

ENGROSSED HOUSE  
BILL NO. 1762

BY: PILGRIM of the HOUSE

and

SMITH of the SENATE

( DUPLICATE SECTIONS - AMENDING CERTAIN SECTIONS  
IN TITLES 10, 21, 28, 30, 47, 62, 70 AND 74  
WHICH ARE DUPLICATE SECTIONS )

SECTION 1. AMENDATORY 10 O.S. 1981, Section 1101, as last amended by Section 1, Chapter 337, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1101), is amended to read as follows:

Section 1101. When used in this title, unless the context otherwise requires:

1. "Child" means any person under eighteen (18) years of age, except for any person sixteen (16) or seventeen (17) years of age who is charged with any crime specified in subsection A of Section 1104.2 of this title, or who has been certified as an adult pursuant to Section 1112 of this title; provided that any person under eighteen (18) years of age who is not convicted after being charged with a crime pursuant to Section 1104.2 of this title, or who is not convicted after certification as an adult pursuant to Section 1112 of this title, shall continue to be subject to the jurisdiction of the juvenile court.

2. "Delinquent child" means a child who:

- a. has violated any federal or state law or municipal ordinance, except a traffic statute or traffic ordinance, or any lawful order of the court made

pursuant to the provisions of Sections 1101 through 1506 of this title, or

b. has habitually violated traffic laws or traffic ordinances.

3. "Child in need of supervision" means a child who:

a. has repeatedly disobeyed reasonable and lawful commands or directives of his parent, legal guardian, or other custodian, or

b. is willfully and voluntarily absent from his home without the consent of his parent, legal guardian, or other custodian for a substantial length of time or without intent to return, or

c. is willfully and voluntarily absent from school for fifteen (15) or more days or parts of days within a semester or four (4) or more days or parts of days within a four-week period without a valid excuse as defined by the local school boards, if said child is subject to compulsory school attendance.

4. "Deprived child" means a child:

a. who is for any reason destitute, homeless, or abandoned, or

b. who does not have the proper parental care or guardianship or whose home is an unfit place for the child by reason of neglect, cruelty, or depravity on the part of his parents, legal guardian, or other person in whose care the child may be, or

c. who is a child in need of special care and treatment because of his physical or mental condition including a child born in a condition of dependence on a controlled dangerous substance, and his parents, legal guardian, or other custodian is unable or willfully fails to provide said special care and treatment, or

- d. who is a handicapped child deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of said child if such nutrition or medical treatment is generally provided to similarly situated nonhandicapped or handicapped children, provided that no medical treatment is necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child, or
- e. who is, due to improper parental care and guardianship, absent from school for fifteen (15) or more days or parts of days within a semester or four (4) or more days or parts of days within a four-week period without a valid excuse as defined by the local school boards if said child is subject to compulsory school attendance, or
- f. whose parent or legal custodian for good cause desires to be relieved of his custody.

No child who, in good faith, is being provided with treatment and care by spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination by a duly accredited practitioner thereof shall be considered, for that reason alone, to be a deprived child pursuant to any provision of Sections 1101 through 1506 of this title. The phrase dependent and neglected shall be deemed to mean deprived.

5. "Child in need of treatment" means ~~any~~ a child who ~~is afflicted with a substantial disorder of the emotional processes, thought, or cognition which grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary~~

~~demands of life appropriate to~~ has a demonstrable mental illness and as a result of that mental illness:

- a. can be expected within the near future to intentionally or unintentionally seriously physically injure himself or another person and has engaged in one or more recent overt acts or made significant recent threats which substantially support that expectation, or
- b. is unable to attend to those of his basic needs that must be attended to in order for him to avoid serious harm in the near future and has demonstrated such inability by failing to attend to those basic needs in the recent past. A determination regarding the ability of the child to attend to his basic needs shall be based upon the age of the child and reasonable and appropriate expectation of the abilities of a child of such age to attend to said needs.

The term "child in need of treatment" shall not mean a child afflicted with epilepsy, ~~mental retardation~~ developmental disability, organic brain syndrome, physical handicaps, ~~or~~ brief periods of intoxication caused by such substances as alcohol or drugs or who is truant or sexually active unless the child also meets the criteria for a child in need of treatment pursuant to subparagraphs a or b of this paragraph.

6. "Handicapped child" means any child who has a physical or mental impairment which substantially limits one or more of the major life activities of the child or who is regarded as having such an impairment by a competent medical professional.

7. "Department" means the Department of Human Services.

8. "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition pursuant to the provisions of Section

1103 of this title are supported by the evidence and whether a child should be adjudged to be a ward of the court.

9. "Dispositional hearing" means a hearing to determine the order of disposition which should be made with respect to a child adjudged to be a ward of the court.

10. "Preliminary inquiry" or "intake" means a mandatory, preadjudicatory interview of the child and, if available, his parents, legal guardian, or other custodian, which is performed by a duly authorized individual to determine whether a child comes within the purview of this chapter, whether other nonadjudicatory alternatives are available and appropriate, and if the filing of a petition is necessary.

11. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned or operated by a public or private agency.

12. "Secure facility" means a facility which is designed and operated to ensure that all entrances and exits from the facility are subject to the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeter of the facility, or a facility which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

13. "Community-based" means a facility, program or service, or open group home or other suitable place located near the home or family of the child, and programs of community supervision and service which maintain community participation in their planning, operation, and evaluation. These programs may include but are not limited to medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment,

drug treatment, transitional living, independent living and other rehabilitative services.

14. "Day treatment" means a program which provides intensive services to children who reside in their own home, the home of a relative, or a foster home. Day treatment programs include educational services and may be operated as a part of a residential facility.

15. "Group home" means a residential facility housing no more than twelve children with a program which emphasizes family-style living in a homelike environment. Said group home may also offer a program within the community to meet the specialized treatment needs of its residents.

16. "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop the skills and abilities necessary for successful adult living. Said program may include but shall not be limited to reduced staff supervision, vocational training, educational services, employment and employment training, and other appropriate independent living skills training as a part of the transitional living program.

17. "Independent living program" means a program designed to assist a child to enhance skills and abilities necessary for successful adult living and may include but shall not be limited to minimal direct staff supervision and supportive services in making the arrangements necessary for an appropriate place of residence, completing an education, vocational training, obtaining employment or other similar services.

18. "Community residential center" means a residential facility for no more than twenty children which offers a range of services including personal and social services, and emphasizes normal group living, school attendance, securing employment, and general participation in the community.

