

ENROLLED SENATE
BILL NO. 416

BY: TAYLOR and HANEY of the
SENATE

and

HAMILTON (James) and
STEIDLEY of the HOUSE

AN ACT RELATING TO VARIOUS STATE AGENCIES INCLUDING THE ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION, THE DEPARTMENT OF CIVIL DEFENSE, THE OFFICE OF THE STATE FIRE MARSHAL, THE COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING, THE MILITARY DEPARTMENT OF THE STATE OF OKLAHOMA, THE OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL, AND THE DEPARTMENT OF PUBLIC SAFETY; MAKING AN APPROPRIATION TO THE ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE DIRECTOR; PROVIDING BUDGETARY LIMITATIONS; REQUIRING THE FILING OF CERTAIN PROGRAM; REDESIGNATING AND REAPPROPRIATING CERTAIN MONIES; AMENDING 37 O.S. 1981, SECTIONS 518, AS LAST AMENDED BY SECTION 2, CHAPTER 180, O.S.L. 1987, AND 521, AS LAST AMENDED BY SECTION 6, CHAPTER 340, O.S.L. 1989 (37 O.S. SUPP. 1990, SECTIONS 518 AND 521), WHICH RELATE TO LICENSES ISSUED AND FEES CHARGED BY THE ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION; INCREASING CERTAIN FEES; PROVIDING FOR TRANSPORT OF CERTAIN ALCOHOLIC BEVERAGES UNDER CERTAIN CONDITIONS WITHOUT NECESSITY OF CARRIER LICENSE; MAKING AN APPROPRIATION TO THE DEPARTMENT OF CIVIL DEFENSE; LIMITING AMOUNT OF APPROPRIATED FUNDS WHICH MAY BE USED FOR CERTAIN PURPOSE; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE DIRECTOR; PROVIDING BUDGETARY LIMITATIONS; REQUIRING FILING OF CERTAIN WORK PROGRAM; REAPPROPRIATING AND REDESIGNATING CERTAIN MONIES; AMENDING 63 O.S. 1981, SECTION 683.4, AS AMENDED BY SECTION 2, CHAPTER 113, O.S.L. 1984 (63 O.S. SUPP. 1990, SECTION 683.4), WHICH RELATES TO THE DEPARTMENT OF CIVIL DEFENSE; PROVIDING FOR RENAMING THE DEPARTMENT OF CIVIL DEFENSE AS THE DEPARTMENT OF CIVIL EMERGENCY MANAGEMENT; MAKING AN APPROPRIATION TO THE OFFICE OF THE STATE FIRE MARSHAL; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE STATE FIRE MARSHAL; PROVIDING BUDGETARY LIMITATIONS; REQUIRING THE FILING OF CERTAIN PROGRAM; AMENDING 74 O.S. 1981, SECTION 500.2, AS LAST AMENDED BY SECTION 1, CHAPTER 175, O.S.L. 1990 (74 O.S. SUPP. 1990, SECTION 500.2), WHICH RELATES TO REIMBURSABLE EXPENSES OF CERTAIN PERSONS; ADDING STATE FIRE MARSHAL TO THE LIST OF STATE OFFICIALS AUTHORIZED

TO CHARGE CERTAIN EXPENSES; AUTHORIZING STATE FIRE MARSHAL TO ENTER INTO CERTAIN CONTRACTS; MAKING APPROPRIATIONS TO THE COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING; LIMITING AMOUNT OF FUNDS WHICH MAY BE USED FOR CERTAIN PURPOSES; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE DIRECTOR; PROVIDING BUDGETARY LIMITATIONS; REQUIRING FILING OF CERTAIN PROGRAM; PROVIDING FOR AN AUDIT; MAKING AN APPROPRIATION TO THE OKLAHOMA MILITARY DEPARTMENT; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; PROVIDING BUDGETARY LIMITATIONS; REAPPROPRIATING AND REDESIGNATING CERTAIN MONIES; MAKING AN APPROPRIATION TO THE OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL; LIMITING THE AMOUNT OF APPROPRIATED MONEY WHICH MAY BE USED FOR CERTAIN PURPOSES; ALLOWING TRANSFER OF NO MORE THAN A SPECIFIED AMOUNT OF FUNDS TO A SPECIAL ACCOUNT TO BE USED FOR DESIGNATED PURPOSES; PROVIDING FOR PROMULGATION OF RULES AND REGULATIONS; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; LIMITING THE SALARY OF THE DIRECTOR; PROVIDING BUDGETARY LIMITATIONS; REQUIRING FILING OF CERTAIN PROGRAM; AMENDING 63 O.S. 1981, SECTIONS 2-503, AS LAST AMENDED BY SECTION 1, CHAPTER 117, O.S.L. 1990, AND 2-506, AS LAST AMENDED BY SECTION 27, CHAPTER 264, O.S.L. 1990 (63 O.S. SUPP. 1990, SECTIONS 2-503 AND 2-506), WHICH RELATE TO PROPERTY SUBJECT TO FORFEITURE AND PROCEDURES FOR SEIZURE AND FORFEITURE; MODIFYING DISPOSITION OF PROCEEDS OF CERTAIN SEIZED AND FORFEITED ITEMS; PROVIDING FOR EXPENDITURE OF CERTAIN FUNDS; MAKING APPROPRIATIONS TO THE DEPARTMENT OF PUBLIC SAFETY; STATING PURPOSES; LIMITING THE AMOUNT OF FUNDS WHICH MAY BE USED FOR CERTAIN PURPOSES; PROVIDING FOR THE DUTIES AND COMPENSATION OF EMPLOYEES; PROVIDING BUDGETARY LIMITATIONS; PROVIDING FOR CONSTRUCTION OF CERTAIN LIMITATION; DIRECTING DEPARTMENT OF PUBLIC SAFETY TO HAVE A PATROL ACADEMY OF CERTAIN MINIMUM SIZE; REQUIRING THE FILING OF CERTAIN PROGRAM; PROVIDING FOR THE EMPLOYMENT OF LIMITED NUMBER OF PERSONS WITH LIMITED RIGHTS; PROVIDING PROCEDURES THEREFOR; AUTHORIZING CERTAIN LEASE PURCHASE AGREEMENT AND LIMITING AMOUNT OF PRINCIPAL AND INTEREST; AMENDING 47 O.S. 1981, SECTION 6-101, AS LAST AMENDED BY SECTION 10, CHAPTER 219, O.S.L. 1990 (47 O.S. SUPP. 1990, SECTION 6-101), WHICH RELATES TO DRIVERS LICENSES; ESTABLISHING FEE FOR CERTAIN EXAMINATIONS; PROVIDING FOR DISPOSITION OF SUCH FEES; AMENDING SECTION 58, CHAPTER 258, O.S.L. 1990, AS LAST AMENDED BY SECTION 25 OF ENROLLED SENATE BILL NO. 144 OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO APPROPRIATIONS TO THE DEPARTMENT OF PUBLIC SAFETY; MODIFYING BUDGETARY LIMITATIONS; PROVIDING A LAPSE DATE; PROVIDING AN OPERATIVE DATE; AND DECLARING AN EMERGENCY.

