

ENROLLED HOUSE  
BILL NO. 2725

By: Winchester of the House

and

Jolley of the Senate

An Act relating to banks and trust companies; amending 6 O.S. 2001, Section 201, as amended by Section 2, Chapter 48, O.S.L. 2005 (6 O.S. Supp. 2007, Section 201), which relates to Banking Department organization and duties; requiring seniority status be addressed in employee manual; amending 6 O.S. 2001, Section 211, as last amended by Section 6, Chapter 57, O.S.L. 2006 (6 O.S. Supp. 2007, Section 211), which relates to fees for banks and trust companies; providing Banking Board authority to refund portion of certain assessments; amending 6 O.S. 2001, Section 304, as amended by Section 4, Chapter 67, O.S.L. 2002 (6 O.S. Supp. 2007, Section 304), which relates to incorporation requirements for banks and trust companies; modifying subscriber requirements; prohibiting payments from organizational expense fund for certain purpose; amending 6 O.S. 2001, Section 306.1, as amended by Section 6, Chapter 67, O.S.L. 2002 (6 O.S. Supp. 2007, Section 306.1), which relates to incorporation procedure of state banks and trust companies; requiring organizational expense fund to be fully funded before the Commissioner accepts applications for filing; amending 6 O.S. 2001, Section 501.2, as amended by Section 2, Chapter 80, O.S.L. 2007 (6 O.S. Supp. 2007, Section 501.2), which relates to branch banking; excluding temporary branches from certain rules; modifying definition of temporary branch; providing for fees for temporary branches; amending 6 O.S. 2001, Section 1513 (6 O.S. Supp. 2007, Section 1513), which relates to the Oklahoma Financial Transaction Reporting Act; modifying distribution of certain funds; amending 8 O.S. 2001, Sections 162 and

163, as amended by Section 9, Chapter 80, O.S.L. 2007 (8 O.S. Supp. 2007, Section 163), which relate to the Perpetual Care Fund Act; modifying definitions; requiring certain contributions to the Perpetual Care Fund or establishment of nonrevocable trust account in a financial institution; amending 8 O.S. 2001, Section 305, which relates to the Cemetery Merchandise Trust Act; specifying fee payment requirements for expired permits; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 6 O.S. 2001, Section 201, as amended by Section 2, Chapter 48, O.S.L. 2005 (6 O.S. Supp. 2007, Section 201), is amended to read as follows:

Section 201. A. There shall be a Banking Department which shall be a separate department of the state government charged with supervision of the activities in this state as provided in the Oklahoma Banking Code of 1997 and in other legislation conferring jurisdiction upon the Department.

B. The head of the Department shall be the Commissioner. The Commissioner shall be appointed by the Governor with the advice and consent of the Senate. The Commissioner shall have been a qualified elector of the state for at least three (3) years prior to the appointment, shall be at least thirty-five (35) years old and shall have had ten (10) years' experience as a bank officer or employee, or five (5) years' experience as a bank president or managing officer of a bank, or five (5) years' experience as a state or federal bank examiner. The Commissioner shall be appointed for a term of four (4) years. The Commissioner shall continue to serve until a successor is duly appointed, confirmed and qualified. The Commissioner may be removed by the Governor for cause after notice and hearing. A successor to a Commissioner who dies, resigns or is removed shall be appointed in the same manner as provided in this section.

C. 1. The Commissioner shall appoint a Deputy Commissioner who may also serve as secretary to the Board hereinafter created. The Deputy Commissioner shall have been a qualified elector of the state

for at least three (3) years prior to the appointment, shall be at least thirty (30) years old and shall have had five (5) years' experience as a bank officer or employee, or three (3) years' experience as a bank president or managing officer of a bank, or five (5) years' experience as a state or federal bank examiner. If the office of the Commissioner is vacant or if the Commissioner is absent or unable to act, the Deputy Commissioner shall be the acting Commissioner.

2. The Commissioner may appoint Administrative Assistants whose administrative duties shall be prescribed by the Commissioner.

3. The Attorney General is hereby authorized to appoint an Assistant Attorney General, in addition to those now provided by law, to be assigned to the Department. The Assistant Attorney General shall perform such additional duties as may be assigned by the Attorney General, and shall otherwise be subject to all provisions of the statutes relating to Assistant Attorneys General. The Banking Department is authorized to pay all or any part of the salary of the Assistant Attorney General.

4. The Commissioner may also appoint a Budget Director for the Department, a Credit Union Administrator and Assistant Deputy Commissioners. The Budget Director, Credit Union Administrator and Assistant Deputy Commissioners shall have the duties and authority as prescribed by the Commissioner.

5. The Commissioner shall prepare in writing a manual of all employee positions for the Department, including job classifications, seniority status, personnel qualifications, duties, maximum and minimum salary schedules and other personnel information for approval by the Board. The Commissioner may select, appoint and employ such accountants, attorneys, auditors, examiners, clerks, secretaries, stenographers and other personnel as the Commissioner deems necessary for the proper administration of the Department and any other statutory duties of the Commissioner.

D. All officers and employees of the Department shall be in the exempt unclassified service as provided for in Section 840-5.5 of Title 74 of the Oklahoma Statutes. All future appointees to such positions shall be in the exempt unclassified service. Except as provided in subsection B of this section, officers and employees of the Department shall not be terminable except for cause as defined by the Board.

E. The Commissioner may delegate to any officer or employee of the Department any of the powers of the Commissioner and may designate any officer or employee of the Department to perform any of the duties of the Commissioner.

F. The Commissioner, Deputy Commissioner, Assistants to the Commissioner, credit union administrator, budget director, Assistant Deputy Commissioners, examiners, examiner-trainees, and all other personnel shall, before entering upon the discharge of their duties, take and subscribe to the oath of office required of state officers as provided by Section 36.2A of Title 51 of the Oklahoma Statutes.

G. 1. The Commissioner shall adopt an appropriate seal as the Seal of the State Banking Commissioner.

2. Every certificate, assignment and conveyance executed by the Commissioner, in pursuance of the authority conferred upon the Commissioner by law and sealed with the seal of the Department, shall be received in evidence and recorded in the proper recording offices in the same manner as a deed regularly acknowledged, as required by law.

3. Whenever it is necessary for the Commissioner to approve any instrument or to affix the official seal thereto, the Commissioner may charge a fee for affixing the approval of the Commissioner or the official seal to such instrument. Copies of all records and papers in the office of the Department, certified by the Commissioner and authenticated by the seal, shall be received in evidence in all cases equally and of like effect as the original. Whenever it is proper to furnish a copy of any paper filed in the Department or to certify such paper, the Commissioner may charge a fee for furnishing such copy, for affixing the official seal on such copy and/or for certifying the same.

SECTION 2. AMENDATORY 6 O.S. 2001, Section 211, as last amended by Section 6, Chapter 57, O.S.L. 2006 (6 O.S. Supp. 2007, Section 211), is amended to read as follows:

Section 211. A. 1. The Banking Board shall charge and collect from each bank and trust company under its supervision an annual fee of One Thousand Dollars (\$1,000.00) which shall be deposited in the Oklahoma State Banking Department revolving fund pursuant to Section 211.1 of this title.

2. The Board shall charge and collect assessments from each bank or trust company under its supervision on each One Thousand Dollars (\$1,000.00) of assets, or major fraction thereof, at rates established by the Board. Assessments shall be deposited in the Oklahoma State Banking Department revolving fund created by Section 211.1 of this title.

3. Effective January 1, 2007, and each year thereafter, ten percent (10%) of all assessments collected from state-chartered banks existing as of December 31 of the previous year shall be deposited to the General Revenue Fund of the State Treasury. The Board may charge and collect assessments on an annual basis and may, in addition to any annual assessment, charge and collect a special assessment from each bank or trust company, at rates established by the Board. The annual assessments shall be paid to the Oklahoma State Banking Department no later than the fifth day of February in each year. The Board may order refunds of a portion of collected assessments on a pro rata basis. Refunds shall be paid from the Oklahoma State Banking Department revolving fund created by Section 211.1 of this title.

4. The fee for bank trust departments, which shall be in addition to the assessment collected pursuant to paragraph 2 of this subsection, shall be One Thousand Dollars (\$1,000.00). The fees due under this paragraph shall be paid annually to the Banking Department no later than the fifth day of February in each year and shall be deposited in the Oklahoma State Banking Department revolving fund pursuant to Section 211.1 of this title. Failure to pay any assessment or fee imposed pursuant to this section by its due date will result in a penalty of 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.