19. "Institution" means a residential facility offering care and treatment for more than twenty residents. Said institution may:

- a. have a program which includes community participation and community-based services, or
- b. be a secure facility with a program exclusively designed for a particular category of resident.

20. "Mental health facility" means:

- a. a facility or program operated by the Department of Mental Health and Substance Abuse Services or a facility or program operated by a private agency which offers outpatient or residential care and treatment services to children in need of treatment including but not limited to public or private hospitals, institutions, or agencies, comprehensive mental health centers, clinics, satellites, day treatment facilities, halfway homes, and group homes. A facility which or a program that offers outpatient care and treatment services to children in need of treatment shall be certified by the Department of Mental Health and Substance Abuse Services. A facility which offers residential treatment services to children in need of treatment shall be licensed by the Department of Mental Health and Substance Abuse Services except that a facility accredited by the Joint Commission on Accreditation of Hospitals to provide care and treatment to children in need of treatment shall be deemed to meet rules and regulations promulgated by the Department of Mental Health and Substance Abuse Services for licensure, or
- b. a child guidance center operated by the Department of Health, or

- c. a facility or program operated by the State Department of Human Services and designated by the Department to be a mental health treatment center for children in the custody of the Department.

21. "Qualified mental health professional" means an individual having specific training and current experience in the mental health testing, examination, evaluation and diagnosis of children and adolescents and who:

- a. holds at least a master's degree in a mental health field and is employed by the Department of Mental Health and Substance Abuse Services, the State Department of Health, or the Department of Human Services as a provider of mental health services in an Office of Personnel Management employment classification of Psychological Assistant or above or Social Worker II or above, or
- b. has been awarded a current, valid Oklahoma license in a mental health field or permission to practice by a licensure board in a mental health field.

For the purpose of this paragraph, "mental health field" means medicine, psychology, counseling and guidance, applied behavioral studies, human relations or social work.

22. "Independent" means that the person or persons performing a mental health examination and submitting a report to the court pursuant to the provisions of this title has no financial interests in or other connections to or relationships with a facility in which the child will be placed for inpatient mental health services that would constitute a conflict of interest, and has signed an affidavit to that effect.

23. "Mental health examination" and "mental health evaluation" means an examination or evaluation of a child by a qualified mental health professional for the purpose of making a determination or

preparing reports or recommendations as to whether, in the opinion of the qualified mental health professional:

- a. the child is a child in need of treatment and the least restrictive treatment necessary and appropriate for the child, or
- b. the child is not a child in need of treatment, and the mental health services, if any, necessary and appropriate for the child.

24. "Less restrictive alternative to inpatient mental health care and treatment" means and shall include but not be limited to: Outpatient counseling services, including services provided in the home of the child and which may be referred to as "home-based services"; day treatment or day hospitalization services; respite care; foster care; group home care that provides for the delivery of services specifically designed to meet the treatment needs of children in need of treatment; or some combination thereof.

25. "Prescreening mental health evaluation" means a face to face examination of a child by a qualified mental health professional to determine whether the child should be admitted to a hospital or inpatient mental health facility on an emergency psychiatric basis as provided by Section 1107 of this title.

~~21.~~ 26. "Training school" means an institution maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of delinquent children.

~~22.~~ 27. "Rehabilitative facility" means a facility maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of children in need of supervision.

~~23.~~ 28. "Treatment center" means a facility maintained by the state for the care, education, training, treatment, and rehabilitation of children who are in the custody of the Department and who have been found by the court to be in need of treatment.

SECTION 2. AMENDATORY 10 O.S. 1981, Section 1116, as last amended by Section 7, Chapter 302, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1116), is amended to read as follows:

Section 1116. A. The following kinds of orders of disposition may be made in respect to wards of the court:

1. The court may place the child on probation or under supervision in his own home, or in the custody of a suitable person elsewhere, upon such conditions as the court shall determine. The court may require the parent or other person to give security by bond, with surety or sureties approved by the court, for compliance with such order.

If it is consistent with the welfare of the child, the child shall be placed with his parent or legal guardian, but if it appears to the court that the conduct of such parent, guardian, legal guardian, stepparent or other adult person living in the home has contributed to such delinquency, or need of supervision or treatment, or deprivation, the court may issue a written order specifying conduct to be followed by such parent, guardian, legal custodian, stepparent or other adult person living in the home with respect to such child. The conduct specified shall be such as would reasonably prevent the child from becoming delinquent, in need of supervision or treatment, or deprived, as defined by Section 1101 of this title. Such order shall remain in effect for a period of not more than one (1) year to be specified by the court, and the order may be extended or renewed by the court.

a. If it is consistent with the welfare of the child, in cases where the child has been adjudicated to be deprived or in need of supervision due to repeated absence from school, the court may order counseling and treatment for the child and the parents of the child to be provided by the local school district, the county, the Department or a private individual or

entity. Prior to final disposition, the court shall require that it be shown by the appropriate school district that a child found to be truant has been evaluated for learning disabilities, mental retardation, and hearing and visual impairments and other impediments which could constitute an educational handicap. The results of such tests shall be made available to the court for use by the court in determining the disposition of the case.

- b. In issuing orders to a parent, guardian, legal guardian, stepparent or other adult person living in the home of a child adjudicated to be a delinquent child or in making other disposition of said delinquent child, the court may consider the testimony of said parent, guardian, legal guardian, stepparent or other adult person concerning the behavior of the juvenile and his ability to exercise parental control over the behavior of the juvenile.
- c. In any dispositional order involving a child age sixteen (16) or older, the court shall make a determination, where appropriate, of the services needed to assist the child to make the transition from foster care to independent living.

No child who has been adjudicated in need of supervision or deprived upon the basis of truancy or noncompliance with the mandatory school attendance law alone may be placed in a public or private institutional facility or be removed from the custody of the lawful parent, guardian or custodian of the child. A deprived adjudication based upon repeated absence from school shall not constitute a ground for termination of parental rights.

2. The court may commit the child to the custody of a private institution or agency, including any institution established and

operated by the county, authorized to care for children or to place them in family homes. In committing a child to a private institution or agency, the court shall select one that is licensed by the Department or any other state department supervising or licensing private institutions and agencies; or, if such institution or agency is in another state, by the analogous department of that state. Whenever the court shall commit a child to any institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and such institution or agency shall give to the court such information concerning the child as the court may at any time require.

