

Readopt with amendments Ban 523, effective 5-31-96 (Document #6260), to read as follows:

PART Ban 523 -NATIONAL BANK POWERS

Statutory Authority: RSA 394-A:7

Ban 523.01 Definitions.

~~(a) "FDIC" means the Federal Deposit Insurance Corporation.~~

~~(b)~~ ~~"New Hampshire chartered bank" or "State bank"~~ means a trust company, commercial bank, mutual savings bank, guaranty savings bank, cooperative bank, building and loan association and savings and loan association chartered pursuant to the laws of the State of New Hampshire.

(b) "National bank" means a banking institution chartered under the laws of the United States.

(c) "Authorized power" means any power, right, benefit, privilege or activity granted or allowed by Ban 523.02.

Ban 523.02 Authorized Powers~~Authority and Notification; Limitations.~~

~~(a) Pursuant to the authority granted under RSA Chapter 394-A, any New Hampshire chartered bank~~A state bank ~~may exercise any power, right, benefit or privilege, or engage in any activity and may make any equity investment~~ in the same manner and to the same extent, and with the same responsibilities, duties, and requirements, as is permitted for a national bank under federal laws and regulations, including ~~without limitation,~~ the equity investments and activities allowed under 12 CFR Part 5 and 12 CFR Part 7.

Ban 523.03 Notification.

~~(b)~~ At least 30 days prior to exercising any authorized powers ~~or engaging in any activity authorized by Ban 523.02(a)~~, a state bank shall provide the bank commissioner with a ~~separate~~ written notice ~~for each such power or activity~~ which shall:

(1a) ~~S~~pecifically describe in narrative form ~~the each~~ national bank authorized powers ~~or activity~~ to be exercised;

(b2) Specifically describe any limitations or restrictions on the authorized powers; ~~and~~

(c3) ~~shall i~~Include copies of all federal laws, regulations or other federal authority, including ~~without limitation~~ rulings, decisions, opinions, policy statements, bulletins and interpretive letters, under which such authorized power ~~or activity~~ is ~~authorized~~ permitted for national banks.

~~(e)~~ Ban 523.04 Termination; Modification.

(a) State banks shall cease exercising the authorized power or cease making or divest an investment which was authorized by Ban 523.02;

~~(1) Notwithstanding Ban 523.02(a), Upon order of the~~ the bank commissioner ~~shall order a state bank to cease the activity or to cease making or to divest the investment~~ if the bank commissioner determines that the continuation of the authorized power activity or investment will jeopardize the safety and soundness of the state bank; ~~or and specifies such grounds in writing to the state bank.~~

(2) If the authorized power is terminated by operation of a federal law, regulation or other federal authority, including rulings, decisions, opinions, policy statements, bulletins and interpretive letters.

(b) State banks shall exercise the authorized power or make or divest an investment which is authorized by Ban 523.02:

- (1) As modified by an order of the bank commissioner; or

- (2) As modified by operation of a federal law, regulation or other federal authority, including rulings, decisions, opinions, policy statements, bulletins and interpretive letters.

~~(c)~~ If, ~~pursuant to Ban 523.042(e),~~ divestiture is required, the state bank shall be given no more than 3 years from the date of the bank commissioner's written ~~notification order~~ to divest the investment. In determining the time allowed for divestiture, the bank commissioner shall consider the nature of the investment, the size of the investment, ~~market conditions~~ and any other conditions or other similar relevant factors that could adversely affect the state bank's safety and soundness.

~~— Ban 523.03 Insurance Powers Restricted. Notwithstanding any other provision of this rule, Ban 523 shall not be interpreted to grant or enlarge the power of any state bank to engage in the business of insurance or any other activity requiring licensing under RSA 401 or RSA 405.~~

**APPENDIX**

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
<b>Ban 523</b>	<b>RSA 394-A:1, RSA 394-A:3, RSA 394-A:7</b>