

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 633

By: Coffee

AS INTRODUCED

An Act relating to the Department of Consumer Credit; amending 14A O.S. 2001, Sections 6-106, 6-106A, 6-203 and 6-512, which relate to fees collected by the Department of Consumer Credit; modifying name of, and purpose for, certain fund; authorizing Department to budget and expend monies in fund for specified purpose; redirecting fees collected by Department from persons required to file certain notification to specified revolving fund; deleting obsolete language; redirecting fees collected by Department to specified revolving fund; providing for deposit of fees collected by Department under Credit Services Organization Act; providing for deposit of fees collected by Department under Oklahoma Pawnshop Act; providing for deposit of fees collected by Department under Precious Metal and Gem Dealer Licensing Act; amending 59 O.S. 2001, Section 1956, which relates to Oklahoma Rental-Purchase Act; redirecting fees collected by Department pursuant to Oklahoma Rental-Purchase Act; amending Section 1, Chapter 17, O.S.L. 2002, as last amended by Section 1, Chapter 463, O.S.L. 2004 and Section 2, Chapter 463, O.S.L. 2004 (74 O.S. Supp. 2004, Sections 3601.1 and 3601.2), which relate to state government; providing limit on full time equivalent employees for Department; providing salary range for chief executive officer of Department; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 14A O.S. 2001, Section 6-106, is amended to read as follows:

Section 6-106. ~~(1)~~ A. If the Administrator has probable cause to believe that a person has engaged in an act which is subject to action by the Administrator, he may make an investigation to determine whether the act has been committed, and, to the extent necessary for this purpose, may administer oaths or affirmations, and upon his own motion or upon request of any party may subpoena

witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

~~(2)~~ B. If the person's records are located outside this state, the person shall, at his option, either make them available to the Administrator at a convenient location within this state, or pay the reasonable and necessary expenses for the Administrator or his representative to examine them at the place where they are maintained. Payments for such necessary expenses shall be made to the Commission on Consumer Credit. Any such payments so received by the Department shall be deposited in the Commission on Consumer Credit Investigation Revolving Fund. The Administrator may designate representatives, including comparable officials of the state in which the records are located, to inspect them on his behalf.

~~(3)~~ C. Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the Administrator may apply to a court for an order compelling compliance, as provided ~~by the general act of this state governing administrative procedures (Title 75, Oklahoma Statutes, Chapters 7 and 8)~~ for in the Administrative Procedures Act.

~~(4)~~ D. The Administrator shall not make public the name or identity of a person whose acts or conduct he investigates pursuant to this section or the facts disclosed in the investigation, but this subsection does not apply to disclosures in actions or enforcement proceedings pursuant to this act.

SECTION 2. AMENDATORY 14A O.S. 2001, Section 6-106A, is amended to read as follows:

Section 6-106A. There is hereby created in the State Treasury a revolving fund for the Commission on Consumer Credit to be called the Commission on Consumer Credit Investigation Revolving Fund. The ~~said~~ revolving fund shall consist of all monies ~~received for recovery of reasonable and necessary expenses for the Administrator or his representatives to examine records located outside this state, under the provisions of Section 6-106 of Title 14A of the Oklahoma Statutes~~ deposited thereto pursuant to law to be used for administration of statutory provisions under the jurisdiction of the Department of Consumer Credit. The revolving fund herein created shall be a continuing fund not subject to fiscal year limitations and ~~expenditures from said fund shall be made exclusively for the purpose of carrying out the provisions of subsection (1) of Section 3-506 of Title 14A of the Oklahoma Statutes when the records of a licensee are located outside this state.~~ All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Consumer Credit for operating expenses of the Department. Warrants for expenditures from ~~said~~ the revolving fund shall be based on claims signed by an authorized employee or employees of the Commission on Consumer Credit and approved for payment by the Director of State Finance.

SECTION 3. AMENDATORY 14A O.S. 2001, Section 6-203, is amended to read as follows:

Section 6-203. ~~(1)~~ A. Any person required to file notification pursuant to the provisions of Section 6-201 of this title, on or before January 31 of each year, shall pay to the Administrator an annual fee of Twenty Dollars (\$20.00) for that year.

