

ENGROSSED HOUSE
BILL NO. 1338

BY: KINNAMON of the HOUSE

and

ROBINSON of the SENATE

(BANKS AND TRUST COMPANIES - AMENDING 6 O.S.,
SECTION 211 - FEES FOR EXAMINATION OF BANKS -
NEW FEE ASSESSMENT SCHEDULE -

EFFECTIVE DATE)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 6 O.S. 1981, Section 211, as last amended by Section 1, Chapter 277, O.S.L. 1990 (6 O.S. Supp. 1990, Section 211), is amended to read as follows:

Section 211. A. ~~The State Banking Commissioner shall charge and collect from each bank or trust company under his supervision not more than an annual fee of \$260.00; and on each One Thousand Dollars (\$1,000.00) of resources, or major fraction thereof, not less than nineteen cents (\$0.19) and not to exceed twenty-one and one-half cents (\$0.21 1/2) provided that the fee charged by the State Banking Commissioner to be paid in January of 1991 shall be at least one and one-half cents (\$0.01 1/2) above the fee charged in January of 1990.~~

~~The minimum fee for bank trust departments shall be One Hundred Dollars (\$100.00). The fees shall be paid annually to the Banking Department within ten (10) days following the first day in January in each year. Any bank or trust company which fails to make such payment within the time specified shall be notified of the terms of~~

~~this section and be billed appropriately for such fees and given a reasonable period of time not to exceed fifteen (15) days within which to pay them, and, if it fails to pay them within such time, then it shall be subject to a penalty of not more than Fifty Dollars (\$50.00) per day for each day it is in violation of this section, which penalty, together with the amount due under the foregoing provisions of this section, may be recovered in a civil action in the name of the state.~~

The State Banking Commissioner shall charge and collect from every corporation organized under the laws of this state engaging in the business of a commercial bank, trust company or any combination thereof an assessment for each year based on the following asset size:

<u>Assets</u>	
<u>0 - 20 million</u>	<u>.32 per thousand</u>
<u>20 - 50 million</u>	<u>.29 per thousand</u>
<u>50 - 100 million</u>	<u>.26 per thousand</u>
<u>100 - 300 million</u>	<u>.24 per thousand</u>
<u>over - 300 million</u>	<u>.20 per thousand</u>

All money accruing from such assessment shall be used for the maintenance of the Department.

The Commissioner, during the month of January in each year, or as soon thereafter as practicable, shall prepare a statement of the assessment due under this section based upon the total assets of each such corporation, as shown by its last report of condition, which shall be paid as called for by the Commissioner. The Commissioner shall send such corporation a statement of the assessment, which shall specify the amount and due date of payment. The assessment shall constitute a lien on the assets of each corporation until paid. Any such corporation failing to make payment by the due date shall be liable for a penalty of not more than Fifty Dollars (\$50.00) per day for each day it is in violation

of this section, after a reasonable period of time not to exceed fifteen (15) days has been given.

All assessments and penalties provided in this section shall be payable to the Commissioner and when collected shall be delivered to the State Treasurer to be placed to the credit of the maintenance fund of the Department. The Commissioner shall give a receipt for all money received by the Commissioner and shall take a receipt from the State Treasurer for all money delivered to the State Treasurer.

In making any call for the assessment levied by this section, the Commissioner shall estimate the cost of maintaining the Department for the current year, and if the assessment levied produces more than the estimate, the Commissioner shall reduce accordingly the fee schedule provided in this section. The cash balance remaining in the maintenance fund of the Department at the end of any one (1) year shall be credited to and reduce the assessment of the following year on a pro rata basis.

B. Whenever it is deemed advisable by the Commissioner, special examinations of banks or trust companies under his supervision shall be conducted. Upon approval of the Board, the expenses of the Department necessarily incurred in the examination of banks or trust companies requiring the special examination shall be chargeable to such banks or trust companies at the rate not to exceed ~~Twenty Dollars (\$20.00)~~ Fifty Dollars (\$50.00) per hour for each of the examining personnel while engaged at such institution.

~~All fees shall be paid into the State Treasury and accrue to the General Revenue Fund of the state.~~

C. All moneys paid out of the Department maintenance fund shall be paid by the State Treasurer and approved by the Office of State Finance upon a voucher approved by the Commissioner except in the payment of salaries, which shall be approved by the Office of Personnel Management and the Commissioner.

SECTION 2. This act shall become effective September 1, 1991.

Passed the House of Representatives the 27th day of February,
1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate