

General Assembly

February Session, 2024

Raised Bill No. 5145

LCO No. 1021

Referred to Committee on BANKING

Introduced by: (BA)

AN ACT CONCERNING INNOVATION BANKS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 36a-2 of the 2024 supplement to the general statutes

is repealed and the following is substituted in lieu thereof (*Effective July*1, 2024):

- 4 As used in this title, unless the context otherwise requires:
- 5 (1) "Affiliate" of a person means any person controlling, controlled 6 by, or under common control with, that person;
- 7 (2) "Applicant" with respect to any license or approval provision
 8 pursuant to this title means a person who applies for that license or
 9 approval;
- (3) "Automated teller machine" means a stationary or mobile device
 that is unattended or equipped with a telephone or televideo device that
 allows contact with bank personnel, including a satellite device but
 excluding a point of sale terminal, at which banking transactions,
 including, but not limited to, deposits, withdrawals, advances,

15 payments or transfers, may be conducted;

16 (4) "Bank" means a Connecticut bank or a federal bank;

(5) "Bank and trust company" means an institution chartered ororganized under the laws of this state as a bank and trust company;

(6) "Bank holding company" has the meaning given to that term in 12
USC Section 1841(a), as amended from time to time, except that the term
"bank", as used in 12 USC Section 1841(a) includes a bank or out-of-state
bank that functions solely in a trust or fiduciary capacity;

(7) "Capital and surplus" has the same meaning as provided in 12 CFR
1.2, as amended from time to time;

(8) "Capital stock" when used in conjunction with any bank or out-ofstate bank means a bank or out-of-state bank that is authorized to
accumulate funds through the issuance of its capital stock;

(9) "Client" means a beneficiary of a trust for whom the Connecticut
bank acts as trustee, a person for whom the Connecticut bank acts as
agent, custodian or bailee, or other person to whom a Connecticut bank
owes a duty or obligation under a trust or other account administered
by such Connecticut bank, regardless of whether such Connecticut bank
owes a fiduciary duty to the person;

(10) "Club deposit" means deposits to be received at regular intervals,
the whole amount deposited to be withdrawn by the owner or repaid
by the bank in not more than fifteen months from the date of the first
deposit, and upon which no interest or dividends need to be paid;

(11) "Commissioner" means the Banking Commissioner and, with
respect to any function of the commissioner, includes any person
authorized or designated by the commissioner to carry out that
function;

42 (12) "Company" means any corporation, joint stock company, trust, 43 association, partnership, limited partnership, unincorporated organization, limited liability company or similar organization, but does
not include (A) any corporation the majority of the shares of which are
owned by the United States or by any state, or (B) any trust which by its
terms shall terminate within twenty-five years or not later than twentyone years and ten months after the death of beneficiaries living on the
effective date of the trust;

50 (13) "Connecticut bank" means a bank and trust company, savings 51 bank or savings and loan association chartered or organized under the 52 laws of this state;

(14) "Connecticut credit union" means a cooperative, nonprofit financial institution that (A) is organized under chapter 667 and the membership of which is limited as provided in section 36a-438a, (B) operates for the benefit and general welfare of its members with the earnings, benefits or services offered being distributed to or retained for its members, and (C) is governed by a volunteer board of directors elected by and from its membership;

60 (15) "Connecticut credit union service organization" means a credit 61 union service organization that is (A) incorporated under the laws of 62 this state, located in this state and established by at least one Connecticut 63 credit union, or (B) wholly owned by a credit union that converted into 64 a Connecticut credit union pursuant to section 36a-469b;

(16) "Consolidation" means a combination of two or more institutions
into a new institution; all institutions party to the consolidation, other
than the new institution, are "constituent" institutions; the new
institution is the "resulting" institution;

(17) "Control" has the meaning given to that term in 12 USC Section1841(a), as amended from time to time;

(18) "Credit union service organization" means an entity organized
under state or federal law to provide credit union service organization
services primarily to its members, to Connecticut credit unions, federal
credit unions and out-of-state credit unions other than its members, and

75 to members of any such other credit unions;

76 (19) "Customer" means any person using a service offered by a77 financial institution;

(20) "Demand account" means an account into which demanddeposits may be made;

(21) "Demand deposit" means a deposit that is payable on demand, a
deposit issued with an original maturity or required notice period of less
than seven days or a deposit representing funds for which the bank does
not reserve the right to require at least seven days' written notice of the
intended withdrawal, but does not include any time deposit;

85 (22) "Deposit" means funds deposited with a depository;

86 (23) "Deposit account" means an account into which deposits may be87 made;

88 (24) "Depositor" includes a member of a mutual savings and loan89 association;

90 (25) "Director" means a member of the governing board of a financial91 institution;

(26) "Equity capital" means the excess of a Connecticut bank's total
assets over its total liabilities, as defined in the instructions of the federal
Financial Institutions Examination Council for consolidated reports of
condition and income;

96 (27) "Executive officer" means every officer of a Connecticut bank 97 who participates or has authority to participate, otherwise than in the 98 capacity of a director, in major policy-making functions of such bank, 99 regardless of whether such officer has an official title or whether that 100 title contains a designation of assistant and regardless of whether such 101 officer is serving without salary or other compensation. The president, 102 vice president, secretary and treasurer of such bank are deemed to be 103 executive officers, unless, by resolution of the governing board or by

such bank's bylaws, any such officer is excluded from participation in

major policy-making functions, otherwise than in the capacity of a
director of such bank, and such officer does not actually participate in
such policy-making functions;

(28) "Federal agency" has the meaning given to that term in 12 USCSection 3101, as amended from time to time;

(29) "Federal bank" means a national banking association, federal
savings bank or federal savings and loan association having its principal
office in this state;

(30) "Federal branch" has the meaning given to that term in 12 USCSection 3101, as amended from time to time;

(31) "Federal credit union" means any institution chartered or
organized as a federal credit union pursuant to the laws of the United
States having its principal office in this state;

(32) "Fiduciary" means a person undertaking to act alone or jointly
with others primarily for the benefit of another or others in all matters
connected with its undertaking and includes a person acting in the
capacity of trustee, executor, administrator, guardian, assignee,
receiver, conservator, agent, custodian under the Connecticut Uniform
Gifts to Minors Act or the Uniform Transfers to Minors Act, and acting
in any other similar capacity;

(33) "Financial institution" means any Connecticut bank, Connecticut
credit union, or other person whose activities in this state are subject to
the supervision of the commissioner, but does not include a person
whose activities are subject to the supervision of the commissioner
solely pursuant to chapter 672a, 672b or 672c or any combination
thereof;

(34) "Foreign bank" has the meaning given to that term in 12 USCSection 3101, as amended from time to time;

133 (35) "Foreign country" means any country other than the United

134 States and includes any colony, dependency or possession of any such135 country;

(36) "Governing board" means the group of persons vested with the
management of the affairs of a financial institution irrespective of the
name by which such group is designated;

(37) "Holding company" means a bank holding company or a savings
and loan holding company, except, as used in sections 36a-180 to 36a191, inclusive, "holding company" means a company that controls a
bank;

(38) "Innovation bank" means a Connecticut bank that does not accept
 retail deposits and for which insurance of deposits by the Federal
 Deposit Insurance Corporation or its successor agency is not required;

[(38)] (39) "Insured depository institution" has the meaning given to
that term in 12 USC Section 1813, as amended from time to time;

[(39)] (40) "Licensee" means any person who is licensed or required
to be licensed pursuant to the applicable provisions of this title;

150 [(40)] (41) "Loan" includes any line of credit or other extension of 151 credit;

[(41)] (42) "Loan production office" means an office of a bank or outof-state bank, other than a foreign bank, whose activities are limited to
loan production and solicitation;

155 [(42)] (43) "Merger" means the combination of one or more 156 institutions with another which continues its corporate existence; all 157 institutions party to the merger are "constituent" institutions; the 158 merging institution which upon the merger continues its existence is the 159 "resulting" institution;

160 [(43)] (44) "Mutual" when used in conjunction with any institution 161 that is a bank or out-of-state bank means any such institution without 162 capital stock; [(44)] (45) "Mutual holding company" means a mutual holding
company organized under sections 36a-192 to 36a-199, inclusive, and
unless otherwise indicated, a subsidiary holding company controlled by
a mutual holding company organized under sections 36a-192 to 36a-199,
inclusive;

- 168 [(45)] (46) "Out-of-state" includes any state other than Connecticut 169 and any foreign country;
- [(46)] (47) "Out-of-state bank" means any institution that engages in
 the business of banking, but does not include a bank, Connecticut credit
 union, federal credit union or out-of-state credit union;
- [(47)] (48) "Out-of-state credit union" means any credit union other
 than a Connecticut credit union or a federal credit union;
- [(48)] (49) "Out-of-state trust company" means any company
 chartered to act as a fiduciary but does not include a company chartered
 under the laws of this state, a bank, an out-of-state bank, a Connecticut
 credit union, a federal credit union or an out-of-state credit union;
- [(49)] (50) "Person" means an individual, company, including a company described in subparagraphs (A) and (B) of subdivision (12) of this section, or any other legal entity, including a federal, state or municipal government or agency or any political subdivision thereof;
- [(50)] (51) "Point of sale terminal" means a device located in a commercial establishment at which sales transactions can be charged directly to the buyer's deposit, loan or credit account, but at which deposit transactions cannot be conducted;
- [(51)] (52) "Prepayment penalty" means any charge or penalty for paying all or part of the outstanding balance owed on a loan before the date on which the principal is due and includes computing a refund of unearned interest by a method that is less favorable to the borrower than the actuarial method, as defined by Section 933(d) of the Housing and Community Development Act of 1992, 15 USC 1615(d), as amended

