bank pursuant to the approval process applicable for in-state acquisitions and under the
12 conditions of this chapter. An out-of-state bank holding company shall provide notice to the
13 board at the time an application or notice is filed with the applicable federal regulatory agency
14 to acquire a North Dakota bank. Notwithstanding any provision to the contrary in this title, an
15 out-of-state holding company that owned a depository institution as defined in section
16 6-08.3-01, the main office of which was located in this state on January 1, 1997, may
17 reorganize that depository institution's North Dakota operations as a newly chartered state or
18 national bank in this state.

19 **SECTION 2. AMENDMENT.** Section 6-08.3-13 of the 1995 Supplement to the North
20 Dakota Century Code is amended and reenacted as follows:

21 **6-08.3-13. Interstate banking authorization.** This chapter specifically authorizes, in
22 accordance with section 3 of the Bank Holding Company Act of 1956 [12 U.S.C. 1842], and
23 section 101 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994
24 [Pub. L. 103-328; 108 Stat. 2338; 12 U.S.C. 1811 et seq.], interstate banking in this state.

1 However, to the extent a state imposes a restriction on the ability of a North Dakota bank
2 holding company to acquire a bank in that state and the restriction is based on the length of
3 time either bank has existed, that restriction must apply to any acquisition of a North Dakota
4 bank by a bank holding company located in that state.

5 **SECTION 3. REPEAL.** Section 6-08.3-04 of the 1995 Supplement to the North Dakota
6 Century Code is repealed.