

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 3213

By: Paulk and Gilbert of the  
House

and

Horner of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to statutory terms; amending 6 O.S. 1991, Sections 1001, as amended by Section 81, Chapter 111, O.S.L. 1997 and 1017 (6 O.S. Supp. 1997, Section 1001), which relate to trust companies; amending 7 O.S. 1991, Section 19.1, as amended by Section 1, Chapter 122, O.S.L. 1992 (7 O.S. Supp. 1997, Section 19.1), which relates to guide dogs; amending 15 O.S. 1991, Section 16, which relates to persons with unsound minds; amending 19 O.S. 1991, Sections 13, 19, 75 and 82, which relate to county petitions; amending Sections 2 and 5, Chapter 408, O.S.L. 1997 (17 O.S. Supp. 1997, Sections 139.102 and 139.105), which relate to the Oklahoma Telecommunications Act of 1997; amending 21 O.S. 1991, Sections 152, 643 and 833, which relate to criminal determination and confinement of certain persons; amending 22 O.S. 1991, Sections 925 and 971, which relate to certain criminal procedures; amending 43A O.S. 1991, Sections 3-501, 3-502 and 3-503, which relate to the Oklahoma Comprehensive Mental Health Services for the Deaf and Hard-of-Hearing Act; amending 47 O.S. 1991, Sections 6-106, as last amended by Section 1, Chapter 325, O.S.L. 1997, and 6-111, as last amended by Section 3, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1997, Sections 6-106 and 6-111), which relate to driver licenses; amending 56 O.S. 1991, Sections 199.1 and 199.2, as amended by Sections 12 and 13, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1997, Sections 199.1 and 199.2), which relate to the Commission for Rehabilitation Services; providing for confidentiality of certain information; specifying reasons; amending 58 O.S. 1991, Section 220, which relates to executors and administrators; amending 63 O.S. 1991, Sections 2416, 2417, as last amended by Section 13, Chapter 315, O.S.L. 1994, 2418, as amended by Section 14, Chapter 315, O.S.L. 1994, and Section 15, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1997, Sections 2417, 2418 and 2418.1), which relate to the Telecommunications for the Deaf and Hard-of-Hearing Act; amending 64 O.S. 1991, Sections 181 and 351, which relate to proceeds of the sale of certain lands; amending 68 O.S. 1991, Section 3113, which relates to redemption of certain liens; amending 66 O.S. 1991, Section 59, which relates to railroad settlements; amending 70 O.S. 1991, Section 3-104, as last amended by Section 23, Chapter 322, O.S.L.

1995 (70 O.S. Supp. 1997, Section 3-104), which relates to the State Board of Education; amending 70 O.S. 1991, Section 18-109.5, which relates to special education; amending 70 O.S. 1991, Section 18-201, as last amended by Section 5, Chapter 215, O.S.L. 1996, and Section 6, Chapter 215, O.S.L. 1996, as amended by Section 5, Chapter 343, O.S.L. 1997 (70 O.S. Supp. 1997, Sections 18-201 and 18-201.1), which relate to school district membership calculations; amending 70 O.S. 1991, Section 1745, which relates to the Oklahoma School for the Deaf; amending 70 O.S. 1991, Section 3904, as amended by Section 24, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1997, Section 3904), which relates to school land funds; amending 74 O.S. 1991, Section 324.11b, which relates to hotels and motels; amending 74 O.S. 1991, Section 840.19a, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-4.4), which relates to sign language; changing the words hearing impaired when they occur in the statutes to deaf or hard-of-hearing; updating statutory references related to other statutory terms; clarifying gender references; conforming duplicate section; repealing 10 O.S. 1991, Sections 451 and 458, and 62 O.S. 1991, Section 177, which relate to state institutions; and providing an effective date.

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

SECTION 1. AMENDATORY 6 O.S. 1991, Section 1001, as amended by Section 81, Chapter 111, O.S.L. 1997 (6 O.S. Supp. 1997, Section 1001), is amended to read as follows:

Section 1001. All corporate trust companies now existing or hereafter created shall have the ~~following powers~~ power to:

1. ~~To receive~~ Receive deposits of trust moneys; to receive upon deposit for safekeeping personal property of every description; to guarantee special deposits; and to own or control safety vaults and rent the boxes therein;

2. ~~To accept~~ Accept and execute all such trusts and perform such duties of every description as may be committed to them by any person or persons whatsoever, or any corporation, and act as assignee, receiver, trustee and depository, and to accept and execute all such trusts and perform such duties of every description as may be committed or transferred to them by order, judgment or decree of any of the courts of record of this state or of any state or of the United States;

3. ~~To take~~ Take, accept and hold by the order, judgment or decree of any court of this state, or of any state or territory of

the United States, or by gift, grant, assignment, transfer, devise or bequest of any person or corporation, any real or personal property in trust, and to execute and perform any and all such legal and lawful trusts in regard to the same upon the terms, conditions, limitations and restrictions which may be declared, imposed, established or agreed upon in and by such order, judgment, decree, gift, grant, assignment, transfer, devise or bequest, and to execute as principal or surety, and to guarantee against loss any principal or surety upon any bond or bonds required by law to be given in any proceeding in law or equity in any of the courts of this state or of any state or of the United States;

4. ~~To act~~ Act as agent or attorney-in-fact for any person or corporation in the management and control of real or personal property and the sale or conveyance of the same, and for the investment of money, and to act for and represent corporations or persons under power and letters of attorney, and as agents for persons and corporations for the purpose of issuing, registering, transferring or countersigning the certificates of stock, bonds or other evidences of debt of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon;

5. ~~To accept~~ Accept from and execute trusts for any married persons in respect to their separate property, whether real or personal, and act as agent for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies;

6. ~~To act~~ Act as executor under last will or at the instance of any person entitled to any administration or guardianship of any estate, as administrator of the estate of any deceased person, or as guardian or curator of any ~~infant~~ minor, ~~insane person,~~ ~~idiot~~ or ~~habitual drunkard~~ any incapacitated or partially incapacitated person, as such terms are defined by Section 1-111 of Title 30 of the Oklahoma Statutes, or trustee for any convict in the penitentiary under the appointment of any court of record having jurisdiction of the person or estate of such deceased

person, ~~infant minor, insane person, idiot, habitual drunkard or convict~~ or incapacitated or partially incapacitated person;

7. ~~To guarantee~~ Guarantee the fidelity and diligent performance of their duty of persons or corporations holding places of public or private trust, to guarantee or become surety on any bond given by any person or corporation and to reinsure or guarantee any person or corporation against loss or damage by reason of any risk assumed by insuring the fidelity or diligent performance of duty of any such person or corporation, or by guaranteeing or becoming surety on any bond; and to guarantee the principal or interest, or both, of any securities of any kind;

8. ~~To loan~~ Loan money upon real estate and collateral security, and execute and issue its notes payable at a future date, and to pledge its mortgages on real estate and other securities as security therefor, which notes may be issued to an amount not exceeding, in the aggregate, ten times the amount paid up on the capital stock of the company issuing the same, and shall in no case exceed the amount of the first mortgages pledged to secure their payment;

9. ~~To buy~~ Buy and sell the bonds and warrants of this state, and all other kinds of government, state or municipal bonds; and to buy and sell all kinds of negotiable and nonnegotiable paper, stocks and other investment securities;

10. ~~To act~~ Act as fiscal agent of the United States, or any state, municipality, body politic or corporation, and in such capacity to receive and disburse money, credits, securities and effects;

11. ~~To act~~ Act as trustee under trusts created by will or by declaration of trust;

12. ~~To act~~ Act as guardian for any number of persons;

13. ~~To transfer~~ Transfer, register and countersign certificates of stock, bonds, or other evidence of indebtedness, and to act as agent of any corporation, foreign or domestic, for any purpose now or hereafter required by statute or otherwise;

14. ~~To act~~ Act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and to accept

and execute any other municipal or corporate trust not inconsistent with the laws of this state;

15. ~~To take~~ Take, accept and execute any and all such legal trusts, duties and powers in regard to the holding, management and disposition of any estate, real or personal, and the rents and profits thereof, or the sale thereof, as may be granted or confided to it by any court of record, or by any person, corporation, municipal or other authority, and it shall be accountable to all parties in interest for the faithful discharge of every such trust, duty or power which it may so accept;

16. ~~To be~~ Be appointed and accept the appointment of assignee or trustee under any assignment for the benefit of creditors of any debtor made pursuant to any statute or otherwise;

17. ~~To collect~~ Collect coupons on or interest upon all manner of securities when authorized ~~so to do~~ by the parties depositing the same;

18. ~~To receive~~ Receive and manage any sinking fund of any corporation upon such terms as may be agreed upon between the corporations and those dealing with it;

19. Generally ~~to~~ execute trusts of every description and escrow agreements and to act and serve in any and all fiduciary capacities not inconsistent with the laws of this state or of the United States;

20. ~~To prepare~~ Prepare, make and certify abstracts of title to real and personal property and to procure and furnish information in relation thereto, where not otherwise inconsistent with the laws of this state; to guarantee or insure the title to real and personal property to persons interested in such property or in mortgages thereon, against loss, by reason of defective title or other encumbrances of or upon such property, and to make determination of title in connection with the issuance of such guaranties or insurance;

21. ~~To discount~~ Discount and negotiate promissory notes, drafts, bills of exchange and other evidence of debt, buy and sell coin and bullion, to accept for payment at a future date drafts drawn upon it by its customers, and to issue letters of credit,

authorizing the holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one (1) year; provided, that no trust company shall incur liabilities under this paragraph to an amount equal at any time in the aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with the approval of the Commissioner under such general regulations as to amount of acceptances as the Commissioner may prescribe; and

22. ~~To issue~~ Issue debentures, notes, or other evidences of debt in the manner in which business corporations are authorized to do so and for any legal application of proceeds, but only to the extent of an amount equal to ten times its capital and surplus.

SECTION 2. AMENDATORY 6 O.S. 1991, Section 1017, is amended to read as follows:

Section 1017. A. 1. Banks. Any bank desiring to surrender its right to exercise the powers granted ~~under~~ pursuant to this article in order to relieve itself of the necessity of complying with the requirements of this article, or to have returned to it any securities which it deposited with the State Banking Commissioner, may file with the Commissioner a certified copy of a resolution of its board of directors signifying such desire.

2. Upon receipt of such resolution, the Commissioner, ~~after satisfying himself upon satisfaction~~ that such bank has been relieved in accordance with state law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, ~~committee of estates of lunatics~~ or other fiduciary, under court, private or other appointment previously accepted under authority of this article, may, ~~in his discretion,~~ issue to such bank a certificate certifying that such bank is no longer authorized to exercise the powers granted by this article.

3. Upon the issuance of such a certificate by the Commissioner, such ~~bank (1)~~ banks:

- a. shall no longer be subject to the provisions of this article or the regulations of the Board made pursuant thereto, ~~(2)~~
- b. shall be entitled to have returned to it any securities which it deposited with the Commissioner, and ~~(3)~~
- c. shall not exercise thereafter any of the powers granted by this article without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this Code.

B. Trust companies. Any trust company desiring to retire from business specified in this article shall furnish to the Commissioner satisfactory evidence of its release and discharge from all obligations and trusts provided for in this article. The Commissioner shall thereupon examine, or cause to be examined, such trust company, and, if ~~he~~ the Commissioner is satisfied after such examination that such trust company has discharged all its obligations and trusts, ~~he~~ the Commissioner shall revoke its certificate of authority and deliver up all securities on deposit with him.

SECTION 3. AMENDATORY 7 O.S. 1991, Section 19.1, as amended by Section 1, Chapter 122, O.S.L. 1992 (7 O.S. Supp. 1997, Section 19.1), is amended to read as follows:

Section 19.1 A. Any blind, ~~deaf, or~~ physically handicapped, deaf or hard-of-hearing person who is a passenger on any common carrier, airplane, motor vehicle, railroad train, motorbus, streetcar, boat, or any other public conveyance or mode of transportation operating within ~~the State of Oklahoma~~ this state or any dog trainer from a recognized training center when in the act of training guide, signal, or service dogs shall be entitled to have with him or her a guide, signal, or service dog specially trained or being trained for that purpose, without being required to pay an additional charge therefor, but shall be liable as hereafter set forth in subsection B of this section.

B. A blind, ~~deaf, or~~ physically handicapped, deaf or hard-of-hearing person and his or her guide, signal, or service dog or a

dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be denied admittance to or refused access to any of the following because of such dog: Any street, highway, sidewalk, walkway, any common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation, hotel, motel, or other place of lodging, public building maintained by any unit or subdivision of government, building to which the general public is invited, college dormitory and other educational facility, restaurant or other place where food is offered for sale to the public, or any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited within the State of Oklahoma. Such blind, ~~deaf, or~~ physically handicapped, deaf or hard-of-hearing person or dog trainer from a recognized training center in the act of training guide, signal, or service dogs shall not be required to pay any additional charges for his or her guide, signal, or service dog, but shall be liable for any damage done to the premises by ~~said~~ such dog.

C. ~~Such~~ A dog used by a deaf or hard-of-hearing person shall be required to wear an orange identifying collar.

D. For the purposes of this section and Section 113.1 of Title 41 of the Oklahoma Statutes:

1. "Physically handicapped person" means any person who has a physical impairment which severely and permanently restricts mobility of two or more extremities, or who is so severely disabled as to be unable to move without the aid of a wheelchair;

2. "Service dog" means any dog individually trained to the physically handicapped person's requirements; and

3. "Signal dog" means any dog trained to alert a deaf or hard-of-hearing person, ~~or person whose hearing is impaired,~~ to intruders or sounds.

SECTION 4. AMENDATORY 15 O.S. 1991, Section 16, is amended to read as follows:

Section 16. Persons of unsound mind within the meaning of this chapter are ~~idiots, lunatics, and imbeciles~~ incapacitated persons or partially incapacitated persons, as such terms are defined by Section 1-111 of Title 30 of the Oklahoma Statutes.

SECTION 5. AMENDATORY 19 O.S. 1991, Section 13, is amended to read as follows:

Section 13. The following shall be substantially the form for every petition, or petitions, filed with the Governor, asking that an election be called for the purpose of creating such new county, or detaching territory from one county, for the purpose of adding same to another; provided, that this section shall not apply to petitions on file with the Governor, upon which an election has been called:

"Petition asking that an election be called for the creation of the proposed county of \_\_\_\_\_; said proposed county to embrace the following described territory. (Here describe proposed county by metes and bounds)", or, if the election is to be called for detaching territory from an existing county, the heading of petition shall be as follows: "Petition asking that an election be called to detach the following described territory (Here describe territory, proposed to be detached by metes and bounds) from the county of \_\_\_\_\_, for the purpose of having said described territory added to the county of \_\_\_\_\_."

State of Oklahoma,            )  
  ) ss.  
County of \_\_\_\_\_)

To the Governor of the State of Oklahoma:

I most respectfully represent that I am \_\_\_\_\_ years of age; ~~(white or colored)~~ and am now, and have been for \_\_\_\_ years, a resident of ~~said~~ such county and state above mentioned; that I am now residing within the precinct, or ward, in which I now propose to vote and have resided thereat for \_\_\_\_ years, and am a duly qualified elector in the precinct wherein I reside; and I do most respectfully petition Your Excellency to call an election for the purpose of creating the proposed county of \_\_\_\_\_; (or in event territory is to be detached from an existing county, and added to

an existing county), to call an election for the purpose of detaching a portion of \_\_\_\_\_ county and adding same to \_\_\_\_\_ county; and I have not signed any other petition asking that an election be held under the provisions of this act.

Respectfully submitted

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_ A.D. 19\_\_ (year).

Notary Public.

My commission expires \_\_\_\_\_.

SECTION 6. AMENDATORY 19 O.S. 1991, Section 19, is amended to read as follows:

Section 19. A. Every person desiring to vote at such special election, after having passed the challengers whose duty shall be the same as prescribed by law governing any general election, and being admitted to the room, shall, before being given a ballot, permit the clerks to fill out an affidavit and ~~said the~~ intended voter shall subscribe and swear to ~~said the~~ affidavit before the ~~said~~ special election commissioner, after which ~~he~~ such person shall be given tickets and permitted to prepare the same and deliver ~~said the~~ ballots to ~~said the~~ special election commissioner who shall, in the presence of ~~said the~~ voter, deposit ~~said the~~ ballot in the proper ballot box, and shall deposit the ~~said~~ affidavit in the box provided for that purpose. The form of affidavit required of all persons presenting themselves to vote at such special election shall be substantially as follows:

Affidavit.

State of Oklahoma, County of \_\_\_\_\_ ss.

\_\_\_\_\_ of lawful age, first being duly sworn, upon ~~his~~ oath deposes and says: That he or she is a ~~male~~ citizen of the United States ~~or is of Indian descent, native of the United States,~~ is over the age of ~~twenty-one~~ eighteen years (~~white or colored~~), that he or she has been for one year last past a bona fide resident of ~~said this~~ state, of ~~said the~~ county six months, and in \_\_\_\_\_ precinct thirty (30) days next preceding this date; that he or she

came to his or her present residence from \_\_\_\_\_ and is a legally qualified elector in ~~said~~ the precinct on this day and has not voted in ~~said~~ the election.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.  
D. ~~19~~\_\_ (year).

Special Election Commissioner.

SECTION 7. AMENDATORY 19 O.S. 1991, Section 75, is amended to read as follows:

Section 75. The following shall be substantially the form for every petition filed with the Governor asking that the name of any city, town or place be placed upon the tickets to be voted at such election:

PETITION FOR CITY - FORM OF.

Petition asking that the city, town or place of \_\_\_\_\_ be placed on the tickets to be voted in \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. ~~19~~\_\_ (year).

State of Oklahoma, )

) ss.

County of \_\_\_\_\_ )

To the Governor of the State of Oklahoma:

I most respectfully represent that I am \_\_\_\_\_ years of age; ~~white or colored,~~ and am now and have been for \_\_\_\_\_ years a resident of said county and state above mentioned; that I am now residing within the precinct or ward in which I now propose to vote, and have resided thereat for \_\_\_\_\_ years, and am a duly qualified elector in the precinct wherein I reside; and I do most respectfully petition Your Excellency to cause to be placed the name of \_\_\_\_\_ (city, town or place) upon the tickets to be voted at the special election to be held in \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. ~~19~~\_\_ (year), for the purpose of relocating the county seat of said county.

Respectfully submitted,

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
A.D. 19\_\_ (year).

\_\_\_\_\_  
Notary public.

My commission expires \_\_\_\_\_.

SECTION 8. AMENDATORY 19 O.S. 1991, Section 82, is amended to read as follows:

Section 82. Any person desiring to vote at such special election, after having passed the challengers whose duties shall be the same as prescribed by law governing any general election, and being admitted to the room, shall, before being given a ballot, permit the clerks to fill out an affidavit and ~~said~~ such intended voter shall subscribe and swear to ~~said~~ such affidavit before the ~~said~~ special election commissioner, after which ~~he~~ such person shall be given a ticket and permitted to prepare same and deliver ~~said~~ the ballot to ~~said~~ the special election commissioner who shall, in the presence of ~~said~~ the voter, deposit ~~said~~ the ballot in the proper ballot box, and shall deposit the ~~said~~ affidavit in the box provided for that purpose. The form of the affidavit required of all persons presenting themselves to vote at such special election shall be substantially as follows:

AFFIDAVIT.

State of Oklahoma,)

) ss.

County of \_\_\_\_\_)

\_\_\_\_\_, of lawful age, first being duly sworn, upon ~~his~~ oath deposes and says: That ~~he~~ such person is a ~~male~~ citizen of the United States ~~or is of Indian descent, native of the United States,~~ is over the age of ~~21~~ 18 years (~~white — colored~~), that ~~he~~ such person has been for one year last past a bona fide resident of ~~said~~ the state, of said county six months and in \_\_\_\_\_ precinct thirty (30) days next preceding this date; that ~~he~~ such person came to his or her present residence from \_\_\_\_\_, and is a legally qualified elector in ~~said~~ the precinct on this day and has not voted in ~~said~~ the election.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. ~~19~~\_\_ (year).

\_\_\_\_\_  
Special Election Commissioner.

SECTION 9. AMENDATORY Section 2, Chapter 408, O.S.L.  
1997 (17 O.S. Supp. 1997, Section 139.102), is amended to read as  
follows:

Section 139.102 As used in the Oklahoma Telecommunications  
Act of 1997:

1. "Access line" means the facility provided and maintained  
by a telecommunications service provider which permits access to  
or from the public switched network;
2. "Commission" means the Corporation Commission of this  
state;
3. "Competitive local exchange carrier" or "CLEC" means, with  
respect to an area or exchange, a telecommunications service  
provider that is certificated by the Commission to provide local  
exchange services in that area or exchange within the state after  
July 1, 1995;
4. "Competitively neutral" means not advantaging or favoring  
one person over another;
5. "End User Common Line Charge" means the flat-rate monthly  
interstate access charge required by the Federal Communications  
Commission that contributes to the cost of local service;
6. "Enhanced service" means a service that is delivered over  
communications transmission facilities and that uses computer  
processing applications to:
  - a. change the content, format, code, or protocol of  
transmitted information,
  - b. provide the customer new or restructured  
information, or
  - c. involve end-user interaction with information stored  
in a computer;
7. "Exchange" means a geographic area established by an  
incumbent local exchange telecommunications provider as filed with  
or approved by the Commission for the administration of local

telecommunications service in a specified area which usually embraces a city, town, or village and its environs and which may consist of one or more central offices together with associated plant used in furnishing telecommunications service in that area;

8. "Facilities" means all the plant and equipment of a telecommunications service provider, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the regulated business of any telecommunications service provider;

9. "Incumbent local exchange telecommunications service provider" or "ILEC" means, with respect to an area or exchanges, any telecommunications service provider furnishing local exchange service in such area or exchanges within this state on July 1, 1995, pursuant to a certificate of convenience and necessity or grandfathered authority;

10. "Interexchange telecommunications carrier" or "IXC" means any person, firm, partnership, corporation or other entity, except an incumbent local exchange telecommunications service provider, engaged in furnishing regulated interexchange telecommunications services under the jurisdiction of the Commission;

11. "Internet" means the international research-oriented network comprised of business, government, academic and other networks;

12. "Local exchange telecommunications service" means a regulated switched or dedicated telecommunications service which originates and terminates within an exchange or an exchange service territory. Local exchange telecommunications service may be terminated by a telecommunications service provider other than the telecommunications service provider on whose network the call originated. The local exchange service territory defined in the originating provider's tariff shall determine whether the call is local exchange service;

13. "Local exchange telecommunications service provider" means a company holding a certificate of convenience and necessity

Req. No. 11347Page 14

from the Commission to provide local exchange telecommunications service;

14. "Not-for-profit hospital" means a municipal, county or state government-owned, not-for-profit hospital, that is primarily funded by county, state or federal support, which is located in the state and is devoted primarily for the maintenance and operation of facilities for the diagnosis, treatment or care of patients admitted overnight or longer in order to obtain medical care, surgical care or obstetrical care;

15. "Oklahoma High Cost Fund" means the fund established by the Commission in Cause Nos. PUD 950000117 and 950000119;

16. "Oklahoma Lifeline Fund" means the fund established and required to be implemented by the Commission pursuant to Section ~~5~~ 139.105 of this ~~act~~ title;

17. "Oklahoma Universal Service Fund" means the fund established and required to be implemented by the Commission pursuant to Section ~~6~~ 139.106 of this ~~act~~ title;

18. "Person" means any individual, partnership, association, corporation, governmental entity, public or private organization of any character, or any other entity;

19. "Primary universal service" means an access line and dial tone provided to the premises of residential or business customers which provides access to other lines for the transmission of two-way switched or dedicated communication in the local calling area without additional, usage-sensitive charges, including:

- a. a primary directory listing,
- b. dual-tone multifrequency signaling,
- c. access to operator services,
- d. access to directory assistance services,
- e. access to telecommunications relay services for the ~~hearing-impaired~~ deaf or hard-of-hearing,
- f. access to nine-one-one service where provided by a local governmental authority or multijurisdictional authority, and
- g. access to interexchange long distance services;

20. "Public library" means a library or library system that is freely open to all persons under identical conditions and which is supported in whole or in part by public funds. Public library shall not include libraries operated as part of any university, college, school museum, the Oklahoma Historical Society or county law libraries;

21. "Public school" means all free schools supported by public taxation, and shall include grades kindergarten through twelve;

22. "Regulated telecommunications service" means the offering of telecommunications for a fee directly to the public where the rates for such service are regulated by the Commission. Regulated telecommunications service does not include the provision of nontelecommunications services, including, but not limited to, the printing, distribution, or sale of advertising in telephone directories, maintenance of inside wire, customer premises equipment, and billing and collection service, nor does it include the provision of wireless telephone service, enhanced service, and other unregulated services, including services not under the jurisdiction of the Commission, and services determined by the Commission to be competitive;

23. "Special Universal Services" means the telecommunications services supported by the OUSF which are furnished to public schools, public libraries, not-for-profit hospitals and county seats as provided for in Section ~~9~~ 139.109 of this ~~act~~ title;

24. "Tariff" means all or any part of the body of rates, tolls, charges, classifications, and terms and conditions of service relating to regulated services offered, the conditions under which offered, and the charges therefor, which have been filed with the Commission and have become effective;

25. "Telecommunications" means the transmission, between or among points specified by the user, of voice or data information of the user's choosing, without change in the form or content of the information as sent and received;

26. "Telecommunications carrier" means a person that provides telecommunications service in this state;

27. "Telecommunications service" means the offering of telecommunications for a fee;

28. "Universal service area" has the same meaning as the term "service area" as defined in 47 U.S.C., Section 214(e)(5); and

29. "Wire center" means a geographic area normally served by a central office.

SECTION 10. AMENDATORY Section 5, Chapter 408, O.S.L. 1997 (17 O.S. Supp. 1997, Section 139.105), is amended to read as follows:

Section 139.105 A. Each local exchange telecommunications service provider shall file tariffs with the Corporation Commission implementing a program to provide a full waiver of the End User Common Line Charge and a credit equal to the End User Common Line Charge on the monthly basic service rate of qualifying customers. Eligibility criteria for this program shall comply with the provisions of 47 C.F.R., Section 69.104(k)(1) and shall be limited to customers who:

1. Are eligible for or receive assistance or benefits, as certified by the Department of Human Services, under programs providing:

- a. Temporary Assistance to Needy Families,
- b. Food Stamps,
- c. Medical Assistance, or
- d. Supplemental Security Income;

2. Are eligible for or receive assistance or benefits, as certified by the State Department of Rehabilitation Services, under programs providing vocational rehabilitation, including, but not limited to, aid to the ~~hearing-impaired~~ deaf or hard-of-hearing; or

3. Are eligible for or receive assistance or benefits, as certified by the Oklahoma Tax Commission, pursuant to the Sales Tax Relief Act, ~~Section 5011 et seq. of Title 68 of the Oklahoma Statutes.~~

B. There is hereby created within the Corporation Commission the "Oklahoma Lifeline Fund". The Commission shall administer and maintain the Oklahoma Lifeline Fund to help ensure that low-income

Req. No. 11347Page 17

Oklahomans are provided financial assistance in maintaining basic local exchange telecommunications service. Proceeds from the Oklahoma Lifeline Fund shall be distributed to all local exchange telecommunications service providers who are required to file lifeline tariffs.

C. The Oklahoma Lifeline Fund charges shall be levied, collected, and administered pursuant to Section 7 139.107 of this ~~act~~ title. Telecommunications carriers may, at their option, recover from their retail customers who are not eligible for lifeline assistance, on an equitable basis, the amount of the lifeline charges paid by the carrier. The Oklahoma Lifeline Fund charges shall not be subject to state or local taxes or franchise fees.

D. An eligible telecommunications carrier may not receive reimbursements from the Oklahoma Lifeline Fund unless it demonstrates that its rates have been reduced by an amount equal to the amount of the Lifeline payments which have been previously included in the rate structure of the carrier. A carrier shall be eligible for support from the Oklahoma Lifeline Fund for any amount which is greater than the amount which has been previously included in the rate structure of the carrier.

