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I N   A S S E M B L Y

April 13, 2012

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Introduced by M. of A. ROBINSON, MORELLE -- (at request of the Department of Financial Services) -- read once and referred to the Committee on Banks

AN ACT to amend the banking law, the business corporation law, the civil practice law and rules, the education law, the executive law, the general municipal law, the insurance law, the limited liability company law, the not-for-profit corporation law, the partnership law, the personal property law, the private housing finance law, the public authorities law, the public health law, the public officers law, the real property law, the real property actions and proceedings law, the real property tax law and the state finance law, in relation to the consolidation of the banking and insurance departments; and to repeal certain provisions of the real property law and the defense emergency act of 1951, relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (c) of subdivision 2 of section 6-k of the bank-  
2     ing law, as added by chapter 563 of the laws of 1992 and as further  
3     amended by section 104 of part A of chapter 62 of the laws of 2011, is  
4     amended to read as follows:  
5     (c) Every mortgage investing institution shall deposit funds from a  
6     real property insurance escrow account of a mortgagor in a banking  
7     institution whose deposits are insured by a federal agency or a licensed  
8     branch of a foreign banking corporation whose deposits are insured by a  
9     federal agency. Notwithstanding the foregoing provisions of this subdivi-  
10    vision, the superintendent [of financial services] shall have the  
11    power[, by a three-fifths vote of all its members,] to exempt from the  
12    requirements of this subdivision any banking organization which does not  
13    receive deposits or share accounts from the general public.  
14    S 2. Subdivisions 2, 3, 4 and 5 of section 14-a of the banking law, as  
15    added by chapter 883 of the laws of 1980 and such subdivisions as  
16    further amended by section 104 of part A of chapter 62 of the laws of  
17    2011, are amended to read as follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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2. The rate of interest as so prescribed under this section shall include as interest any and all amounts paid or payable, directly or indirectly, by any person, to or for the account of the lender in consideration for the making of a loan or forbearance as defined by the superintendent [of financial services] pursuant to subdivision three of this section.

3. The superintendent [of financial services] shall have the power[, by a three-fifths vote of all its members,] to adopt such regulations as [it] THE SUPERINTENDENT shall deem necessary or proper to implement the provisions of this section. The superintendent [of financial services] shall make available to the public copies of all regulations adopted pursuant to this section.

4. Such regulations as shall have been adopted pursuant to the provisions of this chapter and in effect immediately prior to the effective date of this section, shall continue in effect until such time as new regulations shall have been adopted by the superintendent [of financial services] and shall become effective.

5. Whenever reference is made in this chapter or in any other law, contract or document to the rate of interest prescribed or to be prescribed by the superintendent [of financial services or the superintendent] pursuant to this section or any former section fourteen-a of this chapter, such reference shall be deemed a reference to the rate of interest prescribed in subdivision one of this section.

S 3. Subdivisions 1, 2 and 3 of section 14-b of the banking law, subdivision 1 as amended by chapter 267 of the laws of 1987, subdivisions 2 and 3 as amended by chapter 342 of the laws of 1986 and such subdivisions as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

1. The superintendent [of financial services] shall have the power to prescribe, from time to time but not more often than once in every three month period, [by a three-fifths vote of all its members,] by regulation a minimum rate of, and method or basis of computing, interest that a mortgage investing institution shall be required to pay on each escrow account maintained with respect to a mortgage on a one to six family residence occupied by the owner or on any property owned by a cooperative apartment corporation, as defined in subdivision twelve of section three hundred sixty of the tax law, (as such subdivision was in effect on December thirtieth, nineteen hundred sixty), and located in this state, which rate shall be greater than the rate of interest required to be paid under section 5-601 or 5-602 of the general obligations law.

2. In making such determination the superintendent [of financial services] shall consider pertinent economic and cost factors including, but not limited to: (i) current yields on short term investments, (ii) current dividend rates paid on regular savings accounts throughout this state, (iii) currently prevailing interest rates on conventional and insured or guaranteed mortgage loans in this state, (iv) cost factors in maintaining escrow accounts and (v) such other pertinent economic or cost factors that the superintendent [of financial services] shall deem to be appropriate. Prior to the [superintendent of financial services'] SUPERINTENDENT'S prescription of any such minimum rate of interest, the superintendent shall [make a written recommendation to the superintendent of financial services as to such minimum rate of interest, reciting] ISSUE A STATEMENT IN WRITING SETTING FORTH the economic and cost data and criteria upon which such [recommendation] DETERMINATION is based. Prior to making such [recommendation] DETERMINATION, the superintendent may invite presentation, by interested persons, of information

1 and data relating to economic and cost factors relevant to such minimum  
2 rate of interest.

3 3. The superintendent [of financial services] may promulgate such  
4 regulations as [it] THE SUPERINTENDENT deems necessary and proper to  
5 implement and define the provisions of this section. The superintendent  
6 [of financial services] may prescribe the minimum rate of interest from  
7 time to time, but not more often than once in any three-month period,  
8 and shall provide reasonable notice to the public of any change in the  
9 rate of interest, of the effective date of such change, which shall be  
10 not less than seven days following the adoption of such change by the  
11 superintendent [of financial services], and of any rule or regulation  
12 adopted pursuant to this subdivision.

13 S 4. Section 14-e of the banking law, as added by chapter 1 of the  
14 laws of 1984, subdivision 2 as amended by section 1 of part 0 of chapter  
15 59 of the laws of 2006 and the section heading, the opening and closing  
16 paragraphs of subdivision 1 and subdivisions 2 and 3 as further amended  
17 by section 104 of part A of chapter 62 of the laws of 2011, is amended  
18 to read as follows:

19 S 14-e. Power of the superintendent [of financial services] to author-  
20 ize the operation of savings banks and savings and loan associations in  
21 stock form.

22 1. Notwithstanding any other provision of law to the contrary, the  
23 superintendent [of financial services] is authorized[, by a three-fifths  
24 vote of all its members,] to promulgate such rules and regulations as  
25 shall facilitate:

26 (a) The organization and operation of stock-form savings banks and  
27 stock-form savings and loan associations,

28 (b) The conversion of mutual savings banks and savings and loan asso-  
29 ciations to stock form, and

30 (c) Mergers and acquisitions of assets or of capital stock between and  
31 among all of the foregoing banking institutions and between and among  
32 such institutions and any other banking institution.

33 The superintendent [of financial services] is authorized to define and  
34 implement, by [general] regulation, the terms and provisions of this  
35 section. In adopting such regulations, the superintendent [of financial  
36 services] shall take into account the declaration of policy contained in  
37 section one of a chapter of the laws of nineteen hundred eighty-four  
38 entitled "An Act to amend the banking law, in relation to the organiza-  
39 tion and incorporation of stock-form savings banks and stock-form  
40 savings and loan associations and the conversion of mutual savings banks  
41 and mutual savings and loan associations to stock form". In connection  
42 with such regulations, the superintendent [of financial services] is  
43 empowered to apply to such stock-form organizations any provision of  
44 this chapter, in whole or in part, as shall be applicable to any other  
45 stock-form banking organization and to vary any condition, requirement  
46 or provision of THIS ARTICLE OR article [two,] fifteen or sixteen of  
47 this chapter.

48 2. Such applications as the superintendent [of financial services] may  
49 prescribe under paragraph (a), (b) or (c) of subdivision one of this  
50 section shall each be accompanied by an investigation fee as prescribed  
51 pursuant to section eighteen-a of this article.

52 3. Without limiting the foregoing, the superintendent [of financial  
53 services], if [it] THE SUPERINTENDENT shall determine that unusual and  
54 extraordinary circumstances exist, shall be authorized, by resolution[,  
55 special] or [general] regulation, to apply or to deem inapplicable to  
56 any banking institution referred to in subdivision one of this section,

1 such provisions of this chapter in whole or in part, as it shall find  
2 appropriate in connection with the organization, operation, conversion,  
3 merger or any other transaction involving a stock-form savings bank or  
4 stock-form savings and loan association, provided, however, that such  
5 actions are in harmony with the spirit of the law and are necessary  
6 because of the existence of such circumstances.

7 S 5. Subdivisions 4 and 5 of section 18-a of the banking law, as added  
8 by section 1 of part D-1 of chapter 109 of the laws of 2006, the opening  
9 paragraphs of such subdivisions as further amended by section 104 of  
10 part A of chapter 62 of the laws of 2011, are amended to read as  
11 follows:

12 4. The fee which shall be imposed for any application for an initial  
13 license, registration, incorporation or for the formation of any other  
14 entity pursuant to this chapter, or for a merger, acquisition, purchase  
15 or sale of assets, change of control, or for any other application  
16 requiring the approval of the superintendent [or the superintendent of  
17 financial services] that may necessitate, as determined by the super-  
18 intendent, a determination regarding the character or fitness and/or the  
19 safety and soundness of such applicant or a similar investigative under-  
20 taking by the department, shall be:

21 (a) twelve thousand five hundred dollars when such application relates  
22 to a banking organization, bank holding company or, except as provided  
23 in paragraph (b) of this subdivision, a foreign banking corporation;

24 (b) seven thousand five hundred dollars when such application relates  
25 to licensing a branch, agency or representative office of a foreign  
26 banking corporation;

27 (c) one thousand five hundred dollars when the application relates to  
28 a mortgage broker; or

29 (d) three thousand dollars for all other such applications.

30 5. The fee for any OTHER application requiring the approval of the  
31 superintendent [or the superintendent of financial services], including,  
32 but not limited to, any application required to change the name of the  
33 applicant, open branches or offices or additional locations, or relocate  
34 an existing branch, office, or location, and any other application not  
35 subject to subdivision four of this section, shall be:

36 (a) seven hundred fifty dollars when the application relates to a  
37 banking organization, bank holding company, out-of-state state bank,  
38 foreign credit union, or foreign banking corporation;

39 (b) two thousand dollars when the application relates to the licensing  
40 of an additional location or change of location or the licensing of a  
41 mobile unit of a licensed casher of checks; or

42 (c) five hundred dollars for all other such applications.

43 S 6. Section 26 of the banking law, as amended by chapter 315 of the  
44 laws of 2008 and as further amended by section 104 of part A of chapter  
45 62 of the laws of 2011, is amended to read as follows:

46 S 26. Licenses to foreign banking corporations; renewal. Upon receipt  
47 of an application in proper form of any foreign banking corporation for  
48 leave to do business in this state under the provisions of article five  
49 of this chapter, the superintendent, if he or she shall find after  
50 investigation and examination of what he or she deems to be the best  
51 sources of information that the character, responsibility and general  
52 fitness of the person or persons named in such application are such as  
53 to command confidence and warrant belief that the business of such  
54 foreign banking corporation will be honestly and efficiently conducted  
55 in accordance with the intent and purpose of this chapter and that the  
56 public convenience and advantage will be promoted by granting such

1 foreign banking corporation leave to do business in this state, shall  
2 [submit such application to the superintendent of financial services  
3 together with a summary of the results of such investigation. If three-  
4 fifths of the members of the board shall vote for approval of such  
5 application, the superintendent shall] execute and issue a license under  
6 the official seal of the department authorizing such applicant to carry  
7 on such business at the place designated in the license. Such license  
8 shall be executed in triplicate and the superintendent shall cause one  
9 copy to be transmitted to the applicant, another to be filed in the  
10 office of the department and the third to be filed in the office of the  
11 clerk of the county in which the place of business designated in such  
12 license is located. A license issued to such foreign banking corporation  
13 pursuant to this section shall remain in full force and effect until  
14 surrendered or revoked.

15 S 7. Subdivision 3 of section 32 of the banking law, as added by chap-  
16 ter 618 of the laws of 1976 and as further amended by section 104 of  
17 part A of chapter 62 of the laws of 2011, is amended to read as follows:

18 3. Notwithstanding the foregoing provisions of this section, the  
19 superintendent [of financial services] shall have the power[, by a  
20 three-fifths vote of all its members,] to promulgate such [general or  
21 specific] regulations as [it] THE SUPERINTENDENT deems necessary and  
22 proper (a) to implement and define the provisions of this section, (b)  
23 to exempt from the requirements of this section any banking organization  
24 which does not receive deposits or share accounts from the general  
25 public, and (c) for good cause shown, to extend for up to two years the  
26 period within which any banking organization must comply with the  
27 requirements of subdivision one of this section.

28 S 8. Subdivision 3 of section 39 of the banking law, as amended by  
29 section 1 of part FF of chapter 59 of the laws of 2004 and as further  
30 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
31 amended to read as follows:

32 3. To make good impairment of capital or to ensure compliance with  
33 financial requirements. Whenever it shall appear to the superintendent  
34 that the capital or capital stock of any banking organization, bank  
35 holding company or any subsidiary thereof which is organized, licensed  
36 or registered pursuant to this chapter, is impaired, or the financial  
37 requirements imposed by subdivision one of section two hundred two-b of  
38 this chapter or any regulation of the superintendent [or the superinten-  
39 dent of financial services] on any branch or agency of a foreign banking  
40 corporation or the financial requirements imposed by this chapter or any  
41 regulation of the superintendent [or superintendent of financial  
42 services] on any licensed lender, registered mortgage broker, licensed  
43 mortgage banker, licensed casher of checks, licensed sales finance  
44 company, licensed insurance premium finance agency, licensed transmitter  
45 of money, licensed budget planner or private banker are not satisfied,  
46 [he or she] THE SUPERINTENDENT may, in [his or her] THE SUPERINTENDENT'S  
47 discretion, issue an order directing that such banking organization,  
48 bank holding company, branch or agency of a foreign banking corporation,  
49 registered mortgage broker, licensed mortgage banker, licensed lender,  
50 licensed casher of checks, licensed sales finance company, licensed  
51 insurance premium finance agency, licensed transmitter of money,  
52 licensed budget planner, or private banker make good such deficiency  
53 forthwith or within a time specified in such order.

54 S 9. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision 2  
55 of section 44 of the banking law, paragraph (a) of subdivision 1 as  
56 amended by chapter 123 of the laws of 2009, paragraph (a) of subdivision

2 as amended by chapter 702 of the laws of 2006, and such paragraphs as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

(a) Without limiting any power granted to the superintendent under any other provision of this chapter, the superintendent may, in a proceeding after notice and a hearing, require any safe deposit company, licensed lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed mortgage banker, registered mortgage broker, licensed mortgage loan originator, registered mortgage loan servicer or licensed budget planner to pay to the people of this state a penalty for any violation of this chapter, any regulation promulgated thereunder, any final or temporary order issued pursuant to section thirty-nine of this article, any condition imposed in writing by the superintendent [or superintendent of financial services] in connection with the grant of any application or request, or any written agreement entered into with the superintendent.

(a) Without limiting any power granted to the superintendent under any other provision of this chapter, the superintendent may, in a proceeding after notice and hearing, require any banking organization, bank holding company out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to maintain a branch, agency or representative office in this state to pay to the people of this state a penalty for any violation of this chapter, any regulation promulgated thereunder, any final or temporary order issued pursuant to section thirty-nine of this article, any condition imposed in writing by the superintendent [or superintendent of financial services] in connection with the grant of any application or request, or any written agreement entered into with the superintendent. For purposes of this section, any reference to a "banking organization" shall be deemed to exclude a safe deposit company and any reference to a "foreign bank licensee" shall be deemed to include an out-of-state state bank that maintains a branch or branches or representative or other offices in this state and a foreign banking corporation licensed to maintain a branch, agency or representative office in this state.

S 10. Subdivision 10 of section 96 of the banking law, as amended by chapter 259 of the laws of 1994 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

10. To exercise, subject to such regulations as may be issued from time to time by the superintendent [of financial services], through any foreign branch office (other than one opened or occupied in another state of the United States, the District of Columbia, any territory of the United States, Guam, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands) opened and occupied with the approval of the superintendent [and the superintendent of financial services] as provided in section one hundred five of this [chapter] ARTICLE, such further powers as may be usual in connection with the transaction of the business of banking in the place where such foreign branch office shall transact business, provided that no such foreign branch office shall engage in the general business of producing, distributing, buying or selling goods, wares, or merchandise, nor, except with respect to securities issued by any foreign nation or any political subdivision, agency or instrumentality thereof, engage or participate, directly or indirectly, in the business of underwriting, selling or distributing securities.

