

HOUSE BILL 417

11

(81r0099)

ENROLLED BILL

—*Economic Matters / Finance*—

Introduced by **Chair, Economic Matters Committee (By Request -
Departmental - Labor, Licensing and Regulation)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Financial Institutions - Cooperative Agreements and Information Sharing**
3 **with Government Agencies**

4 FOR the purpose of authorizing the Commissioner of Financial Regulation to enter
5 into cooperative and information sharing agreements with certain federal, ~~state,~~
6 ~~or local~~ or state government agencies; authorizing the Commissioner to
7 exchange certain information with certain federal, ~~state, or local~~ or state
8 government agencies; providing for a certain exemption to the Commissioner's
9 authority; and generally relating to cooperative agreements and information
10 sharing by the Commissioner of Financial Regulation.

11 BY repealing and reenacting, with amendments,

12 Article - Financial Institutions

13 Section 2-113

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 Annotated Code of Maryland
 2 (2003 Replacement Volume and 2007 Supplement)

3 BY adding to
 4 Article – Financial Institutions
 5 Section 2–117
 6 Annotated Code of Maryland
 7 (2003 Replacement Volume and 2007 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article – Financial Institutions**

11 2–113.

12 (a) In this section, “affiliate” has the meaning stated in § 5–401(b) of this
 13 article.

14 (b) Except as provided in subsection (d) of this section, the investigative and
 15 enforcement powers of the Commissioner authorized under this subtitle are in addition
 16 to any investigative or enforcement powers of the Commissioner authorized under any
 17 other provision of law.

18 (c) Beginning in fiscal year 2001, the Governor shall appropriate in the State
 19 budget in each fiscal year to the Division of Financial Regulation funding for the
 20 positions necessary to implement the investigative and enforcement powers authorized
 21 under this subtitle.

22 (d) [The] EXCEPT AS PROVIDED IN § 2–117 OF THIS SUBTITLE, THE
 23 provisions of §§ 2–114 through [2–116] 2–117, inclusive, of this subtitle do not apply
 24 to:

25 (1) Any bank, trust company, savings bank, savings and loan
 26 association, or credit union incorporated or chartered under the laws of this State or
 27 the United States that maintains its principal office in this State;

28 (2) Any out-of-state bank, as defined in § 5–1001 of this article, having
 29 a branch that accepts deposits in this State;

30 (3) Any institution incorporated under federal law as a savings
 31 association or savings bank that does not maintain its principal office in this State but
 32 has a branch that accepts deposits in this State; or

33 (4) An affiliate of an institution described in paragraph (1), (2), or (3)
 34 of this subsection.

1 2-117.

2 (A) NOTWITHSTANDING SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS
 3 SECTION, NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAWS OR
 4 REGULATIONS, THE COMMISSIONER MAY:

5 (1) ENTER INTO COOPERATIVE AND INFORMATION SHARING
 6 AGREEMENTS WITH ANY ~~FEDERAL, STATE, OR MUNICIPAL~~ FEDERAL OR STATE
 7 REGULATORY OR LAW ENFORCEMENT AGENCY HAVING AUTHORITY OVER
 8 FINANCIAL INSTITUTIONS, PROVIDED THAT THE AGREEMENTS PROHIBIT THE
 9 AGENCY FROM DISCLOSING ANY SHARED INFORMATION WITHOUT PRIOR
 10 WRITTEN CONSENT FROM THE COMMISSIONER REGARDING DISCLOSURE OF THE
 11 PARTICULAR INFORMATION; ~~OR~~ AND

12 (2) EXCHANGE INFORMATION ABOUT A FINANCIAL INSTITUTION,
 13 INCLUDING INFORMATION OBTAINED DURING AN EXAMINATION, WITH ANY
 14 ~~FEDERAL, STATE, OR MUNICIPAL~~ FEDERAL OR STATE REGULATORY ~~OR LAW~~
 15 ~~ENFORCEMENT~~ AGENCY HAVING AUTHORITY OVER THE FINANCIAL
 16 INSTITUTION.

17 (B) NOTWITHSTANDING § 2-113(D) OF THIS SUBTITLE, AN AFFILIATE AS
 18 DEFINED IN § 2-113(A) OF THIS SUBTITLE IS SUBJECT TO SUBSECTION (A) OF
 19 THIS SECTION IF THAT AFFILIATE MAINTAINS OR IS REQUIRED TO MAINTAIN A
 20 LICENSE ISSUED BY THE COMMISSIONER.

21 (C) THIS SECTION DOES NOT AUTHORIZE THE COMMISSIONER TO
 22 SHARE OR EXCHANGE INFORMATION IN ANY WAY PROHIBITED BY FEDERAL LAW.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.