

**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.  
 Statutory reference: G.S. 150B-21.2.

**TITLE 04 – DEPARTMENT OF COMMERCE**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Banking Commission, Commissioner of Banks intends to amend the rule cited as 04 NCAC 03C .1601.*

**Proposed Effective Date:** June 1, 2004

**Public Hearing:**

**Date:** March 2, 2004

**Time:** 9:00 a.m.

**Location:** 316 W. Edenton St., Raleigh, NC

**Reason for Proposed Action:** To update the list of fees imposed in connection with various applications, petitions, and other proceedings which must be filed with the Commissioner of Banks in order to more accurately reflect the current actual burden of such proceedings upon the Commissioner's operating budget.

**Procedure by which a person can object to the agency on a proposed rule:** Objections may be submitted in writing or via email to William H. Finlay, Agency Legal Specialist, 4309 Mail Service Center, Raleigh, NC 27699-4309, email [wfinlay@nccob.org](mailto:wfinlay@nccob.org). Oral objections may also be made at the public hearing.

**Written comments may be submitted to:** William H. Finlay, Agency Legal Specialist, 316 W. Edenton St., 4309 Mail Service Center, Raleigh, NC 27699-4309, email [wfinlay@nccob.org](mailto:wfinlay@nccob.org).

**Comment period ends:** April 16, 2004

**Procedure for Subjecting a Proposed Rule to Legislative Review:** Any person who objects to the adoption of a permanent rule may submit written comments to the agency. A person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the 6<sup>th</sup> business day preceding the end of the month in which a rule is approved. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-733-2721.

**Fiscal Impact**

- State
- Local
- Substantive (≥\$3,000,000)
- None

**CHAPTER 03 - BANKING COMMISSION**

**SUBCHAPTER 03C – BANKS**

**SECTION .1600 – FEES**

**04 NCAC 03C .1601 FEES, COPIES AND PUBLICATION COSTS**

(a) For applications, petitions, and other proceedings which must be filed with the Commissioner of Banks the following fees shall be paid to the Commissioner at the time of filing:

(1)	Application for the Formation of a New Bank or State Trust Institution	\$8,000.00
(2)	Application to Merge or Consolidate Banks or State Trust Institutions (fee is per institution)	\$3,000.00
(3)	Application for Reorganization Into a Bank Holding Company Through an Interim Bank (fee is per bank)	\$3,000.00
(4)	Application for Reorganization	\$3,000.00
(5)	Application for Conversion of a National Bank to State Charter	<del>\$5,000</del> <u>2,500.00</u>

(6)	Application for Voluntary Liquidation	\$3,000.00
(7)	Application for Authority to Create and Invest in a Subsidiary	\$750.00
(8)	<del>Application for Approval of Change in Bank Control or Management</del>	<del>\$1,000.00</del>
(9)	<del>Application for Authority to Establish a Branch Bank</del>	<del>\$500.00</del>
(10)	<del>Application for Authority to Relocate a Main Office or Branch</del>	<del>\$500.00</del>
(11)	<del>Application for Authority to Create a Limited Service Facility</del>	<del>\$500.00</del>
(12)	<del>Application for Authority to Convert a Branch to a Limited Service Facility</del>	<del>\$500.00</del>
(13)(8)	Application for Conversion of a Savings and Loan Association or a Savings Bank to a State Bank	\$2,500.00

(b) The fees set forth in Paragraph (a) of this Rule are for standard applications, petitions, and other proceedings filed and considered in the ordinary course of business. Any application, petition or other proceeding which in the opinion of the Commissioner of Banks requires extraordinary review, investigation or special examination shall be subject to the actual costs of additional expenses and the hourly rate for the staff's time to be determined annually by the Banking Commission. The Commissioner of Banks shall advise an applicant or petitioner in advance of any additional work required and the hourly rate for the same. The hourly rate shall be:

(1)	For Senior Administrative staff	\$75.00
(2)	For an Examiner II	\$50.00
(3)	For an Examiner I	\$35.00
(4)	For an Examiner Trainee	\$25.00

(c) Publications available through the Banking Commission consist of:

- (1) ~~Banking Commission Regulations and Policies:~~
  - (A) ~~Bank Policy Statements,~~
  - (B) ~~Consumer Finance Policy Statements,~~
  - (C) ~~North Carolina Administrative Code Title IV, Chapter III,~~
  - (D) ~~Monthly Official Notice Maximum Rate of Interest Allowed on Certain Loans (Annual Subscription).~~
- (2) ~~Directories:~~
  - (A) ~~Consumer Finance Licensees,~~
  - (B) ~~Money Transmitter Licensees,~~
  - (C) ~~Mortgage Banker/Broker Registrants~~
  - (D) ~~North Carolina Bank Directors,~~
  - (E) ~~Refund Anticipation Lenders,~~
  - (F) ~~State Chartered Banks,~~
  - (G) ~~State Chartered Bank Branches.~~
- (3) ~~Publications:~~
  - (A) ~~1991 History of the North Carolina Banking Commission,~~
  - (B) ~~North Carolina Banking Commission Annual Report,~~
  - (C) ~~Quarterly List of Bank Rankings by Assets/by Deposits:~~
    - (i) ~~National and State,~~
    - (ii) ~~State,~~
  - (D) ~~State Chartered Banks Total Assets History (3/87).~~

~~(4)(c)~~ Unless otherwise stated, publications externally printed may be obtained at a cost equal to the actual cost of printing plus shipping and handling. All other publications or public record copies may be purchased at a price of two dollars (\$2.00) for the first page and ~~ten cents (\$0.10)~~ twenty-five cents (\$0.25) for each additional page.

Authority G.S. 53-92; 53-122(3).