1 S 11. The opening paragraph of subdivision 5 of section 97 of the  
2 banking law, as amended by chapter 566 of the laws of 2004 and such  
3 subdivision as further amended by section 104 of part A of chapter 62 of  
4 the laws of 2011, is amended to read as follows:

5 So much of the capital stock of, or any other equity interest in, any  
6 other corporations, partnerships, unincorporated associations, limited  
7 liability companies, or other entities as may be specifically authorized  
8 by the laws of this state or by [resolution of] the superintendent [of  
9 financial services], or [by] regulations promulgated by the superinten-  
10 dent [of financial services, upon a three-fifths vote of all its  
11 members].

12 S 12. Paragraph (d) of subdivision 1 of section 98 of the banking law,  
13 as amended by chapter 512 of the laws of 1977 and as further amended by  
14 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
15 read as follows:

16 (d) Such [as may be specifically authorized by resolution of the  
17 superintendent of financial services upon a three-fifths vote of all its  
18 members, provided, however, that the superintendent of financial  
19 services upon a three-fifths vote of all its members may delegate to the  
20 superintendent the authority to approve the] purchase, lease, conveyance  
21 or other acquisition or sale of real property which is located outside  
22 the United States, its territories and possessions, and which is used  
23 principally as the residence of one or more directors, officers, or  
24 employees of the bank or trust company AS MAY BE SPECIFICALLY APPROVED  
25 BY THE SUPERINTENDENT.

26 S 13. Subdivision 2 of section 104 of the banking law, as amended by  
27 chapter 664 of the laws of 1958 and as further amended by section 104 of  
28 part A of chapter 62 of the laws of 2011, is amended to read as follows:

29 2. The stocks, bonds and other interest-bearing securities purchased  
30 by a bank or trust company shall be entered on its books at the actual  
31 cost thereof, and shall not thereafter be carried upon the books at a  
32 valuation exceeding their cost as adjusted by amortization for the  
33 purpose of bringing them to par at maturity except that the same may be  
34 carried at cost if appropriate amortization reserve is set up for the  
35 purpose of bringing them to par at maturity. Where securities purchased  
36 at a premium are callable prior to maturity, the rate of amortization  
37 thereof shall be increased where necessary to such extent as shall  
38 reduce the amount at which such securities are carried upon the books to  
39 the call price at the date or dates upon which a call may be made;  
40 provided, however, that no adjustment for amortization or amortization  
41 reserve shall be required to be made on the books except when net  
42 profits are computed. The superintendent [of financial services] may by  
43 [general] regulation [adopted by a three-fifths vote of all its members]  
44 vary the requirements of this subdivision to permit the amortization of  
45 premiums at the same rate as that required by federal tax statutes or  
46 regulations.

47 S 14. Paragraphs (a) and (c) of subdivision 8 of section 108 of the  
48 banking law, as added by chapter 344 of the laws of 1974, such subdivi-  
49 sion as renumbered by chapter 512 of the laws of 1977 and as further  
50 amended by section 104 of part A of chapter 62 of the laws of 2011, are  
51 amended to read as follows:

52 (a) The superintendent [of financial services] shall have the power[,  
53 by a three-fifths vote of all its members,] to prescribe by regulation  
54 (i) the maximum charge which may be imposed in this state by a bank or  
55 trust company in connection with a check or other written order drawn  
56 upon it on insufficient funds, irrespective of whether the instrument is

1 paid, accepted, or returned by the bank, and (ii) the maximum charge  
2 which may be imposed in this state by a bank or trust company in  
3 connection with a check or other written order received by it for depos-  
4 it or collection and subsequently dishonored and returned for any reason  
5 by the drawee.

6 (c) In prescribing a maximum charge pursuant to paragraph (a) of this  
7 subdivision, the superintendent [of financial services] shall consider  
8 the following factors: (i) the cost of processing an overdraft or  
9 returned check or order, as the case may be, (ii) the charge necessary  
10 to deter overdrafts or returned checks or orders, as the case may be,  
11 and (iii) such other economic or cost factors that the superintendent  
12 [of financial services] shall deem to be appropriate. Prior to the  
13 [superintendent of financial services'] SUPERINTENDENT'S prescribing any  
14 such maximum charge, the superintendent shall [make] ISSUE a written  
15 [recommendation to the superintendent of financial services] DETERMI-  
16 NATION as to such maximum charge, reciting the cost and other data upon  
17 which [his recommendation] THE DETERMINATION is based.

18 S 15. Paragraph (c) of subdivision 7 of section 130 of the banking  
19 law, as added by chapter 299 of the laws of 1969 and as further amended  
20 by section 104 of part A of chapter 62 of the laws of 2011, is amended  
21 to read as follows:

22 (c) The superintendent [of financial services] shall have power [by  
23 three-fifths vote of all its members] to adopt such regulations as [it]  
24 THE SUPERINTENDENT shall deem necessary or proper to implement the  
25 provisions of this section.

26 S 16. Section 140-a of the banking law, as amended by chapter 291 of  
27 the laws of 1987 and as further amended by section 104 of part A of  
28 chapter 62 of the laws of 2011, is amended to read as follows:

29 S 140-a. Stock option plans. Subject to such regulations and  
30 restrictions as may be prescribed by the superintendent [of financial  
31 services by a three-fifths vote of all the members thereof], every bank  
32 and every trust company may grant options to purchase authorized and  
33 unissued shares of its capital stock to officers, directors and employ-  
34 ees, for a consideration as authorized by section five thousand four of  
35 this chapter of not less than one hundred per cent of the fair market  
36 value of the shares on the date the option is granted, pursuant to the  
37 terms of a stock option plan which has previously been adopted by the  
38 board of directors of the bank or trust company and approved by the  
39 holders of a majority of the outstanding shares of capital stock of the  
40 bank or trust company and by the superintendent. Stock options issued  
41 hereunder shall not extend beyond a period of ten years from date of  
42 issuance.

43 S 17. Paragraph (b) of subdivision 2 of section 143 of the banking  
44 law, as amended by chapter 217 of the laws of 2010 and as further  
45 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
46 amended to read as follows:

47 (b) The superintendent [of financial services] shall have the power to  
48 determine by regulation who shall be considered, under the provisions of  
49 this subdivision, to be an executive officer, and by [a general or  
50 specific] regulation[, upon a three-fifths vote of all its members,] to  
51 grant permission to an executive officer of a bank holding company to be  
52 at the same time an executive officer, director or trustee or both an  
53 executive officer and a director or a trustee of another bank holding  
54 company or of a bank or trust company, savings bank, savings and loan  
55 association, national bank located in this state, federal savings and  
56 loan association located in this state or foreign banking corporation



maintaining a branch in this state. Such permission may be granted only if in the judgment of the superintendent [of financial services] such service by the executive officer will be consistent with the policy of the state of New York as declared in section ten of this chapter. The superintendent [of financial services] shall have the power to revoke such permission [by a like vote] whenever [it] THE SUPERINTENDENT finds, after a reasonable notice and an opportunity to be heard, that the public interest requires such revocation.

S 18. Subdivision 3 of section 143-a of the banking law, as amended by chapter 217 of the laws of 2010 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

3. If no action to be taken pursuant to the plan of acquisition requires [the prior] approval of the superintendent [of financial services] pursuant to section one hundred forty-three-b of this article, the superintendent shall approve or disapprove of a proposed plan of acquisition within one hundred twenty days after the submission of such plan of acquisition, and in determining whether or not to approve any such plan the superintendent shall take into consideration the declaration of policy contained in section ten of this chapter. [If any action to be taken pursuant to the plan of acquisition requires such prior approval of the superintendent of financial services, the superintendent shall submit such plan of acquisition together with his or her recommendations in regard thereto and all papers, correspondence and other information in his or her possession and relating thereto, to the superintendent of financial services for its approval or disapproval as part of the application submitted to it pursuant to such section one hundred forty-three-b.] If the superintendent [or the superintendent of financial services, as required,] shall approve such plan of acquisition, the superintendent shall file the plan, together with such certificates and the original of the approval of the superintendent [or a certified copy of the approving resolution of the superintendent of financial services,] in the office of the superintendent. Upon such filing in the office of the superintendent, the plan, and the acquisitions provided for therein, shall become effective, unless a later date is specified in the plan, in which event the plan and such acquisitions shall become effective upon such later date.

S 19. Subdivisions 1, 2 and 3 of section 143-b of the banking law, subdivision 1 as amended by chapter 217 of the laws of 2010, subdivision 2 as amended by section 20 of part O of chapter 59 of the laws of 2006, subdivision 3 as amended by chapter 793 of the laws of 1980 and such subdivisions as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

1. It shall be unlawful except with the prior approval of the superintendent [of financial services by a three-fifths vote of all the members thereof] for any company to acquire control of any banking institution, directly or indirectly, provided, however, that the provisions of this section shall not apply to a company which has submitted to the superintendent a plan of acquisition pursuant to section one hundred forty-three-a of this article for an acquisition not involving a change of control of the banking institution. As used in this section, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a banking institution, whether through the ownership of voting stock of such banking institution, the ownership of voting stock of any company which possesses such power or otherwise. Control shall be presumed to exist if any company, directly or indirectly, owns,

1 controls or holds with the power to vote ten per centum or more of the  
2 voting stock of any banking institution or of any company which owns,  
3 controls or holds with power to vote ten per centum or more of the  
4 voting stock of such banking institution, but no person shall be deemed  
5 to control a banking institution solely by reason of his or her being an  
6 officer or director of such banking institution or company. The super-  
7 intendent may in [his or her] THE SUPERINTENDENT'S discretion, upon the  
8 application of a banking institution or any company which, directly or  
9 indirectly, owns, controls or holds with power to vote or seeks to own,  
10 control or hold with power to vote any voting stock of such banking  
11 institution, determine whether or not the ownership, control or holding  
12 of such voting stock would constitute control of such banking institu-  
13 tion for purposes of this section.

14 2. A company desiring to acquire control of a banking institution may  
15 file application therefor, in writing, with the superintendent and pay  
16 an investigation fee as prescribed pursuant to section eighteen-a of  
17 this chapter to the superintendent. The application shall contain such  
18 information as the superintendent [or superintendent of financial  
19 services], by rule or regulation, may prescribe as necessary or appro-  
20 priate for the purpose of making the determination required by subdivi-  
21 sion three of this section.

22 3. Upon receipt of such application, the superintendent shall post  
23 notice of the receipt thereof upon the bulletin board of the department  
24 of financial services. The superintendent shall [submit such application  
25 together with his recommendation in regard thereto and all papers,  
26 correspondence and other information in his possession and relating  
27 thereto, to the superintendent of financial services which shall] by  
28 order grant or deny the application and shall state the reasons for such  
29 grant or denial. [An order granting such application may be made only by  
30 three-fifths votes of all the members thereof.] An order shall be issued  
31 within one hundred twenty days after the date of the submission of the  
32 application to the superintendent and a copy thereof shall be posted  
33 upon the bulletin board of the department of financial services. In  
34 determining whether or not to approve any such application, the super-  
35 intendent [of financial services] shall take into consideration (i) the  
36 declaration of policy contained in section ten of the chapter, (ii)  
37 whether the effect of such action shall be consistent with adequate or  
38 sound banking and the preservation thereof, or result in a consolidation  
39 of assets beyond limits consistent with effective competition, (iii)  
40 whether such acquisition of control may result in such a lessening of  
41 competition as to be injurious to the interest of the public or tend  
42 toward monopoly, and (iv) primarily, the public interest and the needs  
43 and convenience thereof.

44 S 20. Section 195 of the banking law, as added by chapter 1064 of the  
45 laws of 1960 and as further amended by section 104 of part A of chapter  
46 62 of the laws of 2011, is amended to read as follows:

47 S 195. Rules, regulations and orders. The superintendent [of financial  
48 services by a three-fifths vote of all the members thereof] shall have  
49 power to adopt, amend and enforce such rules, regulations and orders as  
50 [it] THE SUPERINTENDENT may deem necessary to enable [it] THE SUPER-  
51 INTENDENT to administer and carry out the provisions of this article and  
52 to prevent evasions thereof.

53 S 21. Subdivision 1 of section 201-a of the banking law, as amended by  
54 chapter 120 of the laws of 1968 and as further amended by section 104 of  
55 part A of chapter 62 of the laws of 2011, is amended to read as follows:

1 1. When the superintendent shall have issued a license as provided in  
2 section twenty-six of this chapter to any such foreign banking corpo-  
3 ration, it may engage in the business specified in sections two hundred  
4 and two hundred one of this article either as an agency or as a branch  
5 at the location specified in such license for a period not exceeding one  
6 year from the date of such license or, if such license so provides,  
7 until such license is surrendered or revoked. A license issued for a  
8 period not exceeding one year may, upon the approval of the superinten-  
9 dent [and the superintendent of financial services], be renewed as  
10 provided in section twenty-six of this chapter. No such license shall be  
11 transferable or assignable. Every such license shall be at all times  
12 conspicuously displayed in the place of business specified therein. In  
13 the event that such license shall have been revoked by the superinten-  
14 dent, as provided in article two of this chapter, it shall be surren-  
15 dered to the superintendent within twenty-four hours after such corpo-  
16 ration has received written notice of such revocation.

17 S 22. Subdivisions 1 and 2 of section 202-b of the banking law, as  
18 amended by chapter 131 of the laws of 2002 and subdivision 2 as amended  
19 by chapter 496 of the laws of 1993 and such subdivisions as further  
20 amended by section 104 of part A of chapter 62 of the laws of 2011, are  
21 amended to read as follows:

22 1. Upon opening a branch or agency and thereafter, a foreign banking  
23 corporation licensed pursuant to article two of this chapter shall keep  
24 on deposit, in accordance with such rules and regulations as the super-  
25 intendent [of financial services] SHALL ADOPT shall from time to time  
26 [promulgate by a three-fifths vote of all the members thereof], with  
27 such banks or trust companies or private bankers or national banks in  
28 the state of New York as such foreign banking corporation may designate  
29 and the superintendent may approve, interest-bearing stocks and bonds,  
30 notes, debentures, or other obligations of the United States or any  
31 agency or instrumentality thereof, or guaranteed by the United States,  
32 or of this state, or of a city, county, town, village, school district,  
33 or instrumentality of this state or guaranteed by this state, or dollar  
34 deposits, or obligations of the International Bank for Reconstruction  
35 and Development, or obligations issued by the Inter-American Development  
36 Bank, or obligations of the Asian Development Bank, or obligations  
37 issued by the African Development Bank, or obligations issued by the  
38 International Finance Corporation, or bonds, notes, debentures, or other  
39 obligations issued by or guaranteed by the Federal Home Loan Mortgage  
40 Corporation (Freddie Mac) or by the Federal National Mortgage Corpo-  
41 ration (Fannie Mae), or bonds, notes, debentures, or other obligations  
42 issued by or guaranteed by the Student Loan Marketing Association  
43 (SALLIE MAE) or all bonds, notes, debentures, or other obligations  
44 issued by or guaranteed by a federal home loan bank, or bonds, notes,  
45 debentures or other obligations of any unaffiliated issuer provided  
46 that, at the time of such investment, the obligation has received the  
47 highest rating of an independent rating service designated by the super-  
48 intendent [of financial services] or, if the obligation is rated by more  
49 than one such service, the highest rating of at least two such services,  
50 or such other assets as the superintendent shall by rule or regulation  
51 permit, to an aggregate amount to be determined by the superintendent,  
52 based upon principal amount or market value, whichever is lower, in the  
53 case of the above-described securities, and subject to such limitations  
54 as [he or she] THE SUPERINTENDENT shall prescribe; provided, however,  
55 that the superintendent may determine, in [his or her] THE SUPERINTEN-  
56 DENT'S discretion, that any such bonds, notes, debentures or other obli-

gations of a particular issuer are not acceptable for purposes of meeting the requirements of this subdivision. The superintendent may from time to time require that the assets deposited pursuant to this subdivision may be maintained by the foreign banking corporation at such amount, in such form and subject to such conditions as he or she shall deem necessary or desirable for the maintenance of a sound financial condition, the protection of depositors and the public interest, and to maintain public confidence in the business of such branch or branches or such agency or agencies. The superintendent may give credit to reserves required to be maintained with a federal reserve bank in or outside the state of New York pursuant to federal law, subject to such rules and regulations as the superintendent may from time to time promulgate. So long as it shall continue business in the ordinary course, such foreign banking corporation shall be permitted to collect interest on the securities so deposited and from time to time exchange, examine and compare such securities.

