

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3380

By: Lepak of the House

5 and

6 **Hall** of the Senate

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8
9 AS INTRODUCED

10 An Act relating to banking; amending 6 O.S. 2011,
11 Section 201, which relates to establishment, officers
12 and employees; authorizing the Banking Commissioner
 to acquire certain real property for a Tulsa office;
 and providing an effective date.

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

16 SECTION 1. AMENDATORY 6 O.S. 2011, Section 201, is
17 amended to read as follows:

18 Section 201. A. There shall be a Banking Department, with a
19 main office located at 2900 North Lincoln Boulevard, Oklahoma City,
20 Oklahoma, which shall be a separate department of the state
21 government charged with supervision of the activities in this state
22 as provided in the Oklahoma Banking Code of 1997 and in other
23 legislation conferring jurisdiction upon the Department.

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

16 C. 1. The Commissioner shall appoint a Deputy Commissioner who
17 may also serve as secretary to the Banking Board hereinafter
18 created. The Deputy Commissioner shall have been a qualified
19 elector of the state for at least three (3) years prior to the
20 appointment, shall be at least thirty (30) years old and shall have
21 had five (5) years' experience as a bank officer or employee, or
22 three (3) years' experience as a bank president or managing officer
23 of a bank, or five (5) years' experience as a state or federal bank
24 examiner, Assistant Deputy Commissioner, or other Department

1 employee. If the office of the Commissioner is vacant or if the
2 Commissioner is absent or unable to act, the Deputy Commissioner
3 shall be the acting Commissioner.

4 2. The Commissioner may appoint administrative assistants whose
5 administrative duties shall be prescribed by the Commissioner.

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

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

19 5. The Commissioner shall prepare in writing a manual of all
20 employee positions for the Department, including job
21 classifications, seniority status, personnel qualifications, duties,
22 maximum and minimum salary schedules and other personnel information
23 for approval by the Board. The Commissioner may select, appoint and
24 employ such accountants, attorneys, auditors, examiners, clerks,

1 secretaries, stenographers and other personnel as the Commissioner
2 deems necessary for the proper administration of the Department and
3 any other statutory duties of the Commissioner.

4 6. The Commissioner may acquire real property in Tulsa,
5 Oklahoma, through lease, purchase or construction, for the purpose
6 of establishing and maintaining an area service office.

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

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

18 F. The Commissioner, Deputy Commissioner, Assistants to the
19 Commissioner, Credit Union Administrator, Budget Director, Assistant
20 Deputy Commissioners, examiners, examiner-trainees, and all other
21 personnel shall, before entering upon the discharge of their duties,
22 take and subscribe to the oath of office required of state officers
23 as provided by Section 36.2A of Title 51 of the Oklahoma Statutes.

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

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

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

20 SECTION 2. This act shall become effective November 1, 2020.
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22 COMMITTEE REPORT BY: COMMITTEE ON BANKING, FINANCIAL SERVICES AND
23 PENSIONS, dated 02/12/2020 - DO PASS, As Coauthored.
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