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

ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

SECTION 1. There is hereby appropriated to the Alcoholic Beverage Laws Enforcement Commission from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Alcoholic Beverage Laws Enforcement Commission by law:

Personal Services	\$2,394,263.00
Other Operating Expenses	<u>470,440.00</u>

TOTAL	\$2,864,703.00
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SECTION 2. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Alcoholic Beverage Laws Enforcement Commission by law shall be set by the Alcoholic Beverage Laws Enforcement Commission. The salary of the Director shall not exceed Forty-six Thousand Four Hundred Fourteen Dollars (\$46,414.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Alcoholic Beverage Laws Enforcement Commission for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	74.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$1,897,398.00
Professional and Personal Services Contracts	\$70,500.00
Purchase of Equipment	\$115,098.00
Lease-Purchase Agreements	\$0.00
Expenditure of Federal Funds	\$0.00
Expenditure of Revolving Funds	\$131,500.00
Total Expenditures for Operations	\$3,025,201.00

SECTION 3. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Alcoholic Beverage Laws Enforcement Commission shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities: Licensing and Enforcement, Administration, Motor Vehicles and Alcohol Education Program.

SECTION 4. REAPPROPRIATION AND REDESIGNATION The amount of Twenty-eight Thousand Nine Hundred Ninety-eight Dollars (\$28,998.00) of the original appropriation of Four Hundred Fifty Thousand Seven Hundred Sixty-one Dollars (\$450,761.00) appropriated by Section 1, Chapter 38, O.S.L. 1990, as amended by Section 10,

Chapter 258, O.S.L. 1990, to the Department of Civil Defense from any monies in the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1991, to perform the duties imposed upon the Department of Civil Defense by law, is hereby reappropriated to the Alcoholic Beverage Laws Enforcement Commission and redesignated for agents' body armor and facsimile terminals. If on the date this act is approved any of the amount originally appropriated, as adjusted by expenditures, encumbrances and transfers, results in an unencumbered balance less than the reappropriated and redesignated amount, that amount is reduced to the unencumbered balance.

SECTION 5. AMENDATORY 37 O.S. 1981, Section 518, as last amended by Section 2, Chapter 180, O.S.L. 1987 (37 O.S. Supp. 1990, Section 518), is amended to read as follows:

Section 518. The licenses issued by the Alcoholic Beverage Laws Enforcement Commission, and the annual fees therefor, shall be as follows:

1. Brewer License.....\$1,250.00
2. Distiller License.....\$3,125.00
3. Winemaker License.....\$625.00
4. Oklahoma Winemaker License.....\$75.00
5. Rectifier License.....\$3,125.00
6. Wholesaler License.....\$3,500.00
7. Class B Wholesaler License.....\$625.00
8. The following package store license fees shall be determined by the latest Federal Decennial Census:
 - a. Package Store License for cities and towns from 200 to 2,500 population.....~~\$300.00~~
\$305.00
 - b. Package Store License for cities and towns from 2,501 to 5,000 population.....~~\$600.00~~
\$605.00
 - c. Package Store License for cities and towns over 5,000 population.....~~\$900.00~~
\$905.00
9. Mixed Beverage License.....~~\$1,000.00~~ \$1,005.00
(initial license)
~~\$900.00~~ \$905.00
(renewal)
10. Bottle Club License.....\$1,000.00
(initial license)
\$900.00

			(renewal)
11.	Caterer License.....	\$1,000.00 <u>\$1,005.00</u>	(initial license) \$900.00 <u>\$905.00</u> (renewal)
12.	Special Event License-fee per day.....	\$50.00	<u>\$55.00</u>
13.	Hotel Beverage License.....	\$1,000.00 <u>\$1,005.00</u>	(initial license) \$900.00 <u>\$905.00</u> (renewal)
14.	Airline/Railroad Beverage License.....	\$1,000.00 <u>\$1,005.00</u>	(initial license) \$900.00 <u>\$905.00</u> (renewal)
15.	Agent License.....	\$55.00	
16.	Employee License.....	\$15.00	
17.	Industrial License.....	\$23.00	
18.	Carrier License.....	\$23.00	
19.	Private Carrier License.....	\$23.00	
20.	Bonded Warehouse License.....	\$190.00	
21.	Storage License.....	\$23.00	
22.	Nonresident Seller License.....	\$750.00	
23.	Manufacturers Agent License.....	\$55.00	
24.	Sacramental Wine Supplier License.....	\$100.00	

The license fee for a mixed beverage or bottle club license for those service organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) and (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year.

The fees provided for in this subsection for a brewer license and for a Class B wholesaler license shall be reduced by seventy-five percent (75%) if the applicant therefor is also the holder of a license to manufacture or wholesale any nonintoxicating malt beverages as provided for in this title.

An applicant may apply for and receive both a mixed beverage license and a caterer license.

All licenses, except as otherwise provided, shall be valid for one (1) year from date of issuance unless revoked or surrendered. Provided, that a special event license shall be valid for a period not to exceed ten (10) consecutive days from the first day the license is valid; said date to be specified on the license.

The holder of a license, issued by the ABLE Commission, for a bottle club located in a county of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized, may exchange the bottle club

license for a mixed beverage license and operate the licensed premises as a mixed beverage establishment subject to the provisions of the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of this title. There shall be no additional fee for such exchange and the mixed beverage license issued shall expire one (1) year from the date of issuance of the original bottle club license.

SECTION 6. AMENDATORY 37 O.S. 1981, Section 521, as last amended by Section 6, Chapter 340, O.S.L. 1989 (37 O.S. Supp. 1990, Section 521), is amended to read as follows:

Section 521. A. A brewer license shall authorize the holder thereof: To manufacture, bottle, package, and store beer on licensed premises; to sell beer in this state to holders of Class B wholesaler licenses and retail licenses and to sell beer out of this state to qualified persons.

B. A distiller license shall authorize the holder thereof: To manufacture, bottle, package, and store spirits on licensed premises; to sell spirits in this state to licensed wholesalers and manufacturers only; to sell spirits out of this state to qualified persons; to purchase from licensed distillers and rectifiers in this state, and import spirits from without this state for manufacturing purposes in accordance with federal laws and regulations.

C. A winemaker license shall authorize the holder thereof: To manufacture (including such mixing, blending and cellar treatment as authorized by federal law), bottle, package, and store on licensed premises wine containing not more than twenty-four percent (24%) alcohol by volume; to sell wine in this state to licensed wholesalers and manufacturers only; to sell wine out of this state to qualified persons; to purchase from licensed winemakers, distillers and rectifiers in this state, and to import into this state wine, brandy and fruit spirits for use in manufacturing in accordance with federal laws and regulations.

D. A rectifier license shall authorize the holder thereof: To rectify spirits and wines, bottle, package, and store same on the licensed premises; to sell spirits and wines in this state to licensed wholesalers and manufacturers only; to sell spirits and wines out of this state to qualified persons; to purchase from licensed manufacturers in this state; and to import into this state for manufacturing purposes spirits and wines in accordance with federal laws and regulations.

E. A wholesaler license shall authorize the holder thereof: To purchase and import into this state spirits and wines from persons authorized to sell same who are the holders of a nonresident seller license, and their agents who are the holders of manufacturers agent licenses; to purchase spirits and wines from licensed distillers, rectifiers, winemakers and wholesalers in this state; to sell spirits and wines in retail containers in this state to retailers, mixed beverage, caterer, special event, hotel beverage or airline/railroad beverage licensees; to sell spirits and wines in containers with a capacity of less than one-twentieth (1/20) gallon in full case lots and in the original unbroken case to hotel beverage or airline/railroad beverage licensees only; to sell spirits and wines to wholesalers authorized to sell same; and to sell spirits and wines out of this state to qualified persons. Wholesalers shall be authorized to place such signs outside their place of business as are required by Acts of Congress and by such laws and regulations promulgated under such Acts.

A wholesaler license shall authorize the holder thereof to operate a single bonded warehouse with a single central office together with delivery facilities at a location in this state only

at the principal place of business for which the wholesaler license was granted.

F. A Class B wholesaler license shall authorize the holder thereof: To purchase and import into this state beer from persons authorized to sell same who are the holders of nonresident seller licenses, and their agents who are the holders of manufacturers agent licenses to purchase beer from licensed brewers and Class B wholesalers in this state; to sell in retail containers to retailers, mixed beverage, caterer, special event, hotel beverage and airline/railroad beverage licensees in this state, beer which has been unloaded and stored at the holder's self-owned or leased and self-operated warehouse facilities for a period of at least twenty-four (24) hours before such sale; and to sell beer in this state to Class B wholesalers and out of this state to qualified persons, including federal instrumentalities and voluntary associations of military personnel on federal enclaves in this state over which this state has ceded jurisdiction.

G. A package store license shall authorize the holder thereof: To purchase alcoholic beverages in retail containers with a capacity of more than one-twentieth (1/20) gallon from the holder of a brewer, wholesaler or Class B wholesaler license and to sell same on the licensed premises in such containers to consumers for off-premises consumption only and not for resale; provided, all alcoholic beverages are to be sold at ordinary room temperature. No package store licensee may purchase or sell alcoholic beverages in retail containers with a capacity of less than one-twentieth (1/20) gallon.

H. A mixed beverage license shall authorize the holder thereof: To purchase alcoholic beverages in retail containers with a capacity of more than one-twentieth (1/20) gallon from the holder of a wholesaler or Class B wholesaler license and to sell, offer for sale and possess mixed beverages for on-premises consumption only. Sales and service of mixed beverages by holders of mixed beverage licenses shall be limited to the licensed premises of said licensee unless the holder of the mixed beverage license also obtains a caterer license. A mixed beverage license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business. No mixed beverage license shall be issued for any place of business functioning as a motion picture theater, as defined by Section 506 of this title.

I. A bottle club license shall authorize the holder thereof: To store, possess and mix alcoholic beverages belonging to members of the club and to serve such alcoholic beverages for on-premises consumption to club members. A bottle club license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has not been authorized. A separate license shall be required for each place of business.

J. A caterer license shall authorize the holder thereof: To sell mixed beverages for on-premises consumption incidental to the sale or distribution of food at particular functions, occasions, or events which are temporary in nature. A caterer license shall not be issued in lieu of a mixed beverage license. A caterer license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business.

K. A special event license shall authorize the holder thereof: To sell and distribute mixed beverages for consumption on the premises for which the license has been issued for a period not to exceed ten (10) consecutive days. A special event license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized.

L. A hotel beverage license shall authorize the holder thereof: To sell or serve alcoholic beverages in 50 milliliter spirits, 187 milliliter wine, and 12-ounce malt beverage containers which are distributed from a hotel room mini-bar. A hotel beverage license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A hotel beverage license shall only be issued to a hotel or motel as defined by Section 506 of this title which is also the holder of a mixed beverage license. Provided, that application may be made simultaneously for both such licenses. A separate license shall be required for each place of business.

M. An airline/railroad beverage license shall authorize the holder thereof: To sell or serve alcoholic beverages in or from any size container on a commercial passenger airplane or railroad operated in compliance with a valid license, permit or certificate issued under the authority of the United States or this state, even though the airplane or train, in the course of its travel, may cross an area in which the sale of alcoholic beverages by the individual drink is not authorized and to store alcoholic beverages in sealed containers of any size at any airport or station regularly served by the licensee, in accordance with rules and regulations promulgated by the Alcoholic Beverage Laws Enforcement Commission. Alcoholic beverages purchased by the holder of an airline/railroad license from the holder of a wholesaler license shall be presumed to be purchased for consumption outside the State of Oklahoma or in interstate commerce, and shall be exempt from the excise tax provided for in Section 553 of this title.

N. An agent license shall authorize the holder thereof: To represent only the holders of licenses within this state, other than retailers, authorized to sell alcoholic beverages to retail dealers in Oklahoma, and to solicit and to take orders for the purchase of alcoholic beverages from retailers including licensees authorized to sell alcoholic beverages by the individual drink for on-premises consumption. Such license shall be issued only to agents and employees of the holder of a license under the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of this title but no such license shall be required of an employee making sales of alcoholic beverages on licensed premises of his principal. No person holding an agent license shall be entitled to a manufacturers agent license.

O. An employee license shall authorize the holder thereof: To work in a brewery, distillery, winery, package store, mixed beverage establishment, bottle club, or any establishment where alcohol, alcoholic beverage, wine or beer is made, blended, rectified, sold, mixed, or served. Persons employed by a mixed beverage licensee or a bottle club who do not participate in the service, mixing, or sale of mixed beverages shall not be required to have an employee license. Provided, however, that a manager employed by a mixed beverage licensee or a bottle club shall be required to have an employee license whether or not said manager participates in the service, mixing or sale of mixed beverages. Applicants for an employee license must have a health card issued by the county in which they are employed, if the county issues such a card.

Employees of special event, caterer or airline/railroad beverage licensees shall not be required to obtain an employee license. Persons employed by a hotel licensee who participate in the stocking of hotel room mini-bars or in the handling of alcoholic beverages to be placed in such devices shall be required to have an employee license.

P. An industrial license may be issued to persons desiring to import, transport, and use alcohol for the following purposes:

1. Manufacture of patent, proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations;

2. Manufacture of extracts, syrups, condiments, and food products; and

3. For use in scientific, chemical, mechanical, industrial, and medicinal products and purposes.

No other provisions of the Oklahoma Alcoholic Beverage Control Act shall apply to alcohol intended for industrial, medical, mechanical, or scientific use.

Any person receiving alcohol under authority of an industrial license who shall use, permit, or cause same to be used for purposes other than authorized purposes specified above, and all such alcohol, shall be liable to all provisions of the Oklahoma Alcoholic Beverage Control Act, including payment of tax thereon.

No provisions of the Oklahoma Alcoholic Beverage Control Act shall apply to alcohol withdrawn by any person free of federal tax under a tax-free permit issued by the United States government, if such alcohol is received, stored, and used as authorized by federal laws.

Q. A carrier license may be issued to any common carrier operating under a certificate of convenience and necessity issued by any duly authorized federal or state regulatory agency. Such license shall authorize the holder thereof to transport alcoholic beverages into, within, and out of this state under such terms, conditions, limitations, and restrictions as the ABLE Commission may prescribe by order issuing such license and by regulations.