3. The court may order the child to receive counseling or other community-based services as necessary.

4. The court may commit the child to the custody of the Department; provided, any order adjudicating a child to be delinquent and committing the child to the Department shall be for an indeterminate period of time.

5. Whenever, after a hearing on a petition alleging a child to be a child in need of treatment, the court determines by clear and convincing evidence that the child is a child in need of treatment, the court shall order the child to receive the least restrictive mental health care and treatment appropriate for the treatment needs of the child until such time as such care and treatment is no longer necessary.

a. The court shall not find a child adjudicated to be a child in need of treatment to be eligible for inpatient mental health services unless the court finds by clear and convincing evidence, after a thorough consideration of less restrictive alternatives to inpatient treatment:

(1) that reasonable efforts have been made to provide for the mental health treatment needs of the

child through the provision of less restrictive alternatives to inpatient treatment and that such alternatives have failed to meet the treatment needs of the child, or

(2) that the condition of the child is such that less restrictive alternatives are unlikely to meet the mental health treatment needs of the child;

b. Whenever the court finds that a child adjudicated to be a child in need of treatment is eligible for inpatient mental health treatment:

(1) when the child is in the custody of his parent, legal guardian or legal custodian other than the Department of Human Services, the court may authorize such parent, legal guardian or legal custodian to make arrangements for the admission of the child to a public or private mental health facility appropriate for the inpatient care and treatment of children and which is willing to admit the child for treatment and may order the Department of Human Services to assist the parent or legal guardian in making said arrangements; or

(2) when the child is in the custody of the Department of Human Services, the court may authorize the Department to place the child in a mental health facility appropriate for the inpatient treatment needs of the child.

6. If the child has been placed outside the home, and it appears to the court that the parent, guardian, legal custodian, or stepparent, or other adult person living in the home has contributed to the delinquency, need of supervision or treatment, or deprivation of the child, the court may order that the parent, guardian, legal custodian, stepparent, or other adult living in the home be made

subject to any treatment or placement plan prescribed by the Department or other person or agency receiving custody of the child.

7. The court may order any child adjudicated a delinquent child for acts involving criminally injurious conduct as defined in Section 142.3 of Title 21 of the Oklahoma Statutes, to pay a victim compensation assessment in an amount not to exceed that amount specified in Section 142.18 of Title 21 of the Oklahoma Statutes. The court shall forward a copy of the adjudication order to the Crime Victims Compensation Board for purposes of Section 142.11 of Title 21 of the Oklahoma Statutes. Such adjudication order shall be kept confidential by the Board.

8. The court may order any child adjudicated a delinquent child to engage in a term of community service without compensation. The state or any political subdivision shall not be liable if a loss or claim results from any acts or omission of a child ordered to engage in a term of community service pursuant to the provisions of this paragraph.

9. The court may dismiss the petition or otherwise terminate its jurisdiction at any time for good cause shown.

10. In any dispositional order removing a child from the home of the child, the court shall make a determination that reasonable efforts have been made to provide for the return of the child to the child's own home, or that efforts to reunite the family are not feasible, and reasonable efforts are being made to secure an alternate permanent placement for the child.

B. A dispositional order removing a child from the custody of the parents of the child shall be reviewed at a hearing by the court at least once every six (6) months until such time as the child is returned to the custody of his parents. No later than eighteen (18) months after placing a child in foster care and every twelve (12) months thereafter, the court making the original order of adjudication shall conduct a dispositional hearing to consider

whether the child should be returned to his parents or other family member; the child should be continued in foster care for a specified period; the rights of the parents of the child should be terminated and the child placed for adoption or legal guardianship; or whether the child, because of exceptional circumstances, should remain in foster care on a long-term basis as a permanent plan or with a goal of independent living.

C. Whenever the court finds a child adjudicated to be a child in need of treatment eligible for inpatient mental health treatment pursuant to the provisions of this section and the child is subsequently placed in a hospital or mental health facility for said inpatient treatment, the court shall review the case at least every sixty (60) days or more frequently as directed by the court until the child is discharged from inpatient treatment.

D. The court shall not terminate the rights of a parent who has not been notified that the parental rights might be terminated. If the court terminates the rights of a parent and commits the child to an individual or agency, the court may invest in such individual or agency authority to consent to the adoption of the child. Provided, that where the court commits the child to the Department, it shall vest the Department with authority to place the child and, upon notice to the court that an adoption petition has been filed concerning said child, invest the Department with authority to consent to the adoption of the child, and the jurisdiction of the committing court shall terminate.

E. No child who has been adjudicated in need of supervision or deprived may be placed in a state training school.

F. No child charged in a state or municipal court with a violation of state or municipal traffic laws or ordinances, or convicted therefor, may be incarcerated in jail for any said violation unless the charge for which the arrest was made would constitute a felony if the child were an adult; provided, that

nothing contained in the above section prohibits the detention of a juvenile for traffic-related offenses prior to the filing of a petition in the district court alleging delinquency as a result of said acts.

G. If it is consistent with the welfare of the child, the court may require community service or restitution or both community service and restitution for acts of delinquency. The immunities provided by Sections 227 and 228 of Title 57 of the Oklahoma Statutes shall apply to community services directed pursuant to this section.

H. The court may require any child found to be a juvenile delinquent or child in need of supervision, the parents of any child found to be a juvenile delinquent, a child in need of supervision, a deprived child or a child in need of treatment, or both the child and the parents, to reimburse the court fund, in whole or in part, for any disbursements made from the court fund in conjunction with the case, including, but not limited to, court-appointed attorney's fees, expert witness fees, sheriff's fees, witness fees, transcripts and postage. When any parent is financially able but has willfully failed to pay court costs or to reimburse the court fund as ordered by the court or has willfully failed to pay court costs and to reimburse the court fund as ordered by the court, the parent may be held in contempt of court and, upon conviction, shall be punished pursuant to Section 566 of Title 21 of the Oklahoma Statutes. After a judicial determination that the child, the parent of the child, or both such child or parent, are able to pay the costs and to reimburse the court fund or pay the costs and to reimburse the court fund in the case in installments, the court may order the costs and such reimbursement of the court fund to be paid in installments and shall set the amount and due date of each installment. A parent may be found to be financially able to pay court costs or to reimburse the court fund or to pay court costs and to reimburse the court fund

in installments even though the court has previously found the parent indigent.