SECTION 11. AMENDATORY 21 O.S. 1991, Section 152, is amended to read as follows:

Section 152. All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of seven (7) years~~;~~;
2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness~~;~~;
3. ~~Idiots.~~ Persons who are impaired by reason of mental retardation upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness;
4. ~~Lunatics, insane~~ Mentally ill persons, and all persons of unsound mind, including persons temporarily or partially deprived

of reason, upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness-; i

5. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation-; i

6. Persons who committed the act charged without being conscious thereof-; i and

7. Persons who committed the act, or make the omission charged, while under involuntary subjection to the power of superiors.

SECTION 12. AMENDATORY 21 O.S. 1991, Section 643, is amended to read as follows:

Section 643. To use or to attempt to offer to use force or violence upon or toward the person of another is not unlawful in the following cases:

1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting ~~him~~ such officer or acting by ~~his~~ such officer's direction-; i

2. When necessarily committed by any person in arresting one who has committed any felony, and delivering ~~him~~ such person to a public officer competent to receive ~~him~~ such person in custody-; i

3. When committed either by the ~~party~~ person about to be injured, or by any other person in ~~his~~ such person's aid or defense, in preventing or attempting to prevent an offense against ~~his~~ such person, or any trespass or other unlawful interference with real or personal property in ~~his~~ such person's lawful possession; provided the force or violence used is not more than sufficient to prevent such offense-; i

4. When committed by a parent or the authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct ~~his~~ such person's child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by ~~his~~ the child's refusal to obey the

lawful command of such parent or authorized agent or guardian, master or teacher, and the force or violence used is reasonable in manner and moderate in degree-;

5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, railroad car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force and violence used is not more than is sufficient to expel the offending passenger, with a reasonable regard to ~~his~~ such passenger's personal safety; and

6. When committed by any person in preventing ~~an idiot,~~ lunatic a person who is impaired by reason of mental retardation or developmental disability as defined by Section 1430.2 of Title 10 of the Oklahoma Statutes, a mentally ill person, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to ~~himself~~ such person's self or to another, or enforcing such restraint as is necessary for the protection of ~~his~~ the person or for ~~his~~ restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of ~~his~~ the person.

SECTION 13. AMENDATORY 21 O.S. 1991, Section 833, is amended to read as follows:

Section 833. Every overseer of the poor, constable, keeper of a jail, or other person who confines ~~any idiot, lunatic, or a~~ person who is impaired by reason of mental retardation or developmental disability, as defined by Section 1430.2 of Title 10 of the Oklahoma Statutes, mentally ill person, insane person or other person of unsound mind, in any other manner or in any other place than is authorized by law, is guilty of a misdemeanor.

SECTION 14. AMENDATORY 22 O.S. 1991, Section 925, is amended to read as follows:

Section 925. When it is contended on behalf of the defendant in any criminal prosecution that ~~he~~ such defendant is at the time

of the trial a ~~lunatic~~ person who is impaired by reason of mental retardation, a mentally ill person, an insane person, or a person of unsound mind, the court shall submit to the jury a proper form of verdict, and if the jury finds the defendant not guilty on account of such ~~lunacy~~, insanity, mental illness, or unsoundness of mind, they shall so state in their verdict, and the court shall thereupon order the defendant committed to the state hospital for the ~~insane~~ mentally ill, or other state institution provided for the care and treatment of cases such as the one before the court, until the sanity and soundness of mind of the defendant be judicially determined, and ~~he~~ such person be discharged from ~~said~~ the institution according to law.

SECTION 15. AMENDATORY 22 O.S. 1991, Section 971, is amended to read as follows:

Section 971. ~~He~~ The defendant may show for cause against the judgment:

1. That ~~he~~ the defendant is insane; and if, in the opinion of the court, there is reasonable ground for believing ~~him~~ the defendant to be insane, the question of ~~his~~ the defendant's insanity must be tried as hereinafter in this chapter, ~~provided for~~. If upon the trial of that question the jury ~~find~~ finds that ~~he~~ the defendant is sane, judgment must be pronounced, ~~but if they find him~~. If the jury finds the defendant insane ~~he~~, the defendant may be committed to one of the state ~~lunatic asylums~~ institutions or hospitals for the mentally ill, until ~~he~~ the defendant becomes sane, or be otherwise committed according to law, ~~and when~~. When notice is given of that fact, as hereinafter provided, ~~he~~ the defendant must be brought before the court for judgment.

2. That ~~he~~ the defendant has good cause to offer, either in arrest of judgment, or for a new trial, in which case the court may, ~~in its discretion~~, order the judgment to be deferred, and proceed to decide upon the motion in arrest of judgment, or for a new trial.

SECTION 16. AMENDATORY 43A O.S. 1991, Section 3-501, is amended to read as follows:

Section 3-501. Sections 3-501 through 3-503 of the Mental Health Law shall be known and may be cited as the "Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing Impaired~~ Hard-of-Hearing Act".

SECTION 17. AMENDATORY 43A O.S. 1991, Section 3-502, is amended to read as follows:

Section 3-502. A. The Commissioner of Mental Health and Substance Abuse Services shall establish a program to provide comprehensive inpatient and outpatient mental health care and treatment for deaf and ~~hearing-impaired~~ hard-of-hearing individuals, and their families who need such services. For purposes of the Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing Impaired~~ Hard-of-Hearing Act, the term "individuals" shall include adults and children.

B. ~~On or before December 31, 1986,~~ a A director for ~~said the~~ program shall be appointed by the Commissioner of Mental Health and Substance Abuse Services. ~~Said~~ Such appointment shall be made after consultation with the advisory Committee established pursuant to Section 3-503 of ~~the Mental Health Law~~ this title and with the advice and approval of the Board of Mental Health and Substance Abuse Services.

1. The Director shall be a trained professional from the field of deafness or a psychiatrist, physician, licensed clinical psychologist, licensed clinical social worker, psychiatric nurse who possesses professional training and expertise in the field of deafness or have other similar professional qualifications, shall have a minimum of three (3) years of clinical mental health, adequate administrative experience as determined by the Commissioner, and shall meet the qualifications for professional staff established pursuant to subsection D of this section.

2. The Director shall prepare, in consultation with the advisory committee, a plan for the implementation of the Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing Impaired~~ Hard-of-Hearing Act. ~~On or before May 1, 1987, said plan shall be submitted to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and such legislative~~

~~committees as the Speaker of the House of Representatives and the President Pro Tempore of the Senate designate for review.~~

The Director shall be responsible for the administration and supervision of the program established pursuant to the provisions of subsection A of this section.

C. ~~Said~~ Such program shall include, but not be limited to, the following:

1. Inpatient and outpatient treatment; and

2. Evaluation, diagnostic, and information resource services for mental health care for deaf and ~~hearing-impaired~~ hard-of-hearing individuals and their families; and

3. Cooperation with state-supported community mental health programs and other community mental health programs and services in order to provide mental health care throughout the state for deaf and ~~hearing-impaired~~ hard-of-hearing individuals and their families; and

4. Services to aid deaf and ~~hearing-impaired~~ hard-of-hearing individuals who are committed to mental health facilities in making the transition from inpatient care to independent existence outside of the facility. In counties having a population of not less than two hundred fifty thousand (250,000) according to the last preceding Federal Decennial Census, the program shall include transitional living facilities as well as outpatient transitional services provided through community mental health centers.

D. The professional staff of the program shall:

1. Have experience in techniques of assessing the mental health problems of deaf and ~~hearing-impaired~~ hard-of-hearing individuals and their families and in individual and group psychotherapy with deaf and ~~hearing-impaired~~ hard-of-hearing individuals and their families; and

2. Have specialized training in the psychosocial aspects of deafness and in therapeutic work with deaf and ~~hearing-impaired~~ hard-of-hearing individuals in mental health facilities; and

3. Be fluent in receptive and expressive manual communication including, but not limited to, American Sign Language, or reach a

level of fluency in ~~said~~ such communication acceptable to the Director of the unit within one (1) year of being employed.

~~E. On or before December 31, 1987, the program established pursuant to the provisions of this section shall be fully implemented by the Commissioner of Mental Health and Substance Abuse Services and the Board of Mental Health and Substance Abuse Services.~~

SECTION 18. AMENDATORY 43A O.S. 1991, Section 3-503, is amended to read as follows:

Section 3-503. A. There is hereby established an advisory committee to the Commissioner of Mental Health and Substance Abuse Services which shall be consulted with regard to the administration of the Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing Impaired~~ Hard-of-Hearing Act. The advisory committee shall be composed of thirteen (13) members each of whom shall serve a term of five (5) years.

1. Subject to the approval of the Board of Mental Health and Substance Abuse Services, the Commissioner of Mental Health and Substance Abuse Services shall appoint nine of the members. Vacancies in these nine positions shall be filled by appointment by the Commissioner of Mental Health and Substance Abuse Services, subject to approval by the Board of Mental Health and Substance Abuse Services. The members appointed by the Commissioner of Mental Health and Substance Abuse Services shall include four members who shall be mental health professionals, two of whom shall have professional training and experience in the mental health treatment of deaf and ~~hearing impaired~~ hard-of-hearing individuals, one member who shall be the parent of a deaf or ~~hearing impaired~~ hard-of-hearing child, two members of whom represent community service agencies for the deaf and hard-of-hearing, and two persons who are knowledgeable in the field of education of the deaf and ~~hearing impaired~~ hard-of-hearing.