R. A private carrier license may be issued to any carrier other than a common carrier described in subsection P of this section. Such license shall authorize the holder thereof to transport alcoholic beverages into, within, or out of this state under such terms, conditions, limitations, and restrictions as the ABLE Commission may prescribe by order issuing such license and by regulations. No carrier license or private carrier license shall be required of licensed brewers, distillers, winemakers, rectifiers, wholesalers, or Class B wholesalers, to transport alcoholic beverages from the place of purchase or acquisition to the licensed premises of such licensees and from such licensed premises to the licensed premises of the purchaser in vehicles owned or leased by such licensee when such transportation is for a lawful purpose and not for hire.

No carrier license or private carrier license shall be required of the holder of a package store, mixed beverage, caterer, special event, hotel beverage or airline/railroad license to pick up alcoholic beverage orders from the licensees wholesaler or Class B wholesaler from whom they are purchased, and to transport such alcoholic beverages from the place of purchase or acquisition to the licensed premise of such licensees in vehicles owned or under the control of such licensee or a licensed employee of such licensee under such terms, conditions, limitations and restrictions as the ABLE Commission may prescribe.

~~A private carrier license may be issued to hotel beverage licensees, retail package licensees or any licensee authorized to~~

~~sell alcoholic beverages by the individual drink for on-premises consumption. Provided, that no such licensee may transport alcoholic beverages into or out of this state. A private carrier license issued to a licensee authorized to sell alcoholic beverages by the individual drink for on-premises consumption shall authorize said licensee only to pick up alcoholic beverages purchased from a licensed wholesaler or Class B wholesaler and transport such alcoholic beverages to the licensed premises of said licensee.~~

S. A bonded warehouse license shall authorize the holder thereof: To receive and store alcoholic beverages for the holders of storage licenses on the licensed premises of the bonded warehouse licensee. No goods, wares or merchandise other than alcoholic beverages may be stored in the same bonded warehouse with alcoholic beverages. The holder of a bonded warehouse license shall furnish and file with the ABLE Commission a bond running to all bailers of alcoholic beverages under proper storage licenses and their assignees (including mortgagees or other bona fide lienholders) conditioned upon faithful performance of the terms and conditions of such bailments.

T. A storage license may be issued to a holder of a brewer, distiller, winemaker, rectifier, wholesaler, Class B wholesaler, nonresident seller, package store, mixed beverage, caterer, or hotel beverage license, and shall authorize the holder thereof: To store alcoholic beverages in a public warehouse holding a bonded warehouse license, and no goods, wares or merchandise other than alcoholic beverages may be stored in the same warehouse with alcoholic beverages in private warehouses owned or leased and operated by such licensees elsewhere than on their licensed premises. Provided, that a storage license issued to a Class B wholesaler shall permit the storage of light beer and permit the sale and delivery to retailers from the premises covered by such license. Provided further, that any licensee who is the holder of both a mixed beverage license and a caterer license or a mixed beverage license and a hotel beverage license who is issued a storage license shall store all inventories of alcoholic beverages either on the premises of the mixed beverage establishment or in the warehouse.

U. No bonded warehouse license or storage license shall be issued for any location that is not within the boundaries of an incorporated city or town of a population of two hundred (200) or more, according to the last preceding Federal Decennial Census.

V. A sacramental wine supplier license shall authorize the holder thereof: To sell, ship or deliver sacramental wine to any religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 1986, and listed as an exempt organization in Section 501(c) (3) of the Internal Revenue Code, 1986, of the United States, as amended.

OFFICE OF CIVIL DEFENSE

SECTION 7. There is hereby appropriated to the Department of Civil Defense from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Department of Civil Defense by law:

Personal Services	\$379,853.00
Other Operating Expenses	<u>95,944.00</u>
TOTAL OPERATIONS	\$475,797.00

SECTION 8. Of the amount appropriated in Section 7 of this act, a maximum of Eighteen Thousand Five Hundred Dollars (\$18,500.00) may be used in obtaining air support services on a contractual basis.

SECTION 9. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Civil Defense by law shall be set by the Director. The salary of the Director shall not exceed Thirty-eight Thousand Six Hundred Twenty-two Dollars (\$38,622.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Department of Civil Defense for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	29.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$768,120.00
Professional and Personal Services Contracts	\$43,500.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$41,000.00
Expenditure of Federal Funds	\$1,629,101.00
Total Expenditures for Operations	\$2,104,898.00

SECTION 10. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Department of Civil Defense shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities: Administration, Federal Programs and Hazardous Materials Emergency Response Commission (HAMERC).

SECTION 11. REAPPROPRIATION AND REDESIGNATION The amount of Fifteen Thousand Dollars (\$15,000.00) of the original appropriation of Four Hundred Fifty Thousand Seven Hundred Sixty-one Dollars (\$450,761.00) appropriated by Section 1, Chapter 38, O.S.L. 1990, as amended by Section 10, Chapter 258, O.S.L. 1990, to the Department of Civil Defense from any monies in the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1991, to perform the duties imposed upon the Department of Civil Defense by law, is hereby reappropriated and redesignated for the repair of aircraft for air support services. If on the date this act is approved any of the amount originally appropriated, as adjusted by expenditures, encumbrances and transfers, results in an unencumbered balance less than the redesignated amount, then that redesignated amount is reduced to the unencumbered balance.

SECTION 12. REAPPROPRIATION AND REDESIGNATION The amount of Thirty-five Thousand One Hundred Sixteen Dollars (\$35,116.00) of the original appropriation of Four Hundred Fifty Thousand Seven Hundred Sixty-one Dollars (\$450,761.00) appropriated by Section 1, Chapter 38, O.S.L. 1990, as amended by Section 10, Chapter 258,

O.S.L. 1990, to the Department of Civil Defense from any monies in the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1991, to perform the duties imposed upon the Department of Civil Defense by law, is hereby reappropriated and redesignated for the state's twelve and one-half percent (12 1/2%) share of nontransportation flood damages. If on the date this act is approved any of the amount originally appropriated, as adjusted by expenditures, encumbrances and transfers, results in an unencumbered balance less than the redesignated amount, then that redesignated amount is reduced to the unencumbered balance.

SECTION 13. AMENDATORY 63 O.S. 1981, Section 683.4, as amended by Section 2, Chapter 113, O.S.L. 1984 (63 O.S. Supp. 1990, Section 683.4), is amended to read as follows:

Section 683.4 (a) There is hereby created within the executive branch of the state government a Department of Civil Defense (herein called the "Civil Defense Agency") and a Director of Civil Defense (herein called the "Director") who shall be the head thereof. At such time as the Federal Emergency Management Agency changes the name of the Office of Civil Defense to the Office of Civil Emergency Management, the Department of Civil Defense of this state shall be renamed the Department of Civil Emergency Management. The Director shall be appointed by the Governor, with the advice and consent of the Senate, and the Governor shall fix the salary of the Director, in cooperation with standards promulgated by the Office of Personnel Management.

(b) the Director may employ such technical, clerical, stenographic, and other personnel and fix their compensation in cooperation with standards promulgated by the Office of Personnel Management, and may make such expenditures within the appropriation therefor, or from other funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes of this act.

(c) The Director and other personnel of the Civil Defense Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(d) The Director, subject to the direction and control of the Governor, shall be the executive head of the Civil Defense Agency and shall be responsible to the Governor for carrying out the program for civil defense in this state. The Director shall coordinate the activities of all organizations for civil defense within the state, and shall maintain liaison with and cooperate with the civil defense agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this act as may be prescribed by the Governor.

