NOTICE OF TEXT
[Authority G.S. 150B-21.2(c)]

OAH USE ONLY
VOLUME:
ISSUE:

CHECK APPROPRIATE BOX:

X Notice with a scheduled hearing
☐ Notice without a scheduled hearing
☐ Republication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 5 and 8 - 14. If a hearing is scheduled, complete block 6.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: The North Carolina Office of the Commissioner of Banks

2. Agency obtained G.S. 150B-19.1 certification:
X OSBM certified on: March 26, 2014; Rule 04 NCAC 03C .0905 April 9, 2014
☐ RRC certified on:
☐ Not Required

3. Agency website postings:
- **Text of proposed rule posted at:** http://www.nccob.org/Public/FinancialInstitutions/Banks/BankingRules.aspx
- **Explanation and reason for proposed rule posted at:** http://www.nccob.org/Public/FinancialInstitutions/Banks/BankingRules.aspx
- **Federal Certification posted at:** N/A
- **Instructions for oral and written comments posted at:** http://www.nccob.org/Public/FinancialInstitutions/Banks/BankingRules.aspx
- **Fiscal Note if prepared posted at:** http://www.nccob.org/Public/FinancialInstitutions/Banks/BankingRules.aspx

4. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

X **ADOPTION:** 04 NCAC 03C .0905

X **AMENDMENT:** 04 NCAC 03C .0901; 04 NCAC 03C .0902; 04 NCAC 03C .0903; 04 NCAC 03C .0904; NCAC 03C .1001; 04 NCAC 03C .1002; 04 NCAC 03C .1402; 04 NCAC 03C .1601; 04 NCAC 03C .1702; 04 NCAC 03C .1801

X **REPEAL:** 04 NCAC 03C .0101; 04 NCAC 03C .0102; 04 NCAC 03C .0103; 04 NCAC 03C .0104; 04 NCAC 03C .107; 04 NCAC 03C .0111; 04 NCAC 03C .0112; 04 NCAC 03C .0201; 04 NCAC 03C .0403; 04 NCAC 03C .0404; 04 NCAC 03C .0405; 04 NCAC 03C .0407; 04 NCAC 03C .1802

5. Proposed effective date: September 1, 2014

6. Is a public hearing planned? X Yes ☐ No

If yes: **Public Hearing date:** May 16, 2014
Public Hearing time: 9:00 a.m.
Public Hearing Location: Office of the Commissioner of Banks
316 W. Edenton Street, Raleigh, North Carolina 27603

7. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

8. Explain Reason For Proposed Rule(s): Session Law 2012-56 repealed Articles 1 through 10, 12 and 13 of Chapter 53 and created a new Chapter 53C entitled "Regulation of Banks." Rule 04NCAC 03C .0905 is being adopted to meet the requirements of N.C. Gen. Stat. 53C-5-2(a)(6) to give state-chartered banks authority to invest in mutual funds to the same extent as national banks. The rule amendments seek to clarify the language of the rules to conform with the newly created Chapter 53C, remove fees that are no longer authorized by state law, establish new fees as required by state law and authorized by Chapter 53C, and make technical changes for consistency in our rules. The Office of the Commissioner of Banks is repealing a number of rules to remove rules that are no longer necessary and rules that are just restating what is contained in the statutes in the newly created Chapter 53C.

Reason For Proposed Rule(s) cont.:

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, 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 day following the day the Commission approves the rule. 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 919-431-3000.

9. The person to whom written comments may be submitted on the proposed rule:
Name: Lonnie Christopher, Rules Coordinator
Address: 4309 Mail Service Center
Raleigh, NC 27699-4309
Phone (optional): (919) 715-7438
Fax (optional): (919) 733-6918
E-Mail (optional): lchristopher@nccob.gov

10. Comment Period Ends:

11. Fiscal impact (check all that apply).
If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ **State funds affected**
- ☐ **Environmental permitting of DOT affected**
  Analysis submitted to Board of Transportation
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (≥$1,000,000)**
- X **No fiscal note required by G.S. 150B-21.4**

12. Rule-making Coordinator: Lonnie Christopher

Address: 4309 Mail Service Center
Raleigh, NC 27699-4309

Phone: (919) 715-7438
E-Mail: lchristopher@nccob.gov

Agency contact, if any: Katie Bosken, Bank Supervision Attorney

Phone: (919) 715-0082

E-mail: kbosken@nccob.gov

13. The Agency formally proposed the text of this rule(s) on Date: 01/30/14; Rule 04 NCAC 03C .0405 3/19/14

14. Signature of Agency Head* or Rule-making Coordinator:

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Title: