

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 68

HOUSE BILL 2328

AN ACT

AMENDING SECTION 6-129, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT
OF FINANCIAL INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 6-129, Arizona Revised Statutes, is amended to
3 read:

4 6-129. Records; disclosure and limitations on disclosure;
5 evidentiary effect

6 A. Except as otherwise provided by this title, the records of the
7 department relating to financial institutions shall not be public documents
8 nor shall they be open for inspection by the public and neither the
9 superintendent nor any member of ~~his~~ THE SUPERINTENDENT'S staff shall
10 disclose any information obtained in the discharge of official duties to any
11 person not connected with the department.

12 B. Records and information may be disclosed as follows:

13 1. To representatives of federal agencies insuring accounts in the
14 financial institution.

15 2. To representatives of state or federal agencies and foreign
16 countries having regulatory or supervisory authority over the activities of
17 the financial institution or enterprise or similar financial institutions or
18 enterprises if such representatives are permitted to and do, upon request of
19 the superintendent, disclose similar information respecting those financial
20 institutions or enterprises under their regulation or supervision or to such
21 representatives who state in writing under oath that they shall maintain the
22 confidentiality of such information.

23 3. To the attorney general of this state.

24 4. To a select committee of the legislature of this state appointed
25 for the purpose of inspecting such records, but this paragraph shall not
26 permit disclosure of information as to the condition of any particular
27 financial institution or enterprise, or disclosure of information as to any
28 particular transaction or transactions of a financial institution or
29 enterprise, or disclosure of information which has been disclosed to a
30 financial institution or enterprise by or on behalf of any person in
31 connection with a transaction or proposed transaction with such financial
32 institution or enterprise.

33 5. To a federal, state or county grand jury in response to a lawful
34 subpoena.

35 6. To the auditor general of this state for the purpose of conducting
36 audits authorized by law.

37 7. To state and federal law enforcement agencies.

38 8. TO A FEDERAL HOME LOAN BANK, AS DEFINED BY THE FEDERAL HOME LOAN
39 ACT OF 1932 (12 UNITED STATES CODE SECTION 1422), AFTER THE DEPARTMENT
40 RECEIVES AUTHORIZATION TO RELEASE THE RECORDS FROM THE FINANCIAL INSTITUTION
41 THAT IS THE SUBJECT OF THE RECORDS.

42 C. The superintendent may:

43 1. Disclose the fact of filing of applications with the department
44 pursuant to this title, give notice of a hearing, if any, regarding such
45 applications, and announce ~~his~~ THE SUPERINTENDENT'S action thereon.

1 2. Disclose whether a person is or was certified or licensed by the
2 department, the type of license or certificate held and the status of the
3 license or certificate.

4 3. Disclose final decisions in connection with proceedings for the
5 suspension or revocation of licenses or certificates issued pursuant to this
6 title.

7 4. Disclose final decisions in connection with the issuance of an
8 order to cease and desist issued pursuant to section 6-137.

9 5. Disclose to the financial institution or enterprise or its holding
10 company the results of any examination, inquiry or investigation by the
11 department regarding that financial institution or enterprise.

12 6. Disclose to the financial institution or enterprise any complaint
13 made concerning that financial institution or enterprise.

14 7. Disclose to any person who complains to the department concerning
15 any financial institution or enterprise the result of any investigation
16 concerning the complaint.

17 8. Prepare and circulate reports reflecting the assets and liabilities
18 of financial institutions, including such other information considered
19 pertinent to the purpose of each report for general statistical information.

20 9. Prepare and circulate reports provided by law.

21 D. Every official report of the department is prima facie evidence of
22 the facts therein stated in any action or proceeding wherein the
23 superintendent is a party.

24 E. Disclosure of the results of any examination, inquiry or
25 investigation disclosed to the financial institution or enterprise pursuant
26 to subsection C, paragraph 5 of this section or disclosure of any complaint
27 to the financial institution or enterprise pursuant to subsection C,
28 paragraph 6 of this section does not make that information a public record,
29 and the financial institution or enterprise or its holding company may not
30 disclose any of the information to the general public. Under no
31 circumstances shall any of the comments, conclusions or results of an
32 examination, inquiry or investigation disclosed pursuant to subsection C,
33 paragraph 5 of this section be used or referenced in any form by a financial
34 institution, enterprise or holding company in any type of communication to a
35 customer or potential customer.

36 F. Nothing in this section shall be construed to prevent the
37 disclosure of information which is admissible in evidence in any civil or
38 criminal proceeding brought by or at the request of the superintendent or
39 this state to enforce or prosecute violations of this title or the rules or
40 orders issued or adopted pursuant to this title.

APPROVED BY THE GOVERNOR APRIL 10, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2006.