(e) The Director shall supervise the formulation, execution and immediate revision of the Emergency Resources Management Plan as provided for by Section 683.2 of this title. Thereafter, the plan shall be reviewed annually and revised as necessary.

OFFICE OF THE STATE FIRE MARSHAL

SECTION 14. There is hereby appropriated to the Office of the State Fire Marshal from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Office of the State Fire Marshal by law:

Personal Services	\$766,111.00
Other Operating Expenses	<u>205,447.00</u>

TOTAL OPERATIONS

\$971,558.00

SECTION 15. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Office of the State Fire Marshal by law shall be set by the State Fire Marshal. The salary of the State Fire Marshal shall not exceed Forty-two Thousand Two Hundred Five Dollars (\$42,205.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Office of the State Fire Marshal for the fiscal year ending June 30, 1992 shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	23.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes \$586,574.00	
Professional and Personal Services Contracts	\$0.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$0.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$971,558.00

SECTION 16. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the State Fire Marshal shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities: Administration, Arson Investigations, Fire Protection and Fire Prevention.

SECTION 17. AMENDATORY 74 O.S. 1981, Section 500.2, as last amended by Section 1, Chapter 175, O.S.L. 1990 (74 O.S. Supp. 1990, Section 500.2), is amended to read as follows:

Section 500.2 A. Officials and employees of the state, traveling on authorized state business, may be reimbursed for expenses incurred in such travel in accordance with the provisions of this act and existing statutes relating to state travel. Persons who are not state employees, but who are performing substantial and necessary services to the state which have been directed or approved by the appropriate department official shall enjoy the protection of the sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during authorized official travel under these same statutory provisions, provided it is indicated on the claim the person is not a state employee, a description of services performed is entered, and the agency head by his approval of the claim certifies such services were substantial and necessary, and germane to the duties and functions of the reimbursing agency. Travel expenses incurred by a person during the course of seeking employment with a state agency, unless such travel is performed at the request of the employing agency, shall not be considered expenses incurred in

performing substantial and necessary services to the state and shall not be reimbursed under the provisions of this act.

B. The chief administrative officer of the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Military Department, the Department of Corrections, the Office of Public Affairs and the Department of Civil Defense and the State Fire Marshal may arrange for and charge meals and lodging for a contingent of state personnel moved into an area for the purpose of preserving the public health, safety or welfare or for the protection of life or property. The cost for meals or lodging so charged shall not exceed the amount authorized in this act.

The chief administrative officer of each agency involved in an operation as provided for above shall require the vendor furnishing meals, lodging or both meals and lodging to submit an itemized statement for payment.

When a claim for lodging is made for a contingent of state personnel, individual members of the contingent may not submit a claim for lodging. When a claim for meals is made for a contingent of state personnel, individual members of the contingent may not submit a claim for meals.

C. The Department of Public Safety is hereby authorized to enter into contracts and agreements for the payment of classroom space, food and lodging expenses as may be necessary for law enforcement officers attending any official course of instruction sponsored or conducted by the Department of Public Safety. Such expenses may be paid for directly to the contracting agency or business establishment. Provided, the cost for food and lodging for each law enforcement officer shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

D. The Oklahoma Tourism and Recreation Department is hereby authorized to enter into contracts and agreements for the payment of food and lodging expenses as may be necessary for employees attending an official course of instruction or training conducted or sponsored by the Oklahoma Tourism and Recreation Department. Such expenses may be paid for directly to the contracting agency or business establishment. Provided, the cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

E. The Oklahoma Department of Commerce is hereby authorized to enter into contracts and agreements for the payment of food, lodging, meeting facility and beverage expenses as may be necessary for sponsoring seminars and receptions relating to economic development and science and technology issues. Such expenses may be paid directly to the contracting agency or business establishment. The Director of the Oklahoma Department of Commerce shall provide a quarterly report of such expenditures to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

F. The State Fire Marshal is hereby authorized to enter into contracts and agreements for the payment of classroom space, food and lodging expenses as may be necessary for law enforcement officers attending any official course of instruction sponsored or conducted by the State Fire Marshal. Such expenses may be paid for directly to the contracting agency or business establishment. Provided, the cost for food and lodging for each law enforcement officer shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

G. State agencies are authorized to make direct purchases of commercial airline tickets for use by employees in approved

out-of-state travel. Each claim or invoice submitted to the Director of State Finance for the payment of such purchase shall bear the airline identifying ticket number, the name of the airline, total cost of each ticket purchased, class of accommodation, social security number and name of the employee for whom the ticket was purchased, and shall be filed on claim forms as prescribed by the Director of State Finance. An affidavit shall state that said employee did use any direct purchase commercial airline ticket received for his or her approved out-of-state travel.

~~G.~~ H. State agencies are authorized to make direct purchases of lodging at facilities operated by the Oklahoma Tourism and Recreation Department. Such lodging shall be at the rate authorized by Section 500.9 of this title. Claims for payment shall be filed on claim forms as prescribed by the Office of State Finance.

~~H.~~ I. State agencies are authorized to enter into contracts and agreements with the Oklahoma Tourism and Recreation Department for the payment of food, lodging and other authorized expenses as may be necessary for employees attending conferences, meetings or training sessions conducted or sponsored by the contracting agencies. Provided the cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

LAW ENFORCEMENT EDUCATION AND TRAINING COUNCIL

SECTION 18. There is hereby appropriated to the Council on Law Enforcement Education and Training from any monies not otherwise appropriated from the C.L.E.E.T. Fund for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Council on Law Enforcement Education and Training by law:

Personal Services	\$1,098,287.00
Other Operating Expenses	<u>668,465.00</u>

TOTAL	\$1,766,752.00
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SECTION 19. There is hereby appropriated to the Council on Law Enforcement Education and Training from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Council on Law Enforcement Education and Training by law:

Personal Services	\$252,699.00
Other Operating Expenses	<u>87,450.00</u>

TOTAL	\$340,149.00
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SECTION 20. The Council on Law Enforcement Education and Training shall not expend more than Fourteen Thousand Five Hundred Dollars (\$14,500.00) to support the Polygraph Examiners Board for the fiscal year ending June 30, 1992.

SECTION 21. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Council on Law Enforcement Education and Training by law shall be set by the Council on Law Enforcement Education and Training. The salary of the Director shall not exceed Forty-one Thousand Four Hundred Five Dollars (\$41,405.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Council on Law Enforcement Education and Training for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as

may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	34
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$1,204,125.00
Professional and Personal Services Contracts	\$132,800.00
Purchase of Equipment	\$70,000.00
Lease-Purchase Agreements	\$50,000.00
Expenditure of Federal Funds	\$0.00
Total Expenditures for Operations	\$2,106,901.00

SECTION 22. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Council on Law Enforcement Education and Training shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities: Administration, Training, and Security Guard and Private Investigator Regulation.

SECTION 23. The State Auditor and Inspector shall conduct a complete and thorough audit of the operations of the Council on Law Enforcement Education and Training for the fiscal year ending June 30, 1991. The cost of conducting such audit shall be paid by the Council on Law Enforcement Education and Training.

