

2020 Regular Session

SENATE BILL NO. 468

BY SENATOR MORRIS

FINANCIAL INSTITUTIONS. Provides relative to the regulation of financial institutions during a declared emergency. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 6:121(A) and 121.6(A) and R.S. 51:710(A)(1), relative to the  
3 office of financial institutions; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 6:121(A) and 121.6(A) are hereby amended and reenacted to read  
6 as follows:

7 §121. Regulatory powers; promulgation of rules and regulations

8 A. The commissioner shall have, in addition to those powers specifically  
9 enumerated in this Title, any power necessary and appropriate to perform his duties  
10 under this Title as well as any power necessary and appropriate to prevent or  
11 terminate any condition which he may reasonably deem to create an emergency  
12 relative to a particular financial institution or financial institutions in general. Such  
13 power may include, but shall not be limited to, the granting of temporary lending  
14 authority to a financial institution, taking into account that institution's current net  
15 operating income and whether it has such negative undivided profits that might  
16 render the bank unable to make a loan as provided in R.S. 6:415(A)(1), (2), or (3) or  
17 to make a purchase or sell as provided in R.S. 6:303(A) and (B). In granting such

1 temporary lending authority, the amount of which shall be at the discretion of the  
2 commissioner, the commissioner shall be guided by safety and soundness of the  
3 financial institution.

4 \* \* \*

5 §121.6. Authority of the commissioner; nondepository institutions; emergencies

6 A. In addition to any other powers specifically authorized, the commissioner  
7 ~~is authorized to~~ **may** waive, suspend, or delay compliance with all or part of any  
8 statute it is the duty of the commissioner to administer or enforce with respect to a  
9 nondepository institution, if he reasonably deems compliance with such statute is  
10 impossible or impractical as a result of conditions created during a declared state of  
11 emergency or as a result of conditions the commissioner reasonably deems to create  
12 an emergency.

13 \* \* \*

14 Section 2. R.S. 51:710(A)(1) is hereby amended and reenacted to read as follows:

15 §710. Commissioner of securities; powers of commissioner and employees;  
16 compensation and expenses; assistant commissioner

17 A.(1) The administration of the provisions of this Part shall be vested in the  
18 commissioner of financial institutions, who is designated commissioner of securities.  
19 Whenever the governor issues a declaration of emergency, the commissioner shall  
20 have, in addition to those powers enumerated in this Part, any power necessary and  
21 appropriate to perform his duties under this Part as well as the power necessary and  
22 appropriate to prevent or terminate any condition which he may reasonably deem to  
23 create an emergency relative to the registration of issuers, dealers, salesmen,  
24 investment advisers, and securities, or any other matters regulated under this Part.  
25 The commissioner, from time to time, may make, amend, and rescind rules, forms,  
26 compliance agreements, and orders as are necessary to carry out the provisions of  
27 this Part, where such action is consistent with the public interest and with the  
28 purpose fairly intended by the policy and provisions of this Part.

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