5. All fees not otherwise directed shall be deposited in the Department revolving fund pursuant to Section 211.1 of this title.

B. Whenever it is deemed advisable by the State Banking Commissioner, special examinations of banks, trust companies and any other person under, subject to or proposed to become under or subject to the supervision of the Commissioner shall be conducted. The expenses of the Department necessarily incurred in a special examination, and the expenses of the Department necessarily incurred in a regular examination of a trust company, shall be chargeable to

the bank, trust company or person examined at the rate not to exceed Seventy-five Dollars (\$75.00) per hour plus travel expenses as provided by subsection B of Section 201.1 of this title for each of the examining personnel. Payments received pursuant to this subsection shall be deposited in the Department revolving fund pursuant to Section 211.1 of this title.

C. Section 211 of Title 62 of the Oklahoma Statutes shall not apply to the Oklahoma State Banking Department, the Banking Board, the Credit Union Board nor the Banking Commissioner.

SECTION 3. AMENDATORY 6 O.S. 2001, Section 304, as amended by Section 4, Chapter 67, O.S.L. 2002 (6 O.S. Supp. 2007, Section 304), is amended to read as follows:

Section 304. A. Each subscriber at the time the subscriber subscribes to the stock of a proposed state bank or trust company shall pay in cash a sum ~~at least~~ equal to at least five percent (5%) of the ~~par value~~ sale price of such stock into a fund to be used to pay the expenses of organization. No organizational expense shall be paid out of any other funds of the bank.

B. Upon the issuance of a certificate of authority by the Commissioner any unexpended balance shall be transferred to undivided profits. If the application has been finally denied, any unexpended balance shall be distributed among the contributors in proportion to their respective contributions. The Commissioner may require an accounting of disbursements from the fund and may order the organizers to restore any sum which has been expended for other than proper organizational expenses.

C. No payment shall be made from the organizational expense fund for ~~obtaining~~ soliciting subscriptions to stock.

D. Any financial arrangement or transaction involving the proposed bank or trust company and its organizers, directors, officers or principal shareholders shall be disclosed.

SECTION 4. AMENDATORY 6 O.S. 2001, Section 306.1, as amended by Section 6, Chapter 67, O.S.L. 2002 (6 O.S. Supp. 2007, Section 306.1), is amended to read as follows:

Section 306.1 A. Once the Commissioner is satisfied that the organizers have substantially complied with the requirements of ~~Sections 304 and~~ Section 305 of this title and an organizational

expense fund in a minimum amount approved by the Commissioner has been fully funded, the Commissioner shall accept the application for filing and shall notify the organizers of the acceptance. ~~Applicants~~ Prior to acceptance by the Commissioner, an applicant shall have one opportunity to correct deficiencies in an application. Deficiencies that are not corrected adequately when the application is resubmitted may cause the application to be considered withdrawn or disapproved.

B. Within ten (10) days after the Commissioner has accepted an application for filing, the applicant shall publish notice of the filing in a legal newspaper of general circulation in the city, town, or county in which the proposed bank or trust company is to be located. The notice shall be published on the same day for two (2) consecutive weeks and shall contain a statement that an application has been submitted, the names of the organizers, the name and location of the proposed bank or trust company and the date on which the application was accepted for filing.

The applicant shall promptly furnish the Commissioner an affidavit evidencing such publication.

SECTION 5. AMENDATORY 6 O.S. 2001, Section 501.2, as amended by Section 2, Chapter 80, O.S.L. 2007 (6 O.S. Supp. 2007, Section 501.2), is amended to read as follows:

Section 501.2 A. No bank shall be permitted to establish and operate a branch, or relocate a branch, except upon a certificate issued by the State Banking Commissioner or the Comptroller of the Currency.

B. Upon approval of the Commissioner or Comptroller of the Currency, any bank is authorized to establish and operate in Oklahoma, on real property owned or leased by the bank, an unlimited number of branches by acquisition, de novo, or otherwise, whether fixed or mobile, at or from which any permissible function, business, power, or activity of any kind whatsoever of the bank may be performed or engaged in. Provided, however, no bank, savings bank, savings association, out-of-state bank, out-of-state savings bank, out-of-state savings association, industrial loan company or industrial bank may establish or maintain a branch in this state on the premises or property of an affiliate if the affiliate engages in commercial activities. For purposes of this section, "affiliate" means any company that controls, or is controlled by another company, and "commercial activities" means activities in which a

bank may not engage under federal law, either directly or indirectly through an operating subsidiary or financial subsidiary.

