

DIVISION OF FINANCIAL SERVICES

Policy Number: 100-6
Date Issued: 10/22/93
Date Revised: 05/13/96; 07/16/01; 08/30/02; 12/15/06

Title: STATUTORY AUTHORITY OF THE COMMISSIONER OF FINANCIAL SERVICES

Reference: House Bill 93-1275

Purpose: To define the statutory authority of the Commissioner after the creation of the Financial Services Board.

Based upon a review of the statutes for which the Division is responsible, after the adoption of House Bill 93-1275, effective June 6, 1993, the following statutory authorities are retained by the Commissioner of Financial Services:

- 11-30-102 Approve credit union bylaws.
- 11-30-103(2) Approve small groups to be added to credit union fields of membership.
- 11-30-104(1)(e) Approve credit union investments subject to the limitation of 10% of shares, deposits and undivided earnings.
- 11-30-104(1)(k) Approve purchases and sales of credit union assets (unless the transaction results in a merger).
- 11-30-106(1) Conduct credit union examinations and resulting supervision.
- 11-30-106(2) Determine required credit union financial reports. Also, assess fines for late reports.
- 11-30-106(5) Direct charge-offs of credit union assets.
- *11-30-106(6) Issue subpoenas relating to credit union matters.
- *11-30-106(7) Issue cease and desist orders to credit unions.
- *11-30-106(8) Suspend or remove credit union officers, directors or employees.

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- * 11-30-106.5 Assess civil money penalties against credit union officials.
- 11-30-109(1)(c) Prescribe the amount of credit union blanket surety bonds.
- 11-30-117 Require by order special reserves to be established by credit unions and decrease the regular reserve transfer requirements.
- 11-30-117.5(1) Approve a private share/deposit insurer to provide primary coverage on credit union accounts.
- 11-30-117.5(4) Share confidential information as permitted by law.
- 11-30-120(1) Issue show cause orders to credit unions.
- 11-30-121 Approve changes of credit union office location.
- 11-41-105(1) Require minimum capitalization for newly-chartered permanent stock savings and loan associations.
- 11-41-112(1)(g) Approve savings and loan bylaws.
- 11-41-112(1)(1) Approve savings and loans to exercise trust powers.
- 11-41-114(1)(a) Approve types of loans, other than first mortgages, that can be made by savings and loans.
- 11-41-114(3) Approve savings and loan fixed asset investments that exceed the level of general reserves, surplus and undivided profits.
- 11-41-117.5 Approve a deposit insurer to provide supplemental coverage on savings and loan accounts. Also, require financial reports from and conduct examinations of such a deposit insurer.
- 11-41-125 Approve certain mortgage loans to savings and loan officers and directors.
- 11-41-126 Approve the form, coverage and amount of savings and loan blanket surety bonds.
- 11-41-129(4) Approve amendments to savings and loan articles of incorporation.
- 11-41-130(1) and (2) Approve plans for reorganization of savings and loans.
- 11-41-130.5 Approve plans for cessation of business as savings and loan associations.

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- 11-41-133 Approve acquisitions of majority control over existing savings and loans.
- 11-42-107(2) and (3) Approve certain transactions relating to the permanent stock of savings and loans.
- 11-42-112 Issue permits for the sale of savings and loan permanent stock.
- 11-44-102(2) and (3) Appoint all employees of the Division of Financial Services and supervise their activities.
- 11-44-103 Prescribe the manner in which savings and loan books and records are maintained. Also, approve savings account forms and permanent stock certificates.
- *11-44-106 Issue subpoenas relating to savings and loan matters.
- *11-44-106.5 Suspend or remove savings and loan officers, directors or employees.
- 11-44-107 Share confidential information has permitted by law.
- 11-44-109 Conduct savings and loan examinations and resulting supervision. Also, direct CPA audits of savings and loans, as needed.
- *11-44-110(1) Issue cease and desist orders to savings and loans.
- 11-44-110(4) Appoint Conservators for savings and loan.
- 11-44-120(1) Require annual reports from savings and loans.
- 11-44-122 Waive requirements for savings and loan membership or stockholder votes on certain transactions.
- *11-44-123 Assess civil money penalties against savings and loan officials
- 11-47-101 et seq. Administer and enforce the Savings and Loan Association Public Deposit Protection Act “under the supervision of the financial services board.”

*Financial Services Board also possesses this authority.