

First Extraordinary Session, 2005

SENATE BILL NO. 82

BY SENATOR HOLLIS

FINANCIAL INSTITUTIONS. Provides relative to the emergency powers of the commissioner of the office of financial institutions relative to nondepository institutions. (gov sig)

1 AN ACT  
2 To enact R.S. 6:121.6, relative to the powers of the commissioner of the office of financial  
3 institutions; to authorize the commissioner to waive, suspend, or delay compliance  
4 of certain statutes relating to certain entities regulated by the commissioner; to  
5 provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 6:121.6 is hereby enacted to read as follows:

8 **§121.6. Authority of the commissioner; emergencies**

9 **In addition to any other powers specifically authorized, the**  
10 **commissioner is authorized to waive, suspend, or delay compliance with all or**  
11 **part of any statute it is the duty of the commissioner to administer or enforce**  
12 **with respect to a nondepository institution, if he reasonably deems compliance**  
13 **with such statute is impossible or impractical as a result of conditions created**  
14 **during a declared state of emergency, or as a result of conditions the**  
15 **commissioner reasonably deems to create an emergency. This Section shall**  
16 **apply to emergencies declared by the governor or the commissioner on or after**  
17 **August 29, 2005. For purposes of this Section, nondepository institutions are**

1           **those persons or entities required by statute to be certified, licensed by or**  
2           **registered with the commissioner of the office of financial institutions or that**  
3           **office, other than financial institutions as defined by R.S. 6:2.**

4           Section 2. This Act shall become effective upon signature by the governor or, if not  
5           signed by the governor, upon expiration of the time for bills to become law without signature  
6           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8           effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jeffery T. Oglesbee.

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#### DIGEST

Present law provides that the commissioner of the OFI will have any power necessary and appropriate to perform his duties under the Louisiana Banking Law as well as any power necessary and appropriate to prevent or terminate any condition which he may reasonably deem to create an emergency relative to a particular financial institution or financial institutions in general.

Proposed law authorizes the commissioner to waive, suspend, or delay compliance with statutes that he has the duty to enforce with respect to a nondepository institution, if he reasonably deems compliance with such statute is impossible or impractical as a result of a declared emergency or conditions the commissioner deems to create an emergency. Proposed law applies to emergencies declared by the governor or commissioner on or after Aug. 29, 2005.

For purposes of proposed law, nondepository institutions are those persons or entities required by statute to be certified, licensed by or registered with the commissioner of OFI or that office, other than financial institutions defined by R.S. 6:2.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 6:121.6)