SECTION 3. AMENDATORY Section 5, Chapter 286, O.S.L. 1986, as last amended by Section 4, Chapter 337, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1135.1), is amended to read as follows:

Section 1135.1 A. The Department of Human Services may provide for the care of a child adjudicated to be a child in need of treatment who is in the custody of the Department:

1. in the home of the child, the home of a relative of the child, a foster home, a group home, a transitional living program, an independent living program or in any other community-based child care facility under the jurisdiction or licensure of the Department appropriate for the care of the child and shall provide for the outpatient care and treatment of the child; or

2. the Department may place a child in need of treatment and ~~authorized~~ found by ~~the~~ a court to be eligible to receive inpatient care and treatment as provided in Section 1116 of this title in a Department-operated treatment center or other public or private mental health facility. The Department may place such child with the Department of Mental Health and Substance Abuse Services upon the consent of the Commissioner of Mental Health and Substance Abuse Services or his designee. The Department shall establish a system for the regular review by a qualified mental health professional, at intervals of not more than sixty (60) days, of the case of each child in need of treatment in the custody of the Department and receiving inpatient care and treatment to determine whether or not continued inpatient treatment is required and appropriate for the child. When such child no longer requires inpatient care and treatment in a mental health treatment facility, the Department shall place the child as provided in paragraph 1 of this subsection.

B. In providing for the outpatient care and the treatment of children in its custody who have been adjudicated in need of

treatment, the Department of Human Services shall utilize to the maximum extent possible and appropriate the services available through:

1. the guidance centers operated by the State Department of Health; and

2. the Department of Mental Health and Substance Abuse Services; and

3. community-based private nonprofit agencies and organizations.

C. ~~Whenever a child is adjudicated to be a child in need of treatment and placed in the custody of the Department and if at the time of such adjudication:~~

~~1. the child is not in the custody of the Department as a deprived child, a delinquent child or a child in need of supervision or through a protective order or similar order of the court entered for the purpose of authorizing the Department to provide for an examination or evaluation of the child by a qualified mental health professional to determine if a petition alleging the child to be a child in need of treatment is warranted; and~~

~~2. inpatient treatment is authorized by the court or the child is receiving inpatient mental health services at the time of or has been receiving such services immediately prior to such adjudication, the Department shall arrange for an independent examination and evaluation of the child by a qualified mental health professional to determine whether or not inpatient care and treatment is appropriate for the mental health treatment needs of the child. Whenever the Department determines that inpatient care and treatment are not required for such child, the Department shall place the child as otherwise provided by this section~~ Nothing in this section shall be interpreted to require the Department to place a child found by a court to be eligible for inpatient mental health treatment in a mental health facility when the Department determines that such

placement is inappropriate or unnecessary for the treatment needs of the child.

SECTION 4. AMENDATORY 21 O.S. 1981, Section 858.1, as amended by Section 6, Chapter 272, O.S.L. 1990 (21 O.S. Supp. 1990, Section 858.1), is amended to read as follows:

Section 858.1 A. Any parent or other person who knowingly and willfully:

1. causes, aids, abets or encourages any minor to be in need of supervision, or ~~dependent and neglected~~ deprived; or

2. shall by any act or omission to act have caused, encouraged or contributed to the ~~dependency and neglect~~ deprivation, or the need of supervision of the minor, or to such minor becoming ~~dependent and neglected~~ deprived, or in need of supervision; shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not to exceed Five Hundred Dollars (\$500.00), or imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

B. Upon a second or succeeding conviction for a violation of this section, the defendant shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned in the county jail not to exceed one (1) year, or punished by both such fine and imprisonment.

SECTION 5. AMENDATORY 21 O.S. 1981, Section 858.2, as amended by Section 7, Chapter 272, O.S.L. 1990 (21 O.S. Supp. 1990, Section 858.2), is amended to read as follows:

Section 858.2 In all cases where a minor has been adjudged delinquent, in need of supervision or ~~dependent and neglected~~ deprived by a court of competent jurisdiction and such court by order for care or probation, has placed such minor in the care or on probation to the parent, legal guardian, ~~or~~ legal custodian of such minor, stepparent or other adult person living in the home, any parent, legal guardian or legal custodian of such minor who shall

neglect, fail or refuse to give such minor proper parental care, or to comply with the order for care or probation shall be deemed guilty of a misdemeanor and upon conviction thereof shall, as applicable, be punished as provided in Section 856 or 858.1 of this title.

SECTION 6. AMENDATORY 28 O.S. 1981, Section 153, as last amended by Section 1, Chapter 151, O.S.L. 1990 (28 O.S. Supp. 1990, Section 153), is amended to read as follows:

Section 153. A. The clerks of the courts shall collect as costs in every criminal case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, the following flat charges and no more, except for charges otherwise provided for by law, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants, orders, and other services to date of judgment:

1. For each defendant convicted of  
a misdemeanor, including  
violation of any traffic  
law, other than for driving  
under the influence of alcohol  
or other intoxicating substance,  
whether charged  
individually or conjointly  
with others ..... \$57.00

2. For each defendant convicted of  
a felony, other than for driving  
under the influence of alcohol or  
other intoxicating substance,  
whether charged  
individually or conjointly  
with others ..... \$77.00

3. For each defendant convicted of

the misdemeanor of driving under  
the influence of alcohol or other  
intoxicating substance, whether  
charged individually or  
conjointly with others ..... \$157.00

4. For each defendant convicted of the  
felony of driving under the influence  
of alcohol or other intoxicating  
substance, whether charged individually  
or conjointly with others ..... \$157.00

5. For the services of a court reporter at  
each trial held in the case ..... \$20.00

6. For each time a jury is requested ..... \$30.00

A sheriff's fee for serving or  
endeavoring to serve each  
writ, warrant, order,  
process, command, or  
notice or pursuing any  
fugitive from justice ..... \$20.00 or  
mileage as  
established  
by the  
Oklahoma  
Statutes,  
whichever is  
greater.

B. Of the amount collected pursuant to paragraphs 1 through 4  
of subsection A of this section, the sum of Three Dollars (\$3.00)  
shall be deposited to the credit of the county Law Library Fund  
pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
Statutes.

C. Prior to conviction, parties in criminal cases shall not be required to pay, advance, or post security for the issuance or service of process to obtain compulsory attendance of witnesses. These fees shall be deposited into the court fund except that the sheriff's fee provided for in this section and the amount provided for in Section ~~2~~ 153.2 of this ~~act~~ title, when collected, shall be transferred to the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which service is made or attempted.