~~(2)~~ B. Persons required to file notification pursuant to the provisions of Section 6-201 of this title who are sellers, lessors, or lenders shall pay an additional fee, at the time and in the manner stated in subsection (1) of this section, of Ten Dollars (\$10.00) for each One Hundred Thousand Dollars (\$100,000.00), or

part thereof, in excess of One Hundred Thousand Dollars (\$100,000.00) of the original unpaid balances arising from consumer credit sales, consumer leases, and consumer loans made in this state within the preceding calendar year and held either by the seller, lessor, or lender for more than thirty (30) days after the inception of the sale, lease, or loan giving rise to the obligations, or held by an assignee who has not filed notification. A refinancing of a sale, lease, or loan resulting in an increase in the amount of an obligation is considered a new sale, lease, or loan to the extent of the amount of the increase.

~~(3)~~ C. Persons required to file notification pursuant to the provisions of Section 6-201 of this title who are assignees shall pay an additional fee, at the time and in the manner stated in subsection (1) of this section, of Ten Dollars (\$10.00) for each One Hundred Thousand Dollars (\$100,000.00), or part thereof, of the unpaid balances at the time of the assignment of obligations arising from consumer credit sales, consumer leases, and consumer loans made in this state taken by assignment during the preceding calendar year, but an assignee need not pay a fee with respect to an obligation on which the assignor or other person has already paid a fee.

~~(4)~~ D. All fees collected pursuant to the provisions of this section shall be deposited ~~into~~ as follows:

1. Twenty percent (20%) to the credit of the General Revenue Fund of the State Treasury; and

2. Eighty percent (80%) to the credit of the Commission on Consumer Credit Revolving Fund pursuant to Section 6-106A of this title.

SECTION 4. AMENDATORY 14A O.S. 2001, Section 6-512, is amended to read as follows:

Section 6-512. ~~Beginning July 1, 1986, all~~ All fees collected by the Commission on Consumer Credit, and not otherwise apportioned, shall be deposited as follows:

1. Twenty percent (20%) to the credit of the General Revenue Fund of the State Treasury. ~~On July 1, 1986, any unencumbered and unobligated balance remaining in the Revolving Fund of the Commission on Consumer Credit shall be transferred to the credit of the General Revenue Fund of the State Treasury. Any unexpended funds remaining in the Revolving Fund of the Commission on Consumer Credit after November 15, 1986, shall be transferred to the credit of the General Revenue Fund of the State Treasury; and~~

2. Eighty percent (80%) to the credit of the Commission on Consumer Credit Revolving Fund pursuant to Section 6-106A of this title.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 149 of Title 24, unless there is created a duplication in numbering, reads as follows:

All monies received by the Department of Consumer Credit from fees pursuant to the Credit Services Organization Act shall be deposited monthly as follows:

1. Twenty percent (20%) to the credit of the General Revenue Fund of the State Treasury; and

2. Eighty percent (80%) to the credit of the Commission on Consumer Credit Revolving Fund pursuant to Section 6-106A of Title 14A of the Oklahoma Statutes.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1516 of Title 59, unless there is created a duplication in numbering, reads as follows:

All monies received by the Department of Consumer Credit from fees pursuant to the Oklahoma Pawnshop Act shall be deposited monthly as follows:

1. Twenty percent (20%) to the credit of the General Revenue Fund of the State Treasury; and

2. Eighty percent (80%) to the credit of the Commission on Consumer Credit Revolving Fund pursuant to Section 6-106A of Title 14A of the Oklahoma Statutes.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1533 of Title 59, unless there is created a duplication in numbering, reads as follows:

All monies received by the Department of Consumer Credit from fees pursuant to the Precious Metal and Gem Dealer Licensing Act shall be deposited monthly as follows:

1. Twenty percent (20%) to the credit of the General Revenue Fund of the State Treasury; and

2. Eighty percent (80%) to the credit of the Commission on Consumer Credit Revolving Fund pursuant to Section 6-106A of Title 14A of the Oklahoma Statutes.

SECTION 8. AMENDATORY 59 O.S. 2001, Section 1956, is amended to read as follows:

Section 1956. All monies received by the Department of Consumer Credit from fees for licensing and examinations pursuant to the Oklahoma Rental-Purchase Act shall be deposited monthly as follows:

1. Twenty percent (20%) to the credit of the General Revenue Fund of the State Treasury; and

2. Eighty percent (80%) to the credit of the Commission on Consumer Credit Revolving Fund pursuant to Section 6-106A of Title 14A of the Oklahoma Statutes.