193 from time to time;

194 [(52)] (53) "Reorganized savings bank" means any savings bank 195 incorporated and organized in accordance with sections 36a-192 and 196 36a-193;

[(53)] (54) "Reorganized savings and loan association" means any
savings and loan association incorporated and organized in accordance
with sections 36a-192 and 36a-193;

200 [(54)] (55) "Reorganized savings institution" means any reorganized 201 savings bank or reorganized savings and loan association;

[(55)] (56) "Representative office" has the meaning given to that term
in 12 USC Section 3101, as amended from time to time;

[(56)] (57) "Reserves for loan and lease losses" means the amounts
reserved by a Connecticut bank against possible loan and lease losses as
shown on the bank's consolidated reports of condition and income;

207 [(57)] (58) "Retail deposits" means any deposits made by individuals 208 who are not "accredited investors", as defined in 17 CFR 230.501(a);

[(58)] (59) "Satellite device" means an automated teller machine which
is not part of an office of the bank, Connecticut credit union or federal
credit union which has established such machine;

[(59)] (60) "Savings account" means a deposit account, other than an escrow account established pursuant to section 49-2a, into which savings deposits may be made and which account must be evidenced by periodic statements delivered at least semiannually or by a passbook;

216 [(60)] <u>(61)</u> "Savings and loan association" means an institution 217 chartered or organized under the laws of this state as a savings and loan 218 association;

[(61)] (62) "Savings bank" means an institution chartered or organized
under the laws of this state as a savings bank;

[(62)] (63) "Savings deposit" means any deposit other than a demand
deposit or time deposit on which interest or a dividend is paid
periodically;

[(63)] (64) "Savings and loan holding company" has the meaning given to that term in 12 USC Section 1467a, as amended from time to time;

[(64)] (65) "Share account holder" means a person who maintains a share account in a Connecticut credit union, federal credit union or outof-state credit union that maintains in this state a branch, as defined in section 36a-435b;

[(65)] (<u>66)</u> "State" means any state of the United States, the District of
Columbia, any territory of the United States, Puerto Rico, Guam,
American Samoa, the trust territory of the Pacific Islands, the Virgin
Islands and the Northern Mariana Islands;

[(66)] (67) "State agency" has the meaning given to that term in 12 USC
Section 3101, as amended from time to time;

[(67)] (68) "State branch" has the meaning given to that term in 12 USC
Section 3101, as amended from time to time;

[(68)] (<u>69)</u> "Subsidiary" has the meaning given to that term in 12 USC
Section 1841(d), as amended from time to time;

[(69)] (70) "Subsidiary holding company" means a stock holding company, controlled by a mutual holding company, that holds one hundred per cent of the stock of a reorganized savings institution;

[(70)] (71) "Supervisory agency" means: (A) The commissioner; (B) the Federal Deposit Insurance Corporation; (C) the Resolution Trust Corporation; (D) the Office of Thrift Supervision; (E) the National Credit Union Administration; (F) the Board of Governors of the Federal Reserve System; (G) the United States Comptroller of the Currency; (H) the Bureau of Consumer Financial Protection; and (I) any successor to any of the foregoing agencies or individuals; 251 [(71)] (72) "System" means the Nationwide Mortgage Licensing 252 System and Registry, NMLS, NMLSR or such other name or acronym as 253 may be assigned to the multistate system developed by the Conference 254 of State Bank Supervisors and the American Association of Residential 255 Mortgage Regulators and owned and operated by the State Regulatory 256 Registry, LLC, or any successor or affiliated entity, for the licensing and 257 registration of persons in the mortgage and other financial services 258 industries;

[(72)] (73) "Time account" means an account into which time deposits
may be made;

[(73)] <u>(74)</u> "Time deposit" means a deposit that the depositor or share account holder does not have a right and is not permitted to make withdrawals from within six days after the date of deposit, unless the deposit is subject to an early withdrawal penalty of at least seven days' simple interest on amounts withdrawn within the first six days after deposit, subject to those exceptions permissible under 12 CFR Part 204, as amended from time to time; <u>and</u>

268 [(74)] (75) "Trust bank" means a Connecticut bank organized to 269 function solely in a fiduciary capacity. [; and

(75) "Uninsured bank" means a Connecticut bank that does not accept
retail deposits and for which insurance of deposits by the Federal
Deposit Insurance Corporation or its successor agency is not required.]

Sec. 2. Subsection (e) of section 36a-65 of the general statutes is
repealed and the following is substituted in lieu thereof (*Effective July 1*,
2024):

(e) (1) If the commissioner determines that the assessment to be
collected from an [uninsured] <u>innovation</u> bank or a trust bank pursuant
to subdivision (1) of subsection (a) of this section is unreasonably low or
high based on the size and risk profile of the bank, the commissioner
may require such bank to pay a fee in lieu of such assessment. Each such
bank shall pay such fee to the commissioner not later than the date

specified by the commissioner for payment. If payment of such fee is not
made by the time specified by the commissioner, such bank shall pay to
the commissioner an additional two hundred dollars.

(2) Any [uninsured] <u>innovation</u> bank required to pay a fee in lieu of assessment shall also pay to the commissioner the actual cost of the examination of such bank, as such cost is determined by the commissioner.

Sec. 3. Subsections (n) to (u), inclusive, of section 36a-70 of the general
statutes are repealed and the following is substituted in lieu thereof
(*Effective July 1, 2024*):

292 (n) The Connecticut bank shall not commence business until: (1) A 293 final certificate of authority has been issued in accordance with 294 subsection (1) of this section, (2) except in the case of a trust bank, an 295 interim Connecticut bank organized pursuant to subsection (p) of this 296 section, or an [uninsured] innovation bank organized pursuant to 297 subsection (t) of this section, until its insurable accounts or deposits are 298 insured by the Federal Deposit Insurance Corporation or its successor 299 agency, and (3) it has complied with the requirements of subsection (u) 300 of this section, if applicable. The acceptance of subscriptions for deposits 301 by a mutual savings bank or mutual savings and loan association as may 302 be necessary to obtain insurance by the Federal Deposit Insurance 303 Corporation or its successor agency shall not be considered to be 304 commencing business. No Connecticut bank other than a trust bank 305 may exercise any of the fiduciary powers granted to Connecticut banks 306 by law until express authority therefor has been given by the 307 commissioner.

(o) Prior to the issuance of a final certificate of authority to commence
business in accordance with subsection (l) of this section, the
Connecticut bank shall pay to the State Treasurer a franchise tax,
together with a filing fee of twenty dollars for the required papers. The
franchise tax for a mutual savings bank and mutual savings and loan
association shall be thirty dollars. The franchise tax for all capital stock

Connecticut banks shall be one cent per share up to and including the first ten thousand authorized shares, one-half cent per share for each authorized share in excess of ten thousand shares up to and including one hundred thousand shares, one-quarter cent per share for each authorized share in excess of one hundred thousand shares up to and including one million shares and one-fifth cent per share for each authorized share in excess of one million shares.

321 (p) (1) One or more persons may organize an interim Connecticut 322 bank solely (A) for the acquisition of an existing bank, whether by 323 acquisition of stock, by acquisition of assets, or by merger or 324 consolidation, or (B) to facilitate any other corporate transaction 325 authorized by this title in which the commissioner has determined that 326 such transaction has adequate regulatory supervision to justify the 327 organization of an interim Connecticut bank. Such interim Connecticut 328 bank shall not accept deposits or otherwise commence business. 329 Subdivision (2) of subsection (c) and subsections (d), (f), (g), (h) and (o) 330 of this section shall not apply to the organization of an interim bank, 331 provided the commissioner may, in the commissioner's discretion, 332 order a hearing under subsection (e) or require that the organizers 333 publish or mail the proposed certificate of incorporation or both. The 334 approving authority for an interim Connecticut bank shall be the 335 commissioner acting alone. If the approving authority determines that 336 the organization of the interim Connecticut bank complies with 337 applicable law, the approving authority shall issue a temporary 338 certificate of authority conditioned on the approval by the appropriate 339 supervisory agency of the corporate transaction for which the interim 340 Connecticut bank is formed.

(2) (A) Notwithstanding any provision of this title, for the period
from June 13, 2011, to September 30, 2013, inclusive, one or more
persons may apply to the commissioner for the conditional preliminary
approval of one or more expedited Connecticut banks organized
primarily for the purpose of assuming liabilities and purchasing assets
from the Federal Deposit Insurance Corporation when the Federal
Deposit Insurance Corporation is acting as receiver or conservator of an

348 insured depository institution. The application shall be made on a form 349 acceptable to the commissioner and shall be executed and 350 acknowledged by the applicant or applicants. Such application shall 351 contain sufficient information for the commissioner to evaluate (i) the 352 amount, type and sources of capital that would be available to the bank 353 or banks; (ii) the ownership structure and holding companies, if any, 354 over the bank or banks; (iii) the identity, biographical information and 355 banking experience of each of the initial organizers and prospective 356 initial directors, senior executive officers and any individual, group or 357 proposed shareholders of the bank that will own or control ten per cent 358 or more of the stock of the bank or banks; (iv) the overall strategic plan 359 of the organizers and investors for the bank or banks; and (v) a 360 preliminary business plan outlining intended product and business lines, retail branching plans and capital, earnings and liquidity 361 362 projections. The commissioner, acting alone, shall grant conditional 363 preliminary approval of such application to organize if the 364 commissioner determines that the organizers have available sufficient 365 committed funds to invest in the bank or banks; the organizers and 366 proposed directors possess capacity and fitness for the duties and 367 responsibilities with which they will be charged; the proposed bank or 368 banks have a reasonable chance of success and will be operated in a safe 369 and sound manner; and the fee for investigating and processing the 370 application has been paid in accordance with subparagraph (H) of 371 subdivision (1) of subsection (d) of section 36a-65. Such preliminary 372 approval shall be subject to such conditions as the commissioner deems 373 appropriate, including the requirements that the bank or banks not 374 commence the business of a Connecticut bank until after their bid or 375 application for a particular insured depository institution is accepted by 376 the Federal Deposit Insurance Corporation, that the background checks 377 are satisfactory, and that the organizers submit, for the safety and 378 soundness review by the commissioner, more detailed operating plans 379 and current financial statements as potential acquisition transactions are 380 considered, and such plans and statements are satisfactory to the 381 commissioner. The commissioner may alter, suspend or revoke the 382 conditional preliminary approval if the commissioner deems any

interim development warrants such action. The conditional preliminary
approval shall expire eighteen months from the date of approval, unless
extended by the commissioner.

386 (B) The commissioner shall not issue a final certificate of authority to 387 commence the business of a Connecticut bank or banks under this 388 subdivision until all conditions and preopening requirements and 389 applicable state and federal regulatory requirements have been met and 390 the fee for issuance of a final certificate of authority for an expedited 391 Connecticut bank has been paid in accordance with subparagraph (M) 392 of subdivision (1) of subsection (d) of section 36a-65. The commissioner 393 may waive any requirement under this title or regulations adopted 394 under this title that is necessary for the consummation of an acquisition 395 involving an expedited Connecticut bank if the commissioner finds that 396 such waiver is advisable and in the interest of depositors or the public, 397 provided the commissioner shall not waive the requirement that the 398 institution's insurable accounts or deposits be federally insured. Any 399 such waiver granted by the commissioner under this subparagraph 400 shall be in writing and shall set forth the reason or reasons for the 401 waiver. The commissioner may impose conditions on the final certificate 402 of authority as the commissioner deems necessary to ensure that the 403 bank will be operated in a safe and sound manner. The commissioner 404 shall cause notice of the issuance of the final certificate of authority to be 405 published in the department's weekly bulletin.

406 (q) (1) As used in this subsection, "bankers' bank" means a 407 Connecticut bank that is (A) owned exclusively by (i) any combination 408 of banks, out-of-state banks, Connecticut credit unions, federal credit 409 unions, or out-of-state credit unions, or (ii) a bank holding company that 410 is owned exclusively by any such combination, and (B) engaged 411 exclusively in providing services for, or that indirectly benefit, other 412 banks, out-of-state banks, Connecticut credit unions, federal credit 413 unions, or out-of-state credit unions and their directors, officers and 414 employees.

415 (2) One or more persons may organize a bankers' bank in accordance

416 with the provisions of this section, except that subsections (g) and (h) of 417 this section shall not apply. The approving authority for a bankers' bank 418 shall be the commissioner acting alone. Before granting a temporary 419 certificate of authority in the case of an application to organize a 420 bankers' bank, the approving authority shall consider (A) whether the 421 proposed bankers' bank will facilitate the provision of services that such 422 banks, out-of-state banks, Connecticut credit unions, federal credit 423 unions, or out-of-state credit unions would not otherwise be able to 424 readily obtain, and (B) the character and experience of the proposed 425 directors and officers. The application to organize a bankers' bank shall 426 be approved if the approving authority determines that the interest of 427 the public will be directly or indirectly served to advantage by the 428 establishment of the proposed bankers' bank, and the proposed 429 directors possess capacity and fitness for the duties and responsibilities 430 with which they will be charged.

431 (3) A bankers' bank shall have all of the powers of and be subject to 432 all of the requirements applicable to a Connecticut bank under this title 433 which are not inconsistent with this subsection, except to the extent the 434 commissioner limits such powers by regulation. Upon the written 435 request of a bankers' bank, the commissioner may waive specific 436 requirements of this title and the regulations adopted thereunder if the 437 commissioner finds that (A) the requirement pertains primarily to banks 438 that provide retail or consumer banking services and is inconsistent 439 with this subsection, and (B) the requirement may impede the ability of 440 the bankers' bank to compete or to provide desired services to its market 441 provided, any such waiver and the commissioner's findings shall be in 442 writing and shall be made available for public inspection.

(4) The commissioner may adopt regulations, in accordance withchapter 54, to administer the provisions of this subsection.

(r) (1) As used in this subsection and section 36a-139, "community
bank" means a Connecticut bank that is organized pursuant to this
subsection and is subject to the provisions of this subsection and section
36a-139.

449 (2) One or more persons may organize a community bank in 450 accordance with the provisions of this section, except that subsection (g) 451 of this section shall not apply. Any such community bank shall 452 commence business with a minimum equity capital of at least three 453 million dollars. The approving authority for a community bank shall be 454 the commissioner acting alone. In addition to the considerations and 455 determinations required by subsection (h) of this section, before 456 granting a temporary certificate of authority to organize a community 457 bank, the approving authority shall determine that (A) each of the 458 proposed directors and proposed executive officers, as defined in 459 subparagraph (D) of subdivision (3) of this subsection, possesses 460 capacity and fitness for the duties and responsibilities with which such 461 director or officer will be charged, and (B) there is satisfactory 462 community support for the proposed community bank based on 463 evidence of such support provided by the organizers to the approving 464 authority. If the approving authority cannot make such determination 465 with respect to any such proposed director or proposed executive officer, the approving authority may refuse to allow such proposed 466 467 director or proposed executive officer to serve in such capacity in the 468 proposed community bank.

469 (3) A community bank shall have all of the powers of and be subject 470 to all of the requirements and limitations applicable to a Connecticut 471 bank under this title which are not inconsistent with this subsection, 472 except: (A) No community bank may (i) exercise any of the fiduciary 473 powers granted to Connecticut banks by law until express authority 474 therefor has been given by the approving authority, (ii) establish and 475 maintain one or more mutual funds, (iii) invest in derivative securities 476 than mortgage-backed securities fully guaranteed other bv 477 governmental agencies or government sponsored agencies, (iv) own 478 any real estate for the present or future use of the bank unless the 479 approving authority finds, based on an independently prepared 480 analysis of costs and benefits, that it would be less costly to the bank to 481 own instead of lease such real estate, or (v) make mortgage loans 482 secured by nonresidential real estate the aggregate amount of which, at

483 the time of origination, exceeds ten per cent of all assets of such bank; 484 (B) the aggregate amount of all loans made by a community bank shall 485 not exceed eighty per cent of the total deposits held by such bank; (C) (i) the total direct or indirect liabilities of any one obligor, whether or not 486 487 fully secured and however incurred, to any community bank, exclusive 488 of such bank's investment in the investment securities of such obligor, 489 shall not exceed at the time incurred ten per cent of the equity capital 490 and reserves for loan and lease losses of such bank, and (ii) the 491 limitations set forth in subsection (a) of section 36a-262 shall apply to 492 this subparagraph; and (D) the limitations set forth in subsection (a) of section 36a-263 shall apply to all community banks, provided, a 493 494 community bank may (i) make a mortgage loan to any director or executive officer secured by premises occupied or to be occupied by 495 496 such director or officer as a primary residence, (ii) make an educational 497 loan to any director or executive officer for the education of any child of 498 such director or executive officer, and (iii) extend credit to any director 499 or executive officer in an amount not exceeding ten thousand dollars for 500 extensions of credit not otherwise specifically authorized in this subparagraph. The aggregate amount of all loans or extensions of credit 501 502 made by a community bank pursuant to this subparagraph shall not 503 exceed thirty-three and one-third per cent of the equity capital and reserves for loan and lease losses of such bank. As used in this 504 505 subparagraph, "executive officer" means every officer of a community 506 bank who participates or has authority to participate, other than in the 507 capacity of a director, in major policy-making functions of the bank, 508 regardless of whether such officer has an official title or whether such 509 officer serves without salary or other compensation. The vice president, 510 chief financial officer, secretary and treasurer of a community bank are 511 presumed to be executive officers unless, by resolution of the governing 512 board or by the bank's bylaws, any such officer is excluded from 513 participation in major policy-making functions, other than in the 514 capacity of a director of the bank, and such officer does not actually 515 participate in major policy-making functions.

516 (4) The audit and examination requirements set forth in section 36a-

517 86 shall apply to each community bank.

(5) The commissioner may adopt regulations, in accordance withchapter 54, to administer the provisions of this subsection and section36a-139.

521 (s) (1) As used in this subsection, "community development bank" 522 means a Connecticut bank that is organized to serve the banking needs 523 of a well-defined neighborhood, community or other geographic area as 524 determined by the commissioner, primarily, but not exclusively, by 525 making commercial loans in amounts of one hundred fifty thousand 526 dollars or less to existing businesses or to persons seeking to establish 527 businesses located within such neighborhood, community or 528 geographic area.

529 (2) One or more persons may organize a community development 530 bank in accordance with the provisions of this section, except that 531 subsection (g) of this section shall not apply. The approving authority 532 for a community development bank shall be the commissioner acting 533 alone. Any such community development bank shall commence 534 business with a minimum equity capital determined by the commissioner to be appropriate for the proposed activities of such bank, 535 536 provided, if such proposed activities include accepting deposits, such 537 minimum equity capital shall be sufficient to enable such deposits to be 538 insured by the Federal Deposit Insurance Corporation or its successor 539 agency.

540 (3) The state, acting through the State Treasurer, may be the sole 541 organizer of a community development bank or may participate with 542 any other person or persons in the organization of any community 543 development bank, and may own all or a part of any capital stock of 544 such bank. No application fee shall be required under subparagraph (H) 545 of subdivision (1) of subsection (d) of section 36a-65 and no franchise tax 546 shall be required under subsection (o) of this section for any community 547 development bank organized by or in participation with the state.

548 (4) In addition to the considerations and determinations required by

subsection (h) of this section, before granting a temporary certificate of 549 550 authority to organize a community development bank, the approving authority shall determine that (A) each of the proposed directors and 551 552 proposed executive officers possesses capacity and fitness for the duties 553 and responsibilities with which such director or officer will be charged, 554 and (B) there is satisfactory community support for the proposed 555 community development bank based on evidence of such support 556 provided by the organizers to the approving authority. If the approving 557 authority cannot make such determination with respect to any such 558 proposed director or proposed executive officer, the approving 559 authority may refuse to allow such proposed director or proposed 560 executive officer to serve in such capacity in the proposed community 561 development bank. As used in this subdivision, "executive officer" 562 means every officer of a community development bank who 563 participates or has authority to participate, other than in the capacity of 564 a director, in major policy-making functions of the bank, regardless of 565 whether such officer has an official title or whether such officer serves 566 without salary or other compensation. The vice president, chief financial 567 officer, secretary and treasurer of a community development bank are 568 presumed to be executive officers unless, by resolution of the governing 569 board or by the bank's bylaws, any such officer is excluded from 570 participation in major policy-making functions, other than in the 571 capacity of a director of the bank, and such officer does not actually 572 participate in major policy-making functions.

573 (5) Notwithstanding any contrary provision of this title: (A) The commissioner may limit the powers that may be exercised by a 574 575 community development bank or impose conditions on the exercise by 576 such bank of any power allowed by this title as the commissioner deems 577 necessary in the interest of the public and for the safety and soundness 578 of the community development bank, provided, any such limitations or 579 conditions, or both, shall be set forth in the final certificate of authority 580 issued in accordance with subsection (1) of this section; and (B) the 581 commissioner may waive in writing any requirement imposed on a 582 community development bank under this title or any regulation adopted under this title if the commissioner finds that such requirement
is inconsistent with the powers that may be exercised by such
community development bank under its final certificate of authority.

586 (6) The commissioner may adopt regulations, in accordance with 587 chapter 54, to carry out the provisions of this subsection.

588 (t) (1) One or more persons may organize an [uninsured] innovation 589 bank in accordance with the provisions of this section, except that 590 subsection (g) of this section shall not apply. The approving authority 591 for an [uninsured] innovation bank shall be the commissioner acting 592 alone. Any such [uninsured] innovation bank shall commence business 593 with a minimum equity capital of at least five million dollars unless the 594 commissioner establishes a different minimum capital requirement for 595 such [uninsured] innovation bank based upon its proposed activities.

(2) An [uninsured] <u>innovation</u> bank shall have all of the powers of
and be subject to all of the requirements and limitations applicable to a
Connecticut bank under this title which are not inconsistent with this
subsection, except no [uninsured] <u>innovation</u> bank may accept retail
deposits and, notwithstanding any provision of this title, sections 36a30 to 36a-34, inclusive, do not apply to [uninsured] <u>innovation</u> banks.

(3) (A) An [uninsured] <u>innovation</u> bank shall display conspicuously,
at each window or other place where deposits are usually accepted, a
sign stating that deposits are not insured by the Federal Deposit
Insurance Corporation or its successor agency.

606 (B) An [uninsured] innovation bank shall either (i) include in boldface 607 conspicuous type on each signature card, passbook, and instrument 608 evidencing a deposit the following statement: "This deposit is not 609 insured by the FDIC" or (ii) require each depositor to execute a 610 statement that acknowledges that the initial deposit and all future deposits at the [uninsured] innovation bank are not insured by the 611 612 Federal Deposit Insurance Corporation or its successor agency. The 613 [uninsured] <u>innovation</u> bank shall retain such acknowledgment as long 614 as the depositor maintains any deposit with the [uninsured] innovation

615 bank.

616 (C) An [uninsured] <u>innovation</u> bank shall include on all of its deposit-617 related advertising a conspicuous statement that deposits are not 618 insured by the Federal Deposit Insurance Corporation or its successor 619 agency.

620 (u) (1) Each trust bank and [uninsured] innovation bank shall keep 621 assets on deposit in the amount of at least one million dollars with such 622 banks as the commissioner may approve, provided a trust bank or 623 [uninsured] innovation bank that received its final certificate of 624 authority prior to May 12, 2004, shall keep assets on deposit as follows: 625 At least two hundred fifty thousand dollars no later than one year from 626 May 12, 2004, at least five hundred thousand dollars no later than two 627 years from said date, at least seven hundred fifty thousand dollars no 628 later than three years from said date and at least one million dollars no 629 later than four years from said date. No trust bank or [uninsured] 630 innovation bank shall make a deposit pursuant to this section until the 631 bank at which the assets are to be deposited and the trust bank or 632 [uninsured] innovation bank shall have executed a deposit agreement 633 satisfactory to the commissioner. The value of such assets shall be based 634 upon the principal amount or market value, whichever is lower. If the 635 commissioner determines that an asset that otherwise qualifies under 636 this section shall be valued at less than the amount otherwise provided 637 in this subdivision, the commissioner shall so notify the trust bank or [uninsured] innovation bank, which shall thereafter value such asset as 638 639 directed by the commissioner.

640 (2) As used in this subsection, "assets" means: (A) United States dollar 641 deposits payable in the United States, other than certificates of deposit; 642 (B) bonds, notes, debentures or other obligations of the United States or 643 any agency or instrumentality thereof, or guaranteed by the United 644 States, or of this state or of a county, city, town, village, school district, 645 or instrumentality of this state or guaranteed by this state; (C) bonds, 646 notes, debentures or other obligations issued by the Federal Home Loan 647 Mortgage Corporation and the Federal National Mortgage Corporation;

648 (D) commercial paper payable in dollars in the United States, provided 649 such paper is rated in one of the three highest rating categories by a 650 rating service recognized by the commissioner. In the event that an issue 651 of commercial paper is rated by more than one recognized rating 652 service, it shall be rated in one of the three highest rating categories by 653 each such rating service; (E) negotiable certificates of deposit that are 654 payable in the United States; (F) reserves held at a federal reserve bank; 655 and (G) such other assets as determined by the commissioner upon 656 written application.

657 Sec. 4. Subsections (a) to (h), inclusive, of section 36a-139a of the 658 general statutes are repealed and the following is substituted in lieu 659 thereof (*Effective July 1, 2024*):

(a) Any [uninsured] <u>innovation</u> bank or any trust bank may, upon the
approval of the commissioner, convert to a Connecticut bank that is
authorized to accept retail deposits and operate without the limitations
provided in subdivisions (2) and (3) of subsection (t) and subsection (u)
of section 36a-70, <u>as amended by this act</u>, and subsection (b) of section
36a-250.

(b) The converting bank shall file with the commissioner a proposed
plan of conversion, a copy of the proposed amended certificate of
incorporation and a certificate by the secretary of the converting bank
that the proposed plan of conversion and proposed amended certificate
of incorporation have been approved in accordance with subsection (c)
of this section.

(c) The proposed plan of conversion and proposed amended
certificate of incorporation shall require the approval of a majority of the
governing board of the converting bank and the favorable vote of not
less than two-thirds of the holders of each class of the converting
[bank's] <u>bank's</u> capital stock, if any, or in the case of a converting mutual
bank, the corporators thereof, cast at a meeting called to consider such
conversion.

679 (d) Any shareholder of a capital stock Connecticut bank that proposes

680 to convert under this section, who, on or before the date of the [shareholders'] shareholders' meeting to vote on such conversion, 681 682 objects to the conversion by filing a written objection with the secretary of such bank may, within ten days after the effective date of such 683 684 conversion, make written demand upon the bank for payment of such 685 shareholder's stock. Any such shareholder that makes such objection 686 and demand shall have the same rights as those of a shareholder that 687 asserts appraisal rights with respect to the merger of two or more capital 688 stock Connecticut banks.