MILITARY DEPARTMENT OF THE STATE OF OKLAHOMA

SECTION 24. There is hereby appropriated to the Military Department of the State of Oklahoma from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Military Department of the State of Oklahoma by law:

Personal Services	\$3,105,899.00
Other Operating Expenses	<u>1,108,996.00</u>

TOTAL	\$4,214,895.00
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SECTION 25. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Military Department of the State of Oklahoma by law shall be set by the Adjutant General. The Military Department of the State of Oklahoma, for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	243.5

Payroll, Salaries or Wages, Including

Tax-sheltered Deferment Contracts and Longevity Payments
 Authorized by State Statutes \$7,015,076.00

Professional and Personal Services Contracts	\$175,000.00
Lease-Purchase Agreements	\$0.00
Purchase of Equipment	\$206,000.00
Expenditure of Federal Funds	\$5,827,311.00
Expenditure of Revolving Funds	\$12,000.00
Total Expenditures for Operations	\$10,054,206.00

SECTION 26. REAPPROPRIATION AND REDESIGNATION The amount of Five Thousand Nine Hundred Twenty-five Dollars (\$5,925.00) of the original appropriation of Three Hundred Ninety-five Thousand Fifty Dollars (\$395,050.00) appropriated by Section 30, Chapter 258, O.S.L. 1990, to the Military Department of the State of Oklahoma from any monies in the General Revenue Fund of the State Treasury, for the fiscal year ending June 30, 1991, to construct an armory at or near Broken Arrow, Oklahoma, and for roof repairs at the training facility located at Pryor, Oklahoma, for the Military Department of the State of Oklahoma, is hereby reappropriated and redesignated for a computer for the 45th Infantry Division Museum of the Military Department of the State of Oklahoma. If on the date this act is approved any of the amount originally appropriated as adjusted by expenditures, encumbrances and transfers, results in an encumbered balance less than the redesignated amount, then that redesignated amount is reduced to the unencumbered balance.

NARCOTICS AND DANGEROUS DRUGS BUREAU

SECTION 27. There is hereby appropriated to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control by law:

Personal Services	\$3,102,607.00
Other Operating Expenses	<u>698,866.00</u>

TOTAL \$3,801,473.00

SECTION 28. Of the amount of money appropriated to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for Other Operating Expenses in Section 27 of this act, a maximum of Two Hundred Twenty-five Thousand Dollars (\$225,000.00) may be used to purchase special purpose vehicles which may be utilized in undercover investigations.

SECTION 29. Of the amount appropriated to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for Other Operating Expenses in Section 27 of this act, an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) may be transferred to an agency special account established pursuant to the provisions of Section 7.2 of Title 62 of the Oklahoma Statutes. Funds in this account are to purchase controlled dangerous substances to be used as evidence in narcotic cases, for fees for informers, or employees, and for other expenses necessary to apprehend and convict violators of state laws regulating controlled dangerous substances. The

Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Director of State Finance shall promulgate rules and regulations for the expenditure of the funds transferred by this section.

SECTION 30. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control by law shall be set by the Director. The salary of the Director shall not exceed Forty-seven Thousand Two Hundred Fourteen Dollars (\$47,214.00) per annum, payable monthly for the fiscal year ending June 30, 1992. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees, except hours coded as overtime wages, and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	94.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$2,922,942.00
Professional and Personal Services Contracts	\$334,000.00
Lease-Purchase Agreements	\$2,200.00
Purchase of Equipment	\$919,500.00
Expenditure of Federal Funds	\$768,513.00
Expenditure of Revolving Funds	\$949,500.00
Total Expenditures for Operations	\$5,519,486.00

SECTION 31. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities: Administration, Enforcement, Registration and Compliance, Evidence Fund, Motor Vehicles and Communication.

SECTION 32. AMENDATORY 63 O.S. 1981, Section 2-503, as last amended by Section 1, Chapter 117, O.S.L. 1990 (63 O.S. Supp. 1990, Section 2-503), is amended to read as follows:

Section 2-503. A. The following shall be subject to forfeiture:

1. All controlled dangerous substances which have been manufactured, distributed, dispensed, acquired, concealed or possessed in violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title.

2. All raw materials, products and equipment of any kind and all drug paraphernalia as defined by the Uniform Controlled Dangerous Substances Act, which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting, injecting, ingesting, inhaling, or otherwise introducing into the human body any controlled dangerous substance in violation

of the provisions of the Uniform Controlled Dangerous Substances Act.

3. All property which is used, or intended for use, as a container for property described in paragraphs 1 and 2 of this subsection.

4. All conveyances, including aircraft, vehicles, vessels, or farm implements which are used to transport, conceal, or cultivate for the purpose of distribution as defined in Section 2-101 of this title, or in any manner to facilitate the transportation or cultivation for the purpose of sale or receipt of property described in paragraphs 1 or 2 of this subsection or when such property is unlawfully possessed by an occupant thereof, except that:

- a. no conveyance used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of the Uniform Controlled Dangerous Substances Act unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of the Uniform Controlled Dangerous Substances Act; and
- b. no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and if the act is committed by any person other than such owner the owner shall establish further that the conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any state.

5. All books, records and research, including formulas, microfilm, tapes and data which are used in violation of the Uniform Controlled Dangerous Substances Act.

6. All things of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, all proceeds traceable to such an exchange, and all monies, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of the Uniform Controlled Dangerous Substances Act.

7. All moneys, coin and currency found in close proximity to forfeitable substances, to forfeitable drug manufacturing or distribution paraphernalia or to forfeitable records of the importation, manufacture or distribution of substances, which are rebuttably presumed to be forfeitable under this act. The burden of proof is upon claimants of the property to rebut this presumption.

8. All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenance or improvement thereto, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of the Uniform Controlled Dangerous Substances Act which is punishable by imprisonment for more than one (1) year, except that no property right, title or interest shall be forfeited pursuant to this paragraph, by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of that owner.

B. Any property or thing of value of a person is subject to forfeiture if it is established by a preponderance of the evidence that such property or thing of value was acquired by such person during the period of the violation of the Uniform Controlled Dangerous Substances Act or within a reasonable time after such

period and there was no likely source for such property or thing of value other than the violation of the Uniform Controlled Dangerous Substances Act.

C. Any property or thing of value of a person is subject to forfeiture if it is established by a preponderance of the evidence that the person has not paid all or part of a fine imposed pursuant to the provisions of Section 2-415 of this title.

D. All items forfeited in this section shall be forfeited under the procedures established in Section 2-506 of this title. Whenever any item is forfeited pursuant to this section except for items confiscated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission, the district court of the district shall order that such item, money, or monies derived from the sale of such item be deposited by the state, county or city law enforcement agency which seized the item in the revolving fund provided for in Section 2-506 of this title; provided, such item, money or monies derived from the sale of such item forfeited due to nonpayment of a fine imposed pursuant to the provisions of Section 2-415 of this title shall be apportioned as provided in Section 2-416 of this title. Items, money or monies seized pursuant to subsections A and B of this section shall not be applied or considered toward satisfaction of the fine imposed by Section 2-415 of this title. All raw materials used or intended to be used by persons to unlawfully manufacture or attempt to manufacture any controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act shall be summarily forfeited pursuant to the provisions of Section 2-505 of this title.