SECTION 9. AMENDATORY Section 1, Chapter 17, O.S.L. 2002, as last amended by Section 1, Chapter 463, O.S.L. 2004 (74 O.S. Supp. 2004, Section 3601.1), is amended to read as follows:

Section 3601.1 A. For purposes of Sections 3601.1 through 3603 of this title, the term "employee" means a full-time employee or any number of part-time employees whose combined weekly hours of

employment equal those of a full-time employee, but shall not include temporary employees working on a seasonal basis between May 1 and October 31.

B. Beginning July 1, 2004, the maximum number of full-time-equivalent employees for each of the following agencies, boards, commissions, departments, or programs shall not exceed the numbers specified in this section, except as may be authorized pursuant to the provisions of Section 3603 of this title.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
Board of Managers of the State Insurance Fund	591
Oklahoma Employment Security Commission	1150
Oklahoma Accountancy Board	9
The Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma	4
Board of Chiropractic Examiners	3
State Board of Cosmetology	16
Board of Dentistry	5
Oklahoma Funeral Board	5
State Board of Registration for Professional Engineers and Land Surveyors	7
State Board of Medical Licensure and Supervision/ Board of Podiatric Medical Examiners/State Board of Examiners of Perfusionists	29
Commission on Marginally Producing Oil and Gas Wells	4
Oklahoma Motor Vehicle Commission	4
Oklahoma Board of Nursing	25
Oklahoma State Board of Examiners for Nursing Home Administrators	4
Board of Examiners in Optometry	2

State Board of Osteopathic Examiners	7
Oklahoma Peanut Commission	2
Oklahoma State Board of Pharmacy	9
State Board of Examiners of Psychologists	2
Oklahoma Real Estate Commission	26
Board of Examiners for Speech-Language Pathology and Audiology	2
Oklahoma Used Motor Vehicle and Parts Commission	12
State Board of Veterinary Medical Examiners	6
Oklahoma Wheat Utilization, Research and Market Development Commission	7
Oklahoma Firefighters Pension and Retirement System	13
Oklahoma Police Pension and Retirement System	11
Teachers' Retirement System of Oklahoma	52
Oklahoma Public Employees Retirement System	63
Oklahoma Student Loan Authority	68
Oklahoma Industrial Finance Authority	10
State and Education Employees Group Insurance Board	178
Oklahoma Capital Investment Board	4
State Board of Licensed Social Workers	1
Oklahoma State Employees Benefits Council	31
Oklahoma State Banking Department	46
Liquefied Petroleum Gas Administration	10
<u>Commission on Consumer Credit</u>	<u>16</u>

C. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Public Employees Retirement System Board of Trustees by law shall be set by the Board of Trustees.

D. Temporary employees of the Oklahoma Used Motor Vehicle and Parts Commission between the dates of November 1 and January 31

annually shall not be counted toward the maximum number of full-time-equivalent employees provided for in this section.

SECTION 10. AMENDATORY Section 2, Chapter 463, O.S.L. 2004 (74 O.S. Supp. 2004, Section 3601.2), is amended to read as follows:

Section 3601.2 A. Beginning January 1, 2005, the agency, board, commission, department or program shall establish the salary of each of the chief executive officers for which they have appointing authority. Such salary shall be set between the minimum and maximum of the range specified below, for full-time employees only, per annum, payable monthly, pursuant to the limitations outlined below:

1. If the chief executive officer's salary is below the minimum annual salary then it can not be raised to more than the minimum annual salary in one (1) fiscal year. If the chief executive officer's salary is at or above the minimum annual salary then their salary may not be increased above the midpoint in one (1) fiscal year.

2. Such increases shall not occur more than once in a fiscal year; and

3. The salary of the incumbent chief executive officer shall not be increased if such officer's salary exceeds the maximum of the range.