689 (e) The commissioner shall approve a conversion under this section 690 if the commissioner determines that: (1) The converting bank has 691 complied with all applicable provisions of law; (2) the converting bank 692 has equity capital of at least five million dollars; (3) the converting bank 693 has received satisfactory ratings on its most recent safety and soundness 694 examination; (4) the proposed conversion will serve the public necessity 695 and convenience; and (5) the converting bank will provide adequate 696 services to meet the banking needs of all community residents, 697 including low-income residents and moderate-income residents to the 698 extent permitted by its charter, in accordance with a plan submitted by the converting bank to the commissioner, in such form and containing 699 700 such information as the commissioner may require. Upon receiving any 701 such plan, the commissioner shall make the plan available for public 702 inspection and comment at the Department of Banking and cause notice 703 of its submission and availability for inspection and comment to be 704 published in the department's weekly bulletin. With the concurrence of 705 the commissioner, the converting bank shall publish, in the form of a 706 legal advertisement in a newspaper having a substantial circulation in 707 the area, notice of such plan's submission and availability for public 708 inspection and comment. The notice shall state that the inspection and 709 comment period will last for a period of thirty days from the date of 710 publication. The commissioner shall not make such determination until 711 the expiration of the thirty-day period. In making such determination, 712 the commissioner shall, unless clearly inapplicable, consider, among 713 other factors, whether the plan identifies specific unmet credit and

consumer banking needs in the local community and specifies how such needs will be satisfied, provides for sufficient distribution of banking services among branches or satellite devices, or both, located in lowincome neighborhoods, contains adequate assurances that banking services will be offered on a nondiscriminatory basis and demonstrates a commitment to extend credit for housing, small business and consumer purposes in low-income neighborhoods.

721 (f) After receipt of the commissioner's approval, the converting bank 722 shall promptly file such approval and its amended certificate of 723 incorporation with the Secretary of the State and with the town clerk of 724 the town in which its principal office is located. Upon such filing, the 725 bank shall cease to be an [uninsured] innovation bank subject to the 726 provisions of subdivisions (2) and (3) of subsection (t) and subsection (u) of section 36a-70, as amended by this act, or a trust bank, subject to 727 728 the limitations provided in subsection (u) of section 36a-70, as amended 729 by this act, and subsection (b) of section 36a-250, and shall be a 730 Connecticut bank subject to all of the requirements and limitations and possessed of all rights, privileges and powers granted to it by its 731 732 amended certificate of incorporation and by the provisions of the 733 general statutes applicable to its type of Connecticut bank. Such 734 Connecticut bank shall not commence business unless its insurable 735 accounts and deposits are insured by the Federal Deposit Insurance 736 Corporation or its successor agency. Upon such filing with the Secretary 737 of the State and with the town clerk, all of the assets, business and good 738 will of the converting bank shall be transferred to and vested in such 739 Connecticut bank without any deed or instrument of conveyance, 740 provided the converting bank may execute any deed or instrument of 741 conveyance as is convenient to confirm such transfer. Such Connecticut 742 bank shall be subject to all of the duties, relations, obligations, trusts and 743 liabilities of the converting bank, whether as debtor, depository, 744 registrar, transfer agent, executor, administrator or otherwise, and shall 745 be liable to pay and discharge all such debts and liabilities, and to 746 perform all such duties in the same manner and to the same extent as if 747 the Connecticut bank had itself incurred the obligation or liability or

assumed the duty or relation. All rights of creditors of the converting bank and all liens upon the property of such bank shall be preserved unimpaired and the Connecticut bank shall be entitled to receive, accept, collect, hold and enjoy any and all gifts, bequests, devises, conveyances, trusts and appointments in favor of or in the name of the converting bank and whether made or created to take effect prior to or after the conversion.

(g) The persons named as directors in the amended certificate of incorporation shall be the directors of such Connecticut bank until the first annual election of directors after the conversion or until the expiration of their terms as directors, and shall have the power to take all necessary actions and to adopt bylaws concerning the business and management of such Connecticut bank.

(h) No such Connecticut bank resulting from the conversion of an
[uninsured] <u>innovation</u> bank may exercise any of the fiduciary powers
granted to Connecticut banks by law until express authority therefor has
been given by the commissioner, unless such authority was previously
granted to the converting bank.

Sec. 5. Subsections (a) to (g), inclusive, of section 36a-139b of the
general statutes are repealed and the following is substituted in lieu
thereof (*Effective July 1, 2024*):

(a) Any Connecticut bank may, upon the approval of thecommissioner, convert to an [uninsured] <u>innovation</u> bank.

(b) The converting bank shall file with the commissioner a proposed plan of conversion, a copy of the proposed amended certificate of incorporation and a certificate by the secretary of the converting bank that the proposed plan of conversion and proposed certificate of incorporation have been approved in accordance with subsection (c) of this section.

(c) The proposed plan of conversion and proposed amendedcertificate of incorporation shall require the approval of a majority of the

governing board of the converting bank and the favorable vote of not
less than two-thirds of the holders of each class of the [bank's] <u>bank's</u>
capital stock, if any, or, in the case of a mutual bank, the corporators
thereof, cast at a meeting called to consider such conversion.

783 (d) Any shareholder of a converting capital stock Connecticut bank 784 that proposes to convert to an [uninsured] innovation bank who, on or 785 before the date of the [shareholders'] shareholders' meeting to vote on 786 such conversion, objects to the conversion by filing a written objection with the secretary of such bank may, within ten days after the effective 787 788 date of such conversion, make written demand upon the converted bank 789 for payment of such [shareholder's] shareholder's stock. Any such 790 shareholder that makes such objection and demand shall have the same 791 rights as those of a shareholder who dissents from the merger of two or 792 more capital stock Connecticut banks.

793 (e) If applicable, a converting Connecticut bank shall liquidate all of 794 its retail deposits with the approval of the commissioner. The converting 795 bank shall file with the commissioner a written notice of its intent to 796 liquidate all of its retail deposits together with a plan of liquidation and 797 a proposed notice to depositors approved and executed by a majority of 798 its governing board. The commissioner shall approve the plan and the 799 notice to depositors. The commissioner shall not approve a sale of the 800 retail deposits of the converting bank if the purchasing insured 801 depository institution, including all insured depository institutions 802 which are affiliates of such institution, upon consummation of the sale, would control thirty per cent or more of the total amount of deposits of 803 804 insured depository institutions in this state, unless the commissioner 805 permits a greater percentage of such deposits. The converting and 806 purchasing institutions shall file with the commissioner a written 807 agreement approved and executed by a majority of the governing board 808 of each institution prescribing the terms and conditions of the 809 transaction.

(f) The commissioner shall approve a conversion under this section ifthe commissioner determines that: (1) The converting bank has

812 complied with all applicable provisions of law; (2) the converting bank 813 has equity capital of at least five million dollars unless the commissioner establishes a different minimum capital requirement based on the 814 815 proposed activities of the converting bank; (3) the converting bank has 816 liquidated all of its retail deposits, if any, and has no deposits that are 817 insured by the Federal Deposit Insurance Corporation or its successor 818 agency; and (4) the proposed conversion will serve the public necessity 819 and convenience. The commissioner shall not approve such conversion 820 unless the commissioner considers the findings of the most recent state 821 or federal safety and soundness examination of the converting bank, 822 and the effect of the proposed conversion on the financial resources and 823 future prospects of the converting bank.

824 (g) After receipt of the [commissioner's] commissioner's approval for 825 the conversion, the converting bank shall promptly file such approval 826 and its certificate of incorporation with the Secretary of the State and 827 with the town clerk of the town in which its principal office is located. 828 Upon such filing, the converted Connecticut bank shall not accept retail 829 deposits and shall be an [uninsured] innovation bank, subject to the 830 limitations in subdivisions (2) and (3) of subsection (t) and subsection 831 (u) of section 36a-70, as amended by this act. Upon such conversion, the 832 converted Connecticut bank possesses all of the rights, privileges and 833 powers granted to it by its certificate of incorporation and by the 834 provisions of the general statutes applicable to its type of Connecticut 835 bank, and all of the assets, business and good will of the converting bank 836 shall be transferred to and vested in the converted Connecticut bank 837 without any deed or instrument of conveyance, provided the converting 838 bank may execute any deed or instrument of conveyance as is 839 convenient to confirm such transfer. The converted Connecticut bank 840 shall be subject to all of the duties, relations, obligations, trusts and 841 liabilities of the converting bank, whether as debtor, depository, 842 registrar, transfer agent, executor, administrator or otherwise, and shall 843 be liable to pay and discharge all such debts and liabilities, and to 844 perform all such duties in the same manner and to the same extent as if 845 the converted bank had itself incurred the obligation or liability or

assumed the duty or relation. All rights of creditors of the converting
bank and all liens upon the property of such bank shall be preserved
unimpaired and the [uninsured] <u>innovation</u> bank shall be entitled to
receive, accept, collect, hold and enjoy any and all gifts, bequests,
devises, conveyances, trusts and appointments in favor of or in the
name of the converting bank and whether made or created to take effect
prior to or after the conversion.