E. All property taken or detained under this section by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission shall not be repleviable, but shall remain in the custody of the Bureaus, Department, or Commission, respectively, subject only to the orders and decrees of a court of competent jurisdiction. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Commissioner of Public Safety, the Director of the Oklahoma State Bureau of Investigation or the Director of the Alcoholic Beverage Laws Enforcement Commission shall follow the procedures outlined in Section 2-506 of this title dealing with notification of seizure, intent of forfeiture, final disposition procedures, and release to innocent claimants with regard to all property included in this section detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission. Property taken or detained by the ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission shall be disposed of or sold pursuant to the provisions of Section 2-508 of this title.

F. The proceeds of any forfeiture of items seized by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be distributed as follows:

1. To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his interest in the property, when the court declaring a forfeiture orders a distribution to such person; and

2. The balance to the Oklahoma State Bureau of Narcotics' revolving fund or the Bureau's agency special account established pursuant to Section 7.2 of Title 62, provided the Bureau may enter into agreements with municipal, county, state or federal law enforcement agencies, assisting in the forfeiture or underlying criminal investigation, to return to such an agency a percentage of said proceeds.

The Bureau may expend up to Five Hundred Thousand Dollars (\$500,000.00) of the forfeited funds within a fiscal year without prior approval of the Legislature. Documentation of such expenditures shall be forwarded to the Governor, Speaker of the House of Representatives and the President Pro Tempore of the Senate on a quarterly basis. Any additional expenditures of forfeited funds shall be pre-approved by the annual appropriations process or the Contingency Review Board.

SECTION 33. AMENDATORY 63 O.S. 1981, Section 2-506, as last amended by Section 27, Chapter 264, O.S.L. 1990 (63 O.S. Supp. 1990, Section 2-506), is amended to read as follows:

Section 2-506. A. Any peace officer of this state shall seize the following property:

1. Any property described in paragraph 4 or 6 of subsection A of Section 2-503 of this title. Such property shall be held as evidence until a forfeiture has been declared or release ordered;

2. Any property described in subsection B of Section 2-503 of this title; or

3. Any property described in subsection C of Section 2-503 of this title.

B. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein such property is seized and shall be given all owners and parties in interest.

C. Notice shall be given by the agency seeking forfeiture according to one of the following methods:

1. Upon each owner or party in interest whose right, title or interest is of record in the Tax Commission, by mailing a copy of the notice by certified mail to the address as given upon the records of the Tax Commission;

2. Upon each owner or party in interest whose name and address is known to the attorney in the office of the agency prosecuting the action to recover unpaid fines, by mailing a copy of the notice by registered mail to the last-known address; or

3. Upon all other owners or interested parties, whose addresses are unknown, but who are believed to have an interest in the property, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and shall order the property forfeited to the state, if such fact is proved.

F. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

G. At a hearing in a proceeding against property described in paragraphs 4 and 6 of subsection A or subsections B and C of Section 2-503 of this title, the requirements set forth in said paragraph or

subsection, respectively, shall be satisfied by the state by a preponderance of the evidence.

H. The claimant of any right, title or interest in the property may prove his lien, mortgage or conditional sales contract to be a bona fide or innocent ownership interest and that his right, title or interest was created without any knowledge or reason to believe that the property was being, or was to be, used for the purpose charged.

I. In the event of such proof, the court shall order the property released to the bona fide or innocent owner, lien holder, mortgagee or vendor if the amount due him is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title or interest of the purchaser.

J. If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property shall be forfeited to the state and sold under judgment of the court, as on sale upon execution, except as otherwise provided for in Section 2-503 of this title.

K. Property taken or detained under this section shall not be repleviabile, but shall be deemed to be in the custody of the office of the district attorney of the county wherein the property was seized, subject only to the orders and decrees of the court or the official having jurisdiction thereof. The provisions of this subsection shall not apply to property taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission. Property taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission shall be subject to the provisions of ~~subsection D~~ subsections E and F of Section 2-503 of this title.

L. The proceeds of the sale of any property not taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his interest in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the property; and

3. The balance to a revolving fund in the office of the county treasurer of the county wherein the property was seized, said fund to be used as a revolving fund solely for enforcement of controlled dangerous substances laws, drug abuse prevention and drug abuse education and maintained by the district attorney in his discretion for that purpose with a yearly accounting to the board of county commissioners in whose county the fund is established and to the District Attorneys Council; provided, the balance of the proceeds of such sale of property forfeited due to nonpayment of a fine imposed pursuant to the provisions of Section 2-415 of this title shall be apportioned as provided in Section 2-416 of this title. Said revolving fund shall be audited by the State Auditor and Inspector at least every two (2) years in the manner provided in Section 171

of Title 19 of the Oklahoma Statutes. Said audit shall include, but not be limited to, a compliance audit.

M. Whenever any vehicle, airplane or vessel is forfeited under this act, Section 2-101 et seq. of this title, the district court of jurisdiction may order that the vehicle, airplane or vessel seized may be retained by the state, county or city law enforcement agency which seized the vehicle, airplane or vessel for its official use.

N. If the court finds that the state failed to satisfy the required showing provided for in subsection G of this section, the court shall order the property released to the owner or owners.

DEPARTMENT OF PUBLIC SAFETY

SECTION 34. There is hereby appropriated to the Department of Public Safety from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 1992, the following amount or so much thereof as may be necessary to perform the duties imposed upon the Department of Public Safety by law:

Personal Services		\$40,906,68
	4.00	
Other Operating Expenses		<u>8,943,440.00</u>
TOTAL		\$49,850,12
	4.00	

SECTION 35. There is hereby appropriated to the Department of Public Safety from any monies not otherwise appropriated from the Cash Flow Reserve Fund of the State Treasury designated by the Office of State Finance as the "090" Fund the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00) or so much thereof as may be necessary for the purchase of motor vehicles.

SECTION 36. There is hereby appropriated to the Department of Public Safety from any monies not otherwise appropriated from the C.L.E.E.T. Fund of the State Treasury for the fiscal year ending June 30, 1992, the sum of One Hundred Seventeen Thousand One Hundred Thirty-four Dollars (\$117,134.00) or so much thereof as may be necessary for the Training Academy at the Department of Public Safety.

SECTION 37. There is hereby appropriated to the Department of Public Safety from any monies not otherwise appropriated from the C.L.E.E.T. Fund of the State Treasury for the fiscal year ending June 30, 1991, the sum of Twenty-six Thousand Two Hundred Sixty-six Dollars (\$26,266.00) or so much thereof as may be necessary for the Training Academy at the Department of Public Safety.

SECTION 38. There is hereby appropriated to the Department of Public Safety from any monies not otherwise appropriated from the C.L.E.E.T. Fund of the State Treasury for the fiscal year ending June 30, 1990, the sum of Three Hundred Forty-one Thousand Eight Hundred Ninety-two Dollars (\$341,892.00) or so much thereof as may be necessary for the Training Academy at the Department of Public Safety.

SECTION 39. Of the monies available to the Department of Public Safety, not more than One Hundred Seventy Thousand Dollars (\$170,000.00) may be used to support the Board of Tests for Alcohol and Drug Influence.

