

LEGISLATIVE HISTORY CHECKLIST

NJSA: 17:9A-333 et al

(Department of Banking--fee schedule)

LAWS OF: 1988

CHAPTER: 73

Bill No: A556

Sponsor(s): Genova

Date Introduced: Pre-filed

Committee: Assembly: Financial Institutions

Senate: Revenue, Finances Appropriations; Labor, Industry & Professions

Amended during passage: Yes

Date of Passage: Assembly: February 22, 1988

Senate: June 16, 1988

Date of Approval: July 22, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes 5-9-88 & 4-25-88

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L. 1988, CHAPTER 73, *approved July 22, 1988*
 1988 Assembly No. 556 (*First Reprint*)

AN ACT concerning fees and charges payable to the Department of Banking and amending P.L. 1948, c. 67, P.L. 1963, c. 144 and P.L. 1970, c. 236.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section 333 of P.L. 1948, c. 67 (C. 17:9A-333) is amended to read as follows:

333. [A bank or savings bank shall pay the following fees to the commissioner for the use of the State:] A bank or savings bank shall pay to the commissioner for the use of the State a fee, to be prescribed by the commissioner by regulation, in an amount not less than or not more than, the following minimum and maximum amounts:

	<u>Minimum</u>	<u>Maximum</u>
(1) For filing an application for charter [\$2,500.00]	¹ <u>[\$5,000.00]</u> <u>\$10,000.00</u>	<u>[\$10,000.00]</u> <u>\$20,000.00</u> ¹
(2) For the issuance by the commissioner of a certificate of authority[100.00]	¹ <u>[250.00]</u> <u>\$500.00</u>	<u>[500.00]</u> <u>1,000.00</u> ¹
(3) For filing a certificate of amendment of a certificate of incorporation, or an amended certificate of incorporation[50.00]	¹ <u>[100.00]</u> <u>200.00</u>	<u>[250.00]</u> <u>500.00</u> ¹

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AFI committee amendments adopted February 1, 1988.

	<u>Minimum</u>	<u>Maximum</u>
(4) For filing any other certificate[10.00]	¹ [<u>25.00</u>] <u>50.00</u>	¹ [<u>100.00</u>] <u>250.00</u> ¹
(5) (a) For filing an application for approval of the establishment of a full branch office ...[500.00]	<u>1,000.00</u>	¹ [<u>2,000.00</u>] <u>3,000.00</u> ¹
(b) For filing an application for approval of the establishment of a mini-branch office ...[400.00]	<u>1,000.00</u>	¹ [<u>2,000.00</u>] <u>3,000.00</u> ¹
(c) For filing an application for approval of the establishment of a communication terminal branch office ...[250.00]	<u>500.00</u>	¹ [<u>1,000.00</u>] <u>2,000.00</u> ¹
(6) For filing an agreement of merger per bank [1,500.00]	<u>1,500.00</u>	<u>4,000.00</u>
(7) For filing a copy of a plan of reorganization[250.00]	<u>250.00</u>	¹ [<u>500.00</u>] <u>1,000.00</u> ¹
(8) For filing a report required by this act [25.00]	¹ [<u>50.00</u>] <u>100.00</u>	¹ [<u>100.00</u>] <u>250.00</u> ¹
(9) For filing an affidavit required by this act [10.00]	¹ [<u>25.00</u>] <u>50.00</u>	¹ [<u>75.00</u>] <u>100.00</u> ¹
(10) For filing proof of publication and mailing, or other proof required by this act[10.00]	¹ [<u>25.00</u>] <u>50.00</u>	¹ [<u>75.00</u>] <u>100.00</u> ¹

	<u>Minimum</u>	<u>Maximum</u>
(11) For filing application for approval of a change in location of principal office or full branch office [250.00]	<u>500.00</u>	¹ [<u>1,000.00</u>] <u>2,000.00</u> ¹
(12) For filing an application for approval of the cost of the establishment of an auxiliary office[250.00]	<u>500.00</u>	¹ [<u>1,000.00</u>] <u>2,000.00</u> ¹
(13) For the issuance of a certified copy of any certificate of incorporation or merger or plan of reorganization or any other certificate or affidavit filed in the department [10.00] plus [\$1.00] <u>\$2.00</u> per page	<u>25.00</u>	¹ [<u>75.00</u>] <u>100.00</u> ¹
(14) For filing an application for approval of an interchange between principal office and full branch office [50.00]	<u>250.00</u>	¹ [<u>500.00</u>] <u>1,000.00</u> ¹
(15) For the issuance of any other approval by the commissioner[50.00] plus per diem charges where applicable	<u>100.00</u>	<u>250.00</u>
(16) For the issuance of any extension by the commissioner [25.00] plus per diem charges where applicable	<u>50.00</u>	<u>150.00</u>