Sec. 6. Section 36a-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

855 If, in the opinion of the commissioner, a trust bank, or an [uninsured] 856 innovation bank, in danger of becoming insolvent, is not likely to be able 857 to meet the demands of its depositors, in the case of an [uninsured] 858 innovation bank, or pay its obligations in the normal course of business, 859 or is likely to incur losses that may deplete all or substantially all of its 860 capital, the commissioner may require such trust bank or [uninsured] innovation bank to increase the assets kept on deposit as required by 861 862 subsection (u) of section 36a-70, as amended by this act, to an amount that would be sufficient to meet the costs and expenses incurred by the 863 864 commissioner pursuant to section 36a-222 and all fees and assessments 865 due the commissioner. Such assets shall be deposited with such bank as 866 the commissioner may designate, and shall be in such form and subject 867 to such conditions as the commissioner deems necessary.

Sec. 7. Subsection (a) of section 36a-220 of the general statutes is
repealed and the following is substituted in lieu thereof (*Effective July 1*,
2024):

(a) If it appears to the commissioner that (1) the charter of any Connecticut bank or out-of-state bank that maintains in this state a branch, as defined in section 36a-410, or the certificate of authority of any Connecticut credit union or out-of-state credit union that maintains in this state a branch, as defined in section 36a-435b, is forfeited, (2) the public is in danger of being defrauded by such bank or credit union, it is unsafe or unsound for such bank or credit union to continue business 878 or its assets are being dissipated, (3) such bank or credit union is 879 insolvent, is in danger of imminent insolvency or that its capital is not adequate to support the level of risk, or (4) the Federal Deposit 880 881 Insurance Corporation, National Credit Union Administration or their 882 successor agencies have terminated insurance of the insurable accounts 883 or deposits of such bank, unless such Connecticut bank has filed an 884 application with the commissioner to convert to an [uninsured] 885 innovation bank pursuant to section 36a-139b, as amended by this act, 886 or credit union, the commissioner shall apply to the superior court for 887 the judicial district of Hartford or the judicial district in which the main 888 office of such bank or credit union is located for an injunction restraining 889 such bank or credit union from conducting business or, in the case of a 890 Connecticut bank or Connecticut credit union, for the appointment of a 891 conservator or for a receiver to wind up its affairs.

Sec. 8. Subsections (a) to (c), inclusive, of section 36a-221a of the
general statutes are repealed and the following is substituted in lieu
thereof (*Effective July 1, 2024*):

895 (a) (1) The receiver of a trust bank or [uninsured] innovation bank 896 shall, as soon after the receiver's appointment as is practicable, 897 terminate all fiduciary positions the bank holds, surrender all property 898 held by the bank as a fiduciary and settle the fiduciary accounts. With 899 the approval of the Superior Court, the receiver of a trust bank or 900 [uninsured] innovation bank shall release all segregated and identifiable 901 fiduciary property held by the bank to one or more successor fiduciaries, 902 and may sell one or more fiduciary accounts to one or more successor 903 fiduciaries on terms that appear to be in the best interest of the bank's 904 estate and the persons interested in the property or fiduciary accounts.

(2) Upon the sale or transfer of fiduciary property or a fiduciary
account, the successor fiduciary shall be automatically substituted
without further action and without any order of any court. Prior to the
effective date of substitution of the successor fiduciary, the receiver shall
mail notice of such substitution to each person to whom such bank
provides periodic reports of fiduciary activity. The notice shall include:

911 (A) The name of such bank, (B) the name of the successor fiduciary, and
912 (C) the effective date of the substitution of the successor fiduciary. The
913 provisions of section 45a-245a shall not apply to the substitution of a
914 fiduciary under this section.

915 (b) A successor fiduciary shall have all of the rights, powers, duties 916 and obligations of such bank and shall be deemed to be named, 917 nominated or appointed as fiduciary in any will, trust, court order or 918 similar written document or instrument that names, nominates or 919 appoints such bank as fiduciary, whether executed before or after the 920 successor fiduciary is substituted, provided the successor fiduciary shall 921 have no obligations or liabilities under this section for any acts, actions, 922 inactions or events occurring prior to the effective date of the 923 substitution.

(c) If commingled fiduciary money held by the trust bank or
[uninsured] <u>innovation</u> bank as trustee is insufficient to satisfy all
fiduciary claims to the commingled money, the receiver shall distribute
such money pro rata to all fiduciary claimants of such money based on
their proportionate interest.

929 Sec. 9. Section 36a-225 of the general statutes is repealed and the 930 following is substituted in lieu thereof (*Effective July 1, 2024*):

931 (a) The Superior Court, upon appointing a receiver of any 932 Connecticut bank, other than a trust bank or an [uninsured] innovation 933 bank, or Connecticut credit union, shall limit the time within which all 934 claims against the bank or credit union may be presented to the receiver, 935 and the court may, upon cause shown, extend such time and shall cause 936 such public notice of such limitation or extension of time to be given as 937 it deems reasonable and just. All claims not presented to the receiver 938 within the period limited shall be forever barred, except that any claim 939 for a deposit or share account, as shown by the depositor's or share 940 account holder's passbook, certificate of deposit, statement or other 941 evidence of deposit or the records of such bank or credit union, shall be 942 allowed by the receiver.

943 (b) (1) As soon as reasonably practicable after appointment of a 944 receiver of a trust bank or an [uninsured] innovation bank, the receiver 945 shall publish notice, in a newspaper of general circulation in each town 946 in which an office of such bank is located, stating that: (A) The bank has 947 been placed in receivership; (B) the depositors, clients and creditors are 948 required to present their claims for payment on or before a specific date 949 and at a specified place; and (C) all safe deposit box holders and bailors 950 of property left with the bank are required to remove their property no 951 later than a specified date. The dates that the receiver selects may not be 952 earlier than the one hundred twenty-first day after the date of the notice, 953 and shall allow: (i) The affairs of the bank to be wound up as quickly as 954 feasible; and (ii) depositors, clients, creditors, safe deposit box holders 955 and bailors of property adequate time for presentation of claims, 956 withdrawal of accounts, and redemption of property. The receiver may 957 adjust the dates with the approval of the court and with or without 958 republication of notice if the receiver determines that additional time is 959 needed for any such presentation, withdrawal or redemption.

(2) As soon as reasonably practicable, given the state of the [bank's] 960 961 bank's records and the adequacy of staffing, the receiver shall mail to 962 each of the [bank's] bank's known depositors, clients, creditors, safe 963 deposit box holders and bailors of property left with the bank, at the 964 mailing address shown on the [bank's] bank's records, an individual 965 notice containing the information required in the notice provided in 966 subdivision (1) of this subsection, and specific information pertinent to 967 the account or property of the addressee. The receiver of a trust bank or 968 [uninsured] innovation bank may require a fiduciary claimant to file a 969 proof of claim if the records of such bank are insufficient to identify the 970 [claimant's] claimant's interest.

971 Sec. 10. Subsection (a) of section 36a-226a of the general statutes is
972 repealed and the following is substituted in lieu thereof (*Effective July 1*,
973 2024):

(a) A contract between a trust bank or [uninsured] <u>innovation</u> bank
in receivership and another person for bailment, of deposit for hire, or

976 for the lease of a safe, vault or safe deposit box terminates on the date 977 specified for removal of property in the notices that were published and 978 mailed in accordance with section 36a-225, as amended by this act, or a 979 later date approved by the receiver or the Superior Court. A person who 980 has paid rental or storage charges for a period extending beyond the 981 date designated for removal of property has a claim against such bank's 982 estate for a refund of the unearned amount paid.

Sec. 11. Subsections (a) and (b) of section 36a-237 of the general
statutes are repealed and the following is substituted in lieu thereof
(*Effective July 1, 2024*):

986 (a) The assets of any Connecticut bank, other than a trust bank or 987 [uninsured] innovation bank, in the possession of a receiver shall be 988 distributed in the following order of priority: (1) All fees and 989 assessments due the commissioner; (2) the charges and expenses of 990 settling such bank's affairs; (3) all deposits; (4) all other liabilities; (5) any 991 liquidation account; and (6) in the case of a capital stock Connecticut 992 bank, the claims of shareholders or, in the case of a mutual savings bank 993 or mutual savings and loan association, the claims of depositors in 994 proportion to their respective deposits.

995 (b) (1) The assets of a trust bank or an [uninsured] innovation bank 996 shall be distributed in the following order of priority: (A) All fees and 997 assessments due the commissioner; (B) administrative expenses; (C) 998 approved claims of owners of secured trust funds on deposit to the 999 extent of the value of the security as provided in subsection (d) of section 1000 36a-237f, as amended by this act; (D) approved claims of secured 1001 creditors to the extent of the value of the security as provided in 1002 subsection (d) of section 36a-237f, as amended by this act; (E) approved 1003 claims by beneficiaries of insufficient commingled fiduciary money or 1004 missing fiduciary property and approved claims of clients of the trust 1005 bank or [uninsured] innovation bank; (F) other approved claims of 1006 depositors and general creditors not falling within a higher priority 1007 under this subdivision, including unsecured claims for taxes and debts 1008 due the federal government or a state or local government; (G)

approved claims of a type described by subparagraphs (A) to (F), inclusive, of this subdivision that were not filed within the period prescribed by sections 36a-215 to 36a-239, inclusive, as amended by this act; and (H) claims of capital note or debenture holders or holders of similar obligations and proprietary claims of shareholders or other owners according to the terms established by issue, class or series.