2. Each foreign banking corporation shall hold in this state currency, bonds, notes, debentures, drafts, bills of exchange or other evidences of indebtedness, including loan participation agreements or certificates, or other obligations payable in the United States or in United States funds or, with the prior approval of the superintendent, in funds freely convertible into United States funds, or such other assets as the superintendent shall by rule or regulation permit, in an amount which shall bear such relationship as the superintendent [of financial services] shall by regulation prescribe to liabilities of such foreign banking corporation appearing in the books, accounts or records of its agency, agencies, branch or branches in this state as liabilities of such agency, agencies, branch or branches, including acceptances and such other liabilities (including contingent liabilities) as the superintendent shall determine, but excluding amounts due and other liabilities to other offices, agencies or branches of, and affiliates of, such foreign banking corporation. As used in this subdivision, (i) "affiliate" shall mean any person or entity, or group of persons or entities acting in concert, that controls, is controlled by or is under common control with such foreign banking corporation and (ii) "control" means any person, or group of persons acting in concert, directly or indirectly, owning, controlling or holding with power to vote, more than fifty percent of the voting stock of a company, or having the ability in any manner to elect a majority of the directors of a company, or otherwise exercising a controlling influence over the management and policies of a company as defined by the superintendent by regulation. For purposes of this subdivision, the term "person" shall mean a corporation, unincorporated association, partnership, or any other entity or individual. For the purposes of this subdivision [two], the superintendent shall value marketable securities at principal amount or market value, whichever is lower, shall have the right to determine the value of any non-marketable bond, note, debenture, draft, bill of exchange, other evidence of indebtedness, including loan participation agreements or certificates, or of any other asset or obligation held by or owed to the foreign banking corporation or its agency, agencies, branch or branches within the state, and in determining the amount of assets for the purpose of computing the above ratio of assets to liabilities, shall have the power to exclude in whole or in part any particular asset. If, by reason of the existence or the potential occurrence of unusual and extraordinary circumstances, the superintendent deems it necessary or desirable for the maintenance of a sound financial condition, the protection of depos-

itors, creditors and the public interest, and to maintain public confidence in the business of the agency, agencies, branch or branches of a foreign banking corporation, [he] THE SUPERINTENDENT may, subject to such terms and conditions as [he] THE SUPERINTENDENT may prescribe, require such foreign banking corporation to deposit the assets required to be held in this state pursuant to this subdivision two with such banks or trust companies or private bankers or national banks located in this state, as the superintendent may designate.

S 23. Subdivisions 1, 2 and 3 of section 209 of the banking law, as amended by chapter 217 of the laws of 2010 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

1. No executive officer of a foreign banking corporation maintaining a branch in this state may be an executive officer, director or trustee of a bank or trust company, savings bank, savings and loan association, national bank, federal savings bank or federal savings association, the principal office of which institution is located in this state, bank holding company or another foreign banking corporation maintaining a branch in this state, unless permission therefor has been granted by the superintendent [of financial services] pursuant to the provisions of subdivision three of this section, except that an executive officer of a foreign banking corporation maintaining a branch in this state which is a subsidiary of a bank holding company may be (i) an executive officer and (ii) a director of the bank holding company of which such foreign banking corporation is a subsidiary, and of one or more of the banking institutions which are subsidiaries of such bank holding company.

2. No executive officer of a national bank, federal savings bank or federal savings association, the principal office of which institution is located in this state, may be an executive officer, director or trustee of a bank or trust company, savings bank, savings and loan association, bank holding company or foreign banking corporation maintaining a branch in this state, unless permission therefor has been granted by the superintendent [of financial services] pursuant to the provisions of subdivision three of this section, except that (1) an executive officer of a national bank located in this state, which is a subsidiary of a bank holding company may be (i) an executive officer and (ii) a director of the bank holding company and of one or more banking institutions which are subsidiaries of such bank holding company.

3. The superintendent [of financial services] shall have the power to determine by regulation who shall be considered, under the provisions of this subdivision, to be an executive officer, and by [a general or specific] regulation, [upon a three-fifths vote of all its members,] to grant permission to an executive officer of a foreign banking corporation maintaining a branch in this state and to an executive officer of a national bank located in this state, to be at the same time an executive officer, trustee or director or both an executive officer and a trustee or director of a bank or trust company, savings bank, savings and loan association, national bank, federal savings bank or federal savings association, the principal office of which is located in this state, bank holding company, and foreign banking corporation maintaining a branch in this state. Such permission may be granted only if in the judgment of the superintendent [of financial services] such service by the executive officer will be consistent with the policy of the state of New York as declared in section ten of this chapter. The superintendent [of financial services] shall have the power to revoke such permission [by a like vote] whenever [it] THE SUPERINTENDENT finds, after reason-

1 able notice and an opportunity to be heard, that the public interest  
2 requires such revocation.

3 S 24. Paragraph (ee) of subdivision 26 of section 235 of the banking  
4 law, as added by chapter 231 of the laws of 1964 and as further amended  
5 by section 104 of part A of chapter 62 of the laws of 2011, is amended  
6 to read as follows:

7 (ee) Stock of any "bank service corporation", as such term is defined  
8 by an act of congress of the United States, entitled the "Bank Service  
9 Corporation Act", approved October twenty-third, nineteen hundred  
10 sixty-two, as such act may be amended from time to time, provided such  
11 investment shall have been authorized by [resolution of] the superinten-  
12 dent [of financial services upon a three-fifths vote of all its  
13 members].

14 S 25. Subdivision 2 of section 242 of the banking law, as amended by  
15 chapter 664 of the laws of 1958 and as further amended by section 104 of  
16 part A of chapter 62 of the laws of 2011, is amended to read as follows:

17 2. The stocks, bonds, promissory notes or other interest-bearing obli-  
18 gations purchased by a savings bank shall be entered on its books at the  
19 actual cost thereof, and shall not thereafter be carried upon the books  
20 at a valuation exceeding their cost as adjusted by amortization for the  
21 purpose of bringing them to par at maturity; and where securities  
22 purchased at a premium are callable prior to maturity, the rate of amor-  
23 tization thereof shall be increased when necessary to such extent as  
24 shall reduce the amount at which such securities are carried upon the  
25 books to the call price at the date or dates upon which a call may be  
26 made. No adjustment for amortization shall be required to be made on the  
27 books except when the books are closed for the purpose of computing net  
28 earnings. The superintendent [of financial services] may by [general]  
29 regulation [adopted by a three-fifths vote of all its members] vary the  
30 requirements of this subdivision to permit the amortization of premiums  
31 at the same rate as that required by federal tax statutes or regu-  
32 lations.

33 S 26. Paragraphs (a) and (b) of subdivision 5 of section 247 of the  
34 banking law, as amended by chapter 217 of the laws of 2010 and as  
35 further amended by section 104 of part A of chapter 62 of the laws of  
36 2011, are amended to read as follows:

37 (a) No executive officer of a savings bank may be an executive offi-  
38 cer, director or trustee of another savings bank, or of a bank or trust  
39 company, savings and loan association, national bank, federal savings  
40 bank or federal savings association, the principal office of which  
41 institution is located in this state, bank holding company or foreign  
42 banking corporation maintaining a branch in this state, unless permis-  
43 sion therefor has been granted by the superintendent [of financial  
44 services] pursuant to the provisions of paragraph (b) of this subdivi-  
45 sion.

46 (b) The superintendent [of financial services] shall have the power to  
47 determine by regulation who shall be considered, under the provisions of  
48 this subdivision, to be an executive officer, and by [a general or  
49 specific] regulation, [upon a three-fifths vote of all its members,] to  
50 grant permission to an executive officer of a savings bank to be an  
51 executive officer, director or trustee or both an executive officer and  
52 director or trustee of another savings bank or a bank or trust company,  
53 savings and loan association, national bank, federal savings bank or  
54 federal savings association, the principal office of which institution  
55 is located in this state, bank holding company or foreign banking corpo-  
56 ration maintaining a branch in this state. Such permission may be grant-

ed only if in the judgment of the superintendent [of financial services] such service by the executive officer will be consistent with the policy of the state of New York as declared in section ten of this chapter. The superintendent [of financial services] shall have the power to revoke such permission [by a like vote] whenever [it] THE SUPERINTENDENT finds, after reasonable notice and an opportunity to be heard, that the public interest requires such revocation.

S 27. Subdivision 6 of section 251 of the banking law, as added by chapter 849 of the laws of 1964 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

6. Any officer elected or appointed by the board may be removed by the board, or his authority suspended by it, with or without cause. Such removal or suspension without cause, however, shall be without prejudice to his contract rights. The election or appointment of an officer shall not be deemed of itself to create contract rights. This subdivision does not affect the powers of the superintendent [or the superintendent of financial services] under section forty-one of this chapter.

S 28. The opening paragraph and paragraph (d) of subdivision 2 of section 293 of the banking law, the opening paragraph as added by chapter 762 of the laws of 1989, paragraph (d) as amended by chapter 291 of the laws of 2001 and such paragraphs as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

Notwithstanding any inconsistent provisions of section fourteen-e, six hundred, six hundred one, six hundred one-a or six hundred one-b of this chapter, subject to [general] regulations [promulgated by] OF the superintendent [of financial services], a mutual holding company may:

(d) engage in any other acquisition or combination specifically permitted by [general] regulations [promulgated by or specific resolution] of the superintendent [of financial services]; provided, however, that any such regulation [promulgated by, or specific resolution, of the superintendent of financial services] shall only authorize activities which are authorized by the provisions of the Bank Holding Company Act of 1956, as amended, (title twelve United States Code, Section 1841, et seq.) and the provisions applicable, to mutual holding companies under the Home Owners Loan Act, as amended, (title twelve United States Code, Section 1467a) and any regulations or rules of the Federal Reserve Board and the federal Office of Thrift Supervision pursuant thereto, respectively, to the extent such authorized activities are not otherwise limited or prohibited by this chapter.

S 29. Subdivision 2 and the opening paragraph of subdivision 4 of section 384 of the banking law, subdivision 2 as amended by chapter 247 of the laws of 1959, the opening paragraph of subdivision 4 as amended by chapter 360 of the laws of 1984 and such subdivision and opening paragraph as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

2. The stocks, bonds or other interest-bearing obligations purchased by a savings and loan association shall be entered on its books at the actual cost thereof, and shall not thereafter be carried upon its books at a valuation exceeding their cost as adjusted by amortization for the purpose of bringing them to par at maturity; and where securities purchased at a premium are callable prior to maturity, the rate of amortization thereof shall be increased when necessary to such extent as shall reduce the amount at which such securities are carried upon the books to the call price at the date or dates upon which a call may be made. No adjustment for amortization shall be required to be made on the

books, except when the books are closed for the purpose of computing profits. The superintendent [of financial services] may by [general] regulation [adopted by a three-fifths vote of all its members] vary the requirements of this subdivision to permit the amortization of premiums at the same rate as that required by federal tax statutes or regulations.

Real estate acquired by an association other than that acquired for use as a place of business, shall be entered on the books of the association in conformity with the method of accounting for troubled debt restructurings approved by the financial accounting standards board or such other method of accounting as may be authorized or required by rules and regulations of the superintendent [of financial services].

S 30. Subdivision 7 of section 397 of the banking law, as added by chapter 849 of the laws of 1964 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

7. Any officer elected or appointed by the board may be removed by the board, or his authority suspended by it, with or without cause. Such removal or suspension without cause, however, shall be without prejudice to his contract rights. The election or appointment of an officer shall not be deemed of itself to create contract rights. This subdivision does not affect the powers of the superintendent [or the superintendent of financial services] under section forty-one of this chapter.

S 31. Paragraph (b) of subdivision 5 of section 399 of the banking law, as amended by chapter 217 of the laws of 2010 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(b) The superintendent [of financial services] shall have the power to determine by regulation who shall be considered, under the provisions of this subdivision, to be an executive officer, and by [a general or specific] regulation, [upon a three-fifths vote of all its members], to grant permission to an executive officer of a savings and loan association to be an executive officer, director or trustee or both an executive officer and a director or a trustee of another savings and loan association, bank or trust company, savings bank, national bank, federal savings bank or federal savings association, the principal office of which is located in this state, bank holding company or foreign banking corporation maintaining a branch in this state. Such permission may be granted only if in the judgment of the superintendent [of financial services] such service by the executive officer will be consistent with the policy of the state of New York as declared in section ten of this chapter. The superintendent [of financial services] shall have the power to revoke such permission [by a like vote] whenever [it] THE SUPERINTENDENT finds, after reasonable notice and an opportunity to be heard, that the public interest requires such revocation.

S 32. Subdivisions 1 and 2 of section 399-a of the banking law, as amended by chapter 217 of the laws of 2010 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

1. No executive officer of a federal savings bank or federal savings association the principal office of which institution is located in this state may be an executive officer, director or trustee of a savings and loan association, bank or trust company, savings bank, bank holding company or foreign banking corporation maintaining a branch in this state, unless permission therefor has been granted by the superintendent [of financial services] pursuant to subdivision two of this section, provided, however, that an executive officer of a federal savings and



1 loan association located in this state, who on the effective date of  
2 this section is an executive officer, director or trustee of a savings  
3 and loan association, bank or trust company, savings bank, bank holding  
4 company or foreign banking corporation maintaining a branch in this  
5 state, may continue to hold such other office without permission from  
6 the superintendent [of financial services], until the expiration of the  
7 term of such office or the close of business on the last day of Decem-  
8 ber, nineteen hundred seventy-four, whichever occurs sooner.

9 2. The superintendent [of financial services] shall have the power to  
10 determine by regulation who shall be considered, under the provisions of  
11 this subdivision, to be an executive officer, and by [a general or  
12 specific] regulation[, upon a three-fifths vote of all its members,] to  
13 grant permission to an executive officer of a federal savings bank or  
14 federal savings association located in this state, to be at the same  
15 time an executive officer, director or trustee, or both an executive  
16 officer and a director or trustee of a savings and loan association,  
17 bank or trust company, savings bank, bank holding company, and foreign  
18 banking corporation maintaining a branch in this state. Such permission  
19 may be granted only if in the judgment of the superintendent [of finan-  
20 cial services] such service by the executive officer will be consistent  
21 with the policy of the state of New York as declared in section ten of  
22 this chapter. The superintendent [of financial services] shall have the  
23 power to revoke such permission [by a like vote] whenever [it] THE  
24 SUPERINTENDENT finds, after reasonable notice and an opportunity to be  
25 heard, that the public interest requires such revocation.