SECTION 7. AMENDATORY Section 47, Chapter 329, O.S.L. 1988, as last amended by Section 33, Chapter 323, O.S.L. 1990 (30 O.S. Supp. 1990, Section 3-110), is amended to read as follows:

Section 3-110. A. The court shall cause notice to be served of the time and place of the hearing on the petition requesting the appointment of a guardian for an incapacitated or partially incapacitated person on:

1. the subject of the proceeding; and
2. the following persons, other than the petitioner, who are known to the petitioner or whose existence and address can be ascertained by the petitioner with reasonably diligent efforts:
  - a. the spouse, if any, of the subject of the proceeding,
  - b. the attorney, if any, of the subject of the proceeding,
  - c. all adult children of the subject of the proceeding,
  - d. if there is no such adult child, the then living parent ~~of~~ or parents of the subject of the proceeding, or
  - e. if there is no such parent, all adult brothers and sisters of the subject of the proceeding and all adult grandchildren of the subject of the proceeding;

3. in case no person listed in paragraph 2 of this subsection is given notice, notice shall be given to at least one and not more than three of the nearest adult relatives of the subject of the proceeding who are known to the petitioner or whose existence and address can be ascertained with reasonably diligent efforts;

4. if not the petitioner, any person or organization which, in the petition, is proposed to serve as guardian or limited guardian or, to the extent such nomination is known to the petitioner, who is nominated by will or other writing to serve as guardian or limited guardian;

5. to the extent known to the petitioner:

- a. the person or facility having care or custody of the subject of the proceeding, and
- b. the Department of Human Services or the Department of Mental Health and Substance Abuse Services, if said Departments are providing services to the subject of the proceeding;

6. as appropriate, the Veterans Administration pursuant to Section 126.8 of Title 72 of the Oklahoma Statutes; and

7. any other person as directed by the court.

B. A copy of the pleading which gave rise to the notice shall be attached to any notice served pursuant to this section.

C. Except for actions appointing a special guardian pursuant to Section 3-115 of this title:

1. Notice shall be served personally on the individual who is the subject of the proceeding at least ten (10) days before the time set for hearing. Such personal service may be made by the attorney for the petitioner, sheriff, or licensed process server. The person making such services shall make proper return thereof.

2. Notice to other persons entitled to notice of a hearing on the original petition requesting the appointment of a guardian shall be mailed by regular first-class mail at least ten (10) days before

the time set for the hearing. Such service by mail may be made by the court clerk, deputy court clerk or attorney for the petitioner.

D. The notice to the subject of the proceeding shall set forth the date, time, place, and purpose of the hearing to which the notice refers. Such notice shall be substantially in the following form:

NOTICE OF HEARING

TO: \_\_\_\_\_

(Name of subject of proceeding)

Service Address \_\_\_\_\_

You are hereby notified that a petition has been filed alleging that you are an \_\_\_ incapacitated, \_\_\_ partially incapacitated person and are incapable of \_\_\_ caring for yourself, \_\_\_ managing your property. The petition requests that a \_\_\_ guardian, \_\_\_ limited guardian be appointed by the court to make decisions for you regarding \_\_\_ yourself, \_\_\_ your property. A copy of the petition is attached. The hearing on the petition will be held on

\_\_\_\_\_.

(date, time and place of the hearing)

At the hearing a ( ) guardian, ( ) limited guardian may be appointed for your ( ) person, ( ) property. The judge will explain to you the nature, purpose and effect of the proceedings.

You have the right to attend the hearing. You may confront and cross-examine all witnesses and present your own witnesses. You have the right to request that your hearing be closed to the public. You may request that an expert be appointed to examine you and if the judge believes that an examination is necessary, the judge will order an evaluation to be done.

You have the right to hire an attorney of your choice to represent you. If you do not have an attorney and you wish to be represented by an attorney at the hearing, the court will appoint one for you.

You may request the appointment of an attorney orally or in writing

prior to the hearing or at the hearing. If you are able, you will be required to pay the cost of an attorney appointed by the court.

SECTION 8. AMENDATORY 47 O.S. 1981, Section 6-206, as last amended by Section 5, Chapter 259, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-206), is amended to read as follows:

Section 6-206. ~~(a)~~ A. Whenever any person is convicted or pleads guilty in any court having jurisdiction over offenses committed under this act, Section 1-101 et seq. of this title, or any other act ~~of this state~~ or municipal ordinance or act or ordinance of another state regulating the operation of motor vehicles on highways ~~of this state~~, such court shall make immediate report to the Department of Public Safety setting forth the name of the offender, the number of the ~~operator's or chauffeur's~~ driver's license and the penalty imposed. Said report shall be ~~certified~~ submitted by the judge or the clerk of the court upon forms furnished or approved by the Department.

~~(b)~~ B. The Department, upon receipt of said report or upon receipt of a report of a conviction in another state relating to the operation of a motor vehicle, may in its discretion suspend the driver's license of such person for such period of time as in its judgment is justified from the records of such conviction together with the records and reports on file in the Department, subject to the limitations provided in Section 6-208 of this title. Any action taken by the Department shall be in addition to the penalty imposed by the court.

~~(c)~~ C. Following receipt of a notice of any nonpayment of fine and costs for a moving traffic violation with a recommendation of suspension of driving privileges of a defendant from any court within this state, as provided for in Section 983 of Title 22 of the Oklahoma Statutes, the Department shall suspend the driver's license or driving privilege of the named person after giving notice as provided in Section 2-116 of this title. Such suspension shall

remain in effect until the Department receives proof of payment of the total amount of fine and costs or a release by the court and receives a reinstatement fee as provided for in Section 6-212 of this title. Upon reinstatement after suspension for nonpayment of fine and costs for a moving traffic violation the Department may remove such record of suspension from the person's driving record and retain an internal record for audit purposes.