1015 (2) As used in this subsection, "administrative expense" means (A) 1016 any expense designated as an administrative expense by sections 36a-231 and 36a-237h, as amended by this act; (B) any charge or expense of 1017 1018 settling the affairs of the bank, including court costs and expenses of 1019 operation and liquidation of the bank's estate; (C) wages owed to an 1020 employee of the bank for services rendered within three months before 1021 the date the bank was placed in receivership and not exceeding two 1022 thousand dollars to each employee; (D) current wages owed to an 1023 employee of the bank whose services are retained by the receiver for 1024 services rendered after the date the bank is placed in receivership; and 1025 (E) an unpaid expense of supervision or conservatorship of the bank 1026 before it was placed in receivership.

1027 Sec. 12. Section 36a-237f of the general statutes is repealed and the 1028 following is substituted in lieu thereof (*Effective July 1, 2024*):

1029 (a) To receive payment of a claim against the estate of a trust bank or 1030 [uninsured] innovation bank in receivership, a person who has a claim, 1031 other than a shareholder acting in that capacity, including a claimant 1032 with a secured claim or a fiduciary claimant ordered by the receiver to 1033 file a proof of claim under subdivision (2) of subsection (b) of section 1034 36a-225, as amended by this act, shall present proof of the claim to the 1035 receiver at a place specified by the receiver, within the period specified 1036 by the receiver. Receipt of the required proof of claim by the receiver is 1037 a condition precedent to the payment of the claim. A claim that is not 1038 filed within the period or at the place specified by the receiver may not 1039 participate in a distribution of the assets by the receiver, except that, 1040 subject to court approval, the receiver may accept a claim filed not later 1041 than the one-hundred-eightieth day after the date notice of the claimant's right to file a proof of claim is mailed to the claimant,
provided such claim shall be subordinate to an approved claim of a
general creditor. Interest does not accrue on any claim after the date the
bank is placed in receivership. The provisions of this subsection shall
not apply to a fiduciary claimant or depositor where the records of the
bank in receivership are sufficient to identify the fiduciary claimant's or
depositor's interest.

1049 (b) (1) The proof of claim against a trust bank or an [uninsured] 1050 innovation bank shall be in writing, be signed by the claimant, and 1051 include: (A) A statement of the claim; (B) a description of the 1052 consideration for the claim; (C) a statement of whether collateral is held or a security interest is asserted against the claim and, if so, a description 1053 1054 of the collateral or security interest; (D) a statement of any right of 1055 priority of payment for the claim or other specific right asserted by the 1056 claimant; (E) a statement of whether a payment has been made on the 1057 claim and, if so, the amount and source of the payment, to the extent 1058 known by the claimant; (F) a statement that the amount claimed is justly 1059 owed by the bank to the claimant; and (G) any other matter that is 1060 required by the Superior Court.

1061 (2) The receiver may designate the form of the proof of claim. A proof 1062 of claim shall be filed under oath unless the oath is waived by the 1063 receiver. If a claim is founded on a written instrument, the original 1064 instrument, unless lost or destroyed, shall be filed with the proof of 1065 claim. After the instrument is filed, the receiver may permit the claimant 1066 to substitute a copy of the instrument until the final disposition of the 1067 claim. If the instrument is lost or destroyed, a statement of that fact and 1068 of the circumstances of the loss or destruction shall be filed under oath 1069 with the claim.

1070 (c) A judgment against a trust bank or [uninsured] <u>innovation</u> bank 1071 in receivership taken by default or by collusion before the date the bank 1072 was placed in receivership may not be considered as conclusive 1073 evidence of the liability of the bank to the judgment creditor or of the 1074 amount of damages to which the judgment creditor is entitled. A judgment against the bank entered after the date the bank was placed inreceivership may not be considered as evidence of liability or of theamount of damages.

(d) (1) The owner of secured trust funds on deposit may file a claim
as a creditor against a trust bank or [uninsured] <u>innovation</u> bank in
receivership. The value of the security shall be determined under
supervision of the Superior Court by converting the security into
money.

(2) The owner of a secured claim against a trust bank or [uninsured]
<u>innovation</u> bank in receivership may surrender the security and file a
claim as a general creditor or apply the security to the claim and
discharge the claim.

1087 (3) If the owner applies the security and discharges the claim under 1088 subdivision (2) of this subsection, any deficiency shall be treated as a 1089 claim against the general assets of the bank on the same basis as a claim 1090 of an unsecured creditor. The amount of the deficiency shall be 1091 determined as provided by subsection (e) of this section, except that if 1092 the amount of the deficiency has been adjudicated by a court in a 1093 proceeding in which the receiver has had notice and an opportunity to 1094 be heard, the court's decision is conclusive as to the amount.

(4) The value of security held by a secured creditor shall be
determined under supervision of the court by converting the security
into money according to the terms of the agreement under which the
security was delivered to the creditor or by agreement, arbitration,
compromise or litigation between the creditor and the receiver.

(e) (1) A claim against a trust bank or [uninsured] <u>innovation</u> bank in
receivership based on an unliquidated or undetermined demand shall
be filed within the period for the filing of the claim. The claim may not
share in any distribution to claimants until the claim is definitely
liquidated, determined and allowed. After the claim is liquidated,
determined and allowed, the claim shares ratably with the claims of the
same class in all subsequent distributions.

(2) If the receiver in all other respects is in a position to close the receivership proceeding, the proposed closing is sufficient grounds for the rejection of any remaining claim based on an unliquidated or undetermined demand. The receiver shall notify the claimant of the intention to close the proceeding. If the demand is not liquidated or determined before the sixty-first day after the date of the notice, the receiver may reject the claim.

(3) For the purposes of this subsection, a demand is considered
unliquidated or undetermined if the right of action on the demand
accrued while the trust bank or [uninsured] <u>innovation</u> bank was placed
in receivership and the liability on the demand has not been determined
or the amount of the demand has not been liquidated.

1119 (f) (1) Mutual credits and mutual debts shall be set off and only the 1120 balance allowed or paid, except that a set-off may not be allowed in 1121 favor of a person if: (A) The obligation of a trust bank or [uninsured] 1122 innovation bank to the person on the date the bank was placed in 1123 receivership did not entitle the person to share as a claimant in the assets 1124 of the bank; (B) the obligation of the bank to the person was purchased 1125 by or transferred to the person after the date the bank was placed in 1126 receivership or for the purpose of increasing set-off rights; or (C) the 1127 obligation of the person or the bank is as a trustee or fiduciary.

1128 (2) Upon request, the receiver shall provide a person with an 1129 accounting statement identifying each debt that is due and payable. A 1130 person who owes a trust bank or [uninsured] innovation bank an 1131 amount that is due and payable against which the person asserts set-off 1132 of mutual credits that may become due and payable from the bank in 1133 the future shall promptly pay to the receiver the amount due and 1134 payable. The receiver shall promptly refund, to the extent of the person's 1135 prior payment, mutual credits that become due and payable to the 1136 person by the bank in receivership.

(g) (1) Not later than six months after the last day permitted for thefiling of claims or a later date allowed by the Superior Court, the receiver

shall accept or reject in whole or in part each claim filed against a trust
bank or an [uninsured] <u>innovation</u> bank in receivership, except for an
unliquidated or undetermined claim governed by subsection (e) of this
section. The receiver shall reject a claim if the receiver doubts its validity.

(2) The receiver shall mail written notice to each claimant, specifying
the disposition of the person's claim. If a claim is rejected in whole or in
part, the receiver in the notice shall specify the basis for rejection and
advise the claimant of the procedures and deadline for appeal.

(3) The receiver shall send each claimant a summary schedule of
approved and rejected claims by priority class and notify the claimant:
(A) That a copy of a schedule of claims disposition, including only the
name of the claimant, the amount of the claim allowed, and the amount
of the claim rejected, is available upon request; and (B) of the procedure
and deadline for filing an objection to an approved claim.

(h) The receiver of a trust bank or [uninsured] <u>innovation</u> bank, with
the approval of the superior court, shall set a deadline for an objection
to an approved claim. On or before that date, a depositor, creditor, other
claimant or shareholder of a trust bank or [uninsured] <u>innovation</u> bank
may file an objection to an approved claim. The objection shall be heard
and determined by the court. If the objection is sustained, the court shall
direct an appropriate modification of the schedule of claims.

1160 (i) The receiver's rejection of a claim may be appealed to the superior court in which the receivership proceeding of a trust bank or 1161 1162 [uninsured] innovation bank is pending. The appeal shall be filed within 1163 three months after the date of service of notice of the rejection. If the 1164 appeal is timely filed, review is de novo as if it were an action originally 1165 filed in the court, and is subject to the rules of procedure and appeal 1166 applicable to civil cases. An action to appeal rejection of a claim by the 1167 receiver is separate from the receivership proceeding, and may not be 1168 initiated by a claimant intervening in the receivership proceeding. If the 1169 action is not timely filed, the action of the receiver is final and not subject 1170 to review.

