

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Olafson

1 A BILL for an Act to amend and reenact subsection 7 of section 6-03-02 of the North Dakota
2 Century Code, relating to banks' power to serve as a custodian for health savings accounts,
3 and to declare and emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 7 of section 6-03-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 7. Exercise, as determined by the board by order or rule, all the incidental powers as
8 are necessary to carry on the business of banking, including discounting and
9 negotiating promissory notes, bills of exchange, drafts, and other evidences of
10 debt; receiving deposits; buying and selling exchange, coin, and bullion; loaning
11 money upon real or personal security, or both; soliciting and receiving ~~deposit~~
12 deposits in the nature of custodial accounts ~~funded only in savings accounts or~~
13 ~~certificates of deposit~~ for the purpose of health savings or similar health care cost
14 funding accounts, retirement fund contracts, or pension programs, and such
15 custodial accounts are exempt from chapter 6-05; and providing services to its
16 customers involving electronic transfer of funds to the same extent that other
17 financial institutions chartered and regulated by an agency of the federal
18 government are permitted to provide those services within this state. A bank that
19 provides electronic funds transfer equipment and service to its customers, at
20 premises separate from its main banking house or duly authorized facility approved
21 by the state banking board, must make the equipment and service available for use
22 by customers of any other bank upon the request of the other bank to share its use
23 and the agreement of the other bank to share pro rata all costs incurred in
24 connection with its installation and operation, and the electronic operations are not

1 deemed to be the establishment of a branch, nor of a separate facility. The
2 electronic operations at premises separate from its banking house or duly
3 authorized facility must be considered a customer electronic funds transfer center
4 and may be established subject to rules that the state banking board adopts.

5 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.