~~(d)~~ D. Any person whose driver's license is so suspended under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

SECTION 9. AMENDATORY 47 O.S. 1981, Section 7-605, as last amended by Section 3, Chapter 298, O.S.L. 1990 (47 O.S. Supp. 1990, Section 7-605), is amended to read as follows:

Section 7-605. A. Every owner or operator of a motor vehicle registered in this state who operates the vehicle or permits it to be operated in this state when no security exists as required by Section 7-601 of this title, or, until July 1, 1991, any owner who fails to provide proof of security pursuant to the provisions of Section 7-603.1 of this title, or any person who receives a deferred sentence, forfeits a bond or is convicted in any state or municipal court for failure to carry a security verification form, shall be subject to suspension of the driver's license and registrations of any motor vehicle not covered by security. Such suspension shall remain in effect until payment of a reinstatement fee of One Hundred Dollars (\$100.00), and proof of security is furnished through filing of a certificate of insurance with the Department which complies with the requirements of Section 7-321 of this title. The certificate of insurance shall be kept on file with the Department for three (3) years. Suspension under this section shall be effective ~~immediately~~ upon ~~receipt by~~ the Department ~~of~~ giving notice pursuant to Section 2-116 of this title that the owner or operator is without security and ~~the Department shall provide~~

~~written notice thereof to the owner or operator within a reasonable time.~~ Any person failing to voluntarily relinquish the suspended license or registration to the Department within ~~thirty (30)~~ sixty (60) days of receipt of said notice shall pay a fee of Fifty Dollars (\$50.00) in addition to the One Hundred Dollar (\$100.00) reinstatement fee. If a person furnishes proof to the satisfaction of the Department that security was in effect at the time of the alleged offense, the Department shall vacate the suspension order and shall not require the filing of a certificate of insurance nor either of the above fees.

B. The Department may rely upon an abstract which indicates a charge and the imposition of a deferred sentence pending compliance with the Compulsory Insurance Law, Section 7-600 et seq. of this title, or an abstract of conviction or a notice of bond forfeiture from any court of competent jurisdiction, which indicates that the person was either convicted, or failed to appear upon a charge of failure to carry a security verification form or the lack of security, indicated by "No Security Form", "No Insurance" or other such term indicating lack of security. The Department may continue to rely on such abstract or notice unless proof is submitted from the issuing court clerk which indicates that the abstract or notice was issued in error, or was not related to a violation of the Compulsory Insurance Law or a security verification form as required by Chapter 7 of this title or by municipal ordinance.

SECTION 10. AMENDATORY 62 O.S. 1981, Section 7.1, as last amended by Section 12, Chapter 337, O.S.L. 1990 (62 O.S. Supp. 1990, Section 7.1), is amended to read as follows:

Section 7.1 A. There is hereby created in the official depository in the State Treasury an agency clearing account for each state officer, department, board, commission, institution or agency of the state, hereinafter referred to collectively as state agencies.

B. It shall be the duty of each state agency, officer or employee, to deposit in the agency clearing account, or agency special account, established under Section 7.2 of this title, all monies of every kind, including, but not limited to:

1. Tax revenues;
2. Receipts from licenses, examinations, per diem and all other reimbursements, fees, permits, fines, forfeitures and penalties; and
3. Income from money and property, grants and contracts, refunds, receipts, reimbursements, judgments, sales of materials and services of employees, and nonrevenue receipts, received by a state agency, officer or employee by reason of the existence of and/or operation of a state agency.

C. All such monies collected pursuant to this section shall be deposited as follows in the agency clearing account or agency special account established therefor:

1. Receipts of One Hundred Dollars (\$100.00) or more shall be deposited on the ~~date of receipt~~ same banking day as received.

2. Receipts of less than One Hundred Dollars (\$100.00) may be held until accumulated receipts equal One Hundred Dollars (\$100.00) or for five (5) business days, whichever occurs first, and shall then be deposited no later than the next business day.

- a. Each state agency that has custody of receipts of less than One Hundred Dollars (\$100.00) shall provide adequate safekeeping of such receipts,
- b. No disbursements shall be made from such receipts prior to this deposit, and
- c. All checks received must be restrictively endorsed immediately upon receipt.

D. The State Treasurer is authorized to accept deposits directly to State Treasury funds, consisting of cash, bank drafts, bank cashier's checks, federal treasury checks and other forms of remittance which are uniformly honored for payment.

All checks, drafts, orders and vouchers so deposited shall be credited and cleared at par and should payment be refused on any such check, draft, order or voucher, or should the same prove otherwise worthless, the amount thereof shall be charged by the State Treasurer against the account or fund theretofore credited with the same; and the person issuing the check, draft, order or voucher shall be charged a fee of Twenty-five Dollars (\$25.00) to cover the costs of processing each returned check; provided, such charge shall not be made unless efforts have been made to present such check, draft, order or voucher for payment a second time. Unless otherwise provided by law, such fee shall be deposited to the revolving fund of the state agency to which the check, draft, order or voucher was issued. If no revolving fund exists for the state agency, then such fee shall be deposited to the General Revenue Fund. The State Treasurer shall not accept for deposit to any agency clearing account, or any agency special account, created pursuant to the provisions of Section 7.2 of this title, any warrant, check, order or voucher drawn against any state fund or account in favor of any individual or other person except the state officer, department, institution or agency for which account or fund the deposit is made, or a bona fide student enrolled at any of the state institutions of higher learning when such warrant, check, order or voucher is endorsed to the institution as payment of any fees or other accounts due such institution.

E. At least once each month each state agency shall transfer monies deposited in agency clearing accounts to the various funds or accounts, subdivisions of the state, or functions as may be provided by statute and no money shall ever be disbursed from the agency clearing account for any other purpose, except in refund of erroneous or excessive collections and credits. Provided, however, that state parks and lodges under the control of the Oklahoma Tourism and Recreation Department and district offices under the

control of the Corporation Commission shall be permitted to make deposit of receipts on a monthly basis, provided that such receipts must be deposited within the month received or when such receipts equal or exceed Five Hundred Dollars (\$500.00) for state parks and lodges under the control of the Oklahoma Tourism and Recreation Department, or One Hundred Dollars (\$100.00) for district offices under the control of the Corporation Commission, whichever first occurs.

F. Funds and revenues of the Oklahoma Municipal Power Authority, the Grand River Dam Authority, the Oklahoma Ordnance Works Authority and the Midwestern Oklahoma Development Authority are exempt from the requirements of this section.

G. Monies used for investment purposes by the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System, the Teachers' Retirement System of Oklahoma, the Oklahoma State Regents for Higher Education and the State and Education Employees Group Insurance Board are exempt from the requirements of this section, and shall be placed with the respective custodian bank or trust company.