	<u>Minimum</u>	<u>Maximum</u>
(17) For filing a pension plan....[200.00]	<u>250.00</u>	<u>500.00</u>
(18) For filing an amendment or alteration to a pension plan[50.00]	<u>100.00</u>	<u>250.00</u>
(19) <u>For filing plans of acquisition, per company, per bank or savings bank</u>	<u>1,500.00</u>	<u>4,000.00</u>
(20) <u>Conversion from mutual to stock savings banks ..</u>	<u>3,500.00</u>	¹ <u>[5,000.00]10,000.00¹</u>
(21) <u>Request to commissioner to require an institution to share access to its communication terminal branch office</u>	<u>100.00</u>	<u>250.00</u>
(22) <u>In addition to above fees, a per diem charge may be assessed when a special investigation of a filing is required.</u>		

(cf: P.L. 1975, c. 148, s. 4)

2. Section 334 of P.L. 1948, c. 67 (C. 17:9A-334) is amended to read as follows:

334. Fees payable by foreign banks. [A foreign bank shall pay the following fees to the commissioner for the use of the State:] A ¹foreign¹ bank ¹[or savings bank]¹ shall pay to the commissioner for the use of the State a fee, to be prescribed by the commissioner by regulation, in an amount not less than or not more than, the following minimum and maximum amounts:

	<u>Minimum</u>	<u>Maximum</u>
(1) for filing a copy of its certificate of incorporation or amend- ment thereof or other change therein[\$25.00]	<u>\$50.00</u>	<u>\$250.00</u>
(2) for filing a statement of its finan- cial condition [25.00]	<u>50.00</u>	<u>250.00</u>
(3) for filing a power of attorney ...[10.00]	<u>25.00</u>	<u>75.00</u>
(4) for each substi- tution of securities pursuant to subsection B of section 320. [25.00]	<u>25.00</u>	<u>100.00</u>

The commissioner shall charge for the issuance of a certificate of authority or a certificate of renewal of a certificate of authority such fee as he shall prescribe by rule or regulation, not to exceed \$1,500.00. The certificate shall run from the date of issuance to the end of the biennial period. When the initial certificate is issued in the second year of the biennial certification period, the certificate fee shall be an amount equal to one-half of the fee for the biennial certification period.

(cf: P.L. 1981, c. 321, s. 9)

3. Section 226 of P.L. 1963, c. 144 (C. 17:12B-226) is amended to read as follows:

226. Fees and charges. A. [Every State association shall pay filing fees as follows:] Every State association shall pay to the commissioner for the use of the State a fee, to be prescribed by the commissioner by regulation in an amount not less than or not more than, the following minimum and maximum amounts:

	<u>Minimum</u>	<u>Maximum</u>
(1) Annual report or certificates where required[, \$25.00.]	<u>\$50.00</u>	<u>\$100.00</u>
(2) Dissolution proceedings[, \$150.00.]	<u>250.00</u>	¹ <u>[500.00]1,500.00¹</u>
(3) Any new corporation filing[, \$250.00; plus an additional fee of \$250.00 to cover the cost of investigation of filing.];		
(a) <u>mutual association.....</u>	¹ <u>[2,500.00]5,000.00</u>	<u>[5,000.00]10,000.00¹</u>
(b) <u>stock association</u>	¹ <u>[5,000.00]10,000.00</u>	<u>[10,000.00]20,000.00¹</u>
(4) Any proceeding under section 204 of P.L. 1963, c. 144 (C. 17:12B-204), pertaining to bulk sales [, \$200.00.]	<u>500.00</u>	¹ <u>[1,000.00]1,500.00¹</u>
(5) Any proceeding under section 198 of P.L. 1963, c. 144 (C. 17:12B-198), pertaining to mergers [, \$250.00.], per association	¹ <u>[2,000.00]1,500.00¹</u>	<u>4,000.00</u>
(6) Any application for a branch office [or limited facility branch office, \$250.00.], except that <u>no fee shall be paid under this paragraph with respect to a branch office acquired as a result of a merger or bulk purchase</u>	<u>1,000.00</u>	¹ <u>[2,000.00]3,000.00¹</u>

