

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3380

By: Lepak

AS INTRODUCED

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

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

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

Section 201. A. There shall be a Banking Department, with a main office located at 2900 North Lincoln Boulevard, Oklahoma City, Oklahoma, 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

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

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

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

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

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

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

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

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

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

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

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

23 2. Every certificate, assignment and conveyance executed by the
24 Commissioner, in pursuance of the authority conferred upon the

1 Commissioner by law and sealed with the seal of the Department,
2 shall be received in evidence and recorded in the proper recording
3 offices in the same manner as a deed regularly acknowledged, as
4 required by law.

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

16 SECTION 2. This act shall become effective November 1, 2020.

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