1171 (j) (1) The commissioner shall deposit all money available for the 1172 benefit of persons who have not filed a claim and are, according to the 1173 bank's records, depositors and creditors of a trust bank or [uninsured] 1174 innovation bank in receivership in a bank, Connecticut credit union, 1175 federal credit union, out-of-state bank that maintains in this state a 1176 branch, as defined in section 36a-410, or out-of-state credit union that maintains in this state a branch, as defined in section 36a-435b. The 1177 1178 commissioner shall pay the nonclaiming depositors and creditors on 1179 demand the undisputed amount, based on the bank's records, held for 1180 their benefit.

1181 (2) The receiver may periodically make a partial distribution to the 1182 holders of approved claims if: (A) All objections have been heard and 1183 decided as provided by subsection (h) of this section; (B) the time for 1184 filing appeals has expired as provided by subsection (i) of this section; 1185 (C) money has been made available to provide for the payment of all 1186 nonclaiming depositors and creditors in accordance with subdivision (1) 1187 of this subsection; and (D) a proper reserve is established for the pro rata 1188 payment of: (i) Rejected claims that have been appealed, and (ii) any 1189 claims based on unliquidated or undetermined demands governed by 1190 subsection (e) of this section.

1191 (3) As soon as practicable after all objections, appeals and claims 1192 based on previously unliquidated or undetermined demands governed 1193 by subsection (e) of this section have been determined and money has 1194 been made available to provide for the payment of all nonclaiming 1195 depositors and creditors in accordance with subdivision (1) of this 1196 subsection, the receiver shall distribute the assets of a trust bank or 1197 [uninsured] innovation bank in satisfaction of approved claims other 1198 than claims asserted in a person's capacity as a shareholder.

- 1199 Sec. 13. Section 36a-237g of the general statutes is repealed and the 1200 following is substituted in lieu thereof (*Effective July 1, 2024*):
- (a) All fiduciary records relating to the administration of fiduciaryaccounts of a trust bank or [uninsured] <u>innovation</u> bank shall be turned

over to the successor fiduciary, as defined in section 45a-245a, in charge
of administration of the accounts. The receiver may devise a method for
the effective, efficient and economical maintenance of all other records
of the trust bank or [uninsured] <u>innovation</u> bank and of the receiver's
office.

(b) On approval by the Superior Court, the receiver may dispose of
records of the trust bank or [uninsured] <u>innovation</u> bank in receivership
that are obsolete and unnecessary to the continued administration of the
receivership proceeding.

1212 Sec. 14. Subsections (a) to (c), inclusive, of section 36a-237h of the 1213 general statutes are repealed and the following is substituted in lieu 1214 thereof (*Effective July 1, 2024*):

1215 (a) Persons entitled to protection under this section shall be: (1) All 1216 receivers or conservators of trust banks or [uninsured] innovation 1217 banks, including present and former receivers and conservators; and (2) 1218 the employees of such receivers or conservators. Attorneys, 1219 accountants, auditors and other professional persons or firms who are 1220 retained by the receiver or conservator as independent contractors, and 1221 their employees, shall not be considered employees of the receiver or 1222 conservator for purposes of this section.

1223 (b) The receiver or conservator and the employees of the receiver or 1224 conservator shall be immune from suit and liability, both personally and 1225 in their official capacities, for any claim for damage to or loss of 1226 property, personal injury or other civil liability caused by or resulting 1227 from any alleged act, error or omission of the receiver or conservator or 1228 any employee arising out of or by reason of their duties or employment, 1229 provided nothing in this section shall be construed to hold the receiver 1230 or conservator or any employee immune from suit or liability for any 1231 damage, loss, injury or liability caused by the intentional or wilful and 1232 wanton misconduct of the receiver or conservator or any employee.

1233 (c) (1) If any legal action is commenced against the receiver or 1234 conservator or any employee, whether personally or in such person's 1235 official capacity, alleging property damage, property loss, personal 1236 injury or other civil liability caused by or resulting from any alleged act, 1237 error or omission of the receiver or conservator or any employee arising 1238 out of or by reason of their duties or employment, the receiver or 1239 conservator and any employee shall be indemnified from the assets of 1240 the trust bank or [uninsured] innovation bank for all expenses, 1241 attorneys' fees, judgments, settlements, decrees or amounts due and 1242 owing or paid in satisfaction of or incurred in the defense of such legal 1243 action unless it is determined upon a final adjudication on the merits 1244 that the alleged act, error or omission of the receiver or conservator or 1245 employee giving rise to the claim did not arise out of or by reason of 1246 such person's duties or employment, or was caused by intentional or 1247 wilful and wanton misconduct.

1248 (2) Attorneys' fees and any related expenses incurred in defending a 1249 legal action for which immunity or indemnity is available under this 1250 section shall be paid from the assets of the trust bank or [uninsured] 1251 innovation bank, as they are incurred, in advance of the final disposition 1252 of such action upon receipt of an undertaking by or on behalf of the 1253 receiver or conservator or employee to repay the attorneys' fees and 1254 expenses if it shall ultimately be determined upon a final adjudication 1255 on the merits that the receiver or conservator or employee is not entitled 1256 to immunity or indemnity under this section.

(3) Any indemnification for expense payments, judgments,
settlements, decrees, attorneys' fees, surety bond premiums or other
amounts paid or to be paid from the assets of the trust bank or
[uninsured] <u>innovation</u> bank pursuant to this section shall be an
administrative expense of the receivership or conservatorship.

(4) In the event of any actual or threatened litigation against a receiver
or conservator or any employee for which immunity or indemnity may
be available under this section, a reasonable amount of funds, which in
the judgment of the receiver or conservator may be needed to provide
immunity or indemnity, shall be segregated and reserved from the
assets of the trust bank or [uninsured] <u>innovation</u> bank as security for

the payment of indemnity until such time as all applicable statutes of limitation shall have run and all actual or threatened actions against the receiver or conservator or any employee have been completely and finally resolved, and all obligations of the trust bank or [uninsured] <u>innovation</u> bank and the commissioner under this section shall have been satisfied.

(5) In lieu of segregation and reserving of funds, the receiver or
conservator may, in the receiver's or conservator's discretion, obtain a
surety bond or make other arrangements that will enable the receiver or
conservator to fully secure the payment of all obligations under this
section.

Sec. 15. Subdivision (2) of subsection (a) of section 36a-333 of the
general statutes is repealed and the following is substituted in lieu
thereof (*Effective July 1, 2024*):

1282 (2) Notwithstanding the provisions of subdivisions (1) and (3) of this 1283 subsection, to secure public deposits, each qualified public depository 1284 that (A) has been conducting business in this state for a period of less 1285 than two years, except for a depository that is a successor institution to 1286 a depository which conducted business in this state for two years or 1287 more, or (B) is an [uninsured] innovation bank, shall at all times 1288 maintain, segregated from its other assets as required under subsection 1289 (b) of this section, eligible collateral in an amount not less than one 1290 hundred twenty per cent of all uninsured public deposits held by the 1291 depository.

Sec. 16. Section 36a-609 of the 2024 supplement to the general statutes
is repealed and the following is substituted in lieu thereof (*Effective July*1, 2024):

1295 The provisions of sections 36a-597 to 36a-607, inclusive, and sections 1296 36a-611 and 36a-612 shall not apply to:

(1) Any federally insured federal bank, out-of-state bank, Connecticutbank, Connecticut credit union, federal credit union or out-of-state

- 1299 credit union, provided such institution does not engage in the business 1300 of money transmission in this state through any person who is not (A) a 1301 federally insured federal bank, out-of-state bank, Connecticut bank, 1302 Connecticut credit union, federal credit union or out-of-state credit 1303 union, (B) a person licensed pursuant to sections 36a-595 to 36a-612, 1304 inclusive, or an authorized delegate acting on behalf of such licensed 1305 person, or (C) a person exempt pursuant to subdivisions (2) to (4), 1306 inclusive, of this section;
- (2) Any Connecticut bank that is an [uninsured] <u>innovation</u> bank
 organized pursuant to subsection (t) of section 36a-70, <u>as amended by</u>
 <u>this act</u>;

(3) The United States Postal Service and any contractor that engagesin the business of money transmission in this state on behalf of theUnited States Postal Service; and

(4) A person whose activity is limited to the electronic funds transfer
of governmental benefits for or on behalf of a federal, state or other
governmental agency, quasi-governmental agency or government
sponsored enterprise.

This act shall take effect as follows and shall amend the following			
sections:			
Section 1	July 1, 2024	36a-2	
Sec. 2	July 1, 2024	36a-65(e)	
Sec. 3	July 1, 2024	36a-70(n) to (u)	
Sec. 4	July 1, 2024	36a-139a(a) to (h)	
Sec. 5	July 1, 2024	36a-139b(a) to (g)	
Sec. 6	July 1, 2024	36a-215	
Sec. 7	July 1, 2024	36a-220(a)	
Sec. 8	July 1, 2024	36a-221a(a) to (c)	
Sec. 9	July 1, 2024	36a-225	
Sec. 10	July 1, 2024	36a-226a(a)	
Sec. 11	July 1, 2024	36a-237(a) and (b)	
Sec. 12	July 1, 2024	36a-237f	
Sec. 13	July 1, 2024	36a-237g	
Sec. 14	July 1, 2024	36a-237h(a) to (c)	

S	ec. 15	July 1, 2024	36a-333(a)(2)
S	ec. 16	July 1, 2024	36a-609

Statement of Purpose:

To change various references from "uninsured bank" to "innovation bank".

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]