	<u>Minimum</u>	<u>Maximum</u>
(7) Application to interchange a principal and branch office when such interchange involves two separate municipalities [, \$250.00.]...	<u>500.00</u>	¹ [<u>1,000.00</u>] <u>1,500.00</u> ¹
(8) Application for change of name [, \$50.00.]	<u>50.00</u>	<u>250.00</u>
(9) Certifications by the commissioner, of papers or records on file with the department, [\$10.00] plus [\$1.00] <u>\$2.00</u> per page for each certification[.]	<u>25.00</u>	¹ [<u>75.00</u>] <u>100.00</u> ¹
(10) Application to interchange a principal and a branch office within the same municipality [, \$100.00.]	<u>250.00</u>	¹ [<u>500.00</u>] <u>1,000.00</u> ¹
(11) Application to change location of principal office pursuant to [section 40 (2), \$250.00] <u>subsection (2) of section 40 of P.L. 1963, c. 144 (C. 17:12B-40)</u>	<u>500.00</u>	¹ [<u>1,000.00</u>] <u>2,000.00</u> ¹
(12) Application to change location of branch office beyond 1,500 feet and in same municipality [or] pursuant to [section 27 (A) (1), \$100.00.] <u>subsection (1) of section 4 of P.L. 1965, c. 127 (C. 17:12B-27.1)</u>	<u>250.00</u>	<u>1,000.00</u>

	<u>Minimum</u>	<u>Maximum</u>
(13) Application to change location of branch office pursuant to [section 27 (A) (2), \$250.00.] subsection (2) of section 4 of P.L. 1965, c. 127 (C. 17:12B-27.1)	500.00	¹ [1,000.00]2,000.00 ¹
(14) Conversions	3,500.00	¹ [5,000.00]10,000.00 ¹
(15) Sharing Facilities	100.00	¹ [250.00]500.00 ¹
(16) Application for approval of savings and loan holding company	¹ [1,000.00]2,000.00	¹ [1,500.00]5,000.00 ¹
(17) Filing of any other certificate	¹ [25.00]50.00	¹ [100.00]250.00 ¹
(18) For issuance of any other approval by the commissioner, plus a per diem	100.00	250.00
(19) For filing plans of acquisition, stock savings and loan and existing holding companies	1,500.00	4,000.00
(20) In addition to the above fees, a per diem charge may be assessed when a special investigation of a filing is required.		

B. Every State association shall defray all expenses incurred in making an examination of its affairs as provided in this act, and the commissioner may maintain an action, in the name of the State, against the association, for the recovery of such expenses, in a court of competent jurisdiction.

(cf: P.L. 1975, c. 159, s. 7)

4. Section 3 of P.L. 1970, c. 236 (C. 17:9-43) is amended to read as follows:

3. The commissioner shall have power:

a. To require any public depository to furnish such information and furnish such reports dealing with public funds on deposit therein as the commissioner shall request. The public depository shall pay to the commissioner for the use of the State a fee, to be prescribed by the commissioner by regulation, of not less than \$25.00 and not more than \$50.00, for the furnishing of information or reports requested by the commissioner pursuant to this subsection. Any public depository which refuses or neglects to give any information so requested may be excluded by the commissioner from the right to receive public funds for deposit until such time as the commissioner shall acknowledge that such depository has furnished the information requested;

b. To take such action as [he] the commissioner deems best for the protection, collection, compromise, or settlement of any claim arising in case of an event of default;

c. To fix the date on which any event of default shall be deemed to have occurred, taking into consideration the orders, rules and regulations of any supervisory authority as they affect the failure or inability of a public depository to repay public funds held on deposit;

d. Upon the happening of an event of default, to take possession of and liquidate the collateral of the defaulting depository maintained pursuant to section 4 of this act;

e. To do all acts required to carry out the purposes of this act and, to that end, to make, amend and repeal regulations consistent with this act.

(cf: P.L. 1970, c. 236, s. 3)

5. This act shall take effect immediately.

BANKING AND FINANCIAL INSTITUTIONS
State Government

Adjusts fee schedule of Department of Banking for financial institutions.

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STATEMENT

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The bill revises the fees payable to the Department of Banking by State-chartered commercial banks, savings banks and savings and loan associations, or other individuals or companies for certain filings, applications, reports and proceedings which require the use of State services. The bill sets forth maximum and minimum amounts which may be charged to institutions for items such as charters, location and name changes, certificates of incorporation proceedings, branches, mergers or reorganizations. The revised fee schedule does not apply to examination fees or assessments charged against financial institutions.

