

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1917

Short Title: Banking App. Fees and Effective Date.

(Public)

Sponsors: Representatives G. Miller, Ramsey (Co-Sponsors); Cromer and Justus.

Referred to: Financial Institutions.

May 31, 1994

A BILL TO BE ENTITLED

AN ACT TO AMEND THE EFFECTIVE DATE OF THE NORTH CAROLINA
INTERSTATE BANKING ACT AND TO SET AN APPLICATION FEE.

The General Assembly of North Carolina enacts:

Section 1. Section 16 of Chapter 175 of the 1993 Session Laws reads as
rewritten:

"Sec. 16. Sections 1 through 5 of this act are effective upon ratification. Sections 6
through 15 of this act become effective ~~July 1, 1996.~~ July 1, 1994."

Sec. 2. G.S. 53-214(b) reads as rewritten:

"(b) The State Banking Commission may ~~promulgate rules, including the imposition
of a reasonable application and administration fee,~~ adopt rules to implement and effectuate
the provisions of this Article."

Sec. 3. G.S. 53-211(a) reads as rewritten:

"(a) A regional bank holding company that does not have a North Carolina bank
subsidiary (other than a North Carolina bank subsidiary that was acquired in a
transaction involving assistance by the Federal Deposit Insurance Corporation or in the
regular course of securing or collecting a debt previously contracted in good faith, as
provided in Section 3(a) of the Bank Holding Company Act of 1956 as amended (12
U.S.C. 1842(a)) may acquire a North Carolina bank holding company or a North
Carolina bank with the approval of the Commissioner. The regional bank holding
company shall submit to the Commissioner an application for approval of such
acquisition, which application shall be approved only if:

(1) The Commissioner determines that the laws of the state in which the
regional bank holding company making the acquisition has its

- 1 principal place of business permit North Carolina bank holding
2 companies to acquire banks and bank holding companies in that state;
- 3 (2) The Commissioner determines that the laws of the state in which the
4 regional bank holding company making the acquisition has its
5 principal place of business permit such regional bank holding company
6 to be acquired by the North Carolina bank holding company or North
7 Carolina bank sought to be acquired. For the purposes of this
8 subsection, a North Carolina bank shall be treated as if it were a North
9 Carolina bank holding company;
- 10 (3) The Commissioner determines either that the North Carolina bank
11 sought to be acquired has been in existence and continuously operating
12 for more than five years or that all of the bank subsidiaries of the
13 North Carolina bank holding company sought to be acquired have
14 been in existence and continuously operating for more than five years:
15 Provided, that the Commissioner may approve the acquisition by a
16 regional bank holding company of all or substantially all of the shares
17 of a bank organized solely for the purpose of facilitating the
18 acquisition of a bank that has been in existence and continuously
19 operating as a bank for more than five years: Provided further, where
20 the Commissioner after examination or other investigation has
21 determined that it is necessary to approve an interstate acquisition
22 under this Article in order to protect the public and to prevent the
23 possible failure of a bank or banking subsidiary of a bank holding
24 company, then in that event the period of existence and continuous
25 operation of the bank or banking subsidiary may be waived; and
- 26 (4) The Commissioner makes the acquisition subject to any conditions,
27 restrictions, requirements or other limitations that would apply to the
28 acquisition by a North Carolina bank holding company of a bank or
29 bank holding company in the state where the regional bank holding
30 company making the acquisition has its principal place of business but
31 that would not apply to the acquisition of a bank or bank holding
32 company in such state by a bank holding company all the bank
33 subsidiaries of which are located in that state.
- 34 (5) The applicant submits an application fee of five thousand dollars
35 (\$5,000) for the regional bank holding company and two thousand
36 dollars (\$2,000) for each North Carolina bank or bank holding
37 company being acquired."

38 Sec. 4. This act becomes effective July 1, 1994.