

AMENDATORY SECTION (Amending WSR 01-06-024, filed 2/27/01, effective 3/30/01)

**WAC 208-544-025 Fees paid by interstate banks.** (1) **Semiannual asset charge.** ~~((The))~~ On December 31, 2008, and thereafter, a semiannual asset charge ((established in WAC 208-544-020)) shall be assessed against any ~~((state-chartered))~~ state bank, as defined in 12 U.S.C. sec. 1813(a), that ((operates branches)) is chartered in Washington state and operates branches in Washington and any other state, which shall not exceed the semiannual asset charge established in WAC 208-544-020.

(2) The assets subject to assessment ((under)) for banks chartered by any other state, pursuant to WAC 208-544-020(1) and authorized by a signed cooperative agreement between the state bank supervisors of the home and host states, shall be determined as follows: Divide the number of branches in Washington by the total number of branches in all states including Washington and multiply the result by the asset value reflected in the most recent report of condition.

~~((+2))~~ (3) Other fees. All other fees that normally apply to Washington-chartered banks under WAC 208-544-030 and 208-512-045 shall also be paid by banks chartered in other states.

AMENDATORY SECTION (Amending WSR 01-12-003 and 01-20-086, filed 5/23/01 and 10/2/01, effective 7/1/01 and 11/2/01)

**WAC 208-544-039 Charges and fees effective ((July 1, 2001))** **October 6, 2008.** ~~((The division intends to increase the rate of its charges and fees each year for several bienniums. The division intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of charges and fees each fiscal year during the 2001-03 biennium.))~~

(1) Effective ~~((July 1, 2001))~~ October 6, 2008, the rate of charges and fees under WAC 208-512-045, 208-544-020 and 208-544-030 shall be as follows:

(a) WAC 208-512-045 (1)(c) and (d) - The fee shall be \$100.00 for the issuance and filing of certificates.

(b) WAC 208-512-045 (1)(e) - The fee shall be 50 cents per page.

(c) WAC 208-512-045(2) - The fee shall be ~~\$(102.43))~~ 111.64 per employee hour expended.

(d) WAC 208-544-020(1) - The rates shall be the following:

If total assets are:		The assessment is:		
Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	500	0	<del>((0.000016022))</del> <u>0.000017464</u>	0
500	1,000	<del>((8,011))</del> <u>8,373</u>	<del>((0.000015364))</del> <u>0.000016746</u>	500
1,000	10,000	<del>((15,693))</del> <u>17,105</u>	<del>((0.000015134))</del> <u>0.000016495</u>	1,000
10,000	—	<del>((151,899))</del> <u>165,562</u>	.000	10,000

(e) WAC 208-544-020(2) - The rate shall be 0.04005.

(f) WAC 208-544-030(1) - The fee shall be \$~~((73.95))~~ 80.60 per hour.

(g) WAC 208-544-030(2) - The fee shall be \$~~((102.43))~~ 111.64 per hour.

~~(2) ((a) On July 1, 2002, the rate of charges and fees under subsection (1)(c), (d), (e), (f), and (g) of this section, as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025.~~

~~(b) The director may round off a rate increase under this subsection. However, no rate increase may exceed the applicable fiscal growth factor.~~

~~(c) By June 1 of each year the director will make available a chart of the new rates that will take effect on the immediately following July 1.~~

~~(3))~~ The director may waive any or all of the charges and/or fees imposed under this section, in whole or in part, when he or she determines that both of the following factors are present:

(a) The banking program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management (OFM); and

(b) That such course of action would be fiscally prudent.

~~((4))~~ (3)(a) If the charges and fees assessed under WAC 208-544-020(1) relating to a semiannual asset charge and WAC 208-544-030(1) relating to the hourly examination fee exceed ninety-five percent of the charges and fees applicable for a two-year period of the comparable federal chartering regulator (CFCR) or its successor then the charges and fees paid in excess of such amount shall be rebated to the institution pursuant to (d) of this subsection unless abated by the director as provided in (e) of this subsection.

(b) For purposes of determining rebate entitlement, the total of semiannual asset charges and examination fees will be determined by adding the monthly average semiannual asset charge and the monthly average examination fee for any twenty-four month period beginning on or after July 1, 2000. The monthly average semiannual asset charge is determined by dividing the semiannual asset charges by six and applying the monthly average to the previous six months. The monthly average examination fee is determined by dividing the

examination fee for each examination during the averaging period by the number of months between each such examination and the previous examination as determined by the date of the examinations and applying the monthly average to those months. The CFCR charge is determined in the same manner. Under no circumstances will an institution be permitted to calculate a rebate based on a period of time that was included, in whole or in part, in the calculation of another rebate under this section.

(c) The rebate is determined by the difference between the sum of the applicable monthly average state charges and fees for the twenty-four month period minus ninety-five percent of the sum of the applicable monthly average CFCR charges and fees for the same period, as each are determined in (b) of this subsection.

(d) Entitlement of the rebate will occur only upon petition and satisfactory proof to the director.

(e) Rebate abatement. At the discretion of the director, all or part of the rebate determined under (d) of this subsection may be denied if the director determines that:

(i) The institution required a substantially greater than average amount of supervisory time for reasons other than as a result of economic, legal, regulatory, or other conditions beyond the control of competent management;

(ii) The institution required a substantially greater than average amount of examination time for an institution of its size for reasons other than as a result of economic, legal, regulatory, or other conditions beyond the control of competent management;

(iii) Examinations or investigations were performed by third parties under personal services contracts;

(iv) The banking program fund does not exceed the projected acceptable minimum fund balance level approved by OFM or is insufficient to satisfy the rebates under this subsection and still maintain the operations of the department at a fiscally prudent level;

(v) The institution maintained a composite uniform financial institution rating (CAMELS) of 3, 4 or 5 during any time during the rebate period; or

(vi) Such other factors as the director may deem equitable or relevant.

(f) Institutions may become eligible to receive a rebate after June 30, 2002, for amounts paid on or after July 1, 2000.