26 S 33. Section 412 of the banking law, as amended by section 9 of part  
27 D-1 of chapter 109 of the laws of 2006 and as further amended by section  
28 104 of part A of chapter 62 of the laws of 2011, is amended to read as  
29 follows:

30 S 412. Conversion of federal savings institutions to state charter.  
31 The superintendent [of financial services] is authorized[, by a three-  
32 fifths vote of all its members,] to promulgate such regulations as are  
33 necessary to permit the conversion of any federal savings association or  
34 federal savings and loan association to state charter where such conver-  
35 sion is not otherwise governed by the provisions of this chapter.  
36 Subject to the foregoing, such regulations may provide for the conver-  
37 sion of a federal savings association or federal savings and loan asso-  
38 ciation, whether in mutual or stock form, into a state-chartered savings  
39 bank or state-chartered savings and loan association. The federal  
40 savings association shall submit a written plan of conversion to the  
41 superintendent, together with an investigation fee as prescribed pursu-  
42 ant to section eighteen-a of this chapter.

43 S 34. The opening paragraph of subdivision 6 of section 508 of the  
44 banking law, as amended by chapter 360 of the laws of 1984 and as  
45 further amended by section 104 of part A of chapter 62 of the laws of  
46 2011, is amended to read as follows:

47 To exercise, subject to such regulations as may be issued from time to  
48 time by the superintendent [of financial services], through any branch  
49 office opened and occupied outside the states of the United States and  
50 the District of Columbia with the approval of the superintendent [and  
51 the superintendent of financial services] as provided in article two of  
52 this chapter, such further powers as may be usual, in connection with  
53 the transaction of the business permitted by this article, in the place  
54 where such branch office shall transact business; provided that no such  
55 branch office shall engage in the general business of producing,  
56 distributing, buying or selling goods, wares, or merchandise.

1 S 35. The opening paragraph of section 550 of the banking law, as  
2 amended by chapter 833 of the laws of 1969 and as further amended by  
3 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
4 read as follows:

5 When authorized by the superintendent as provided in article two of  
6 this chapter, five or more persons may form a corporation to be known as  
7 a mutual trust investment company. Such persons shall subscribe and  
8 acknowledge and submit to the superintendent [of financial services] at  
9 [his] THE SUPERINTENDENT'S office an organization certificate in dupli-  
10 cate which shall specifically state:

11 S 36. Paragraphs (a) and (e) of subdivision 1, paragraphs (a), (b) and  
12 (b-1) of subdivision 2, the opening and closing paragraphs of subdivi-  
13 sion 3, paragraphs (b), (c) and (d) of subdivision 5 and subdivision 6  
14 of section 590 of the banking law, paragraph (a) of subdivision 1 and  
15 paragraphs (b) and (b-1) of subdivision 2 as amended by chapter 507 of  
16 the laws of 2009, paragraph (e) of subdivision 1 as added by chapter 571  
17 of the laws of 1986, paragraph (a) of subdivision 2, the opening and  
18 closing paragraphs of subdivision 3 and paragraphs (b), (c) and (d) of  
19 subdivision 5 as amended by chapter 472 of the laws of 2008, subdivision  
20 6 as amended by chapter 293 of the laws of 1987 and such provisions as  
21 further amended by section 104 of part A of chapter 62 of the laws of  
22 2011, are amended to read as follows:

23 (a) "Mortgage loan" shall mean a loan to a natural person made prima-  
24 rily for personal, family or household use, secured by either a mortgage  
25 or deed of trust on residential real property, any certificate of stock  
26 or other evidence of ownership in, and proprietary lease from, a corpo-  
27 ration or partnership formed for the purpose of cooperative ownership of  
28 residential real property or, if determined by the superintendent [of  
29 financial services] by regulation, shall include such a loan secured by  
30 a security interest on a manufactured home;

31 (e) "Exempt organization" shall mean any insurance company, banking  
32 organization, foreign banking corporation licensed by the superintendent  
33 or the comptroller of the currency to transact business in this state,  
34 national bank, federal savings bank, federal savings and loan associ-  
35 ation, federal credit union, or any bank, trust company, savings bank,  
36 savings and loan association, or credit union organized under the laws  
37 of any other state, or any instrumentality created by the United States  
38 or any state with the power to make mortgage loans. Subject to such  
39 regulations as may be promulgated by the superintendent [of financial  
40 services], "exempt organization" may also include any subsidiary of such  
41 entities;

42 (a) No person, partnership, association, corporation or other entity  
43 shall engage in the business of making five or more mortgage loans in  
44 any one calendar year without first obtaining a license from the super-  
45 intendent in accordance with the licensing procedure provided in this  
46 article and such regulations as may be promulgated by the superintendent  
47 [of financial services or prescribed by the superintendent]. The licens-  
48 ing provisions of this subdivision shall not apply to any exempt organ-  
49 ization nor to any entity or entities which shall be exempted in accord-  
50 ance with regulations promulgated by the superintendent [of financial  
51 services] hereunder.

52 (b) No person, partnership, association, corporation or other entity  
53 shall engage in the business of soliciting, processing, placing or nego-  
54 tiating a mortgage loan or offering to solicit, process, place or nego-  
55 tiate a mortgage loan in this state without first being registered with  
56 the superintendent as a mortgage broker in accordance with the registra-

tion procedure provided in this article and by such regulations as may be promulgated by the superintendent [of financial services or prescribed by the superintendent]. The registration provisions of this subdivision shall not apply to any exempt organization, mortgage banker or mortgage loan servicer. No real estate broker or salesman, as defined in section four hundred forty of the real property law, shall be deemed to be engaged in the business of a mortgage broker if he does not accept a fee, directly or indirectly, for services rendered in connection with the solicitation, processing, placement or negotiation of a mortgage loan. No attorney-at-law who solicits, processes, places or negotiates a mortgage loan incidental to his legal practice shall be deemed to be engaged in the business of a mortgage broker. The registration provisions of this subdivision shall not apply to any person or entity which shall be exempted in accordance with regulations promulgated by the superintendent [of financial services] hereunder.

(b-1) No person, partnership, association, corporation or other entity shall engage in the business of servicing mortgage loans with respect to any property located in this state without first being registered with the superintendent as a mortgage loan servicer in accordance with the registration procedure provided by such regulations as may be prescribed by the superintendent. The superintendent may refuse to register a mortgage loan servicer on the same grounds that [he or she] THE SUPERINTENDENT may refuse to issue a registration certificate to a mortgage broker pursuant to subdivision two of section five hundred ninety-two-a of this article. The registration provisions of this subdivision shall not apply to any exempt organization, mortgage banker, or mortgage broker or any person or entity which shall be exempted in accordance with regulations prescribed by the superintendent hereunder; provided that such exempt organization, mortgage banker, mortgage broker, or exempted person notifies the superintendent that it is acting as a mortgage loan servicer in this state and complies with any regulation applicable to mortgage loan servicers, promulgated by the superintendent [of financial services or prescribed by the superintendent with respect to mortgage loan servicers]. The superintendent may require all registrations and notifications to be made through the Nationwide Mortgage Licensing System and Registry. An application to become a registered mortgage loan servicer or any application with respect to a mortgage loan servicer shall be accompanied by a fee as prescribed pursuant to section eighteen-a of this chapter. Any fee established pursuant to this subdivision may be collected by and include a processing fee charged by the Nationwide Mortgage Licensing System and Registry. Any such processing fees shall not be remitted to the superintendent and shall not be deemed revenue pursuant to this chapter or the state finance law.

In addition to such powers as may otherwise be prescribed by this chapter, the superintendent [of financial services] is hereby authorized and empowered to promulgate such rules and regulations as may in the judgement of the superintendent [of financial services] be consistent with the purposes of this article, or appropriate for the effective administration of this article, including, but not limited to:

The superintendent [of financial services] is hereby authorized and empowered to make such specific rulings, demands and findings as [it] THE SUPERINTENDENT may deem necessary for the proper conduct of the mortgage lending industry.

(b) Mortgage brokers shall solicit, process, place and negotiate mortgage loans in conformity with the provisions of this chapter, such rules and regulations as may be promulgated by the superintendent [of finan-

cial services or prescribed by the superintendent] thereunder and all applicable federal laws and the rules and regulations promulgated thereunder;

(c) Mortgage bankers and exempt organizations shall make mortgage loans in conformity with the provisions of this chapter, such rules and regulations as may be promulgated by the superintendent [of financial services or prescribed by the superintendent] thereunder and all applicable federal laws and the rules and regulations promulgated thereunder;

(d) Mortgage loan servicers shall engage in the business of servicing mortgage loans in conformity with the provisions of this chapter, such rules and regulations as may be promulgated by the superintendent [of financial services or prescribed by the superintendent] thereunder and all applicable federal laws and the rules and regulations promulgated thereunder.

6. The superintendent [of financial services] is hereby authorized and empowered, consistent with the declaration of policy set forth in this article, to exempt by rule or regulation from any or all of the provisions of this article any or all licensees or exempt organizations as defined in paragraph (e) of subdivision one of this section with respect to credit line mortgages, installment loans and home improvement loans.

S 37. Subdivisions 1 and 2 of section 595-b of the banking law, as added by chapter 472 of the laws of 2008 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

1. Establishment of grounds to impose a fine or penalty. In addition to such other rules, regulations and policies as the superintendent [of financial services] may promulgate [or the superintendent may prescribe] to effectuate the purposes of this article, the superintendent shall promulgate regulations and policies governing the establishment of grounds to impose a fine or penalty with respect to the activities of a mortgage loan servicer.

2. Servicing practices. In addition to such other rules, regulations and policies as the superintendent [of financial services] may promulgate to effectuate the purposes of this article, the superintendent may prescribe regulations which relate to: (a) providing for disclosures to borrowers of the basis for any interest rate resets; (b) requirements for the provision of pay-off statements; and (c) governing the timing of the crediting of payments made by the borrower.

S 38. Paragraph (g) of subdivision 1 of section 599-e of the banking law, as added by chapter 123 of the laws of 2009 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(g) Affiliation. Unless the superintendent shall have waived the affiliation requirement pursuant to regulations adopted by the superintendent [of financial services], that the applicant is employed by, or is an independent contractor of (i) an originating entity, (ii) solely in the case of a mortgage loan originator engaged in the origination of residential mortgage loans on manufactured homes, an entity licensed under article nine or eleven-B of this chapter, or (iii) in the case of a mortgage loan originator engaged in mortgage loan servicing and employed by a mortgage loan servicer, an entity registered as a mortgage loan servicer under article twelve-D of this chapter or exempt from registration under such article. A mortgage loan originator may not be simultaneously employed or affiliated with more than one originating entity.

1 S 39. Paragraph (a) of subdivision 1 and subdivision 2 of section  
2 599-n of the banking law, as added by chapter 123 of the laws of 2009  
3 and as further amended by section 104 of part A of chapter 62 of the  
4 laws of 2011, is amended to read as follows:

5 (a) Through a course of conduct, the licensee has violated any  
6 provisions of this article, or any rule or regulation promulgated by the  
7 superintendent [of financial services] THEREUNDER, or any rule or regu-  
8 lation [prescribed] PROMULGATED by the superintendent under [and within  
9 the authority of this article or] article twelve-D of this chapter or of  
10 any other applicable law, rule or regulation of this state or the feder-  
11 al government pertaining to mortgage banking, brokering or loan origi-  
12 nating; or

13 2. Restitution. The superintendent may order a mortgage loan origina-  
14 tor or any other person to pay restitution for violations of this arti-  
15 cle or any rules of the superintendent [of financial services or the  
16 superintendent] promulgated hereunder.

17 S 40. Subdivisions 4 and 8 of section 605 of the banking law, as  
18 amended by chapter 567 of the laws of 2000 and as further amended by  
19 section 104 of part A of chapter 62 of the laws of 2011, are amended to  
20 read as follows:

21 4. Within three months after the date of any such meeting, application  
22 may be made to the supreme court, after due notice to the superinten-  
23 dent, for an order declaring the business of such corporation closed. In  
24 a proper case, the court shall make such order which shall prescribe the  
25 notice to be given to creditors and depositors to present their claims  
26 to the corporation for payment. In the closing order, the court shall  
27 set a date certain by which claims must be presented to the corporation  
28 for payment. The corporation need not consider any claims submitted  
29 after that date. Within five days after the making of such order, a  
30 certified copy thereof shall be filed in the office of the superinten-  
31 dent. Upon the entry of such order such corporation shall cease to do  
32 business and shall wind up its affairs, pay its creditors and depos-  
33 itors, if any, and, except in the case of a mutual savings bank,  
34 distribute any remaining assets among its shareholders or stockholders  
35 according to their respective rights and interests. The corporation or  
36 any creditor or depositor thereof, upon due notice, may apply to the  
37 court that issued the closing order for a determination as to any  
38 disputed claim or for any other relief necessary to effectuate the  
39 liquidation and dissolution of the corporation. Any petition, applica-  
40 tion, or motion to vacate, set aside, modify or amend such order so as  
41 to permit the corporation to resume business shall have incorporated  
42 therein a certificate of the superintendent certifying that after inves-  
43 tigation the superintendent has found[, and the superintendent of finan-  
44 cial services by a three-fifths vote of all its members has found,] that  
45 the public convenience and advantage will be promoted by the granting of  
46 said petition, application or motion.

47 8. Unless the superintendent [of financial services by a three-fifths  
48 vote of all its members] shall otherwise provide, any corporate banking  
49 organization that, pursuant to an agreement, sells or conveys more than  
50 fifty per centum of its assets without the written approval of the  
51 superintendent shall take the proceedings for voluntary dissolution  
52 herein prescribed and, within six months from the date of such sale or  
53 conveyance, shall file with the superintendent a certified copy of the  
54 closing order in the form prescribed by subdivision four of this  
55 section. The corporate banking organization, upon making written appli-  
56 cation to the superintendent for approval of the sale or conveyance of

1 more than fifty per centum of its assets, shall pay an investigation fee  
2 as prescribed pursuant to section eighteen-a of this chapter. If a clos-  
3 ing order is required to be filed pursuant to this subdivision and such  
4 order is not filed within the time prescribed, the superintendent shall  
5 have the power, in [his or her] THE SUPERINTENDENT'S discretion, to take  
6 possession of the business and property of such corporation and proceed  
7 with the liquidation thereof under the provisions of this article.

8 S 41. Paragraph (f) of subdivision 2 of section 2001 of the banking  
9 law, as amended by chapter 566 of the laws of 2004 and as further  
10 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
11 amended to read as follows:

12 (f) To be a promoter, partner, member, associate or manager of other  
13 business enterprises or ventures, or to the extent permitted in any  
14 other jurisdiction to be an incorporator of other corporations of any  
15 type or kind; provided, however, that nothing contained in this para-  
16 graph shall authorize a banking organization to engage in any activity  
17 not otherwise authorized by the laws of New York or by regulations of  
18 the superintendent [of financial services or of the superintendent].

19 S 42. The opening paragraph of subdivision 1 of section 4001-a of the  
20 banking law, as added by chapter 637 of the laws of 1995 and as further  
21 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
22 amended to read as follows:

23 Notwithstanding the provisions of section four thousand one of this  
24 [article] TITLE and when authorized by the superintendent [and the  
25 superintendent of financial services] as provided in article two of this  
26 chapter, five or more persons may form a limited liability investment  
27 company pursuant to the provisions of article twelve of this chapter.  
28 Such person or persons shall subscribe and acknowledge the articles of  
29 organization in duplicate which shall specifically state:

30 S 43. The opening paragraph of subdivision 1 of section 4001-b of the  
31 banking law, as added by chapter 248 of the laws of 1997 and as further  
32 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
33 amended to read as follows:

34 Notwithstanding the provisions of section four thousand one of this  
35 [article] TITLE and when authorized by the superintendent [and the  
36 superintendent of financial services] as provided in article two of this  
37 chapter, five or more persons may form a limited liability trust company  
38 pursuant to the provisions of article three of this chapter. Such person  
39 or persons shall subscribe and acknowledge the articles of organization  
40 in duplicate, which shall specifically state:

41 S 44. Subdivision 4 of section 7006 of the banking law, as added by  
42 chapter 849 of the laws of 1964 and as further amended by section 104 of  
43 part A of chapter 62 of the laws of 2011, is amended to read as follows:

44 4. This section does not affect the powers of the superintendent [or  
45 the superintendent of financial services] under section forty-one of  
46 this chapter.

47 S 45. Subdivision 2 of section 7014 of the banking law, as added by  
48 chapter 849 of the laws of 1964 and as further amended by section 104 of  
49 part A of chapter 62 of the laws of 2011, is amended to read as follows:

50 2. This section does not affect the powers of the superintendent [or  
51 the superintendent of financial services] under section forty-one of  
52 this chapter.

53 S 46. Clause (B) of subparagraph 5 of paragraph (a) of section 301 of  
54 the business corporation law, as amended by chapter 555 of the laws of  
55 1993 and as further amended by section 104 of part A of chapter 62 of  
56 the laws of 2011, is amended to read as follows:

(B) Shall not contain any of the following words, or any abbreviation or derivative thereof:

|            |            |             |
|------------|------------|-------------|
| acceptance | endowment  | loan        |
| annuity    | fidelity   | mortgage    |
| assurance  | finance    | savings     |
| bank       | guaranty   | surety      |
| benefit    | indemnity  | title       |
| bond       | insurance  | trust       |
| casualty   | investment | underwriter |
| doctor     | lawyer     |             |

unless the approval of the superintendent of financial services [or the superintendent of financial services, as appropriate,] is attached to the certificate of incorporation, or application for authority or amendment thereof; or that the word "doctor" or "lawyer" or an abbreviation or derivation thereof is used in the name of a university faculty practice corporation formed pursuant to section fourteen hundred twelve of the not-for-profit corporation law or a professional service corporation formed pursuant to article fifteen of this chapter, or a foreign professional service corporation authorized to do business in this state pursuant to article fifteen-A of this chapter, the members or shareholders of which are composed exclusively of doctors or lawyers, respectively, or are used in a context which clearly denotes a purpose other than the practice of law or medicine.

S 47. The opening paragraph of section 7701 of the civil practice law and rules, as amended by chapter 193 of the laws of 1976 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

A special proceeding may be brought to determine a matter relating to any express trust except a voting trust, a mortgage, a trust for the benefit of creditors, a trust to carry out any plan of reorganization of real property acquired on foreclosure or otherwise of a mortgage or mortgages against which participation certificates have been issued and guaranteed by a corporation and for which the superintendent of financial services [or the superintendent of financial services] has been or may hereafter be appointed rehabilitator or liquidator or conservator, a trust to carry out any plan of reorganization pursuant to sections one hundred nineteen through one hundred twenty-three of the real property law or pursuant to section seventy-seven B of the national bankruptcy act, and trusts for cemetery purposes, as provided for by sections 8-1.5 and 8-1.6 of the estates, powers and trusts law.

S 48. Subdivision 4 of section 695-b of the education law, as added by chapter 546 of the laws of 1997 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

4. "Financial organization" shall mean an organization authorized to do business in the state of New York and (a) which is an authorized fiduciary to act as a trustee pursuant to the provisions of an act of congress entitled "Employee Retirement Income Security Act of 1974" as such provisions may be amended from time to time, or an insurance company; and (b)(i) is licensed or chartered by the department of financial services, (ii) [is licensed or chartered by the department of financial services, (iii)] is chartered by an agency of the federal government, [(iv)] (III) is subject to the jurisdiction and regulation of the securities and exchange commission of the federal government, or [(v)] (IV) is any other entity otherwise authorized to act in this state as a trustee pursuant to the provisions of an act of congress entitled "Employee

1 Retirement Income Security Act of 1974" as such provisions may be  
2 amended from time to time.

3 S 49. Subdivision 3 of section 63 of the executive law, as amended by  
4 chapter 766 of the laws of 2005 and as further amended by section 104 of  
5 part A of chapter 62 of the laws of 2011, is amended to read as follows:

6 3. Upon request of the governor, comptroller, secretary of state,  
7 commissioner of transportation, superintendent of financial services,  
8 [superintendent of financial services,] commissioner of taxation and  
9 finance, commissioner of motor vehicles, or the state inspector general,  
10 or the head of any other department, authority, division or agency of  
11 the state, investigate the alleged commission of any indictable offense  
12 or offenses in violation of the law which the officer making the request  
13 is especially required to execute or in relation to any matters  
14 connected with such department, and to prosecute the person or persons  
15 believed to have committed the same and any crime or offense arising out  
16 of such investigation or prosecution or both, including but not limited  
17 to appearing before and presenting all such matters to a grand jury.

18 S 50. Subdivision 1 of section 161 of the executive law, as separately  
19 amended by chapters 430 and 636 of the laws of 1969 and as further  
20 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
21 amended to read as follows:

22 1. Each of the following officers, to wit: the secretary of state, the  
23 comptroller, the commissioner of taxation and finance, the attorney  
24 general, the public service commission, the commissioner of agriculture  
25 and markets, the commissioner of transportation, the industrial commis-  
26 sioner, the chairman of the state labor relations board, the chairman of  
27 the state liquor authority, the superintendent of financial services,  
28 [the superintendent of financial services,] the state commissioner of  
29 human rights, the commissioner of general services and the commissioner  
30 of housing and community renewal may require search to be made, in the  
31 office of any of the others, or of a county clerk or of the clerk of a  
32 court of record, for any record, document, or paper, where he OR SHE  
33 deems it necessary for the discharge of his OR HER official duties, and  
34 a copy thereof, or extracts therefrom, to be made and officially certi-  
35 fied or exemplified, without the payment of any fee or charge.

36 S 51. Subdivision 25 of section 292 of the executive law, as added by  
37 chapter 173 of the laws of 1974, as renumbered by chapter 632 of the  
38 laws of 1976 and as further amended by section 104 of part A of chapter  
39 62 of the laws of 2011, is amended to read as follows:

40 25. The term "superintendent", when used in this article, means the  
41 head of the department of financial services appointed pursuant to  
42 section [twelve] TWO HUNDRED TWO of the [banking] FINANCIAL SERVICES  
43 law.

44 S 52. Subdivision 9 of section 296-a of the executive law, as added by  
45 chapter 173 of the laws of 1974 and as further amended by section 104 of  
46 part A of chapter 62 of the laws of 2011, is amended to read as follows:

47 9. Whenever any creditor makes application to the superintendent [or  
48 the superintendent] of financial services to take any action requiring  
49 consideration by the superintendent [or such board] of the public inter-  
50 est and the needs and convenience thereof, or requiring a finding that  
51 the financial responsibility, experience, charter, and general fitness  
52 of the applicant, and of the members thereof if the applicant be a  
53 co-partnership or association, and of the officers and directors thereof  
54 if the applicant be a corporation, are such as to command the confidence  
55 of the community and to warrant belief that the business will be oper-  
56 ated honestly, fairly, and efficiently, such creditor shall certify to



1 the superintendent compliance with the provisions of this section. In  
2 the event that the records of the department of financial services show  
3 that such creditor has been found to be in violation of this section,  
4 such creditor shall describe what action has been taken with respect to  
5 its credit policies and procedures to remedy such violation or  
6 violations. The superintendent shall, in approving the foregoing appli-  
7 cations and making the foregoing findings, give appropriate weight to  
8 compliance with this section.

9 S 53. Subdivision 9 of section 835 of the executive law, as amended by  
10 section 102 of subpart B of part C of chapter 62 of the laws of 2011 and  
11 as further amended by section 104 of part A of chapter 62 of the laws of  
12 2011, is amended to read as follows:

13 9. "Qualified agencies" means courts in the unified court system, the  
14 administrative board of the judicial conference, probation departments,  
15 sheriffs' offices, district attorneys' offices, the state department of  
16 corrections and community supervision, the department of correction of  
17 any municipality, the [insurance] FINANCIAL frauds [bureau] AND CONSUMER  
18 PROTECTION UNIT of the state department of financial services, the  
19 office of professional medical conduct of the state department of health  
20 for the purposes of section two hundred thirty of the public health law,  
21 the child protective services unit of a local social services district  
22 when conducting an investigation pursuant to subdivision six of section  
23 four hundred twenty-four of the social services law, the office of Medi-  
24 caid inspector general, the temporary state commission of investigation,  
25 [the criminal investigations bureau of the department of financial  
26 services,] police forces and departments having responsibility for  
27 enforcement of the general criminal laws of the state and the Onondaga  
28 County Center for Forensic Sciences Laboratory when acting within the  
29 scope of its law enforcement duties.

30 S 54. Subdivision 15 of section 215 of the general municipal law, as  
31 added by chapter 714 of the laws of 2006 and paragraphs (ii) and (iii)  
32 as further amended by section 104 of part A of chapter 62 of the laws of  
33 2011, is amended to read as follows:

34 15. "Financial organization" means an organization duly authorized to  
35 do business in the state and which is (i) registered as an investment  
36 adviser under the Investment Advisers Act of 1940, as such provisions  
37 may be amended from time to time; (ii) licensed or chartered by the  
38 state department of financial services; (iii) [licensed or chartered by  
39 the state department of financial services; (iv)] chartered by an agency  
40 of the federal government; or [(v)] (IV) subject to the jurisdiction and  
41 regulation of the securities and exchange commission of the federal  
42 government.

43 S 55. Subdivision 14 of section 219-c of the general municipal law, as  
44 amended by chapter 514 of the laws of 1998 and paragraphs (ii) and (iii)  
45 as further amended by section 104 of part A of chapter 62 of the laws of  
46 2011, is amended to read as follows:

47 14. "Financial organization" means an organization duly authorized to  
48 do business in the state and which is (i) registered as an investment  
49 adviser under the Investment Advisers Act of 1940, as such provisions  
50 may be amended from time to time; (ii) licensed or chartered by the  
51 state department of financial services; (iii) [licensed or chartered by  
52 the state department of financial services; (iv)] chartered by an agency  
53 of the federal government; or [(v)] (IV) subject to the jurisdiction and  
54 regulation of the securities and exchange commission of the federal  
55 government.

1 S 56. Subdivision 19 of section 219-k of the general municipal law, as  
2 added by chapter 558 of the laws of 1998 and as further amended by  
3 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
4 read as follows:

5 19. "Financial organization" means an organization duly authorized to  
6 do business in the state which is (a) registered as an investment advis-  
7 er under the Investment Advisers Act of 1940, as such provisions may be  
8 amended from time to time; (b) licensed or chartered by the state  
9 department of financial services; (c) [licensed or chartered by the  
10 state department of financial services; (d)] chartered by an agency of  
11 the federal government; or [(e)] (D) subject to the jurisdiction and  
12 regulation of the securities and exchange commission of the federal  
13 government.

14 S 57. Subsection (d) and paragraphs 3 and 4 of subsection (e) of  
15 section 1118 of the insurance law, as added by chapter 703 of the laws  
16 of 1988 and as further amended by section 104 of part A of chapter 62 of  
17 the laws of 2011, are amended to read as follows:

18 (d) Notwithstanding any provisions of [the insurance law] THIS CHAPTER  
19 OR THE FINANCIAL SERVICES LAW to the contrary, the superintendent may  
20 waive, modify or suspend any provision of [the insurance law] THIS CHAP-  
21 TER, THE FINANCIAL SERVICES LAW or [department of financial services]  
22 regulations PROMULGATED THEREUNDER as applicable to the insurers or  
23 health maintenance organizations [which] THAT conduct the regional pilot  
24 projects, except as to mandatory benefits, provided such waiver, modifi-  
25 cation or suspension is based on the criteria set forth in subsection  
26 (e) of this section.

27 (3) any waiver, modification or suspension of provisions of [the  
28 insurance law] THIS CHAPTER, THE FINANCIAL SERVICES LAW or [department  
29 of financial services] regulations PROMULGATED THEREUNDER is essential  
30 to the operation of the regional pilot project and to the rational  
31 development of programs to provide health care coverage or equivalent  
32 coverage mechanisms to the uninsured; and

33 (4) any waiver, modification or suspension of provisions of [the  
34 insurance law] THIS CHAPTER, THE FINANCIAL SERVICES LAW or [department  
35 of financial services] regulations PROMULGATED THEREUNDER will not  
36 impair the ability of the insurer or health maintenance organization to  
37 satisfy its existing and anticipated contracts and other obligations,  
38 including such standards as the superintendent shall prescribe concern-  
39 ing adequate capital and financial requirements.

40 S 58. Subsections (d) and (e) of section 1120 of the insurance law, as  
41 added by chapter 922 of the laws of 1990, paragraph 3 of subsection (e)  
42 as amended by chapter 2 of the laws of 1998 and subsection (d) and para-  
43 graph 4 of subsection (e) as further amended by section 104 of part A of  
44 chapter 62 of the laws of 2011, are amended to read as follows:

45 (d) Notwithstanding any provisions of [the insurance law] THIS CHAPTER  
46 OR THE FINANCIAL SERVICES LAW to the contrary, the superintendent may  
47 waive, modify or suspend any provisions of [the insurance law] THIS  
48 CHAPTER, THE FINANCIAL SERVICES LAW or [department of financial  
49 services] regulations PROMULGATED THEREUNDER as applicable to the insur-  
50 ers, article forty-three corporations or health maintenance organiza-  
51 tions [which] THAT issue coverage pursuant to this section, provided  
52 such waiver, modification or suspension is based on the criteria set  
53 forth in subsection (e) of this section.

54 (e) The superintendent may take the actions set forth in subsections  
55 (a) and (d) of this section upon the superintendent's [judgement] JUDG-  
56 MENT that:

1 (1) the contract or arrangement is a reasonable and appropriate  
2 approach to expand the availability of health care coverage to children;

3 (2) the sources of funding for the contract or arrangement are reason-  
4 ably related to the benefits provided and sufficient to support the  
5 contract arrangement;

6 (3) any waiver, modification or suspension of the provisions of [the  
7 insurance law] THIS CHAPTER, THE FINANCIAL SERVICES LAW or [insurance]  
8 regulations PROMULGATED THEREUNDER is essential to the operation of the  
9 child health insurance plan and to the rational development of programs  
10 to provide covered services to children; and

11 (4) any waiver, modification or suspension of provisions of [the  
12 insurance law] THIS CHAPTER, THE FINANCIAL SERVICES LAW or [department  
13 of financial services] regulations PROMULGATED THEREUNDER will not  
14 impair the ability of the insurer, article forty-three corporation or  
15 health maintenance organization to satisfy its existing and anticipated  
16 contracts and other obligations, including such standards as the super-  
17 intendent shall prescribe concerning adequate capital and financial  
18 requirements.

19 S 59. Paragraph 3 of subsection (e) of section 1120 of the insurance  
20 law, as amended by chapter 639 of the laws of 1996, is amended to read  
21 as follows:

22 (3) any waiver, modification or suspension of provisions of [the  
23 insurance law] THIS CHAPTER, THE FINANCIAL SERVICES LAW or [insurance]  
24 regulations PROMULGATED THEREUNDER is essential to the operation of the  
25 child health insurance plan and to the rational development of programs  
26 to provide primary and preventive health care coverage and inpatient  
27 health care services coverage to children; and

28 S 60. Subsections (a) and (c) of section 4402 of the insurance law are  
29 amended to read as follows:

30 (a) "Employee welfare fund" or "fund" means any trust fund or other  
31 fund established or maintained jointly by one or more employers together  
32 with one or more labor organizations, whether directly or through trus-  
33 tees, to provide employee benefits by the purchase of insurance or annu-  
34 ity contracts or otherwise, and to which is paid or contracted to be  
35 paid anything, other than income from investments of such fund for the  
36 benefit of employees employed in this state, and, if the principal  
37 office of the employer is located outside of the state, for at least  
38 twenty such employees; provided, however, that such term shall not  
39 include any such fund where its over-all management is vested, alone or  
40 jointly with other trustees, in a corporate trustee which is subject to  
41 supervision by the [superintendent] SUPERVISOR of banks of any state or  
42 [is a member of the federal reserve system] THE COMPTROLLER OF THE  
43 CURRENCY.