2. The Director of the Department of Human Services or ~~his~~ a designee shall serve as a member of the advisory committee.

3. The Director of the Department of Human Services shall appoint three members who shall be deaf or ~~hearing impaired~~ hard-

of-hearing persons subject to the approval of the Oklahoma Association of the Deaf. Vacancies in these three positions shall be filled by appointment by the Director of the Department of Human Services subject to the approval of the ~~Oklahoma~~ Commission for Human Services.

4. Members shall serve without compensation but may be reimbursed for all reasonable and necessary travel expenses actually incurred in the performance of their duties in accordance with the provisions of the State Travel Reimbursement Act.

B. The Commissioner of Mental Health and Substance Abuse Services, after consultation with the advisory committee, shall:

1. Determine the policies to be followed in the operation and management of facilities operated pursuant to the program established by the Oklahoma Comprehensive Mental Health Services for the Deaf and ~~Hearing-Impaired~~ Hard-of-Hearing Act; and

2. ~~Adopt~~ Promulgate rules and ~~regulations~~ concerning the admission of patients to ~~said~~ the program; and

3. Enter into contractual arrangements for the operation of the facilities for ~~said~~ the program.

SECTION 19. AMENDATORY 47 O.S. 1991, Section 6-106, as last amended by Section 1, Chapter 325, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-106), is amended to read as follows:

Section 6-106. A. Every application for a ~~driver's~~ driver license shall be made upon a form furnished by the Department of Public Safety.

B. Every application for a ~~driver's~~ driver license shall state the full name, date of birth, sex and residence address of the applicant, whether the applicant is deaf or ~~hearing-impaired~~ hard-of-hearing, the license plate number and state by which the license plate is issued for up to two (2) vehicles owned by the applicant, and shall briefly describe the applicant. The application shall also state whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. Every

application for a commercial ~~driver's~~ driver license shall contain the applicant's social security number.

C. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

D. Whenever the Department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

E. If an applicant for a ~~driver's~~ driver license owns a vehicle which is not currently registered pursuant to the Oklahoma Vehicle License and Registration Act, ~~Section 1101 et seq. of this title,~~ the application shall be denied unless the applicant submits an affidavit to the effect that the applicant is not a resident of this state. The Department of Public Safety and the Oklahoma Tax Commission shall promulgate rules to administer the provisions of this subsection.

SECTION 20. AMENDATORY 47 O.S. 1991, Section 6-111, as last amended by Section 3, Chapter 193, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-111), is amended to read as follows:

Section 6-111. A. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature, date of birth, mailing address, sex, and a color photograph of the licensee or cardholder. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing number, and issue a new license or identification card without charge to the licensee or cardholder. The Department may promulgate rules for inclusion of the height and a brief

description of the licensee or cardholder on the face of the card or license, and for the provision of a small decal for attachment to the card or license, identifying the licensee or cardholder as deaf or ~~hearing-impaired~~ hard-of-hearing. The Department of Public Safety may authorize all motor license agents to accept applications for the license or card immediately upon payment of the required fee in accordance with the rules promulgated by the Department of Public Safety. The Department of Public Safety shall develop an alternative procedure whereby an individual applying for a new or renewal Class D license who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, shall be issued a license or card bearing the words "Valid Without Photo"; provided, however, only persons with legitimate religious objection to being photographed may be issued a new or renewal Class A, B or C license without a photograph and bearing the words "Valid Without Photo".

B. The Department may issue a temporary permit to an applicant for a driver license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license. Such permit must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's driver license has been issued or for good cause has been refused.

C. The Department may issue a restricted commercial driver license to seasonal drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

1. Farm retail outlets and suppliers;
2. Agri-chemical businesses;
3. Custom harvesters; and
4. Livestock feeders.

The applicant shall hold a valid Oklahoma driver license and shall meet all the requirements for a commercial driver license except for the commercial driver license skills and knowledge tests. The restricted commercial driver license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B and Class C vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

1. Diesel fuel in quantities of one thousand (1,000) gallons or less;

2. Liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less; and

3. Solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of ~~said~~ such licenses.

SECTION 21. AMENDATORY 56 O.S. 1991, Section 199.1, as amended by Section 12, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1997, Section 199.1), is amended to read as follows:

Section 199.1 A. The Commission for Rehabilitation Services shall:

1. Promote the coordination of efforts and services on behalf of the deaf and ~~hearing-impaired~~ hard-of-hearing;

2. Inventory the various services available for meeting the problems of the deaf and ~~hearing-impaired~~ hard-of-hearing and assist persons in locating and securing such services;

3. Collect studies, compile bibliographies, gather information and conduct research with respect to the education, training, counseling, placement and social and economic adjustment of the deaf and ~~hearing-impaired~~ hard-of-hearing and with respect to the causes, diagnosis, treatment and methods of prevention of impaired hearing;

4. Keep informed of and cooperate with federal, state and local programs available for the improvement of the general welfare of deaf and ~~hearing-impaired~~ hard-of-hearing persons;

5. Appoint advisory or special committees when appropriate for in-depth investigations and study of particular problems and to receive reports of findings and recommendations; and

6. Make recommendations to the Governor and the Legislature with respect to modifications in existing services or establishment of additional services for deaf or ~~impaired hearing~~ hard-of-hearing persons.

B. 1. Personal client information obtained or created in the course of providing services to persons who are deaf or hard-of-hearing pursuant to this section shall be confidential. Such information shall include, but is not limited to, the client's name; work or home address; work or home telephone number; and social security number.

2. Persons who are deaf or hard-of-hearing have the same legitimate expectations of privacy in the conduct of their daily lives as do persons who can hear. As a result, information obtained or created in the course of providing interpreter services pursuant to this section shall be confidential to the extent necessary to protect those expectations. Confidential information related to interpreter services shall include, but is not limited to, personal client information; the purpose for which the client requests interpretation; the entity with which the client communicates by way of an interpreter; the date, time, location and duration of the interpreted communication; and the name of the interpreter.

SECTION 22. AMENDATORY 56 O.S. 1991, Section 199.2, as amended by Section 13, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1997, Section 199.2), is amended to read as follows:

Section 199.2 A. The Commission for Rehabilitation Services is hereby directed, in carrying out its functions, to cooperate with the appropriate commissions and state agencies having authority related to the problems of ~~the deaf and hearing-impaired~~ hard-of-hearing persons. These agencies are likewise directed to cooperate with the Commission for Rehabilitation Services in carrying out its functions.

B. The State Department of Rehabilitation Services shall establish and operate a program to provide interpreter services to deaf and ~~hearing-impaired~~ hard-of-hearing citizens of the state, under ~~regulations-adopted~~ rules promulgated by the Commission for Rehabilitation Services.

C. The State Department of Rehabilitation Services shall establish policy and procedures for the evaluation and certification of interpreters for the deaf and hard-of-hearing. The Department may require a nominal fee to recoup costs incurred in testing and certifying such interpreters.

SECTION 23. AMENDATORY 58 O.S. 1991, Section 220, is amended to read as follows:

Section 220. In case any one of several executors or administrators, to whom letters are granted, dies, becomes ~~lunatic~~ an incapacitated or partially incapacitated person as such terms are defined by Section 1-111 of Title 30 of the Oklahoma Statutes, is convicted of an infamous crime, or otherwise becomes incapable of executing the trust, or in case the letters testamentary or of administration are revoked or annulled, with respect to any one executor or administrator, the remaining executor or administrator must proceed to complete the execution of the will or administration.

SECTION 24. AMENDATORY 63 O.S. 1991, Section 2416, is amended to read as follows:

Section 2416. This act shall be known and may be cited as the "Telecommunications for the ~~Hearing-Impaired~~ Deaf and Hard-of-Hearing Act".

SECTION 25. AMENDATORY 63 O.S. 1991, Section 2417, as last amended by Section 13, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1997, Section 2417), is amended to read as follows:

Section 2417. The State Department of Rehabilitation Services is hereby directed to:

1. Provide for the availability, distribution and maintenance, at no cost to qualified individuals with hearing or speech disabilities, or both, telecommunication devices and ring-signaling devices compatible with the telecommunications relay

services for ~~hearing-impaired~~ deaf or hard-of-hearing and speech-impaired individuals requirements of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder; and

2. Design and implement a needs assessment test so that individuals with hearing or speech disabilities, or both, are benefited by this program. Provided, however, that no equipment and maintenance shall be provided without charge for those individuals meeting more than two hundred percent (200%) of the income guidelines for food stamps. The State Department of Rehabilitation Services shall develop a sliding scale to provide equipment and maintenance to individuals exceeding the ~~above-mentioned~~ needs test specified by this paragraph.

SECTION 26. AMENDATORY 63 O.S. 1991, Section 2418, as amended by Section 14, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1997, Section 2418), is amended to read as follows:

Section 2418. A. There is hereby imposed a surcharge of five cents (\$0.05) per local exchange telephone access line per month to pay for the equipment and maintenance program provided for in Section 2417 of this title and to provide for other needed services for the deaf, severely ~~hearing-impaired~~ hard-of-hearing, severely speech-impaired and deaf-blind programs administered through the Department of Rehabilitation Services, such surcharge to be paid by each local exchange subscriber to local telephone service in this state, unless such subscriber is otherwise exempt from taxation.

B. The surcharge shall be collected on the regular monthly bill by each local exchange telephone company operating in this state and shall be remitted quarterly to the Oklahoma Tax Commission no later than fifteen (15) days following the end of each quarter.