C. The Except for the procedures relating to establishment of temporary branches, the procedures, standards and requirements for making application for permission to establish and operate a branch shall be set by rule of the Banking Board. However, no emphasis upon competition or competitive factors shall be imposed, and in no event shall such rules impose standards, criteria, or requirements upon state-chartered banks which are more onerous than those existing for national banks.

D. All existing branches and detached facilities of a bank shall, upon the expiration of sixty (60) days after the effective date of this act, by operation of law and without further action by the bank or Commissioner, or the Comptroller of the Currency, become and be deemed lawful branches, fully authorized and validly existing pursuant to this section. Provided, a bank may elect to opt-out of the effects of this subsection as to one or more of its existing detached facilities, by providing to its chartering authority, prior to the expiration of sixty (60) days after the effective date of this act, a written notice that the bank has opted-out of the effects of this subsection with the result that one or more of its detached facilities will continue to be classified as detached facilities rather than as branches. The written notice must clearly identify each particular detached facility to which it applies. "Existing branches and detached facilities", for purposes of this subsection, means branches or detached facilities which have been approved and are open and operating, or are approved but unopened, or for which application was made prior to the effective date of this act and for which approval is given after the effective date of this act.

E. Any bank or savings association with its main office or a branch office located in a county where an institution of higher education is located, may open accounts and accept deposits on the campus of the institution of higher education if notice is provided to the Department and written permission is granted by the institution, for no more than ~~three (3)~~ seven (7) days per year. The authorization of this subsection shall be self-executing and no application to the regulators of the bank or savings association shall be required by this section for a bank or savings association to comply with this subsection.

F. A temporary branch may be established and operated upon approval of the Commissioner or Comptroller of the Currency. As used in this subsection, "temporary branch" means ~~a branch located at a fixed site that:~~

1. ~~Is~~ A branch that is located at a fixed site that is within one thousand (1,000) feet of the location of the approved site of the same bank for a permanent branch, and such temporary branch is scheduled to, and will, permanently close not later than a certain date, no longer than one (1) year after the temporary branch is first opened, as specified in the permanent branch application and the public notice. No separate fee shall be imposed for a temporary branch approved under this paragraph if the temporary site is originally described in an application seeking to establish a permanent branch; or

2. ~~Is~~ A branch that is approved for a limited period of time, without requirement of notice or hearing, as a temporary replacement for a previously existing branch that is inoperable due to an "emergency" as defined in Section 102 of this title or that is established because of an emergency in a community that prevents access to an established branch by customers in a specified community. Approval of a temporary branch established under this paragraph shall expire at the time the emergency that caused the establishment of the temporary branch no longer exists. No separate fee shall be imposed for a temporary branch approved under this paragraph; or

3. Branches that are approved for a limited time not to exceed, in the aggregate, fifteen (15) days per year, per institution, that will be operated during special events open to the public or to members of a specific group. The application fee for a temporary branch under this paragraph shall be the same as that charged for a loan and deposit production office. Requests to establish a branch under this paragraph must be made on a form prescribed by the Commissioner.

G. The Board may, by rule, establish a procedure whereby the Commissioner may grant approval and issue the certificate to establish or acquire and operate or relocate a branch or other banking office permitted by this section without a hearing before the Board. The procedure shall include criteria set by the Board to be applied by the Commissioner in the consideration of the application.

H. Notwithstanding subsection C of this section, an application fee for branch, branch relocation or other banking office applications may be assessed in amounts set by rule of the Board.

I. 1. It shall be unlawful for any bank or out-of-state bank which has direct or indirect control of more than twenty percent (20%) of the total amount of deposits of insured depository institutions located in Oklahoma, as determined by the Commissioner on the basis of the most recent reports of such institutions to their supervisory authorities, to acquire any other bank or savings association in this state.

2. The deposit limitation provided for in this subsection shall not apply to disallow an acquisition of a bank or savings association if control results only by reason of ownership or control of shares of a bank or savings association acquired directly or indirectly:

- a. in a good faith fiduciary capacity, except when such shares are held for the benefit of the acquiring bank's shareholders,
- b. by a bank in the regular course of securing or collecting a debt previously contracted in good faith, or
- c. at the request of or in connection with the exercise of regulatory authority for the purpose of preventing imminent failure of the bank or savings association or to protect the depositors thereof as determined by the principal supervisory agency in its sole discretion.