SECTION 11. AMENDATORY 62 O.S. 1981, Section 7.2, as last amended by Section 1, Chapter 319, O.S.L. 1990 (62 O.S. Supp. 1990, Section 7.2), is amended to read as follows:

Section 7.2 A. There is hereby re-created, to continue until July 1, 1996, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, a Special Agency Account Board, to consist of the Director of State Finance, the State Treasurer and the Director of the Legislative Service Bureau. The Board shall have the authority to approve the establishment of agency special accounts in the official depository of the State Treasury. In the case of institutions of

higher education, the Special Agency Account Board acting in conjunction with the Oklahoma State Regents for Higher Education shall establish special agency accounts as appropriate which shall be consistent with provisions of the Oklahoma Budget Law of 1947, Section 41.1 et seq. of this title, as it relates to institutions in The Oklahoma State System of Higher Education.

B. The Board, created by this section, shall adopt procedures including application forms, justification and other pertinent information as to the basis for a state agency application for the establishment of agency special accounts.

C. The Board may approve agency special accounts for money received by state agencies for the following purposes:

1. Benefit programs for individuals, including, but not limited to, unemployment compensation, workers' compensation and state retirement programs;

2. Revenues produced by activities or facilities ancillary to the operation of a state agency which receive no money, directly or indirectly, from or through that state agency, including, but not limited to, revenues from the sales of food at retail level, sales at canteens, sales at student unions, sales at student bookstores, receipts from athletic programs and receipts from housing.

Provided, however, that a state institution of higher learning may purchase necessary equipment and instructional supplies and office supplies from a student bookstore, or, subject to authorization by the Oklahoma State Regents for Higher Education, may rent building space for institutional use in a building operated by an organization or entity whose existence is ancillary to the operation of a state agency, and whose cost was financed in whole or in part with revenue-type bonds; provided, further, that the cost of such office supplies or space rental shall not exceed the cost of similar supplies or rentals available commercially;

3. Gifts, devises and bequests with an agency as beneficiary, unless otherwise provided by statute;

4. Evidence funds for law enforcement agencies;

5. Student loan funds and scholarship funds;

6. Funds held in escrow;

7. Land Commission funds;

8. Funds for which the state agency acts as custodian, including, but not limited to, fees from employee earnings approved by the governing board of the agency, funds of student organizations including student activity fees collected by an educational institution as a separate item in enrollment procedures, professional organizations, patients and inmates;

9. Funds used by the Oklahoma Tax Commission to pay for the filing of liens with the Federal Aviation Administration;

10. Temporary accounts for funds arising from new or amended legislation not otherwise provided for in statute or for other emergency situations. Such accounts are to be utilized only pending legislative action directing custody of such funds; ~~and~~

11. Payment of liability claims against the state; and

12. Activities of the various Armory Boards of the Oklahoma Military Department to receive and dispense funds derived by the Armory Boards pursuant to Sections 232.6 and 232.7 of Title 44 of the Oklahoma Statutes.

D. The State Treasurer is authorized to accept deposit of money made directly to agency special accounts approved by the Board. All money received by a state agency, as described in Section 7.1 of this title, shall be deposited in State Treasury funds or accounts and no money shall be deposited in banks or other depositories unless the said bank accounts are maintained by the State Treasurer or are for the deposit of authorized petty cash funds.

E. The balances in agency bank accounts or depository accounts, as of July 1, 1973, shall be transferred to agency clearing accounts

or agency special accounts created by law. However, a sufficient balance to fund outstanding checks and vouchers, if any, shall be retained in said bank or depository accounts for a period of one (1) year. A list of all outstanding checks or vouchers for each bank or depository account so abolished shall be furnished to the State Treasurer by the state agency as of July 1, 1973.

F. Money deposited in agency special accounts shall be disbursed on vouchers issued by the state agency concerned to accomplish the purpose for which the money was intended.

G. Funds and revenues of the Grand River Dam Authority are exempt from the requirements of this section.

H. Funds and revenues of the Oklahoma Municipal Power Authority are exempt from the requirements of this section.

I. Monies used for investment purposes by the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System, the Teachers' Retirement System of Oklahoma, the State Insurance Fund, the State and Education Employees Group Insurance Board and the Oklahoma State Regents for Higher Education for its Endowment Trust Fund are exempt from the requirements of this section, and shall be placed with the respective custodian bank or trust company.

SECTION 12. AMENDATORY 62 O.S. 1981, Section 310.9, as amended by Section 1, Chapter 305, O.S.L. 1990 (62 O.S. Supp. 1990, Section 310.9), is amended to read as follows:

Section 310.9 A. On every invoice submitted to any county or political subdivision of the state, for payment of an architect, contractor, engineer or supplier of materials of One Thousand Dollars (\$1,000.00) or more, the sworn statement required by Section 3109 of Title 74 of the Oklahoma Statutes shall be required.

B. Any vendor of a school district which files an affidavit pursuant to subsection A of this section in any one fiscal year shall be exempt from filing any other affidavit pursuant to this section for any subsequent invoice to the same school district during the same fiscal year. Affidavits received shall be maintained by the school district in a vendor file and shall be a continuing affirmation by that vendor during the same fiscal year.

SECTION 13. AMENDATORY Section 8, Chapter 203, O.S.L. 1987, as last amended by Section 2, Chapter 270, O.S.L. 1990 (74 O.S. Supp. 1990, Section 18 1), is amended to read as follows:

Section 18 1. The Office of the Attorney General may levy and collect a reasonable fee from the Department of Consumer Credit, the Office of Personnel Management, the Teachers' Retirement System of Oklahoma, the Oklahoma Public Employees Retirement System, the Oklahoma Development Finance Authority, the Oklahoma Industrial Finance Authority, the Oklahoma Student Loan Authority, the Department of Mental Health and Substance Abuse Services, the Board of Regents of Oklahoma Colleges, the Oklahoma State Regents for Higher Education, and the Oklahoma Tourism and Recreation Department for the purpose of providing legal services requested by such entities. All fees collected in accordance with the provisions of this section shall be deposited in the Attorney General's Revolving Fund created pursuant to Section 20 of this title.