C. There is hereby created in the State Treasury the Telecommunications for the ~~Hearing-Impaired~~ Deaf and Hard-of-Hearing Revolving Fund. The fund shall consist of monies imposed in subsection A of this section. All monies accruing to ~~said~~ the fund are hereby appropriated and may be budgeted and expended by

Req. No. 11347Page 31

the Department of Rehabilitation Services. The fund shall be a continuing fund not subject to fiscal year limitations and expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of State Finance for the purpose of implementation of this act.

SECTION 27. AMENDATORY Section 15, Chapter 315, O.S.L. 1994 (63 O.S. Supp. 1997, Section 2418.1), is amended to read as follows:

Section 2418.1 Each certified local exchange telephone company shall comply with the provisions of the Americans with Disabilities Act of 1990 and regulations promulgated thereunder relating to telecommunications relay services for ~~hearing-impaired~~ deaf and hard-of-hearing and speech-impaired individuals and shall assess a surcharge to each customer on a per line per month basis to recover the costs associated with such compliance and advise the Commission of any changes.

SECTION 28. AMENDATORY 64 O.S. 1991, Section 181, is amended to read as follows:

Section 181. The Commissioners of the Land Office shall dispose of, sell and convey, subject to the limitations, exceptions, conditions, rules, regulations and instructions, provided by law, except where same is embraced in any reservation specifically reserved from sale for any special purpose, all the following enumerated and described school and public lands of this state:

All lands owned by this state, reserved, granted, and taken in lieu of sections numbered sixteen, thirty-six, thirteen and thirty-three and known as indemnity lands: Provided, that when such lands or any part thereof are sold and conveyed, the proceeds derived therefrom shall be prorated among the several funds as their interest may appear, and used as provided by law; also all lands embraced in sections numbered thirty-three in that part of the state formerly known as Oklahoma Territory, and granted to the state for charitable and penal institutions and public buildings: Provided, further, that all the money derived from the sale of any or all of ~~said~~ such lands, shall be apportioned and disposed of as

may be provided by law; also all lands granted to this state by the United States under and by virtue of Section 12 of the Enabling Act for the following purposes, namely: for the benefit of the Oklahoma University, two hundred fifty thousand (250,000) acres; for the benefit of ~~the Agricultural and Mechanical College~~ Oklahoma State University, two hundred fifty thousand (250,000) acres; for the benefit of the University Preparatory School, one hundred fifty thousand (150,000) acres; for the benefit of ~~the Colored Agricultural and Normal~~ Langston University, one hundred thousand (100,000) acres; for the benefit of the normal schools now established or hereafter to be established, three hundred thousand (300,000) acres. Provided, that all money derived from the sale of any of ~~said~~ such lands shall be invested for the state in trust, and interest thereon shall be used exclusively and as above apportioned in the support and maintenance of ~~said~~ such schools. Provided, further, that if any tract, part or parcel of any of the land enumerated and described in this section, was or shall be returned to the Commissioners of the Land Office by a board of appraisers thereof, including those tracts of land embraced in sections numbered thirteen, sixteen and thirty-six, and otherwise herein reserved from sale, that are now platted and occupied and leased directly from the State of Oklahoma for townsite purposes, as being more valuable for townsite than for agricultural purposes, then such tract, part or parcel of such land shall be by ~~said~~ the Commissioners of the Land Office reserved from sale and disposed of under the terms of this article: Provided, further, that where any part of any of the above enumerated and described lands are known to be valuable for mineral, including gas or oil, such part of said lands shall not be sold prior to January 1, 1915.

SECTION 29. AMENDATORY 64 O.S. 1991, Section 351, is amended to read as follows:

Section 351. In accordance with Section 12 of the Enabling Act of this state, the income, interest, rentals and proceeds of the sale of the following lands, now collected and hereafter to be

collected, are hereby made available to the institutions to which the grants were made, namely; for the benefit of -

The University of Oklahoma ..... 250,000 acres.

The University Preparatory

School ..... 150,000 acres.

~~The Agricultural and Mechanical  
College~~

Oklahoma State University ..... 250,000 acres.

~~The Colored Agricultural and~~

~~Normal~~ Langston University ..... 100,000 acres.

The normal schools now established

or hereafter to be established.. 300,000 acres.

SECTION 30. AMENDATORY 68 O.S. 1991, Section 3113, is amended to read as follows:

Section 3113. The owner of any real estate sold for taxes, or any person having a legal or equitable interest therein, may redeem the same from the lien resulting from tax sale at any time before the execution of a deed of conveyance therefor by the county treasurer, by paying to the county treasurer, if the tax sale certificate is held by an individual purchaser, the sum paid to the county for such certificate and all taxes paid and endorsed thereon, together with interest thereon at the rate of eight percent (8%) per annum from the date of sale or purchase thereof from the county, and interest at the rate of eight percent (8%) per annum on taxes endorsed on such certificate from the date of each such endorsement, and in addition thereto costs provided in this article, for the use of the owner of the certificate of such sale, and the county treasurer shall hold the money paid to the order of such certificate owner, his or her agent, or attorney; and if the county is the holder of such tax lien, by paying to the county treasurer the sum for which ~~said~~ the property was sold with penalty at the rate of twelve percent (12%) per annum and such additional costs as may have accrued; provided, that ~~infants,~~ ~~idiots and insane~~ minors or incapacitated or partially incapacitated persons may redeem from taxes any real property belonging to them within one (1) year after the expiration of such

disability, with interest and penalty at not more than ten percent (10%) per annum. Upon such redemption, the county treasurer shall enter the same upon the sales record, giving a receipt therefor to the person redeeming, file the duplicate with the county clerk, and retain the triplicate in ~~his~~ the county treasurer's office.

SECTION 31. AMENDATORY 66 O.S. 1991, Section 59, is amended to read as follows:

Section 59. Whenever any railroad corporation shall take any real property as aforesaid, of any minor, any person ~~insane or otherwise incompetent, or of any married woman whose husband is under guardianship~~ who is incapacitated or partially incapacitated as such terms are defined by Section 1-111 of Title 30 of the Oklahoma Statutes, the guardian of ~~such the~~ minor, ~~insane or incompetent person, or such married woman with the guardian of her husband,~~ may agree and settle with ~~said~~ the corporation for all damages or claims by reason of the taking of such real property, and may give valid releases and discharges therefor upon the approval thereof by the judge of the county court.

SECTION 32. AMENDATORY 70 O.S. 1991, Section 3-104, as last amended by Section 23, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 1997, Section 3-104), is amended to read as follows:

Section 3-104. The control of the State Department of Education and the supervision of the public school system of Oklahoma shall be vested in the State Board of Education and, subject to limitations otherwise provided by law, the State Board of Education shall:

1. Establish and prescribe the duties of an executive officer who shall be the State Superintendent of Public Instruction and whose duties shall include the responsibility to give advice and make recommendations to the Board on all matters pertaining to the policies and administration of the State Department of Education and the public school system;

2. Adopt policies and make rules for the operation of the State Department of Education and the public school system of the state;

3. Organize and have control of the administrative and supervisory agencies, divisions, personnel and their appointment and salaries and other operations necessary to carry out the powers, duties and functions of the Board and its executive officer;

4. Have authority to require the coordination of all divisions of the State Department of Education through its executive officer, delegate general supervision of all employees to its executive officer, require all recommendations to be presented through its executive officer, require its executive officer to be responsible for interpretation of the Board's policy, require any employee of the Board to present any specific matter directly to the Board;

5. Appoint, prescribe the duties and fix the compensation of a secretary, an attorney and all other personnel necessary for the proper performance of the functions of the State Board of Education. The secretary shall not be a member of the Board;

6. Submit to the Governor a departmental budget based upon major functions of the Department supported by detailed data on needs and proposed operations as partially determined by the budgetary needs of local school districts filed with the State Board of Education for the ensuing fiscal year. Appropriations therefor shall be made in lump-sum form for each major item in the budget as follows:

- a. State Aid to schools,
- b. the supervision of all other functions of general and special education including general control, free textbooks, school lunch, Indian education and all other functions of the Board and an amount sufficient to adequately staff and administer these services, and
- c. the Board shall determine the details by which the budget and the appropriations are administered. Annually, the Board shall make preparations to consolidate all of the functions of the Department in such a way that the budget can be based on two

items, administration and aid to schools. A maximum amount for administration shall be designated as a part of the total appropriation;

7. On the first day of December preceding each regular session of the Legislature, prepare and deliver to the Governor and the Legislature a report for the year ending June 30 immediately preceding said regular session of the Legislature. Said report shall contain:

- a. detailed statistics and other information concerning enrollment, attendance, expenditures including State Aid, and other pertinent data for all public schools in this state,
- b. reports from each and every division, department, institution or other agency under the supervision of the Board,
- c. recommendations for the improvement of the public school system of the state,
- d. a statement of the receipts and expenditures of the State Board of Education for the past year, and
- e. a statement of plans and recommendations for the management and improvement of public schools and such other information relating to the educational interests of the state as may be deemed necessary and desirable;

8. Provide for the formulation and adoption of curricula, courses of study and other instructional aids necessary for the adequate instruction of pupils in the public schools;

