

## Proposed Amendments. Bank Confidentiality

### 6-08.1-02. Exemptions.

This chapter does not apply to any of the following:

7. The release by the Industrial Commission, in its capacity as the managing body of the Bank of North Dakota, of the following:
  - a. The name of any person who has obtained approval for direct ~~or indirect~~ financing or security, including a loan guarantee or a letter of credit, through the Bank of North Dakota primarily for purposes other than personal, family, or household purposes.
  - b. The amount of any financing or security referenced in subdivision a.
  - c. The amount of any net write off or loan forgiveness ~~associated with the financing or security referenced in subdivision a~~ which the industrial commission determines is uncollectible.
  - d. The program under which any financing or security referenced in subdivision a was made.

**SECTION 8. AMENDMENT.** Section 6-09-35 of the North Dakota Century Code is amended and reenacted as follows:

### 6-09-35. Confidentiality of Bank records.

The following records of the Bank of North Dakota are confidential:

1. Commercial or financial information of a customer, whether obtained directly or indirectly, except for routine credit inquiries or unless required by due legal process. As used in this subsection, "customer" means any person who has transacted or is transacting business with, or has used or is using the services of, the Bank of North Dakota, or for whom the Bank of North Dakota has acted as a fiduciary with respect to trust property.
2. Internal or interagency memorandums or letters which would not be available by law to a party other than in litigation with the Bank.
3. Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a state or federal agency responsible for the regulation or supervision of any Bank activity.
4. Information obtained from the state department of financial institutions which would not be available from that agency under section 6-01-07.1.
5. The report by a Bank officer or member of the Bank's advisory board of directors concerning personal financial statements.
6. The following records of the Bank of North Dakota are exempt:
  1. Bond insurance coverage.
  2. Excess bond insurance coverage.
  3. Cyber liability insurance coverage.
  4. Excess cyber liability insurance coverage.

## PACE Program Buydown Increase

### 6-09.14-04. Fund moneys - Eligible uses.

1. The fund moneys may be used to participate in an interest rate buydown on a loan to a new or expanding business for the following eligible uses:

- a. Purchase of real property and equipment.
- b. Expansion of facilities.
- c. Working capital.
- d. Inventory.

The loan funds cannot be used to refinance any existing debt or for the relocation of the business within North Dakota.

2. The community shall determine the amount of the interest rate buydown and apply to the Bank of North Dakota for participation from the partnership in assisting community expansion fund. The funds for the community's portion of the buydown may come from a local development corporation, contributions, community funds, future dedicated tax programs, or any other community source.

3. The fund participation portion in the buydown must be determined by the Bank of North Dakota based on economic conditions in the city or county in which the business is located.

4. The maximum amount from the fund in the interest rate buydown may not exceed five hundred thousand dollars ~~per loan~~ unless the project is deemed to have a substantial economic impact.

5. Projects deemed to have a substantial impact and qualified as a primary sector business may receive an additional \$1,000,000 in interest rate buydown with no required community match.

6. The fund participation must be limited to the amount required to buy down the interest to five hundred basis points below the national prime interest rate.

7. The Bank of North Dakota shall adopt rules to implement this chapter.