SECTION 40. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Public Safety by law shall be set by the

Commissioner of Public Safety. The Department of Public Safety for the fiscal year ending June 30, 1992, shall be subject to the following budgetary limitations on full-time-equivalent employees, except hours coded as overtime wages, and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	1,375.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$38,711,000.00
Professional and Personal Services Contracts	\$230,500.00
Lease-Purchase Agreements	\$925,600.00
Purchase of Equipment	\$4,051,218.00
Expenditure of Federal Funds	\$3,450,000.00
Expenditure of Revolving Funds	\$7,458,726.00
Total Expenditures for Operations	\$62,744,142.00

SECTION 41. The full-time-equivalent employee limit shall not include cadets while they are members of a patrol school or during their employment in probationary status nor shall it include temporary Lake Patrol Officers employed pursuant to Section 840.8 of Title 74 of the Oklahoma Statutes.

SECTION 42. The Department of Public Safety, for the fiscal year ending June 30, 1992, shall have a Patrol Academy consisting of no fewer than thirty (30) cadets.

SECTION 43. Pursuant to the provisions of Section 41.7 of Title 62 of the Oklahoma Statutes, the Department of Public Safety shall file its budget work program with the Director of State Finance and the Legislative Service Bureau for the fiscal year ending June 30, 1992, to include the following budget entities and activities: Administration, Highway Patrol, Motor Vehicle Operations, Vehicle Inspection, Drivers License Examinations, Turnpike Law Enforcement, Waterways Patrol, Size and Weights, Automobiles, Executive/State Capitol Security, Telecommunications (dispatch) and Training.

SECTION 44. The Department of Public Safety is authorized to employ twenty (20) persons in unclassified positions to assist in the implementation of the Commercial Drivers License Program. Said employees shall not count against the Department's full-time-equivalent employee limit and shall be identified by the Department as "Project Indefinite" appointments at the time of filling. Persons appointed to fill these positions shall be informed of the type of appointment and the conditions attached thereto. Effective June 30, 1992, those employees appointed to those positions identified as "Project Indefinite" shall be released from employment and the Department of Public Safety shall not be required to conduct a reduction-in-force procedure to accomplish these releases. These employees shall not have the right of appeal to the Merit Protection Commission. Employees hired by the agency under the provisions of this section shall not be entitled to any pay adjustment provided for all state employees.

SECTION 45. The Department of Public Safety is authorized to enter into a lease-purchase agreement, not to exceed eighty-four (84) months in length, for the acquisition and installation of Phase III A of the Statewide Law Enforcement Communication System. The amount of principal and interest over the maximum time period shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00).

SECTION 46. AMENDATORY 47 O.S. 1981, Section 6-101, as last amended by Section 10, Chapter 219, O.S.L. 1990 (47 O.S. Supp. 1990, Section 6-101), is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless such person has a valid Oklahoma license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class A commercial license. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection;

2. No person shall operate a Class B commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection;

3. No person shall operate a Class C commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection;

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; and

5. No person shall operate a Class D motor vehicle unless such person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. No person shall operate a motorcycle, motor-driven cycle or a motorized bicycle without first having obtained a Class A, B, C or D license with a motorcycle endorsement.

D. Any person issued a classified driver's license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

E. Except as otherwise may be provided for by law, any new applicant for an original classified license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon.

F. Except as otherwise may be provided for by law, any holder of an Oklahoma commercial chauffeur, chauffeur or operator driver's license which is eligible for renewal who applies for a Class A, B, C or D license shall be required to successfully complete a written examination, vision examination and driving examination for a

motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement thereon; provided, however, the Department may waive all such examinations upon being furnished satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle or motorized bicycle for a minimum of two (2) years immediately preceding the application.

G. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C license. The Department, after the applicant has passed all parts of the examination for and has been issued a Class D license and has successfully passed all parts of the examination for a Class A, B or C license other than the driving test, may issue to the applicant a restricted driver's license which shall entitle the applicant having such license in his immediate possession to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training while accompanied by a licensed driver twenty-one (21) years of age or older holding a valid license for the class of vehicle being driven including any and all required endorsements.

This restricted driver's license shall be issued for the same period as all other licenses; provided, such restricted license may be suspended, revoked, canceled or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the holder of such restricted license who has been issued such restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of such restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is otherwise prohibited by law. The Department shall cause such examination to be conducted not more than three times during the first six (6) months after date of issuance of said restricted license and not more than one time every three (3) months thereafter upon request of the holder thereof.

H. The fee charged for a successful examination shall be assessed in accordance with the following schedule:

Class A Commercial License	\$25.00
Class B Commercial License	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Examination	\$ 4.00

Notwithstanding the provisions of Section 1104 of this title, all monies collected from ~~the~~ such examination fees charged for Class A, B and C Commercial Licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for an examination other than a successful examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

~~I.~~ J. In addition to any fee charged for a successful examination pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

Class A Commercial License	\$35.00
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Class B Commercial License	\$35.00
Class C Commercial License	\$25.00
Class D License	\$15.00

~~J.~~ K. All original and renewal classified licenses shall expire four (4) years from the last day of the month in which the license was issued.

~~K.~~ L. Any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

~~L.~~ M. The Oklahoma Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules and regulations for the issuance and for the renewal of driver's licenses authorized to be issued pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications for such licenses shall be handled by the motor license agents, provided that the Department of Public Safety is authorized to assume these duties in any county of this state. Except for driver's licenses issued pursuant to subsection K of this section, each motor license agent accepting applications for such drivers' licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses. The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing a license pursuant to subsection K of this section, an amount not to exceed One Dollar (\$1.00) for each license so issued. The Oklahoma Tax Commission shall develop procedures for claims for such reimbursement.

~~M.~~ N. Notwithstanding the provisions of Section 1104 of this title and subsection L of this section and except as provided in subsection H of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Department of Public Safety Share the Road Program as that program pertains to the operation of commercial vehicles in this state with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds. The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as provided in subsection L of this section.

~~N.~~ O. The Commissioner of the Department of Public Safety is authorized to employ such additional personnel as shall be necessary to administer the provisions of Sections 6-101 through 6-309 of this title.

SECTION 47. AMENDATORY Section 58, Chapter 258, O.S.L. 1990, as last amended by Section 25 of Enrolled Senate Bill No. 144

of the 1st Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 25. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Department of Public Safety by law shall be set by the Commissioner of Public Safety. The Department of Public Safety for the fiscal year ending June 30, 1991, shall be subject to the following budgetary limitations on full-time-equivalent employees and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	1,363.0
Payroll, Salaries or Wages, Including Tax-sheltered Deferment Contracts and Longevity Payments Authorized by State Statutes	\$37,948,000.00
Professional and Personal Services Contracts	\$230,500.00
Purchase of Equipment	\$3,855,000.00 <u>\$4,096,869.00</u>
Lease Purchase Agreements	\$457,000.00
Expenditure of Federal Funds	\$3,390,000.00 <u>\$3,452,045.00</u>
Expenditure of Revolving Funds	\$6,200,000.00 <u>\$7,458,726.00</u>
Total Expenditures for Operations	\$60,845,482.00 <u>\$62,166,253.00</u>

SECTION 48. The appropriations made by this act shall be subject to fiscal year limitations and may be encumbered through June 30, 1992. Any unexpended funds remaining after November 15, 1992, shall lapse and be transferred to the credit of the proper fund for the then current fiscal year.

SECTION 49. Sections 1 through 46 and 48 of this act shall become operative July 1, 1991.

SECTION 50. 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 Senate the 13th day of May, 1991.

President of the Senate

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

Speaker of the House of
Representatives