	MINIMUM	MIDPOINT	MAXIMUM
	ANNUAL	ANNUAL	ANNUAL
	SALARY	SALARY	SALARY
CompSource	\$82,034.00	\$96,511.00	\$110,987.00
Oklahoma Employment			
Security Commission	\$88,752.00	\$104,414.00	\$120,076.00
Oklahoma Accountancy Board	\$53,093.00	\$62,462.00	\$71,832.00
The Board of Governors of the Licensed Architects			

and Landscape Architects of Oklahoma	\$43,346.00	\$52,423.00	\$60,286.00
Board of Chiropractic Examiners	\$44,560.00	\$52,423.00	\$60,287.00
State Board of Cosmetology	\$44,560.00	\$52,423.00	\$60,287.00
Board of Dentistry	\$44,560.00	\$52,423.00	\$60,287.00
Oklahoma Funeral Board	\$44,560.00	\$52,423.00	\$60,287.00
State Board of Registration for Professional Engineers and Land Surveyors	\$53,093.00	\$62,462.00	\$71,832.00
State Board of Medical Licensure and Supervision, Board of Podiatric Medical Examiners/State Board of Examiners of Perfusionists	\$64,334.00	\$75,687.00	\$87,040.00
Commission on Marginally Producing Oil and Gas Wells	\$53,093.00	\$62,462.00	\$71,832.00
Oklahoma Motor Vehicle Commission	\$53,093.00	\$62,462.00	\$71,832.00
Oklahoma Board of Nursing	\$64,334.00	\$75,687.00	\$87,040.00
Oklahoma State Board of Examiners for Nursing Home Administrators	\$44,560.00	\$52,423.00	\$60,287.00
State Board of Osteopathic Examiners	\$44,560.00	\$52,423.00	\$60,287.00
Oklahoma Peanut Commission	\$43,346.00	\$52,423.00	\$60,286.00
Oklahoma State Board of Pharmacy	\$53,093.00	\$62,462.00	\$71,832.00

State Board of Examiners of Psychologists	\$44,560.00	\$52,423.00	\$60,287.00
Oklahoma Real Estate Commission	\$64,334.00	\$75,687.00	\$87,040.00
Board of Examiners for Speech-Language Pathology and Audiology	\$36,191.00	\$42,577.00	\$48,964.00
Oklahoma Used Motor Vehicle and Parts Commission	\$53,093.00	\$62,462.00	\$71,832.00
State Board of Veterinary Medical Examiners	\$44,560.00	\$52,423.00	\$60,287.00
Oklahoma Wheat Utilization, Research and Market Development Commission	\$53,093.00	\$62,462.00	\$71,832.00
Oklahoma Firefighters Pension and Retirement System	\$76,888.00	\$90,457.00	\$104,025.00
Oklahoma Police Pension and Retirement System	\$76,889.00	\$90,458.00	\$104,026.00
Teachers' Retirement System of Oklahoma	\$82,034.00	\$96,511.00	\$110,987.00
Oklahoma Public Employees Retirement System	\$82,034.00	\$96,511.00	\$110,987.00
Oklahoma Student Loan Authority	\$79,800.00	\$96,511.00	\$110,987.00
Oklahoma Industrial Finance Authority	\$76,887.00	\$90,456.00	\$104,024.00
State and Education Employees Group Insurance Board	\$82,034.00	\$96,511.00	\$110,987.00
Oklahoma Capital Investment Board	\$76,887.00	\$90,456.00	\$104,024.00

State Board of Licensed			
Social Workers	\$44,560.00	\$52,423.00	\$60,287.00
Oklahoma State Employees			
Benefits Council	\$76,887.00	\$90,456.00	\$104,024.00
Grand River Dam Authority	\$96,607.00	\$113,656.00	\$130,704.00
Oklahoma State Banking			
Department	\$96,607.00	\$113,656.00	\$130,704.00
Liquefied Petroleum Gas			
Administration	\$53,093.00	\$62,462.00	\$71,832.00
<u>Commission on Consumer</u>			
<u>Credit</u>	<u>\$53,093.00</u>	<u>\$62,462.00</u>	<u>\$71,832.00</u>

B. All increases require certification of the appointing authority that said action can be implemented for the current fiscal year and subsequent fiscal year without the need for additional funding. The agency, board, commission, department or program shall report increases granted under this section to the Office of Personnel Management on an annual basis by August 1 of each year. The Office of Personnel management shall forward a report of such increases to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives no later than September 1 of each year.

C. Every two (2) years starting FY-05, the Office of Personnel Management shall review these salary ranges and report on and make recommendations on proposed salary ranges in their annual compensation reports mandated by paragraph 5 of Section 840-1.6A of Title 74 of the Oklahoma Statutes by no later than December 1.

D. Every three (3) years the Legislature shall review the salary ranges specified in subsection A of this section.

SECTION 11. This act shall become effective July 1, 2005.

SECTION 12. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

50-1-1208

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