9. Have authority in matters pertaining to the licensure and certification of persons for instructional, supervisory and administrative positions and services in the public schools of the state subject to the provisions of Section 5 of this act, and shall formulate rules governing the issuance and revocation of certificates for superintendents of schools, principals, supervisors, librarians, clerical employees, school nurses, school bus drivers, visiting teachers, classroom teachers and for other personnel performing instructional, administrative and supervisory

services, but not including members of boards of education and other employees who do not work directly with pupils, and may charge and collect reasonable fees for the issuance of such certificates. ~~All:~~

- a. the State Department of Education shall not issue a certificate to and shall revoke the certificate of any person who has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence for a crime or an attempt to commit a crime provided for in Section 7115 of Title 10 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 7102 of Title 10 of the Oklahoma Statutes, Sections 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes or who enters this state and who has been convicted, received a suspended sentence or received a deferred judgement for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of said laws,
- b. all funds collected by the State Department of Education for the issuance of certificates to instructional, supervisory and administrative personnel in the public schools of the state shall be deposited in the "Teachers' Certificate Fund" in the State Treasury and may be expended by the State Board of Education to finance the activities of the State Department of Education necessary to administer the program, for consultative services, publication costs, actual and necessary travel expenses as provided in the State Travel Reimbursement Act incurred by persons performing

research work, and other expenses found necessary by the State Board of Education for the improvement of the preparation and certification of teachers in Oklahoma. Provided, any unobligated balance in the Teachers' Certificate Fund in excess of Ten Thousand Dollars (\$10,000.00) on June 30 of any fiscal year shall be transferred to the General Revenue Fund of the State of Oklahoma. Until July 1, 1997, the State Board of Education shall have authority for approval of teacher education programs. The State Board of Education shall also have authority for the administration of teacher residency and professional development, subject to the provisions of the Oklahoma Teacher Preparation Act;

10. Promulgate rules governing the classification, inspection, supervision and accrediting of all public nursery, kindergarten, elementary and secondary schools and on-site educational services provided by public school districts or state-accredited private schools in partial hospitalization programs, day treatment programs, and day hospital programs as defined in this act for persons between the ages of three (3) and twenty-one (21) years of age in the state. However, no school shall be denied accreditation solely on the basis of average daily attendance.

Any school district which maintains an elementary school and faces the necessity of relocating its school facilities because of construction of a lake, either by state or federal authority, which will inundate the school facilities, shall be entitled to receive probationary accreditation from the State Board of Education for a period of five (5) years after the effective date of this act and any school district, otherwise qualified, shall be entitled to receive probationary accreditation from the State Board of Education for a period of two (2) consecutive years to attain the minimum average daily attendance. The Head Start and public nurseries or kindergartens operated from Community Action Program funds shall not be subjected to the accrediting rules of the State Board of Education. Neither will the State Board of

Education make rules affecting the operation of the public nurseries and kindergartens operated from federal funds secured through Community Action Programs even though they may be operating in the public schools of the state. However, any of the Head Start or public nurseries or kindergartens operated under federal regulations may make application for accrediting from the State Board of Education but will be accredited only if application for the approval of the programs is made. The status of no school district shall be changed which will reduce it to a lower classification until due notice has been given to the proper authorities thereof and an opportunity given to correct the conditions which otherwise would be the cause of such reduction.

Private and parochial schools may be accredited and classified in like manner as public schools or, if an accrediting association is approved by the State Board of Education, by procedures established by the State Board of Education to accept accreditation by such accrediting association, if application is made to the State Board of Education for such accrediting;

11. Be the legal agent of the State of Oklahoma to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such rules as it finds necessary to provide for the proper distribution of such funds in accordance with the state and federal laws;

12. Be and is specifically hereby designated as the agency of this state to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any state board having charge of the administration of public schools unless otherwise provided by law;

13. Be and is hereby designated as the "State Educational Agency" referred to in Public Law 396 of the 79th Congress of the United States, which law states that said act may be cited as the "National School Lunch Act", and said State Board of Education is hereby authorized and directed to accept the terms and provisions

of said act and to enter into such agreements, not in conflict with the Constitution of Oklahoma or the Constitution and Statutes of the United States, as may be necessary or appropriate to secure for the State of Oklahoma the benefits of the school lunch program established and referred to in said act;

14. Have authority to secure and administer the benefits of the National School Lunch Act, Public Law 396 of the 79th Congress of the United States, in the State of Oklahoma and is hereby authorized to employ or appoint and fix the compensation of such additional officers or employees and to incur such expenses as may be necessary for the accomplishment of the above purpose, administer the distribution of any state funds appropriated by the Legislature required as federal matching to reimburse on children's meals;

15. Accept and provide for the administration of any land, money, buildings, gifts, donation or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board;

16. Have authority to require persons having administrative control of all school districts in Oklahoma to make such regular and special reports regarding the activities of the schools in said districts as the Board may deem needful for the proper exercise of its duties and functions. Such authority shall include the right of the State Board of Education to withhold all state funds under its control, to withhold official recognition, including accrediting, until such required reports have been filed and accepted in the office of said Board and to revoke the certificates of persons failing or refusing to make such reports;

17. Have general supervision of the school lunch program. The State Board of Education may sponsor workshops for personnel and participants in the school lunch program and may develop, print and distribute free of charge or sell any materials, books and bulletins to be used in such school lunch programs. There is hereby created in the State Treasury a revolving fund for the Board, to be designated the School Lunch Workshop Revolving Fund. The fund shall consist of all fees derived from or on behalf of

any participant in any such workshop sponsored by the State Board of Education, or from the sale of any materials, books and bulletins, and such funds shall be disbursed for expenses of such workshops and for developing, printing and distributing of such materials, books and bulletins relating to the school lunch program. The fund shall be administered in accordance with the Revolving Fund Procedures Act;

18. Prescribe all forms for school district and county officers to report to the State Board of Education where required. The State Board of Education shall also prescribe a list of appropriation accounts by which the funds of school districts shall be budgeted, accounted for and expended; and it shall be the duty of the State Auditor and Inspector in prescribing all budgeting, accounting and reporting forms for school funds to conform to such lists;

19. Provide for the establishment of a uniform system of pupil and personnel accounting, records and reports;

20. Have authority to provide for the health and safety of school children and school personnel while under the jurisdiction of school authorities;

21. Provide for the supervision of the transportation of pupils;

22. Have authority, upon request of the local school board, to act in behalf of the public schools of the state in the purchase of transportation equipment;

23. Have authority and is hereby required to perform all duties necessary to the administration of the public school system in Oklahoma as specified in the Oklahoma School Code; and, in addition thereto, those duties not specifically mentioned herein if not delegated by law to any other agency or official;

24. Administer the State Public Common School Building Equalization Fund established by Section 32 of Article X of the Oklahoma Constitution. Any royalties, bonuses, rentals or other monies derived from oil and gas and all other mineral leases on lands that have been or may be granted by the United States to the state for the use and benefit of the common schools, or lands that

are or may be held by the Commissioners of the Land Office for the use and benefit of the common schools, the proceeds of the sale of easements, improvements and sand and gravel on any such lands, the proceeds of all property that shall fall to the state by escheat, penalties for unlawful holding of real estate by corporations, and capital gains on assets of the permanent school funds, shall be deposited in such State Public Common School Building Equalization Fund, which shall be used to aid school districts in acquiring buildings under rules prescribed by the State Board of Education, as the administering agency, subject to the limitations fixed by Section 32 of Article X of the Oklahoma Constitution. The State Board of Education shall prescribe rules for making grants of aid from, and for otherwise administering, such fund, and may employ and fix the duties and compensation of technicians, aides, clerks, stenographers, attorneys and other personnel deemed necessary to perform its duties; and the cost of administering such fund shall be paid from funds currently available for the operation of the State Department of Education. It shall be the duty of the State Board of Education, the Commissioners of the Land Office and all other public agencies, officers and employees to observe and comply with the provisions of this paragraph, in all respects; and they shall not be held liable for any amount, penalty or punishment for having done so, unless and until they are directed to do otherwise by a court of competent jurisdiction;

25. Recognize that the Director of the Oklahoma Department of Corrections shall be the administrative authority for the schools which are maintained in the state reformatories and shall appoint the principals and teachers in such schools. Provided, that rules of the State Board of Education for the classification, inspection and accreditation of public schools shall be applicable to such schools; and such schools shall comply with standards set by the State Board of Education;

26. Have authority to administer a revolving fund which is hereby created in the State Treasury, to be designated the Statistical Services Revolving Fund. The fund shall consist of all monies received from the various school districts of the

state, the United States Government, and other sources for the purpose of furnishing or financing statistical services and for any other purpose as designated by the Legislature. The State Board of Education is hereby authorized to enter into agreements with school districts, municipalities, the United States Government, foundations and other agencies or individuals for services, programs or research projects. The Statistical Services Revolving Fund shall be administered in accordance with the Revolving Fund Procedures Act, Section 155 et seq. of Title 62 of the Oklahoma Statutes; and

27. Have authority to review preliminary plans for new construction and major alteration of public school buildings where structural changes are proposed. No bids shall be let for the construction or major alteration of any public school building until preliminary plans and specifications for such construction or alteration have been submitted to and reviewed by the State Department of Education. The period of time during which such review is conducted by the State Department of Education shall not exceed thirty (30) days. The State Department of Education shall advise each local school district regarding said review of preliminary plans and specifications. Provided, nothing in this subsection shall be construed as repealing any ordinance or building code of any city, town or county.