44 (c) "Trustee" means the person or group of persons who or which is  
45 charged with or has the general power of administration over an employee  
46 welfare fund and may include a pension board or committee, a board of  
47 individual trustees, a board of administration or the like; provided,  
48 however, such term shall not include a corporate trustee which is  
49 subject to supervision by the [superintendent] SUPERVISOR of banks of  
50 any state or [is a member of the federal reserve system] THE COMPTROLLER  
51 OF THE CURRENCY; nor shall such term include any insurer licensed under  
52 the laws of this state or authorized to do business herein.

53 S 61. Subsection (b) of section 4403 of the insurance law, as further  
54 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
55 amended to read as follows:

(b) If it is found that the conditions [which] THAT originally required registration with the superintendent have ceased to exist and that new conditions exist [which] THAT would not require the registration of an employee welfare fund with [either] the superintendent [of financial services or the superintendent of financial services], then the superintendent [of financial services] may, on application of the trustees or on [his] THE SUPERINTENDENT'S own motion, cancel the registration of such fund.

S 62. Subparagraph (C) of paragraph 2 of subsection (h) of section 9111-b of the insurance law, as added by chapter 148 of the laws of 1998, is amended to read as follows:

(C) that an undertaking is filed with the superintendent [of insurance] in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges [which] THAT may accrue in the prosecution of such proceeding.

S 63. Subdivision (f) of section 204 of the limited liability company law, as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(f) shall not contain the following words, or any abbreviation or derivative thereof:

|            |             |
|------------|-------------|
| acceptance | guaranty    |
| annuity    | indemnity   |
| assurance  | insurance   |
| attorney   | investment  |
| bank       | lawyer      |
| benefit    | loan        |
| bond       | mortgage    |
| casualty   | savings     |
| doctor     | surety      |
| endowment  | title       |
| fidelity   | trust       |
| finance    | underwriter |

unless the approval of the superintendent of financial services [or the superintendent of financial services, as appropriate,] is attached to the articles of organization or unless the word "doctor" or "lawyer" or an abbreviation or derivative thereof is used in a context that clearly denotes a purpose other than the practice of law or medicine;

S 64. Clause (B) of subparagraph 5 of paragraph (a) of section 301 of the not-for-profit corporation law, as amended by chapter 9 of the laws of 1983 and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(B) Shall not contain any of the following words, or any abbreviation or derivative thereof:

|            |            |             |
|------------|------------|-------------|
| acceptance | fidelity   | mortgage    |
| annuity    | finance    | savings     |
| assurance  | guaranty   | surety      |
| bank       | indemnity  | title       |
| bond       | insurance  | trust       |
| casualty   | investment | underwriter |

1 doctor lawyer  
2 endowment loan

3 unless the approval of the superintendent of financial services [or the  
4 superintendent of financial services, as appropriate,] is attached to  
5 the certificate of incorporation, or application for authority or amend-  
6 ment thereof; or that the word "doctor", "lawyer", or the phrase "state  
7 police" or "state trooper" or an abbreviation or derivation thereof, may  
8 be used in the name of a corporation the membership of which is composed  
9 exclusively of doctors, lawyers, state policemen or state troopers,  
10 respectively.

11 S 65. Subparagraph (B) of paragraph 3 of subdivision (a) of section  
12 121-102 of the partnership law, as added by chapter 950 of the laws of  
13 1990 and as further amended by section 104 of part A of chapter 62 of  
14 the laws of 2011, is amended to read as follows:

15 (B) may not contain the following words, or any abbreviation or deriv-  
16 ative thereof:

|               |             |
|---------------|-------------|
| 17 acceptance | indemnity   |
| 18 annuity    | insurance   |
| 19 assurance  | investment  |
| 20 bank       | lawyer      |
| 21 benefit    | loan        |
| 22 bond       | mortgage    |
| 23 casualty   | savings     |
| 24 doctor     | surety      |
| 25 endowment  | title       |
| 26 fidelity   | trust       |
| 27 finance    | underwriter |
| 28 guaranty   |             |

29 unless the approval of the superintendent of financial services [or the  
30 superintendent of financial services, as appropriate,] is attached to  
31 the certificate of limited partnership; or unless the word "doctor" or  
32 "lawyer" or an abbreviation or derivative thereof is used in a context  
33 which clearly denotes a purpose other than the practice of law or medi-  
34 cine.

35 S 66. Subdivision 4 of section 303 of the personal property law, as  
36 added by chapter 641 of the laws of 1984 and as further amended by  
37 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
38 read as follows:

39 4. As an alternative to the credit service charge provided for above,  
40 a retail seller may contract for in a retail instalment contract and  
41 charge, receive and collect a credit service charge calculated on the  
42 unpaid balances of an amount computed as provided in the second para-  
43 graph of subdivision one above, for the time outstanding according to a  
44 generally accepted actuarial method at rates that may vary from time to  
45 time and in accordance with the provisions of the contract. On any  
46 contract with a variable rate credit service charge made pursuant to  
47 this subdivision the rate shall be determined at regular intervals as  
48 set forth in the contract and in accordance with such regulations as the  
49 superintendent of financial services shall prescribe but said rate shall  
50 not vary more often than once in any three month period and shall be  
51 based on a published index that is (a) readily available, (b) independ-  
52 ently verifiable, (c) beyond the control of the retail seller and (d)  
53 approved by the superintendent.

1 The superintendent [of financial services] shall adopt regulations  
2 with respect to retail installment contracts that provide for a variable  
3 rate of credit-service charge, including but not limited to: (a) provid-  
4 ing for disclosure to the buyer by the retail seller of the circum-  
5 stances under which the rate may increase, any limitations on the  
6 increase, the effect of an increase and an example of the payment terms  
7 that would result from an increase; (b) providing for disclosure to the  
8 buyer by the retail seller of a history of the fluctuations of the index  
9 over a reasonable period of time; and (c) providing for notice to the  
10 buyer by the retail seller prior to any rate increase or change in the  
11 terms of payment.

12 S 67. Paragraph (a) of subdivision 1 of section 15 of the private  
13 housing finance law, as amended by chapter 990 of the laws of 1972 and  
14 as further amended by section 104 of part A of chapter 62 of the laws of  
15 2011, is amended to read as follows:

16 (a) One or more banking organizations, foundations, labor unions,  
17 employers' associations, veterans' organizations, colleges, universi-  
18 ties, educational institutions, child care institutions, hospitals,  
19 medical research institutes, insurance companies, trustees, fiduciaries  
20 or any combination of the foregoing, shall have the power to organize a  
21 company pursuant to the provisions of this article, and to purchase for  
22 cash or to receive and hold in exchange for property, and to own the  
23 bonds of a company and to invest, singly or jointly, or with the state  
24 or a municipality or the New York state housing finance agency or the  
25 New York city housing development corporation in a bond or note and  
26 single participating mortgage, or in separate bonds or notes and mort-  
27 gages, in an amount not greater than ninety-five per centum of the total  
28 project cost in the case of a mutual company, urban rental company or a  
29 non-profit company incorporated pursuant to the provisions of the not-  
30 for-profit corporation law and this article for the purpose of providing  
31 housing for staff members, employees or students of a college, universi-  
32 ty, child care institution, or hospital and their immediate families and  
33 in the case of a non-profit company incorporated pursuant to the not-  
34 for-profit corporation law and this article for the purpose of providing  
35 housing for aged persons of low income or in the case of a low income  
36 non-profit housing company such investment shall not be greater than the  
37 total project cost. Where one or more banking organizations, founda-  
38 tions, labor unions, employers' associations, veterans' organizations,  
39 colleges, universities, educational institutions, child care insti-  
40 tutions, hospitals, medical research institutes, insurance companies,  
41 trustees, fiduciaries, or the state or a municipality or the New York  
42 state housing finance agency or the New York city housing development  
43 corporation, shall participate in a loan to a company secured by a  
44 single participating mortgage or by separate mortgages, the interest of  
45 each shall have equal priority as to lien in proportion to the amount of  
46 loan so secured, but need not be equal as to interest rate, time or rate  
47 of amortization or otherwise. Banking organizations, foundations, labor  
48 unions, employers' associations, veterans' organizations, colleges,  
49 universities, educational institutions, child care institutions, hospi-  
50 tals, medical research institutes, insurance companies, trustees, fidu-  
51 ciaries or groups thereof, may exercise any such power on such condi-  
52 tions, however, as to banking organizations[, as may be prescribed by  
53 the superintendent of financial services of the state department of  
54 financial services,] and as to insurance companies only to the extent  
55 and upon such conditions as may be authorized by the state superinten-  
56 dent of financial services. As used in this subdivision, the terms

1 "trustees" and "fiduciaries" shall include any fiduciary or fiduciaries  
2 holding funds for investment, and the term "banking organizations" shall  
3 have the same meaning as in subdivision eleven of section two of the  
4 banking law.

5 S 68. Subdivision 1 of section 30 of the private housing finance law,  
6 as further amended by section 104 of part A of chapter 62 of the laws of  
7 2011, is amended to read as follows:

8 1. Notwithstanding any requirement of law to the contrary, every exec-  
9 utor, administrator, trustee, guardian or other person, holding trust  
10 funds or acting in a fiduciary capacity, unless the instrument under  
11 which such fiduciary is acting expressly forbids, the state, its subdi-  
12 visions, municipalities, all other public bodies, all public officers,  
13 persons, partnerships and corporations organized under and governed as  
14 to investments by or pursuant to the provisions of the banking law or  
15 organized under or subject to the provisions of the insurance law, the  
16 superintendent of financial services [or the superintendent of financial  
17 services] as conservator, liquidator or rehabilitator of any such  
18 person, partnership or corporation, owning or holding any real property  
19 may grant, sell, lease or otherwise transfer any such real property to a  
20 company and receive and hold any cash, stock, bonds, notes, mortgages,  
21 or other securities or obligations, secured or unsecured, exchanged  
22 therefor by such company and may execute such instruments and do such  
23 acts as may be deemed necessary or desirable by them or it and by the  
24 company in connection with a project or projects. Notwithstanding the  
25 provisions of any general, special or local law, charter or ordinance,  
26 such grant, sale, lease or transfer may be made without public auction  
27 or bidding.

28 S 69. Subdivision 2 of section 94 of the private housing finance law,  
29 as amended by chapter 23 of the laws of 1976 and as further amended by  
30 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
31 read as follows:

32 2. Notwithstanding the foregoing provisions of this section, wherever  
33 it shall appear that a government, the New York state housing finance  
34 agency, the New York state urban development corporation, created by the  
35 New York state urban development corporation act, the New York city  
36 housing development corporation, Battery Park city authority, an organ-  
37 ization or entity investing or participating in a loan pursuant to  
38 subdivision one of section fifteen of this chapter, or a corporation  
39 subject to the supervision [either] of the state department of financial  
40 services [or the state department of financial services], shall have  
41 loaned on a mortgage which is a lien upon any such property, such  
42 government, New York state housing finance agency, New York state urban  
43 development corporation, New York city housing development corporation,  
44 Battery Park city authority, an organization or entity investing or  
45 participating in a loan pursuant to said section fifteen or a corpo-  
46 ration subject to such supervision, or any trustee or trustees, or any  
47 successor trustee or trustees, for the benefit of any one or more of the  
48 aforesaid classes shall have all the remedies available to a mortgagee  
49 under the laws of the state of New York, free from any restrictions  
50 contained in this section except that the commissioner shall be made a  
51 party defendant and that the commissioner shall take all steps necessary  
52 to protect the interests of the public and no costs shall be awarded  
53 against him OR HER

54 S 70. Subdivision 2 of section 122 of the private housing finance law,  
55 as amended by chapter 804 of the laws of 1981 and as further amended by

1 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
2 read as follows:

3 2. If an action be brought to foreclose a mortgage or tax lien upon a  
4 redevelopment project, heretofore or hereafter authorized pursuant to  
5 this article, and the real property constituting the project shall be  
6 acquired at the foreclosure sale or from the mortgagee or lienor that  
7 had acquired the property of such sale, or by a conveyance in lieu of  
8 such sale, by a redevelopment company organized pursuant to this arti-  
9 cle, or by the federal government or an instrumentality thereof, or by a  
10 corporation which is, or by agreement has become subject to the super-  
11 vision of the superintendent of financial services [or the superinten-  
12 dent of financial services], such successor in interest shall acquire  
13 such project subject to all provisions of the contract regulating such  
14 project and shall be entitled to all of the benefits contained in such  
15 contract. In all other cases of sale at foreclosure or forced sale, the  
16 real property constituting the project or any portion or portions there-  
17 of shall be sold free of all restrictions, except such covenants running  
18 with the land as may be contained in the contract regulating the  
19 project, or in the deed, if any, given by the municipality to the rede-  
20 velopment company affecting all or any portion of the real property upon  
21 which the project is situated, and the tax exemption, if any, thereto-  
22 fore granted to such project pursuant to such contract shall immediately  
23 terminate.

24 S 71. Subdivision 1 of section 307 of the private housing finance law,  
25 as further amended by section 104 of part A of chapter 62 of the laws of  
26 2011, is amended to read as follows:

27 1. The members of such corporation shall consist of such banking  
28 organizations, insurance and surety companies, as may make application  
29 for membership in such corporation, and membership shall become effec-  
30 tive upon the acceptance of such applications by the temporary board of  
31 directors or the permanent board of directors, as the case may be. Each  
32 member shall lend funds to the corporation as and when called upon by it  
33 to do so, pursuant to subdivision two of this section [three hundred  
34 seven], but the total amount on loan by any member at any one time shall  
35 not exceed the following limits to be determined as of the date it  
36 became a member, and such amount shall thereafter be readjusted annually  
37 in the event of any change in the base of the loan limit of such member:  
38 commercial banks, industrial banks and trust companies, one per centum  
39 of capital and surplus; private bankers, one per centum of capital;  
40 savings banks, one per centum of surplus fund; savings and loan associ-  
41 ations, one per centum of surplus; stock insurance companies, one per  
42 centum of capital and surplus; surety and casualty companies, one per  
43 centum of capital and surplus; mutual insurance companies, one per  
44 centum of guaranty funds or of surplus, whichever is applicable; and  
45 comparable limits for other banking, lending and insurance organiza-  
46 tions, as established by the board of directors; provided, however, that  
47 the total amount on loan by any member at any one time shall not exceed  
48 two hundred fifty thousand dollars; provided, however, that in the case  
49 of banking organizations[, the superintendent of financial services,]  
50 and in the case of insurance and surety companies[, the superintendent  
51 of financial services[, may authorize a member to lend to the corpo-  
52 ration an amount in excess of two hundred fifty thousand dollars. All  
53 loan limits shall be established at the thousand dollar nearest to the  
54 amount computed on an actual basis. All calls of funds which members  
55 are committed to lend to such corporation shall be prorated by such  
56 corporation among the members in the same proportion that the maximum



1 loan limit of each bears to the aggregate loan limits of all members of  
2 such corporation. Upon six months' prior written notice to the board of  
3 directors, a member of such corporation may withdraw from membership,  
4 effective at the end of such six-month period and, after the effective  
5 date of such withdrawal, such member shall be free of obligations here-  
6 under except those accrued or committed by such corporation prior to  
7 such effective date of withdrawal. Notwithstanding the provisions of any  
8 other law, general or special, the notes or other interest-bearing obli-  
9 gations of such corporation, issued in accordance with and by virtue of  
10 this article and the by-laws of such corporation, shall be legal invest-  
11 ments for the banking, insurance and surety organizations who become  
12 members of such corporations, up to but in no event exceeding the loan  
13 limits established herein.