However, at the end of a period of five (5) years from the date of acquisition, for the circumstances set forth in subparagraphs b and c of this paragraph, the deposits of the acquired bank or savings association shall be included in computing the deposit limitation and if deposits are in excess, appropriate reductions and disposition shall be made with six (6) months to meet such limitations. Further, in the circumstances set forth in subparagraph c of this paragraph, the Commissioner and Federal Deposit Insurance Corporation shall give priority in authorizing any such acquisition to any acquiring bank whose total deposits do not exceed the deposit limitation.

J. The provisions of this section shall not be construed in derogation or denial of the rights to operate and maintain facilities as provided for in Sections 421 and 422 of this title.

K. An operating subsidiary of a bank which engages in the business of owner-occupied home mortgage lending shall not be considered a branch under this section in order to conduct such lending operations at any location.

SECTION 6. AMENDATORY Section 3, Chapter 57, O.S.L. 2006 (6 O.S. Supp. 2007, Section 1513), is amended to read as follows:

Section 1513. A. No person shall engage in the money services business in this state without first filing a registration application on a form prescribed by the Commissioner and securing a license to do so from the Commissioner.

B. Upon the effective date of this act, a supplier shall provide to the Commissioner, on a form prescribed by the Commissioner, a list of each person to whom money transmitter equipment has been provided. The list shall be updated each calendar quarter and shall be provided to the Commissioner within thirty (30) days after the close of the calendar quarter. The updated list shall reflect any additional persons to whom money transmitter equipment has been provided since the last reporting period. The list need only identify those persons for whom the supplier has an address in this state or who the supplier reasonably believes to be operating in this state.

C. Unless a different fee is otherwise promulgated by the Board, each registration application filed under this section must be accompanied by a fee in an amount equal to that required under subsection B of Section 104 of Title 6 of the Oklahoma Statutes. Any person conducting a money services business at more than one location shall secure a separate license for each location.

D. Any person who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. Each day that any violation of this section occurs or continues shall constitute a separate offense and shall be punishable as a separate violation.

E. All fees ~~and fines~~ collected under this section shall be deposited in the Department revolving fund pursuant to Section 211.1 of Title 6 of the Oklahoma Statutes.

SECTION 7. AMENDATORY 8 O.S. 2001, Section 162, is amended to read as follows:

Section 162. As used in the Perpetual Care Fund Act:

1. "Cemetery" or "cemeteries" means any land or structure in this state dedicated to or used, or intended to be used, for the interment of human remains;

2. "Burial space" means any grave space, lot, mausoleum crypt or niche, whether above or below ground, which is used or intended to be used for the interment of human remains;

3. "Purchase price" means the gross dollar amount the customer must pay the cemetery under a contractual agreement between the two to exchange ownership of, or rights to, certain ~~grave~~ burial spaces, ~~lots, mausoleum crypts or niches~~. Purchase price does not include finance charges, sales tax, charges for credit life insurance, opening and closing costs and setting fees, but does include any amount which the customer is required to pay as a deposit to the Perpetual Care Fund, described in Section 163 of this title. On sales of burial spaces wherein discounts or free spaces are granted to the customer by the cemetery, the purchase price is determined to be the fair market value or the normal selling price of that particular type of burial space as sold by the cemetery; and

4. "Financial institution" means a federally insured bank or savings and loan authorized to exercise trust powers or a trust company ~~or savings and loan association which~~ that is authorized to do business in this state.

SECTION 8. AMENDATORY 8 O.S. 2001, Section 163, as amended by Section 9, Chapter 80, O.S.L. 2007 (8 O.S. Supp. 2007, Section 163), is amended to read as follows:

Section 163. A. In all cemeteries in this state where ~~grave burial spaces, lots, mausoleum crypts or niches~~ are sold, ~~whether above or below the surface of the ground~~, not less than ten percent (10%) of the purchase price thereof shall be segregated and set aside as a permanent trust fund to be known as the "Perpetual Care Fund". The Perpetual Care Fund shall be invested as hereinafter

prescribed, and the income only shall be used in improving, caring for, and embellishing the lots, walks, drives, parks and other improvements in such cemeteries and maintenance of office and care of records.

