

SENATE BILL NO. 2104
with House Amendments
SENATE BILL NO. 2104

Sixty-second
Legislative Assembly
of North Dakota

Introduced by

Industry, Business and Labor Committee

(At the request of the State Treasurer)

1 A BILL for an Act to amend and reenact section 6-01-17 and subdivision a of subsection 1 of
2 section 13-04.1-11 of the North Dakota Century Code, relating to a yearly assessment of banks
3 and interstate branches and investigation and examination authority of money brokers; to
4 provide an effective date; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 6-01-17 of the North Dakota Century Code is amended
7 and reenacted as follows:

8 **6-01-17. Yearly assessment of banks and interstate branches.**

9 Every state banking association and banking institution under the jurisdiction and control of
10 the commissioner and the commissioner's deputy examiners by this title, including the Bank of
11 North Dakota and every branch of an out-of-state state bank, shall pay a yearly assessment.
12 This assessment is to be determined by the state banking board as necessary to fund that
13 portion of the department's budget relating to the regulation of state-chartered banks and
14 branches of out-of-state state banks, including the authority to enter into cooperative fee
15 sharing agreements and assessment of associated travel costs with other state bank
16 supervisors. Assessment fees may not be computed on the combined assets of the bank and its
17 trust department for those banks and branches exercising trust powers. Fees for the
18 examination of the trust department must be computed in accordance with section 6-05-28. The
19 assessment must be paid to the ~~state treasurer~~department of financial institutions within thirty
20 days of each June thirtieth. Institutions and branches that have not been examined by the
21 commissioner or the state banking board for three years prior to any assessment date shall not
22 be required to pay the assessment. ~~The state treasurer shall report such payments of fees to~~
23 ~~the commissioner, and if~~ any such corporation or institution or branch is delinquent more than
24 twenty days in making such payment, the board may make an order suspending the functions

1 of such delinquent corporation, institution, or branch until payment of the amount due. The
2 commissioner may assess a penalty of five dollars for each day that the assessment fee is
3 delinquent. All fees and penalties under this section must be ~~paid to~~deposited with the state
4 treasurer and deposited in the financial institutions regulatory fund.

5 **SECTION 2. AMENDMENT.** Subdivision a of subsection 1 of section 13-04.1-11 of the
6 North Dakota Century Code is amended and reenacted as follows:

- 7 a. May make such public or private investigation within or outside this state as it
8 deems necessary to determine whether any person has violated or is about to
9 violate any provision of this chapter or any rule or order hereunder, or to aid in
10 the enforcement of this chapter or in the prescribing of rules and forms
11 hereunder. The licensee shall pay an investigation fee and must be charged by
12 the department of financial institutions at an hourly rate to be set by the
13 commissioner, sufficient to cover all reasonable expenses of the department
14 associated with the visitation provided for by this section. Fees must be ~~paid to~~
15 ~~the state treasurer and~~ deposited in the financial institutions regulatory fund.

16 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective June 1, 2011.

17 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.