14 S 72. Section 311 of the private housing finance law, as amended by  
15 chapter 891 of the laws of 1971 and as further amended by section 104 of  
16 part A of chapter 62 of the laws of 2011, is amended to read as follows:

17 S 311. Examination. At least once in each calendar year the corpo-  
18 ration shall be examined by [either] the superintendent of financial  
19 services [or the superintendent of financial services] for the purpose  
20 of determining the corporation's net worth and the soundness of its  
21 management and operating policies. [The examination is to be made by the  
22 superintendant of financial services in alternate years commencing with  
23 the examination for the year ending October thirty-first, nineteen  
24 hundred seventy-one, and by the superintendent of financial services in  
25 alternate years commencing with the examination for the year ending  
26 October thirty-first, nineteen hundred seventy-two.] The corporation  
27 shall not, however, be deemed to be a banking or insurance organization.  
28 The corporation shall pay the cost of each such examination. Copies of  
29 each examination report, including the findings, conclusions and recom-  
30 mendations of the examiners, shall be furnished to the corporation. The  
31 corporation shall furnish copies of each report, including the findings,  
32 conclusions and recommendations of the examiners, to each of the holders  
33 of its capital stock and to its members. Such corporation shall make an  
34 annual report of its condition to the governor, legislature[, super-  
35 intendent of financial services] and superintendent of financial  
36 services on or before January first of each year.

37 S 73. Subdivision 2 of section 407 of the private housing finance law,  
38 as added by chapter 499 of the laws of 1970 and as further amended by  
39 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
40 read as follows:

41 2. Banking institutions AND INSURANCE COMPANIES may exercise such  
42 power on such conditions as may be prescribed OR AUTHORIZED by the  
43 superintendent of financial services [of the state department of finan-  
44 cial services and insurance companies may exercise such power only to  
45 the extent and on such conditions as may be authorized by the state  
46 superintendent of financial services].

47 S 74. Section 454 of the private housing finance law, as added by  
48 chapter 862 of the laws of 1973 and as further amended by section 104 of  
49 part A of chapter 62 of the laws of 2011, is amended to read as follows:

50 S 454. Servicing of municipal loans by banking institutions. The muni-  
51 cipality is authorized to make provision, either in the loan agreement  
52 or by separate agreement, for the performance by one or more banking  
53 institutions of such services as are generally performed by any such  
54 bank itself owning and holding such a loan and as may be approved by the  
55 superintendent of financial services [of the state department of finan-  
56 cial services], for which services a bank may make and collect such

1 service charges as the superintendent [of financial services] shall  
2 prescribe or approve.

3 S 75. Subdivision 1 of section 474 of the private housing finance law,  
4 as added by chapter 786 of the laws of 1987 and as further amended by  
5 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
6 read as follows:

7 1. The agency is authorized to make provision in the note and loan  
8 agreement or by separate agreement for the performance by one or more  
9 banking institutions of such services as are generally performed by any  
10 such bank itself owning and holding such a loan and as may be approved  
11 by the superintendent of financial services [of the state department of  
12 financial services] for which services a bank may make and collect such  
13 service charges as the superintendent [of financial services] shall  
14 prescribe or approve.

15 S 76. Subdivision 7 of section 802 of the private housing finance law,  
16 as added by chapter 822 of the laws of 1976 and as further amended by  
17 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
18 read as follows:

19 7. Banking organizations [may exercise such power on such conditions  
20 as may be prescribed by the superintendent of financial services of the  
21 state department of financial services,] and insurance companies may  
22 exercise such power only to the extent and on such conditions as may be  
23 authorized by the state superintendent of financial services.

24 S 77. Subdivision 1 of section 1835-b of the public authorities law,  
25 as amended by chapter 118 of the laws of 1990 and as further amended by  
26 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
27 read as follows:

28 1. To prescribe standards and criteria for the granting of applica-  
29 tions for loans to lenders and for the making of loans for agricultural  
30 business projects, which standards and criteria shall implement the  
31 intent and purposes of this subtitle. In developing such standards and  
32 criteria the authority shall consult with the superintendent of finan-  
33 cial services [and superintendent of financial services] regarding the  
34 qualifications of lenders and with the commissioner of agriculture and  
35 markets and the commissioner of economic development regarding the stan-  
36 dards and criteria for the making of loans for business projects.

37 S 78. Subdivision 3 of section 4602 of the public health law, as added  
38 by chapter 401 of the laws of 2003 and as further amended by section 104  
39 of part A of chapter 62 of the laws of 2011, is amended to read as  
40 follows:

41 3. The council shall establish guidelines under which the commission-  
42 er[, with the advice and consent of the superintendent of financial  
43 services,] is authorized to approve or reject any proposed refinancing,  
44 if the council has already approved an application pursuant to paragraph  
45 a of subdivision two of this section.

46 S 79. Paragraph (e) of subdivision 1 of section 73 of the public offi-  
47 cers law, as amended by chapter 813 of the laws of 1987 and as further  
48 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
49 amended to read as follows:

50 (e) The term "regulatory agency" shall mean the department of finan-  
51 cial services, [department of financial services,] state liquor authori-  
52 ty, department of agriculture and markets, department of education,  
53 department of environmental conservation, department of health, division  
54 of housing and community renewal, department of state, other than the  
55 division of corporations and state records, department of public  
56 service, the industrial board of appeals in the department of labor and

1 the department of law, other than when the attorney general or his  
2 agents or employees are performing duties specified in section sixty-  
3 three of the executive law.

4 S 80. Paragraph (a) of subdivision 3 and paragraph (a) of subdivision  
5 3-a of section 265-b of the real property law, paragraph (a) of subdivi-  
6 sion 3 as added by chapter 472 of the laws of 2008, paragraph (a) of  
7 subdivision 3-a as added by chapter 553 of the laws of 2010 and such  
8 subdivisions as further amended by section 104 of part A of chapter 62  
9 of the laws of 2011, are amended to read as follows:

10 (a) A distressed property consulting contract shall:

11 (i) contain the entire agreement of the parties;

12 (ii) be provided in writing to the homeowner for review before sign-  
13 ing;

14 (iii) be printed in at least twelve point type and written in the same  
15 language that is used by the homeowner and was used in discussions  
16 between the consultant and the homeowner to describe the consultant's  
17 services or to negotiate the contract;

18 (iv) fully disclose the exact nature of the distressed property  
19 consulting services to be provided by the distressed property consultant  
20 or anyone working in association with the distressed property consult-  
21 ant;

22 (v) fully disclose the total amount and terms of compensation for such  
23 consulting services;

24 (vi) contain the name, business address and telephone number of the  
25 consultant and the street address (if different) and facsimile number or  
26 email address of the distressed property consultant where communications  
27 from the homeowner may be delivered;

28 (vii) be dated and personally signed by the homeowner and the  
29 distressed property consultant and be witnessed and acknowledged by a  
30 New York notary public; and

31 (viii) contain the following notice, which shall be printed in at  
32 least fourteen point boldface type, completed with the name of the  
33 distressed property consultant, and located in immediate proximity to  
34 the space reserved for the homeowner's signature:

35 "NOTICE REQUIRED BY NEW YORK LAW

36 You may cancel this contract, without any penalty or obligation, at  
37 any time before midnight of (fifth business day after  
38 execution).

39 (Name of Distressed Property Consultant) (the "Consultant") or  
40 anyone working for the Consultant may not take any money from you or ask  
41 you for money until the Consultant has completely finished doing every-  
42 thing this Contract says the Consultant will do.

43 You should consider consulting an attorney or a government-approved  
44 housing counselor before signing any legal document concerning your  
45 home. It is advisable that you find your own attorney, and not consult  
46 with an attorney recommended or provided to you by the Consultant. A  
47 list of housing counselors may be found on the website of the New York  
48 State Department of Financial Services, [www.banking.state.ny.us]  
49 HTTP://WWW.DFS.NY.GOV or by calling the Department of Financial Services  
50 toll-free at [1-877-BANK-NYS ([1-877-226-5697[]]. (PLEASE NOTE: THE  
51 DEPARTMENT MAY FROM TIME TO TIME CHANGE THE NUMBER OF ITS TOLL-FREE  
52 HELPLINE AND/OR ITS WEB ADDRESS.) The law requires that this contract  
53 contain the entire agreement between you and the Consultant. You should  
54 not rely upon any other written or oral agreement or promise."

55 The distressed property consultant shall accurately enter the date on  
56 which the right to cancel ends.

1 (a) All advertisements disseminated by a distressed property consult-  
2 ant must prominently include the following statement: "In New York  
3 State, Housing Counselors, who are approved by the U.S. Department of  
4 Housing & Urban Development or the New York State Department of Finan-  
5 cial Services, may provide the same or similar services as a distressed  
6 property consultant for free. A list of approved Housing Counselors can  
7 be found on the New York State Department of Financial Services website  
8 at [www.banking.state.ny.us] HTTP://WWW.DFS.NY.GOV or by contacting the  
9 New York State Department of Financial Services toll-free at  
10 [1-877-BANK-NYS ([1-877-226-5697])]. You should consider consulting an  
11 attorney or a government-approved housing counselor before signing any  
12 legal document concerning a distressed property consultant." Such state-  
13 ment, if disseminated by print media or the internet, shall be clearly  
14 and legibly printed or displayed in not less than twelve-point bold  
15 type, or, if the advertisement is printed to be displayed in print that  
16 is smaller than twelve point, in bold type print that is no smaller than  
17 the print in which the text of the advertisement is printed or  
18 displayed.

19 S 81. Paragraph (g) of subdivision 1 of section 280 of the real prop-  
20 erty law is REPEALED, and paragraph (f) of subdivision 1, as added by  
21 chapter 613 of the laws of 1993 and as further amended by section 104 of  
22 part A of chapter 62 of the laws of 2011, is amended to read as follows:

23 (f) Superintendent of financial services. The superintendent estab-  
24 lished pursuant to section [thirteen] TWO HUNDRED TWO of the [banking]  
25 FINANCIAL SERVICES law.

26 S 82. Paragraph (g) of subdivision 1 of section 280-a of the real  
27 property law is REPEALED, and paragraph (f) of subdivision 1 as added by  
28 chapter 613 of the laws of 1993 and as further amended by section 104 of  
29 part A of chapter 62 of the laws of 2011, is amended to read as follows:

30 (f) Superintendent of financial services. The superintendent estab-  
31 lished pursuant to section [thirteen] TWO HUNDRED TWO of the [banking]  
32 FINANCIAL SERVICES law.

33 S 83. Subdivision 5 of section 1303 of the real property actions and  
34 proceedings law, as amended by chapter 358 of the laws of 2010, is  
35 amended to read as follows:

36 5. The notice required by paragraph (b) of subdivision one of this  
37 section shall appear as follows:

38 Notice to Tenants of Buildings in Foreclosure

39 New York State Law requires that we provide you this notice about the  
40 foreclosure process. Please read it carefully.

41 We, (name of foreclosing party), are the foreclosing party and are  
42 located at (foreclosing party's address). We can be reached at (fore-  
43 closing party's telephone number).

44 The dwelling where your apartment is located is the subject of a fore-  
45 closure proceeding. If you have a lease, are not the owner of the resi-  
46 dence, and the lease requires payment of rent that at the time it was  
47 entered into was not substantially less than the fair market rent for  
48 the property, you may be entitled to remain in occupancy for the remain-  
49 der of your lease term. If you do not have a lease, you will be entitled  
50 to remain in your home until ninety days after any person or entity who  
51 acquires title to the property provides you with a notice as required by  
52 section 1305 of the Real Property Actions and Proceedings Law. The  
53 notice shall provide information regarding the name and address of the  
54 new owner and your rights to remain in your home. These rights are in  
55 addition to any others you may have if you are a subsidized tenant under

1 federal, state or local law or if you are a tenant subject to rent  
2 control, rent stabilization or a federal statutory scheme.

3 ALL RENT-STABILIZED TENANTS AND RENT-CONTROLLED TENANTS ARE PROTECTED  
4 UNDER THE RENT REGULATIONS WITH RESPECT TO EVICTION AND LEASE RENEWALS.  
5 THESE RIGHTS ARE UNAFFECTED BY A BUILDING ENTERING FORECLOSURE STATUS.  
6 THE TENANTS IN RENT-STABILIZED AND RENT-CONTROLLED BUILDINGS CONTINUE TO  
7 BE AFFORDED THE SAME LEVEL OF PROTECTION EVEN THOUGH THE BUILDING IS THE  
8 SUBJECT OF FORECLOSURE. EVICTIONS CAN ONLY OCCUR IN NEW YORK STATE  
9 PURSUANT TO A COURT ORDER AND AFTER A FULL HEARING IN COURT.

10 If you need further information, please call the New York State [Bank-  
11 ing Department's] DEPARTMENT OF FINANCIAL SERVICES' toll-free helpline  
12 at [1-877-BANK-NYS ([1-877-226-5697])] or visit the Department's website  
13 at [<http://www.banking.state.ny.us>] [HTTP://WWW.DFS.NY.GOV](http://WWW.DFS.NY.GOV). (PLEASE  
14 NOTE: THE DEPARTMENT MAY FROM TIME TO TIME CHANGE THE NUMBER OF ITS  
15 TOLL-FREE HELPLINE AND/OR ITS WEB ADDRESS.)

16 S 84. Subdivision 1 of section 1304 of the real property actions and  
17 proceedings law, as amended by chapter 507 of the laws of 2009 and as  
18 further amended by section 104 of part A of chapter 62 of the laws of  
19 2011, is amended to read as follows:

20 1. Notwithstanding any other provision of law, with regard to a home  
21 loan, at least ninety days before a lender, an assignee or a mortgage  
22 loan servicer commences legal action against the borrower, including  
23 mortgage foreclosure, such lender, assignee or mortgage loan servicer  
24 shall give notice to the borrower in at least fourteen-point type which  
25 shall include the following:

26 "YOU COULD LOSE YOUR HOME. PLEASE READ THE FOLLOWING  
27 NOTICE CAREFULLY"

28 "As of \_\_\_, your home loan is \_\_\_ days in default. Under New York  
29 State Law, we are required to send you this notice to inform you that  
30 you are at risk of losing your home. You can cure this default by making  
31 the payment of \_\_\_\_\_ dollars by \_\_\_\_.

32 If you are experiencing financial difficulty, you should know that  
33 there are several options available to you that may help you keep your  
34 home. Attached to this notice is a list of government approved housing  
35 counseling agencies in your area which provide free or very low-cost  
36 counseling. You should consider contacting one of these agencies imme-  
37 diately. These agencies specialize in helping homeowners who are facing  
38 financial difficulty. Housing counselors can help you assess your finan-  
39 cial condition and work with us to explore the possibility of modifying  
40 your loan, establishing an easier payment plan for you, or even working  
41 out a period of loan forbearance. If you wish, you may also contact us  
42 directly at \_\_\_\_\_ and ask to discuss possible options.

43 While we cannot assure that a mutually agreeable resolution is possi-  
44 ble, we encourage you to take immediate steps to try to achieve a resol-  
45 ution. The longer you wait, the fewer options you may have.

46 If this matter is not resolved within 90 days from the date this  
47 notice was mailed, we may commence legal action against you (or sooner  
48 if you cease to live in the dwelling as your primary residence.)

49 If you need further information, please call the New York State  
50 Department of Financial Services' toll-free helpline at [1-877-BANK-NYS  
51 ([1-877-226-5697])] or visit the Department's website at  
52 [<http://www.banking.state.ny.us>] [HTTP://WWW.DFS.NY.GOV](http://WWW.DFS.NY.GOV) (PLEASE NOTE: THE  
53 DEPARTMENT MAY FROM TIME TO TIME CHANGE THE NUMBER OF ITS TOLL-FREE  
54 HELPLINE AND/OR ITS WEB ADDRESS.)"

