

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 07-0290.01 Christy Chase

HOUSE BILL 07-1035

HOUSE SPONSORSHIP

Balmer,

SENATE SPONSORSHIP

Sandoval,

House Committees

Business Affairs and Labor

Senate Committees

Finance

A BILL FOR AN ACT

101 **CONCERNING THE EXCHANGE OF INFORMATION BY SPECIFIED STATE**
102 **BANKING OFFICIALS WITH THE UNITED STATES SECRETARY OF**
103 **THE TREASURY REGARDING CERTAIN ENTITIES THAT TRANSMIT**
104 **MONEY, AND, IN CONNECTION THEREWITH, AUTHORIZING THE**
105 **STATE BANK COMMISSIONER TO EXCHANGE INFORMATION**
106 **PERTAINING TO THE CONDITION OF MONEY TRANSMITTERS AND**
107 **FOREIGN CAPITAL DEPOSITORIES WITH THE TREASURY**
108 **SECRETARY AND ALLOWING THE STATE BANK COMMISSIONER,**
109 **THE BANKING BOARD, OR THEIR DESIGNEES TO EXCHANGE**
110 **INFORMATION ABOUT THE ACTIVITIES OF SUCH ENTITIES WITH**
111 **THE TREASURY SECRETARY.**

Bill Summary

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
March 9, 2007

HOUSE
3rd Reading Unamended
February 14, 2007

HOUSE
Amended 2nd Reading
February 13, 2007

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows the state bank commissioner (commissioner) to exchange information regarding the condition of money transmitters and foreign capital depositories with the U.S. secretary of the treasury (secretary) or the secretary's designee. Authorizes the commissioner, the banking board, and their respective designees to exchange information pertaining to the activities of money transmitters and foreign capital depositories with the secretary or the secretary's designee.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 11-102-305 (1), Colorado Revised Statutes, is
3 amended to read:

4 **11-102-305. Records.** (1)(a) Information from the records of the
5 division shall be revealed only to members of the banking board, except
6 ~~insofar~~ as FOLLOWS:

7 (I) ~~Disclosure may be~~ INFORMATION MAY BE DISCLOSED IF SUCH
8 DISCLOSURE IS rendered necessary by law.

9 (II) ~~except that~~ Any party entitled to appear in a hearing on an
10 application for bank charter shall have access to the applicant's proposed
11 articles or amended articles of incorporation, application for charter, and
12 proposed bylaws. ~~and except that~~

13 (III) The commissioner may exchange information as to the
14 condition of banks with the United States comptroller of the currency,
15 banking departments of other states, the federal reserve system and its
16 examiners, and the federal deposit insurance corporation and its
17 examiners.

18 (IV) THE COMMISSIONER MAY EXCHANGE INFORMATION [REDACTED]
19 OBTAINED FROM MONEY TRANSMITTERS AND FOREIGN CAPITAL

1 DEPOSITORIES WITH THE UNITED STATES SECRETARY OF THE TREASURY OR
2 THE SECRETARY'S DESIGNEES PERTAINING TO COMPLIANCE WITH FEDERAL
3 MONEY LAUNDERING AND OTHER FINANCIAL CRIMES LAWS, INCLUDING,
4 BUT NOT LIMITED TO, THE "BANK SECRECY ACT", THE "RIGHT TO
5 FINANCIAL PRIVACY ACT OF 1978", THE "MONEY LAUNDERING CONTROL
6 ACT OF 1986", AND THE "ANNUNZIO-WYLIE ANTI-MONEY LAUNDERING
7 ACT".

8 (b) Notwithstanding any other provision of articles 101 to 109 of
9 this title to the contrary, the commissioner, the commissioner's deputies,
10 and the members of the banking board may disclose any information in
11 the records of the division or acquired by them in the discharge of their
12 duties that is publicly available from the federal deposit insurance
13 corporation, the United States comptroller of the currency, or the federal
14 reserve system or the disclosure of which has been specifically authorized
15 by the board of directors of the financial institution to which such
16 information relates.

17 **SECTION 2.** 11-102-306, Colorado Revised Statutes, is amended
18 to read:

19 **11-102-306. Information confidential.** (1) The banking board,
20 the bank commissioner, and all deputies and employees of the division
21 shall not divulge any information acquired by them in the discharge of
22 their duties except insofar as disclosure may be rendered necessary by
23 law.

24 (2) The banking board, the commissioner, and their designees may
25 exchange information with the United States comptroller of the currency,
26 the federal deposit insurance corporation, the board of governors of the
27 federal reserve system, the federal home loan bank in which an institution

1 is a member or is making an application to become a member, the
2 executive director of the department of regulatory agencies, the division
3 of financial services, and banking regulatory agencies of other states,
4 subject to any confidentiality agreement entered into between the banking
5 board or the commissioner and the United States comptroller of the
6 currency, the federal deposit insurance corporation, the board of
7 governors of the federal reserve system, or the federal home loan bank in
8 which an institution is a member or is making an application to become
9 a member. In addition, the banking board, the commissioner, and their
10 designees may exchange information obtained by the banking board as
11 RELATING to:

12 (a) Possible violations of the federal "Employee Retirement
13 Income Security Act of 1974", 29 U.S.C. sec. 1001 et seq., with the
14 federal department of labor or the executive director of the department of
15 regulatory agencies;

16 (b) ~~In addition, the banking board, the commissioner, and their~~
17 ~~respective designees may exchange information obtained by the banking~~
18 ~~board as to~~ Possible criminal violations of federal law relating to the
19 activities of a federally insured institution with the federal bureau of
20 investigation or the executive director of the department of regulatory
21 agencies; AND

22 (c) THE ACTIVITIES OF MONEY TRANSMITTERS AND FOREIGN
23 CAPITAL DEPOSITORIES PERTAINING TO COMPLIANCE WITH FEDERAL
24 MONEY LAUNDERING AND OTHER FINANCIAL CRIMES LAWS, INCLUDING,
25 BUT NOT LIMITED TO, THE "BANK SECRECY ACT", THE "RIGHT TO
26 FINANCIAL PRIVACY ACT OF 1978", THE "MONEY LAUNDERING CONTROL
27 ACT OF 1986", AND THE "ANNUNZIO-WYLIE ANTI-MONEY LAUNDERING

1 **ACT"**, WITH THE UNITED STATES SECRETARY OF THE TREASURY OR THE
2 SECRETARY'S DESIGNEES.

3 (3) The executive director of the department of regulatory
4 agencies and the state commissioner of financial services and their
5 deputies shall, before entering upon the discharge of their duties specified
6 in this section, in addition to an oath required by the state constitution,
7 take and subscribe an oath to keep secret all information acquired by them
8 in the discharge of such duties, except as may otherwise be required by
9 law. Willful violation of this oath shall be a criminal offense.

10 (4) Notwithstanding any other provision of this article to the
11 contrary, the bank commissioner, the deputies, and the members of the
12 banking board may disclose any information in the records of the division
13 of banking or acquired by them within the discharge of their duties that
14 is publicly available from the federal deposit insurance corporation, the
15 United States comptroller of the currency, or the federal reserve system
16 and disclose information that has been specifically authorized by the
17 board of directors of the bank to which such information relates. Nothing
18 in this section shall be construed to authorize the board of directors of a
19 bank to waive any privileges that belong solely to the banking board, the
20 division, or its employees.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.