HOUSE BILL 1306

By: Delegates Gutierrez, Bobo, Carr, and Hucker
Introduced and read first time: February 8, 2013
Assigned to: Appropriations

A BILL ENTITLED

AN ACT concerning

Public Banking Institutions – Authorization and Task Force

FOR the purpose of authorizing a political subdivision to establish a public banking institution within the jurisdiction of the political subdivision and act as an incorporator to establish the public banking institution; requiring a political subdivision to file with the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation for examination and approval certain copies of the articles of incorporation of a certain public banking institution; requiring the Commissioner to adopt regulations establishing the required contents of the articles of incorporation of a public banking institution and the process for approving the articles; requiring a political subdivision to file for record an endorsed copy of the articles with the State Department of Assessments and Taxation under certain circumstances; specifying that articles of incorporation are not effective unless the Commissioner has endorsed the articles as approved; requiring a certain public banking institution to comply with certain provisions of law; establishing the Maryland State Banking Task Force to review and evaluate the creation of a Maryland State Bank; providing for the membership and staffing of the Task Force; prohibiting members of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring a final report on or before a certain date; providing for the termination of certain provisions of this Act; defining a certain term; and generally relating to public banking institutions and the Maryland State Banking Task Force.

BY adding to

Article – Financial Institutions
Section 1–212
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Financial Institutions

1–212.

(A) IN THIS SECTION, “PUBLIC BANKING INSTITUTION” MEANS A BANKING INSTITUTION OWNED AND OPERATED BY A POLITICAL SUBDIVISION.

(B) A POLITICAL SUBDIVISION MAY ESTABLISH A PUBLIC BANKING INSTITUTION WITHIN THE JURISDICTION OF THE POLITICAL SUBDIVISION.

(C) THE POLITICAL SUBDIVISION MAY ACT AS AN INCORPORATOR TO ESTABLISH THE PUBLIC BANKING INSTITUTION.

(D) (1) A POLITICAL SUBDIVISION SHALL FILE WITH THE COMMISSIONER FOR EXAMINATION AND APPROVAL TWO SIGNED COPIES OF THE ARTICLES OF INCORPORATION.

(2) THE COMMISSIONER SHALL ADOPT REGULATIONS ESTABLISHING THE REQUIRED CONTENTS OF THE ARTICLES OF INCORPORATION OF A PUBLIC BANKING INSTITUTION AND THE PROCESS FOR APPROVING THE ARTICLES OF INCORPORATION OF A PUBLIC BANKING INSTITUTION.


(2) ARTICLES OF INCORPORATION THAT ARE FILED FOR RECORD ARE NOT EFFECTIVE UNLESS THE COMMISSIONER HAS ENDORSED THE ARTICLES AS APPROVED.

(F) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PUBLIC BANKING INSTITUTION ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL COMPLY WITH ALL APPLICABLE FEDERAL AND STATE LAWS GOVERNING BANKING INSTITUTIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Maryland State Banking Task Force.
(b) The Task Force consists of the following members:

1. one member of the Senate Budget and Taxation Committee, appointed by the President of the Senate;
2. one member of the House Appropriations Committee, appointed by the Speaker of the House;
3. the State Treasurer, or the State Treasurer’s designee;
4. the Comptroller of Maryland, or the Comptroller’s designee;
5. the Secretary of Business and Economic Development, or the Secretary’s designee;
6. the Commissioner of Financial Regulation, or the Commissioner’s designee;
7. the Director of the Office of Finance Programs, or the Director’s designee;
8. a representative of the Maryland State Retirement and Pension System;
9. a representative of the Maryland and District of Columbia Credit Union Association (MDDCCUA);
10. a representative of the labor community;
11. a representative of an academic and research institution that studies economic policy; and
12. two members of the public knowledgeable about the State’s banking sector, finance, and economic development, appointed by the Governor, of which one is a member of the community banking community and one is a member of the consumer advocacy community.

(c) The Department of Legislative Services shall provide staff support to the Task Force.

(d) The Task Force shall be cochaired by the House and Senate chairs of the Joint Committee for the Management of Public Funds.

(e) A member of the Task Force:
1. may not receive compensation as a member of the Task Force; but
is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Task Force shall review and evaluate the creation of a Maryland State Bank.

(2) The Task Force shall, at a minimum, undertake a review and evaluation of a Maryland State Bank that would:

(i) support the economic development of the State by increasing access to capital for businesses and farms within the State in partnership with local financial institutions;

(ii) provide stability to the local financial sector without entering into competition with community banks, credit unions, or other financial institutions for the deposit of private funds;

(iii) reduce the costs paid by the State for basic banking services; and

(iv) return profits, beyond those necessary to accomplish the mission and sound operations of the Bank, to the General Fund of the State.

(g) In undertaking the duties imposed under subsection (f) of this section, the Task Force shall:

(1) perform a general assessment of the State’s current network of public and private financial resources for the purpose of identifying potential areas of State bank focus, including how a State bank may:

(i) strengthen the economic and community development needs of Maryland;

(ii) provide greater financial stability through its investments in other financial institutions;

(iii) reduce the cost paid by State government for banking services; and

(iv) generate earnings beyond those necessary for the continued operation of the bank, which could be used to supplement the General Fund of the State;

(2) examine how a State bank may support a strong private–sector financial community that would provide capital for businesses in Maryland;
(3) examine various administrative and operational structures for organizing a State bank, including boards of directors, sources of deposits, oversight and audit of financial activities, and guarantees of financial products;

(4) consider options for integrating a State bank model into the existing State financial services network, including ideas such as lending capital to banks, credit unions, and nonprofit community development financial institutions; and

(5) examine the long–term impact of creating a Maryland State Bank on economic growth, job creation, and State revenues.

(h) On or before December 1, 2013, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2013.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2013. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of May 31, 2014, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.