B. If a cemetery allows a person or other entity to construct or otherwise establish a burial space at the cemetery that is not purchased from the cemetery, the cemetery shall collect from such person or entity an amount not less than ten percent (10%) of the construction or retail cost of the burial space, to be deposited in the cemetery's Perpetual Care Fund.

C. The owner of a cemetery shall set aside and deposit such amounts in a financial institution authorized by law, as trustee, to administer such trusts, not later than thirty (30) days after the close of the month in which was received the final payment on the purchase price of each ~~grave~~ burial space, lot, mausoleum crypt or niche. Such amounts shall be held by the trustee of the Perpetual Care Fund in trust for the specific purposes stated in a written trust agreement. The trust agreement may provide for an individual or other entity to exist as cotrustee; provided, however, in no instance shall the cotrustee have sole access to deposits held in the Perpetual Care Fund, except as otherwise provided in this act.

~~C.~~ D. Notwithstanding the requirements of subsection ~~B~~ C of this section, if the total amount of the Perpetual Care Fund maintained by the cemetery is One Hundred Thousand Dollars (\$100,000.00) or less, the cemetery may, in lieu of depositing the funds in a trust account, purchase a certificate of deposit from a financial institution according to the terms of this subsection. The certificate of deposit shall be pledged in favor of the Oklahoma State Banking Department with no right of withdrawal by the cemetery, whether before or after maturity, except upon application to, and approval by, the State Banking Commissioner. The terms of the certificate of deposit shall provide for notice to the Department within thirty (30) days prior to maturity. Only interest accruing from the certificate of deposit may be withdrawn by the cemetery and shall be considered income for purposes of subsection A of this section. If a cemetery maintains a certificate of deposit in lieu of a trust fund, as it collects funds which must be deposited into its Perpetual Care Fund, it shall segregate those funds from its other operating funds and contribute those funds to the certificate of deposit upon its next maturity date. If a cemetery's Perpetual Care Fund is maintained in a certificate of deposit, but grows in an amount greater than One Hundred Thousand

Dollars (\$100,000.00), the cemetery shall comply with the provisions of subsection B C of this section by placing all of its Perpetual Care Fund in trust and shall no longer maintain a certificate of deposit as authorized by this subsection.

SECTION 9. AMENDATORY 8 O.S. 2001, Section 305, is amended to read as follows:

Section 305. A. Each organization desiring to accept money or anything of value for prepaid cemetery merchandise shall file an application for a permit with the State Banking Commissioner, and shall at the time of filing such application pay one initial filing fee of Two Hundred Dollars (\$200.00). The Commissioner shall issue a permit upon the receipt of the application and payment of the filing fee, and upon making a finding that the applicant has complied with the rules as may be established pursuant to the Cemetery Merchandise Trust Act by the Commissioner. All such applications shall be signed by the organization requesting the permit, and shall contain a statement that the applicant will comply with all the requirements as established pursuant to the Cemetery Merchandise Trust Act. All permits shall expire on the 15th day of March of the year following the year the permit is first issued, unless renewed. Permits shall be renewed for a period not to exceed the succeeding March 15 upon the payment of a renewal fee of Two Hundred Dollars (\$200.00). Late application for renewal of a permit shall require a fee of double the renewal fee. No application for renewal of a permit shall be accepted after May 1 of each year. Applicants shall be required to reapply as if they were a new applicant, and pay an application fee and all late fees and renewal fees that had not been paid with respect to an expired permit.

B. The Commissioner may cancel a permit or refuse to issue a permit or refuse to issue a renewal of such permit for failure to comply with any provisions of the Cemetery Merchandise Trust Act or any rules promulgated thereto by the Commissioner, after reasonable notice to the permittee and after a hearing before the Commissioner if the permittee requests a hearing in accordance with Article II of the Administrative Procedures Act.

C. No organization shall be entitled to a new permit after cancellation, or refusal by the Commissioner to renew a permit, but shall thereafter be issued a new permit upon satisfactory proof of compliance with the Cemetery Merchandise Trust Act.

D. Any person or organization aggrieved by the actions of the Commissioner may appeal therefrom to the State Banking Board as provided by the Administrative Procedures Act.

SECTION 10. This act shall become effective July 1, 2008.

SECTION 11. 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.

Passed the House of Representatives the 16th day of May, 2008.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 20th day of May, 2008.

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Presiding Officer of the Senate