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The bill allows the Commissioner of Banking to determine by regulation specific charges in accordance with the schedules outlined in the bill. The bill also authorizes the commissioner to require any depository that has public funds on deposit to pay a fee for furnishing certain information as may be requested to serve the public interest.

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This bill is intended to modernize the department's fee structure to better reflect current economic conditions and ensure that the department remain competitive with its federal counterparts. The fee structure of the Department of Banking has not been adjusted since 1975.

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BANKING AND FINANCIAL INSTITUTIONS

State Government

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Adjusts fee schedule of Department of Banking for financial institutions.

ASSEMBLY FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 556

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 1988

1 This bill, as amended, was favorably reported from the
Assembly Financial Institutions Committee.

3 This bill, as amended, revises the fees payable to the
5 Department of Banking by State chartered commercial banks,
savings banks and savings and loan associations and foreign banks
7 for certain services rendered by the Department of Banking. The
bill establishes maximum and minimum amounts which may be
9 charged to these institutions for certain filings, applications,
reports and proceedings and for such items as charters, location
11 and name changes, certificates of incorporation, mergers and
reorganizations which require the use of State services. The
revised fee schedules do not apply to examination fees or
13 assessments charged against financial institutions. The bill
allows the Commissioner of Banking to determine by regulation
15 specific fees in accordance with the schedules outlined in the bill.

The bill also amends the "Governmental Unit Deposit
17 Protection Act," P.L. 1970, c. 236, to authorize the
Commissioner of Banking to require any depository that has
19 public funds on deposit to pay a fee of between \$25.00 and \$50.00
for furnishing information and reports dealing with public funds
21 on deposit that are requested by the Commissioner.

The committee amended the bill further to revise the fees
23 payable to the Department of Banking by State-chartered
commercial banks, savings banks and savings and loan
25 associations, or other individuals or companies for certain filings,
applications, reports and proceedings which require the use of
27 State services.

This bill was pre-filed for introduction in the 1988 session
29 pending technical review. As reported the bill includes the
changes required by technical review which has been performed.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 556

STATE OF NEW JERSEY

DATED: MAY 9, 1988

The Senate Revenue, Finance and Appropriations Committee reported Assembly Bill 556 [1R] favorably.

Assembly Bill 556 [1R] revises the service fees payable to the Department of Banking by State chartered commercial banks, savings banks and savings and loan associations and foreign banks. The bill establishes maximum and minimum fee amounts which may be charged to these institutions for certain filings, applications, reports and proceedings and, depending on the type of institution, for items which require the use of State services, such as charters, location and name changes, certificates of incorporation, branches, mergers and reorganizations. The revised fee schedules do not apply to examination fees or assessments charged against financial institutions. The bill allows the Commissioner of Banking to determine by regulation specific fees in accordance with the schedules outlined in the bill.

The bill also authorizes the imposition of a new fee of between \$25.00 and \$50.00 for furnishing information and reports relating to public funds on deposit pursuant to the "Governmental Unit Deposit Protection Act."

FISCAL IMPACT

This bill will increase fees imposed by the Department of Banking. The revenues from these fees are deposited in the General Fund.

If the fees are increased to the new minimum fee levels, the department estimates that an additional \$218,000 will be generated. If the fees are increased to the new maximum fee levels, \$640,000 will be generated.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO
[FIRST REPRINT]
ASSEMBLY, No. 556

STATE OF NEW JERSEY

DATED: APRIL 25, 1988

The Senate Labor, Industry and Professions Committee reports favorably Assembly, No. 556 (1R).

This bill revises the fees payable to the Department of Banking by State chartered commercial banks, savings banks and savings and loan associations and foreign banks for certain services rendered by the Department of Banking. The bill establishes maximum and minimum amounts which may be charged to these institutions for certain filings, applications, reports and proceedings and, depending on the type of institution, for items which require the use of State services, such as charters, location and name changes, certificates of incorporation, branches, mergers and reorganizations. The revised fee schedules do not apply to examination fees or assessments charged against financial institutions. The bill allows the Commissioner of Banking to determine by regulation specific fees in accordance with the schedules outlined in the bill.

The bill also amends the "Governmental Unit Deposit Protection Act" to authorize the Commissioner of Banking to require any depository that has public funds on deposit to pay a fee of between \$25.00 and \$50.00 for furnishing information and reports dealing with public funds on deposit that are requested by the Commissioner.

This bill is intended to modernize the department's fee structure to better reflect current economic conditions, to allow flexibility in the structure of fees and to ensure that the department remains competitive with its federal counterparts. The fee structure of the Department of Banking has not been adjusted since 1975.