

Rule Summary and Fiscal Analysis (Part A)**Department Of Commerce**

Agency Name

Division Of Financial Institutions: Savings**Kevin Schmidt****Banks**

Division

Contact

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1301:12-4-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Agency agreement between savings banks and affiliate and non-affiliate depository institutions.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **1163.24**

5. Statute(s) the rule, as filed, amplifies or implements: **1161.071**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To relocate rule with other rules governing savings banks transactions.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule allows state savings banks to provide specified services to its customers by entering into an agency agreement with an affiliate depository institution without

the Division's prior approval and prescribes how an agency agreement is made. The rule provides that prior approval must be sought if a state savings bank wants to contract to provide services to its customers through a non-affiliate depository institution or to provide other services than the rule allows. The rule clarifies that a state savings bank may not as agent or principal through its agent conduct activities prohibited under applicable law and that the bank office or branch of the depository institution acting as the savings bank's agent is not a branch of the savings bank.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

This rule will not change the Division's projected budget for the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Only state savings banks that choose to provide services to its customers through another depository institution will be affected by this rule. For those that do, the cost will depend on the number of agency agreements entered into and whether they propose to provide unspecified services or to provide services through a non-affiliate depository institution, and whether they have expertise to prepare the application seeking prior approval or need to hire external assistance.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**