

## CHAPTER 13-01.1-04 HEARINGS

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**13-01.1-04-01. Notice.** In those proceedings in which a hearing is to be held, the board shall assign a time and place for hearing, and issue notice of hearing. When the notice procedure is not specified by statute, notice must be given at least twenty days prior to the date of the hearing, except in cases of emergency.

The notice procedures of the board are as follows, unless emergency circumstances require otherwise:

1. **Proposed rules.** Notice of proposed rules, inviting comments, will be given to all known interested parties by mail. Notice will also be published in the following newspapers:
  - a. Bismarck Tribune, Bismarck.
  - b. Devils Lake Daily Journal, Devils Lake.
  - c. Dickinson Press, Dickinson.
  - d. The Forum, Fargo.
  - e. Grand Forks Herald, Grand Forks.
  - f. Jamestown Sun, Jamestown.
  - g. Minot Daily News, Minot.
  - h. Williston Daily Herald, Williston.
  - i. Valley City Times-Record, Valley City.

- j. The Daily News, Wahpeton.
2. **Bank applications.** Notice of hearing on an application for an organization certificate for a new bank must be issued at least thirty days prior to the hearing on the application. Notice must be mailed to all banks within the same service area as the location of the proposed new bank and published three times in the official newspaper of the county and city where the proposed bank is to be located.
3. **Facility applications.** Notice of application for a facility must be issued as specified in sections 13-02-05-05 and 13-02-05-08.
4. **Electronic funds transfer center applications.** Notice of intent to apply for authorization to establish an electronic funds transfer center must be issued as specified in section 13-02-06-12.
5. **Move of bank to new location.** Notice of hearing on an application to move a bank to some place within the state other than the town in which it is presently located must be issued in the same manner as specified in subsection 2.
6. **Savings and loan branch applications.** Notice of hearing on an application for a savings and loan branch must be issued at least thirty days prior to the hearing on the application, and must be published three times in the official newspaper of the county and city in which the proposed branch is to be located.

The board may give additional notice where it deems such action appropriate.

The procedures outlined above may be modified by the commissioner or board in cases of an emergency.

**History:** Effective January 1, 1980; amended effective May 1, 1993; November 1, 1994; May 1, 1996.

**General Authority:** NDCC 6-01-04, 28-32-02

**Law Implemented:** NDCC 6-01-01, 6-01-04, 6-02-05, 6-03-02(8), 6-03-13, 6-03-13.3, 6-03-16, 6-05-01, 7-01-01, 28-32-02

**13-01.1-04-02. Appearances.** Interested parties shall enter their appearances at the beginning of the hearing by giving their name and address and briefly state whether they appear in support of or in opposition to the complaint or application. All appearances must be noted on the record with a notation in whose behalf each appearance is made. The names of the members of the board's staff participating in the hearing or investigation must also be noted.

**History:** Effective January 1, 1980; amended effective May 1, 1996.

**General Authority:** NDCC 6-01-04, 28-32-02

**Law Implemented:** NDCC 6-01-01, 6-01-04, 28-32-11.1

**13-01.1-04-03. Continuance.** Repealed effective November 1, 1994.

**13-01.1-04-04. Consolidation.** Repealed effective November 1, 1994.

**13-01.1-04-05. Waiver of hearing - Shortened procedure.** Repealed effective November 1, 1994.

**13-01.1-04-06. Order of procedure.** In hearings on formal complaints, petitions, and applications, the complainant, petitioner, or applicant must open and close. In all other hearings, the hearing officer may direct who shall open and close. The hearing officer shall designate at which stage an intervenor shall be heard.

**History:** Effective January 1, 1980; amended effective November 1, 1994; May 1, 1996.

**General Authority:** NDCC 6-01-04, 28-32-02

**Law Implemented:** NDCC 6-01-01, 6-01-04, 28-32-11.1

**13-01.1-04-07. Hearing examiner.** Repealed effective November 1, 1994.

**13-01.1-04-08. Appeal to board from ruling of hearing examiner.** Repealed effective November 1, 1994.

**13-01.1-04-09. Oral argument.** Repealed effective November 1, 1994.

**13-01.1-04-10. Briefs - Proposed findings of fact and conclusions of law.** Repealed effective November 1, 1994.

**13-01.1-04-11. Motions.** Before a hearing officer has been appointed, the commissioner or board may act on any motion, including a motion for continuance or consolidation.

**History:** Effective November 1, 1994.

**General Authority:** NDCC 6-01-04, 28-32-02

**Law Implemented:** NDCC 6-01-01, 6-01-04, 28-32-05