Sixtieth Legislative Assembly of North Dakota In Regular Session Commencing Wednesday, January 3, 2007

HOUSE BILL NO. 1301 (Representatives Keiser, Vigesaa) (Senator Klein)

AN ACT to amend and reenact subsection 7 of section 6-03-02 of the North Dakota Century Code, relating to the power of a bank to serve as a custodian for health savings accounts and health care cost funding accounts; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 7 of section 6-03-02 of the North Dakota Century Code is amended and reenacted as follows:

Exercise, as determined by the board by order or rule, all the incidental powers as are necessary to carry on the business of banking, including discounting and negotiating promissory notes, bills of exchange, drafts, and other evidences of debt; receiving deposits; buying and selling exchange, coin, and bullion; loaning money upon real or personal security, or both; soliciting and receiving deposit in the nature of custodial accounts funded only in savings accounts or certificates of deposit for the purpose of health savings or similar health care cost funding accounts, retirement fund contracts, or pension programs, and such custodial accounts are exempt from chapter 6-05; and providing services to its customers involving electronic transfer of funds to the same extent that other financial institutions chartered and regulated by an agency of the federal government are permitted to provide those services within this state. A bank that provides electronic funds transfer equipment and service to its customers, at premises separate from its main banking house or duly authorized facility approved by the state banking board, must make the equipment and service available for use by customers of any other bank upon the request of the other bank to share its use and the agreement of the other bank to share pro rata all costs incurred in connection with its installation and operation, and the electronic operations are not deemed to be the establishment of a branch, nor of a separate facility. The electronic operations at premises separate from its banking house or duly authorized facility must be considered a customer electronic funds transfer center and may be established subject to rules that the state banking board adopts.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Speaker of the House Chief Clerk of the House				President of the Senate			
				Secretary of the Senate			
Assembly	of North D	akota and is k	known on the	records o	of Representatives of f that body as Hou atives voted in favo	se Bill N	lo. 1301 and that
Vote:	Yeas	92	Nays	0	Absent	2	
	Speaker of the House				Chief Clerk of the House		
This certifie	es that two	o-thirds of the r	members-elect	of the Se	enate voted in favor	of said I	aw.
Vote:	Yeas	46	Nays	0	Absent	1	
	President of the Senate				Secretary of the Senate		
Received by the Governor at M. on							_, 2007.
Approved at M. on							_, 2007.
				Ō	Governor		
Filed in this office this day of							_, 2007,
at	o'clock	M.					
				-	Secretary of State		