55 S 85. Subdivision 1 of section 1304 of the real property actions and  
56 proceedings law, as added by chapter 472 of the laws of 2008 and as

1 further amended by section 104 of part A of chapter 62 of the laws of  
2 2011, is amended to read as follows:

3 1. Notwithstanding any other provision of law, with regard to a high-  
4 cost home loan, as such term is defined in section six-1 of the banking  
5 law, a subprime home loan or a non-traditional home loan, at least nine-  
6 ty days before a lender or a mortgage loan servicer commences legal  
7 action against the borrower, including mortgage foreclosure, the lender  
8 or mortgage loan servicer shall give notice to the borrower in at least  
9 fourteen-point type which shall include the following:

10 "YOU COULD LOSE YOUR HOME. PLEASE READ THE FOLLOWING  
11 NOTICE CAREFULLY"

12 "As of \_\_\_\_, your home loan is \_\_\_\_ days in default. Under New York  
13 State Law, we are required to send you this notice to inform you that  
14 you are at risk of losing your home. You can cure this default by making  
15 the payment of \_\_\_\_\_ dollars by \_\_\_\_.

16 If you are experiencing financial difficulty, you should know that  
17 there are several options available to you that may help you keep your  
18 home. Attached to this notice is a list of government approved housing  
19 counseling agencies in your area which provide free or very low-cost  
20 counseling. You should consider contacting one of these agencies imme-  
21 diately. These agencies specialize in helping homeowners who are facing  
22 financial difficulty. Housing counselors can help you assess your finan-  
23 cial condition and work with us to explore the possibility of modifying  
24 your loan, establishing an easier payment plan for you, or even working  
25 out a period of loan forbearance. If you wish, you may also contact us  
26 directly at \_\_\_\_\_ and ask to discuss possible options.

27 While we cannot assure that a mutually agreeable resolution is possi-  
28 ble, we encourage you to take immediate steps to try to achieve a resol-  
29 ution. The longer you wait, the fewer options you may have.

30 If this matter is not resolved within 90 days from the date this  
31 notice was mailed, we may commence legal action against you (or sooner  
32 if you cease to live in the dwelling as your primary residence.)

33 If you need further information, please call the New York State  
34 Department of Financial Services' toll-free helpline at [1-877-BANK-NYS  
35 ([1-877-226-5697[]] or visit the Department's website at  
36 [<http://www.banking.state.ny.us>] [HTTP://WWW.DFS.NY.GOV](http://WWW.DFS.NY.GOV). (PLEASE NOTE:  
37 THE DEPARTMENT MAY FROM TIME TO TIME CHANGE THE NUMBER OF ITS TOLL-FREE  
38 HELPLINE AND/OR ITS WEB ADDRESS.)"

39 S 86. Subdivision 3 of section 953 of the real property tax law, as  
40 added by chapter 440 of the laws of 1989 and as further amended by  
41 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
42 read as follows:

43 3. Every mortgage investing institution shall deposit funds from a  
44 real property tax escrow account of a mortgagor in a banking institution  
45 whose deposits are insured by a federal agency or a licensed branch of a  
46 foreign banking corporation whose deposits are insured by a federal  
47 agency. Notwithstanding the foregoing provisions of this subdivision,  
48 the superintendent of financial services shall have the power[, by a  
49 three-fifths vote of all its members,] to exempt from the requirements  
50 of this subdivision any banking organization which does not receive  
51 deposits or share accounts from the general public.

52 S 87. Paragraph a of subdivision 8 of section 5 of the state finance  
53 law, as amended by chapter 201 of the laws of 1997 and as further  
54 amended by section 104 of part A of chapter 62 of the laws of 2011, is  
55 amended to read as follows:

1 a. The term "financial organization" shall mean an organization  
2 authorized to do business in the state of New York and (A) which is an  
3 authorized fiduciary to act as a trustee pursuant to the provisions of  
4 an act of congress entitled "Employee Retirement Income Security Act of  
5 1974" as such provisions may be amended from time to time, or an insur-  
6 ance company; and (B) (i) is licensed or chartered by the state depart-  
7 ment of financial services, (ii) [is licensed or chartered by the state  
8 department of financial services, (iii)] is chartered by an agency of  
9 the federal government, [(iv)] (III) is subject to the jurisdiction and  
10 regulation of the securities and exchange commission of the federal  
11 government, or [(v)] (IV) is any other entity otherwise authorized to  
12 act in this state as a trustee pursuant to the provisions of an act of  
13 congress entitled "Employee Retirement Income Security Act of 1974" as  
14 such provisions may be amended from time to time.

15 S 88. Section 14 of the state finance law, the closing paragraph as  
16 further amended by section 104 of part A of chapter 62 of the laws of  
17 2011, is amended to read as follows:

18 S 14. Departmental statements. In addition to the annual department  
19 reports prescribed by law, the head of each department of the state, on  
20 or before the fifteenth day of October in each year, shall submit to the  
21 governor a statement of the sources, amounts and disposition of all  
22 money received by such department, its divisions, bureaus or officers  
23 for the preceding fiscal year other than money appropriated for such  
24 department by the legislature or money [which] THAT was paid by such  
25 department into the treasury. Such statement shall include a description  
26 of the nature and the amount of each fund, if any, then under the super-  
27 vision or control of such department or the head thereof or under the  
28 supervision or control of any division, bureau, commission, board or  
29 other organization therein or under the supervision or control of the  
30 head or any other officer of such division, bureau, commission, board or  
31 organization, which was derived from any source whether or not deposited  
32 in the treasury, a citation of the statute authorizing the creation or  
33 establishment of each such fund and the nature and amount of any  
34 payments made therefrom during the preceding fiscal year. The director  
35 of the budget in the executive department shall make rules, which shall  
36 be approved by the governor, regulating the form and contents of such  
37 statements. Copies of such statements shall be simultaneously furnished  
38 to the senate finance committee and the assembly ways and means commit-  
39 tee for their information.

40 The governor, in such form and with such explanation as [he] THE  
41 GOVERNOR may desire, shall transmit to the legislature, with the annual  
42 budget, a recapitulation or summary of the information contained in such  
43 statements arranged under appropriate headings for each department. The  
44 provisions of this section shall not apply to any funds received by the  
45 superintendent of financial services [or the superintendent of financial  
46 services] in a fiduciary capacity or to the state teachers' retirement  
47 fund, or any state employees' retirement and pension fund, but such  
48 exemption from the application of this section shall not affect any  
49 other provision of law requiring a report or statement of such funds.

50 S 89. Section 106 of the state finance law, the second undesignated  
51 paragraph as amended by chapter 293 of the laws of 1992, subdivision B  
52 and the closing paragraph as amended by chapter 583 of the laws of 1941,  
53 subdivision C as added by chapter 551 of the laws of 2010, and the clos-  
54 ing paragraph as further amended by section 104 of part A of chapter 62  
55 of the laws of 2011, is amended to read as follows:

1 S 106. Deposit of moneys by state officers, state institutions and  
2 charitable and benevolent institutions. Such moneys received by the  
3 commissioner of taxation and finance as are now deposited to the credit  
4 of the comptroller pursuant to statute, and thereafter paid into the  
5 state treasury, shall be deposited by him OR HER to the credit of the  
6 comptroller in such bank or trust company as shall be designated by the  
7 comptroller at such rate of interest, if any, as shall be agreed upon by  
8 the depository and the comptroller.

9 All other moneys received by the commissioner of taxation and finance  
10 except as provided in section one hundred five of this article and all  
11 moneys received by any other state officer or other person receiving  
12 moneys belonging to the state, or for which such state officer or other  
13 person may be responsible in his OR HER official capacity, and all  
14 moneys received by any state institution, except for moneys received  
15 pursuant to a clinical practice plan established pursuant to subdivision  
16 fourteen of section two hundred six of the public health law and all  
17 moneys received from the state by any charitable or benevolent institu-  
18 tion supported in whole or in part by the state, shall be deposited to  
19 his, HER, or its credit in such bank or trust company as shall be desig-  
20 nated by the comptroller at such rate of interest, if any, as shall be  
21 agreed upon by the depository and the comptroller.

22 Every bank or trust company designated by the comptroller for the  
23 deposit of any such moneys

24 A. Shall give a bond with sufficient sureties for the security of such  
25 deposit, to be approved by the comptroller and filed in his OR HER  
26 office,

27 B. Or shall, in lieu of such surety bond, with the permission of the  
28 comptroller deposit with the comptroller such outstanding unmatured  
29 bonds or notes or such certified check or checks as are described in  
30 section one hundred five of this article. The comptroller may, in his OR  
31 HER discretion, accept and substitute for any surety bond or undertaking  
32 given, pursuant to this section, a bond or undertaking in such form and  
33 with other surety or sureties, or other security as required by this  
34 section, for such sums as may be prescribed and approved by the comp-  
35 troller for the safe keeping and prompt payment of such moneys on legal  
36 demand therefor with interest, if any, and the comptroller may thereupon  
37 execute and deliver to the surety or sureties, upon the former bond or  
38 undertaking, a release of such surety or sureties from any liability  
39 accruing subsequent to the date of such release. Such release shall not  
40 relieve such surety or sureties from any obligation for losses incurred  
41 prior to the date thereof. On the withdrawal of all moneys from any such  
42 depository and a closing and settlement of the account thereof, the  
43 comptroller may in his OR HER discretion certify to such settlement and  
44 release to the obligor or owner or owners entitled thereto, of such  
45 surety bond, undertaking, certified check or checks, or other security  
46 deposited with him OR HER.

47 C. Notwithstanding any other provisions of this section, the comp-  
48 troller shall not designate for the deposit of moneys by state officers,  
49 state institutions and charitable and benevolent institutions supported  
50 in whole or in part by the state a banking institution to which the  
51 Community Reinvestment Act of 1977, United States P.L. 95-128, applies  
52 unless such institution shall have received a record of performance no  
53 lower than "satisfactory" as determined under such act in accordance  
54 with section twenty-eight-b of the banking law.



1 This section shall not apply to any funds held by the superintendent  
2 of financial services [or the superintendent of financial services] in a  
3 fiduciary capacity.

4 S 90. Subdivisions 6 and 7 of section 201 of the state finance law, as  
5 amended by chapter 233 of the laws of 1992 and as further amended by  
6 section 104 of part A of chapter 62 of the laws of 2011, are amended to  
7 read as follows:

8 6. Notwithstanding any other law to the contrary, where, and to the  
9 extent that, an agreement between the state and an employee organization  
10 pursuant to article fourteen of the civil service law authorizes partic-  
11 ipation in an individual retirement account plan by employees covered by  
12 such agreement, the comptroller, after receipt of written directions  
13 from the director of employee relations where such agreement covers  
14 employees in the executive branch or from the chief administrator of the  
15 courts where such agreement covers employees in the judicial branch, is  
16 authorized to deduct from the salary of any employee covered by such an  
17 agreement an amount [which] THAT the employee may specify in writing  
18 filed in a manner determined by the comptroller for contribution to such  
19 plan in accordance with the Economic Recovery Tax Act of 1981 (P.L.  
20 97-34) and transmit deductions so withheld to the financial organization  
21 issuing such plan in accordance with the provisions of such agreement.  
22 For the purposes of this subdivision, subject to the rules and regu-  
23 lations promulgated by the comptroller, the term "financial organiza-  
24 tion" shall mean an organization authorized to do business in the state  
25 of New York and which is an authorized fiduciary to act as a trustee  
26 under an individual retirement account plan established pursuant to the  
27 provisions of an act of congress entitled "Employee Retirement Income  
28 Security Act of 1974" as such provisions may be amended from time to  
29 time, and (i) is licensed or chartered by the state department of finan-  
30 cial services, (ii) [is licensed or chartered by the state department of  
31 financial services, (iii)] is chartered by an agency of the federal  
32 government, [(iv)] (III) is subject to the jurisdiction and regulation  
33 of the securities and exchange commission of the federal government, or  
34 [(v)] (IV) is any other entity otherwise authorized to act in this state  
35 as a trustee of an individual retirement account plan established pursu-  
36 ant to the provisions of an act of congress entitled "Employee Retire-  
37 ment Income Security Act of 1974" as such provisions may be amended from  
38 time to time; provided, however, that any contributions made pursuant to  
39 this section shall be made to a financial organization whose offices are  
40 located in this state. Any such written authorization may be withdrawn  
41 by the employee at any time upon filing written notice of such with-  
42 drawal in a manner determined by the comptroller or such deduction may  
43 be terminated on notice to the comptroller by the financial organization  
44 in accordance with the terms of such plan. Notwithstanding this subdivi-  
45 sion, an organization defined by subdivision nine of section two of the  
46 banking law or a credit union chartered by the United States and having  
47 its principal office in the state of New York and which is otherwise  
48 entitled under this section to receive payments deducted from the salary  
49 of a state employee shall have the right to, and continue to have the  
50 right to, receive such payments for the purpose of individual retirement  
51 account plans offered by such organizations.

52 7. Notwithstanding any other law to the contrary, where, and to the  
53 extent that, an agreement between the state and an employee organization  
54 entered into pursuant to article fourteen of the civil service law so  
55 provides on behalf of employees in the collective negotiating unit  
56 designated as the professional services negotiating unit established

1 pursuant to article fourteen of the civil service law authorizes partic-  
2 ipation in an annuity contract by employees covered by such agreement,  
3 the comptroller, after receipt of written directions from the director  
4 of employee relations, is authorized to deduct from the salary of any  
5 employee covered by such an agreement an amount [which] THAT the employ-  
6 ee may specify in writing filed in a manner determined by the comp-  
7 troller for contribution to such plan or plans in accordance with  
8 section four hundred three (b) of the Internal Revenue Code (26 USC S  
9 403(b)) and transmit deductions so withheld to the financial organiza-  
10 tion or organizations issuing such plan in accordance with the  
11 provisions of such agreement. For the purposes of this subdivision,  
12 subject to the rules and regulations promulgated by the comptroller, the  
13 term "financial organization" shall mean an organization authorized to  
14 do business in the state of New York and which (i) is licensed or char-  
15 tered by the state department of financial services, (ii) [is licensed  
16 or chartered by the state department of financial services, (iii)] is  
17 chartered by an agency of the federal government, or [(iv)] (III) is  
18 subject to the jurisdiction and regulation of the securities and  
19 exchange commission of the federal government; provided, however, that  
20 any contribution made pursuant to this section shall be made to a finan-  
21 cial organization whose offices are located in this state. Any such  
22 written authorization may be withdrawn by the employee at any time upon  
23 filing written notice of such withdrawal in a manner determined by the  
24 comptroller or such deduction may be terminated on notice to the comp-  
25 troller by the financial organization in accordance with the terms of  
26 such plan.

27 S 91. Paragraph b of subdivision 1 of section 208 of the state finance  
28 law, as added by chapter 460 of the laws of 1982 and as further amended  
29 by section 104 of part A of chapter 62 of the laws of 2011, is amended  
30 to read as follows:

31 b. The term "financial organization" as used in this section shall  
32 mean an organization [which] THAT is authorized to do business in the  
33 state of New York, and is licensed or chartered by the state department  
34 of financial services [or the state department of financial services],  
35 is chartered by an agency of the federal government, or is subject to  
36 the jurisdiction of the securities and exchange commission.

37 S 92. Section 94 of article 7 of chapter 784 of the laws of 1951  
38 constituting the defense emergency act of 1951 is REPEALED.

39 S 93. This act shall take effect immediately provided, however, that  
40 the amendments to paragraph 3 of subdivision (e) of section 1120 of the  
41 insurance law made by section fifty-eight of this act shall be subject  
42 to the expiration and reversion of such paragraph pursuant to chapter 2  
43 of the laws of 1998, as amended, when upon such date the provisions of  
44 section fifty-nine of this act shall take effect; and provided, further,  
45 that the amendments to section 1304 of the real property actions and  
46 proceedings law made by section eighty-four of this act shall be subject  
47 to the expiration and reversion of such subdivision when upon such date  
48 the provisions of section eighty-five of this act shall take effect.