

By: Senator(s) Mettetal

To: Business and Financial
Institutions; Judiciary,
Division B

SENATE BILL NO. 2343

1 AN ACT TO AMEND SECTION 81-1-65, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE COMMISSIONER OF BANKING SHALL REQUIRE ALL
3 EMPLOYEES AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF
4 BANKING TO BE FINGERPRINTED TO DETERMINE THEIR SUITABILITY FOR
5 EMPLOYMENT AS EXAMINERS OR ASSISTANTS, AS A CONDITION OF
6 EMPLOYMENT WITH THE DEPARTMENT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 81-1-65, Mississippi Code of 1972, is
9 amended as follows:

10 81-1-65. The commissioner shall employ such assistants, to
11 be known as state banking examiners, as may be necessary for the
12 efficient operation of the department, to aid him in the discharge
13 of the duties and responsibilities imposed upon him by law. The
14 minimum qualifications for such employment shall be possession of
15 a bachelor's degree from a recognized college or university, or
16 three (3) years' experience as a bank examiner, bank officer or
17 employee, small loan company officer or employee, or other
18 consumer finance officer or employee and such other qualifications
19 set out for banking examiners in the plan for the state personnel
20 system. However, notwithstanding any provisions to the contrary,
21 any person who is serving as a state banking examiner in the
22 former Department of Bank Supervision on March 21, 1980, shall be
23 qualified to serve as a state banking examiner in the department.
24 The state bank examiners shall not, directly or indirectly, be
25 connected with any banking business in Mississippi or elsewhere
26 during their respective terms of office, after four (4) months
27 from the time of qualifying as an examiner.

28 The commissioner may employ such additional employees as may
29 be necessary to carry out those duties and responsibilities

30 imposed upon him by law, who shall possess such qualifications set
31 out for their particular position in the plan for the state
32 personnel system.

33 No examiner or other employee related by consanguinity or
34 affinity to the commissioner within the third degree computed
35 according to the civil law shall be employed by him.

36 The examiners and all other persons employed by the
37 commissioner under the provisions of this section shall be
38 compensated as provided in the compensation plan for the state
39 personnel system, unless otherwise provided by law. The
40 compensation for such employees shall be payable monthly out of
41 the funds of the department.

42 The commissioner shall be responsible for all acts of the
43 examiners and the other employees. Any examiner or other employee
44 may be dismissed only in accordance with the laws, rules and
45 regulations applicable to the state personnel system.

46 As a condition of employment with the department, the
47 commissioner shall require all employees and applicants for
48 employment with the department to be fingerprinted to determine
49 their suitability for employment as examiners or assistants as
50 needed. If no disqualifying record is identified at the state
51 level, the Department of Public Safety shall forward the
52 fingerprints to the Federal Bureau of Investigation (FBI) for a
53 national criminal history record check. The Department of Banking
54 and Consumer Finance shall pay all of the costs in connection with
55 the criminal history record check procedure. These record checks
56 shall not be used by the Department of Banking and Consumer
57 Finance for any purpose other than to determine suitability for
58 employment with the department.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after its passage.