

CHAPTER 15
FOREIGN CREDIT UNION BRANCH OFFICES

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

189—15.1(17A) Definitions. The definition of terms included in Iowa Code section 17A.2 and 189—1.1(533) shall apply to such terms used in this chapter. In addition, as used in this chapter:

“*Account insurance*” means either the federal NCUA insurer or a state guaranty corporation which has been approved by the regulator who supervises the foreign credit union.

“*Foreign credit union*” means a credit union chartered by a state regulator other than the Iowa regulator.

“*Reciprocal state*” means a state whose statute allows Iowa’s state chartered credit unions to establish branch offices in that state.

189—15.2(533) Application of foreign credit union.

15.2(1) An application for a credit union organized and duly qualified as a credit union in a reciprocal state to establish a branch office in Iowa shall be submitted on a form furnished by the superintendent.

15.2(2) The application may be obtained by writing the Superintendent, Credit Union Division, 200 East Grand Avenue, Suite 370, Des Moines, Iowa 50309; or calling (515)725-0505.

[ARC 6553C, IAB 10/5/22, effective 11/9/22]

189—15.3(533) Exhibits. Attached to the application submitted pursuant to 15.2(1) shall be the following exhibits:

15.3(1) Reserved.

15.3(2) A schedule of interest rates to be charged on loans to be made to the residents of this state, a statement that the applicant understands the provisions of Iowa Code chapter 537, and a copy of that portion of the applicable law under which the credit union operates establishing maximum interest rates.

15.3(3) Evidence that the credit union members’ share and deposit accounts are insured by Title II of the Federal Credit Union Act (12 U.S.C. Secs. 1781 et seq.) or other comparable insurance acceptable to the superintendent. (See rule 189—15.1(17A).)

15.3(4) Evidence that the credit union has obtained surety bond coverage and fidelity bond coverage as required by the laws of the state under which the credit union operates.

15.3(5) A letter from the supervisory agency indicating the credit union is in good standing in the state where the principal office is located.

15.3(6) A copy of the last report, audit or examination by the applicable regulatory or supervisory agency and response to that report, audit or examination, if such response was required.

15.3(7) If the credit union operates on a fiscal year different from the calendar year, a statement indicating the period covered by the credit union’s last fiscal year.

15.3(8) A copy of the audited balance sheet and income statement, prepared by an independent accountant or certified public accountant, for the most recently completed calendar or fiscal year.

15.3(9) A copy of the most recent month-end balance sheet and income statement.

15.3(10) Statistics indicating the present number of members in the credit union, the total number of persons eligible for membership, the number of persons eligible for membership in Iowa, and the number of members residing in Iowa.

15.3(11) A statement of exact present field of membership and the location of any branch offices in Iowa as well as any proposed field of membership, if a change is to be made concurrently with the establishment of the branch office.

15.3(12) Copy of articles of incorporation.

15.3(13) Copy of official bylaws.

15.3(14) An analysis of delinquent loans prepared as of the date of the most recent financial statements.

15.3(15) A report of the names, addresses and telephone numbers of the person(s) managing each branch office in this state.

15.3(16) The language to be used in connection with the credit union's name in Iowa.

15.3(17) A copy of a resolution of the board of directors agreeing to keep the superintendent or the superintendent's duly designated representative advised at all times of the address at which the books, accounts, papers, records, files, safes and vaults are located in Iowa and the office hours of the credit union. (See 189—15.8(533)).

189—15.4 Reserved.

189—15.5(533) Annual reporting requirements. By resolution, a copy of which shall be furnished to the superintendent, the board of directors shall commit the credit union to furnish to the superintendent the following:

15.5(1) The names of the officers, within 15 days after the board of directors elects the officers of the credit union. At this time, the credit union shall also notify the superintendent of the names of the board of directors, the members and alternate members of the credit committee and the members of the supervisory committee. Such reporting may be done by providing copies of the oath of directors or whatever form the credit union uses to report such information to the regulator of their state.

15.5(2) The names of the directors, officers, members and alternate members of the credit committee and members of the supervisory committee within 15 days of any change. Such reporting shall be done as outlined in 15.5(1).

15.5(3) The names, addresses and telephone numbers of the person(s) managing each branch office in this state within 15 days of any change.

15.5(4) Reports of annual audits or examinations, on a continuing basis, performed by the applicable regulatory or supervisory agency within 30 days of receipt by the credit union and copies of any responses to those reports at the time they are sent to the agency.

15.5(5) All amendments to the articles of incorporation, bylaws and the field of membership within 30 days of adoption and approved by the applicable regulatory or supervisory agency.

15.5(6) Should the branch office be closed such action shall be reported to the superintendent at least 30 days prior to the actual closing.

189—15.6(533) Fees.

15.6(1) Each credit union operating in this state pursuant to these rules and Iowa Code section 533.115 shall pay an annual registration fee of \$1,000 plus \$250 for each branch or office located in Iowa to the superintendent on or before February 1 of each year.

15.6(2) If payment is not made to the superintendent by the due date, the certificate then in effect stating that the foreign credit union has been approved to operate a branch office in Iowa may by order be summarily suspended or revoked by the superintendent ten days after giving of notice by the superintendent that such amount is due and unpaid.

15.6(3) If, after such an order as described in subrule 15.6(2) is made, a request for hearing is filed in writing and a hearing is not held within 60 days thereafter, the order is rescinded as of its effective date.

[ARC 6092C, IAB 12/15/21, effective 1/19/22]

189—15.7(533) Certificate of approval.

15.7(1) Within 60 days of the receipt of the application and all required exhibits the superintendent shall transmit in writing a decision granting or denying the application.

15.7(2) In the case of approval of the application the superintendent shall issue a Certificate of Approval for the foreign credit union to operate a branch office in the state of Iowa. Said certificate shall be suitable for framing and shall be displayed in the branch office.

189—15.8(533) Change of location of a branch office.

15.8(1) A foreign credit union desiring to move its branch office within the state of Iowa shall be required by 15.3(17) and this rule to notify the superintendent at least 60 days prior to the date the office is

moved; except in the event of dissolution of the credit union the 60-day notice requirement shall be automatically waived by the superintendent.

15.8(2) Notification of the proposed change in location shall be submitted on an Application to Relocate a Branch Office. The rules governing the establishment of a branch office by a foreign credit union shall also govern the relocation of a branch office.

These rules are intended to implement Iowa Code section 533.115.

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