SECTION 14. AMENDATORY 74 O.S. 1981, Section 1315, as last amended by Section 1, Chapter 276, O.S.L. 1990 (74 O.S. Supp. 1990, Section 1315), is amended to read as follows:

Section 1315. Upon application in writing approved by a majority action of the board of county commissioners of any county or the governing body of any city, town, county hospital, the trustees of any public trust for which the state is the primary beneficiary, or the Oklahoma Conservation Commission on behalf of the conservation districts participating in the Oklahoma Public

Employees Retirement System, the Board may extend the benefits of the State and Education Employees Group Health and Life Insurance to employees who are employed in positions requiring actual performance of duty during not less than one thousand (1,000) hours per year, and to all full-time employees of such county, city, town, county hospital, public trust, or conservation district, provided that such county, city, town, county hospital, public trust, or conservation district participating therein shall pay all costs attributable to its participation therein. The premium for participating counties, cities, towns, county hospitals, public trusts, and conservation districts shall be the same as paid by the State and Education Employees Group Health and Life Insurance Plan. Such county, city, town, county hospital, public trust, or conservation district shall not be required to offer dental insurance as defined in paragraph (k) of Section 1303 of this title, or other insurance as defined in paragraph (l) of Section 1303 of this title. However, if dental insurance or any other insurance is offered, it must be provided to all eligible employees. If an employee retires and begins to receive benefits from the Oklahoma Public Employees Retirement System or terminates service and has a vested benefit with the Oklahoma Public Employees Retirement System, the employee may elect, in the manner provided in Section 1316.2 of this title, to participate in the dental insurance plan offered through the State and Education Employees Group Insurance Act. The employee shall pay the full cost of the dental insurance. Any employee who retires or who has a vested benefit pursuant to the Oklahoma Public Employees Retirement System may begin the health insurance coverage if the employer of the employee is not a participant of the State and Education Employees Group Insurance Act if the election to begin coverage is made within thirty (30) days from the date of termination of service. For those persons who retired or terminated service with a vested benefit from the Oklahoma Public Employees

Retirement System prior to October 1, 1988, the election shall be made prior to October 1, 1989. Once a county, city, town, county hospital, public trust, or conservation district becomes a participant in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act, said county, city, town, county hospital, public trust, or conservation district may withdraw from said participation, in a manner prescribed by the Board, before January 1, 1991, and at three-year intervals thereafter. Said withdrawal shall be effective on December 31, 1990, if said prescribed notice is delivered to the Board. All counties, cities, towns, county hospitals, public trusts, or conservation districts participating in the health and dental insurance plans offered through the State Education Employees Group Insurance Act on January 1, 1991, may not withdraw from said participation for a period of three (3) years. The Board shall prescribe rules of withdrawal and renewal for three-year terms beginning January 1, 1991.

SECTION 15. AMENDATORY 74 O.S. 1981, Section 3111, as last amended by Section 20, Chapter 309, O.S.L. 1990 (74 O.S. Supp. 1990, Section 3111), is amended to read as follows:

Section 3111. A. No state agency, board, commission or other unit or subdivision of state government shall request or require that any person reveal his social security number in order to obtain services or assistance, nor shall any state agency, board, commission or other unit or subdivision of state government use, for any purpose, numbers which correspond to the social security number of any person. Provided that any state agency, board, commission, unit or subdivision of state government using social security numbers for a particular purpose prior to January 1, 1974, may continue to use and require social security numbers for that purpose only ~~and provided, further, that the~~ provisions of this act, Section 3101 et seq. of this title, shall not be construed to

prohibit the use or requirement of disclosure of one's social security number if the use of the number is related to the Social Security Administration or benefits thereunder, or, subject to the provisions of Section ~~19~~ 1-311.1 of ~~this act~~ Title 63 of the Oklahoma Statutes, to prohibit the use or requirement of disclosure of the social security numbers of the mother and father by the Vital Records Section of the State Department of Health in the administration of the issuance of birth records.

B. The provisions of this section shall not be construed to prohibit the Oklahoma Tax Commission from requiring the disclosure by any person of his or her social security number in order to administer any state tax law, as defined by Section 202 of Title 68 of the Oklahoma Statutes or in order for the Commission to administer any provision of the Uniform Disposition of Unclaimed Property Act, Section 651 et seq. of Title 60 of the Oklahoma Statutes, if such administration requires the Commission to obtain the social security number of any person.

C. The provisions of this section shall not prohibit the State Department of Education from requesting any student who wishes to enroll in or is enrolled in any public school in this state to disclose the social security account number of the student in order for the Department to administer any provision of the Oklahoma School Testing Program Act, Sections 1210.505 through 1210.511 of Title 70 of the Oklahoma Statutes or for the collection of appropriate and necessary data pursuant to the Oklahoma Educational Indicators Program, Section 1210.531 of Title 70 of the Oklahoma Statutes. The State Department of Education shall not deny to any student any right, benefit, or privilege provided by law because of the refusal by the student to disclose the social security account number of the student. If the State Department of Education requests a student to disclose the student's social security account number, the State Department of Education shall inform the student

whether the disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited and what uses will be made of the number.

SECTION 16. REPEALER Section 1, Chapter 302, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1101), Section 4, Chapter 238, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1104.1), Section 5, Chapter 238, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1107), Section 2, Chapter 272, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1116), Section 6, Chapter 51, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1120), Section 11, Chapter 302, O.S.L. 1990 (10 O.S. Supp. 1990, Section 1135.1), Section 6, Chapter 224, O.S.L. 1990 (21 O.S. Supp. 1990, Section 858.1), Section 7, Chapter 224, O.S.L. 1990 (21 O.S. Supp. 1990, Section 858.2), Section 3, Chapter 109, O.S.L. 1990 (28 O.S. Supp. 1990, Section 153), Section 20, Chapter 51, O.S.L. 1990 (30 O.S. Supp. 1990, Section 1-115), Section 21, Chapter 51, O.S.L. 1990 (30 O.S. Supp. 1990, Section 3-110), Section 24, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-118), Section 34, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-206), Section 44, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 7-605), Section 118, Chapter 264, O.S.L. 1990 (62 O.S. Supp. 1990, Section 7.1), Section 39, Chapter 258, O.S.L. 1990 (62 O.S. Supp. 1990, Section 7.2), Section 2, Chapter 221, O.S.L. 1990 (62 O.S. Supp. 1990, Section 310.9), Section 2, Chapter 257, O.S.L. 1990 (70 O.S. Supp. 1990, Section 5-110), Section 7, Chapter 264, O.S.L. 1990 (74 O.S. Supp. 1990, Section 18 1), Section 7, Chapter 244, O.S.L. 1990 (74 O.S. Supp. 1990, Section 1315), and Section 66, Chapter 263, O.S.L. 1990 (74 O.S. Supp. 1990, Section 3111), are hereby repealed.

Passed the House of Representatives the 15th day of May, 1991.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1991.

President                      of the Senate