SECTION 33. AMENDATORY 70 O.S. 1991, Section 18-109.5, is amended to read as follows:

Section 18-109.5 A. Prior to July 1, 1990, as used in Sections 18-109.3 and 18-109.4 of this title, and on and after July 1, 1990, as used in ~~Section 108~~ Sections 18-201 and 18-201.1 of this ~~act~~ title:

1. "Vision impaired" means a visual impairment which, even with correction, adversely affects a child's educational performance;

2. "Children with learning disabilities" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, written or spoken, which may manifest itself in an imperfect ability to listen, think, speak,

read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

3. ~~"Hearing-impaired"~~ "Deaf or hard-of-hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance;

4. "Economically disadvantaged" means all children who qualify for free or reduced lunches. Provided, for the school year 1981-82, economically disadvantaged shall mean children who qualify and participate in a program for free or reduced lunches;

5. "Educable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

6. "Emotionally disturbed" means emotional problems preventing adjustment in regular class including:

- a. an inability to learn which cannot be explained by intellectual, sensory or health factors,
- b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,
- c. inappropriate types of behavior or feelings under normal circumstances,
- d. a general pervasive mood of unhappiness or depression, or
- e. a tendency to develop physical symptoms or fears associated with personal or school problems;

The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed;

7. "Gifted" means identified students as outlined in Section 1210.301 of ~~Title 70 of the Oklahoma Statutes~~ this title;

8. "Multiple handicapped" means concomitant impairments, such as mentally retarded/blind, mentally retarded/orthopedically impaired, and other combinations, the combination of which causes such severe educational problems that they cannot be accommodated

in special education programs solely for one of the impairments.  
The term does not include deaf/blind children;

9. "Physically handicapped" means a severe orthopedic impairment or an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.  
The term includes impairments caused by congenital anomaly, and impairments from other causes;

10. "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment, which adversely affects a child's educational performance;

11. "Trainable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

12. "Deaf/Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children;

13. "Bilingual" means those students who have limited English speaking abilities or who come from homes where English is not the dominant language as reported on the prior year application for accrediting;

14. "Special Education Summer Program" means those summer school programs which school districts may provide for children who are severely or profoundly multiple-handicapped if their individualized education program states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Any school district receiving funds for

such special education summer programs shall provide services as provided in Section 13-101 of this title. ~~Provided, during the 1982-83 school year the State Department of Education shall obtain data related to the number of children who would qualify for summer school special education programs and the number of children who are being served in summer school special education programs;~~ and

15. "Optional Extended School Year Program" means the program defined in Section ~~18~~ 1-109.1 of this ~~act~~ title.

B. The State Board of Education is hereby authorized to modify and redefine by ~~regulation~~ rule the definitions set out in this section whenever such modification is required to receive federal assistance therefor.

SECTION 34. AMENDATORY 70 O.S. 1991, Section 18-201, as last amended by Section 5, Chapter 215, O.S.L. 1996 (70 O.S. Supp. 1997, Section 18-201), is amended to read as follows:

Section 18-201. A. Until the 1997-98 school year, the weighted average daily membership of a school district for calculation of Foundation Aid purposes pursuant to paragraph 1 of subsection B of Section 18-200 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation and the weighted district calculation. The weighted average daily membership of a school district for calculation of Salary Incentive Aid purposes pursuant to paragraph 3 of subsection B of Section 18-200 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation, and the weighted teacher experience and degree calculation.

B. The weighted calculations provided for in subsection A of this section shall be determined as follows:

1. The weighted pupil grade level calculation shall be determined by taking the highest average daily membership of the preceding two (2) years of a school district and assigning weights to the pupils according to grade attended as follows:

| GRADE LEVEL                 | WEIGHT |
|-----------------------------|--------|
| a. Early childhood programs | .5     |

|    |                                  |       |
|----|----------------------------------|-------|
| b. | Kindergarten                     | 1.3   |
| c. | First and second grade           | 1.351 |
| d. | Third grade                      | 1.051 |
| e. | Fourth through<br>sixth grade    | 1.0   |
| f. | Seventh through<br>twelfth grade | 1.2   |

Multiply the membership of each grade by the weight assigned to such grade and add the totals together to determine the weighted pupil grade level calculation for a school district.

Determination of the pupils eligible for the early childhood program weight shall be pursuant to the provisions of Section 1-114 of this title. No child for whom tuition is paid pursuant to the provisions of Section 1-114 of this title may be included in the average daily membership of the district providing the early childhood program.

2. The weighted pupil category calculation shall be determined by assigning a weight to the pupil category as follows:

|    | CATEGORY  | WEIGHT           |
|----|---|------------------|
| a. | Vision Impaired   | 3.8              |
| b. | Learning Disabilities   | .4               |
| c. | <del>Hearing Impaired</del><br><u>Deaf or Hard-of-Hearing</u> | 2.9              |
| d. | Deaf and Blind  | 3.8              |
| e. | Educable Mentally Handicapped                                 | 1.3              |
| f. | Emotionally Disturbed   | 2.5              |
| g. | Gifted  | .34              |
| h. | Multiple Handicapped  | 2.4              |
| i. | Physically Handicapped  | 1.2              |
| j. | Speech Impaired   | .05              |
| k. | Trainable Mentally Handicapped                                | 1.3              |
| l. | Bilingual   | .25              |
| m. | Special Education Summer Program                              | 1.2              |
| n. | Economically Disadvantaged                                    | .25              |
| o. | Optional Extended School<br>Year Program                      | As determined by |

the State Board  
of Education

Except as otherwise provided, multiply the number of pupils approved in the preceding school year in each category by the weight assigned to such category and add the totals together to determine the weighted pupil category calculation for a school district. For the 1996-97 school year and subsequent school years the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus eight percent (8%) of the total average daily membership of the school district for the preceding school year.

3. The weighted district calculation shall be determined by determining the calculations for each school district for both the small school district formula and the district sparsity - isolation formula, applying whichever is the greater of the calculations of the two formulas and then applying the restrictions pursuant to subparagraph c of this paragraph.

- a. Small school district formula:  $529 \text{ minus total average daily membership divided by } 529 \text{ times } .2 \text{ times total average daily membership.}$

The small school district formula calculation shall apply only to school districts whose highest average daily membership of the preceding two (2) years is less than 529 pupils. School districts which are consolidated or annexed after August 19, 1991, pursuant to the Oklahoma School Consolidation and Annexation Act shall have the weighted district size calculation for the two (2) school years following the fiscal year in which such consolidation occurred calculated to be the sum of the

individual consolidated districts computed as if the consolidation had not taken place. Thereafter, any such district which is consolidated pursuant to the Oklahoma School Consolidation and Annexation Act shall not qualify for the weighted district calculation unless the district can satisfy the specifications herein. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

b. District sparsity - isolation formula:

The district sparsity - isolation formula calculation shall apply only to school districts:

- (1) whose total area in square miles is greater than the average number of square miles for all school districts in this state; and
- (2) whose areal density is less than one-fourth (1/4) of the state average areal density. Areal density shall be determined by dividing the school district's average daily membership by the school district's total area in square miles.

The district sparsity - isolation formula calculation shall be calculated as follows:

The school district student cost factor multiplied by the school district area factor. The resulting product shall be multiplied by the school district's average daily membership. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

The school district student cost factor shall be calculated as follows:

The school district's average daily membership shall be categorized into the following grade level groups and applied to the appropriate formulas as computed below:

Grade Level Group

Grades K-5                    Divide 74 by the sum of the Grade Level ADM plus 23, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 6-8                    Divide 122 by the sum of the Grade Level ADM plus 133, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 9-12                    Divide 292 by the sum of the Grade Level ADM plus 128, add .78 to the quotient, then multiply the sum by the Grade Level ADM.

The sum of the grade level group's average daily membership shall be divided by the school district's average daily membership. The number one (1.0) shall be subtracted from the resulting quotient.

The school district area cost factor shall be calculated as follows:

Subtract the state average district area from the district area, then divide the remainder by the state average district area;

however, the district area cost factor shall not exceed one (1.0).

The State Board of Education shall define geographical barriers whose location in a school district would inhibit the district from consolidation or annexation. The Board shall make available an application process, review applications, and for districts the Board deems necessary allow additional square miles to be used for the purposes of calculations used for the weighted district sparsity - isolation formula. Provided that the additional square miles allowed for geographical barriers shall not exceed thirty percent (30%) of the district's actual size.

c. State Aid funds which a district is calculated to receive as a result of the weighted district calculation shall be restricted as follows:

If after the weighted district calculation is applied, the district's projected per pupil revenue exceeds one hundred fifty percent (150%) of the projected state average per pupil revenue then the district's State Aid shall be reduced by an amount that will restrict the district's projected per pupil revenue to one hundred fifty percent (150%) of the projected state average per pupil revenue. Provided, in applying the restriction provided in this division, the district's State Aid shall not be reduced by an amount greater than by the amount of State Aid which was generated by the weighted district calculation.

Projected per pupil revenue shall be determined by dividing the highest of the district's preceding two years average daily membership (ADM) as weighted by the pupil grade level, the pupil category, the district and the teacher experience degree index calculations for projected State Aid into the district's projected total revenues including projected funds for the current State Aid Formula, net assessed valuation for the preceding calendar year times thirty-nine (39) mills, county revenues of the second preceding year, other state appropriations for the preceding year and the collections for the second preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax. The district's projected total revenues shall exclude the following collections for the second preceding year: federal revenue, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and other local miscellaneous revenues.

4. The weighted teacher experience and degree calculation shall be determined in accordance with the teacher experience and degree index. The State Department of Education shall determine an index for each state teacher by using data supplied in the school district's teacher personnel reports of the preceding year and utilizing the index as follows:

| TEACHER EXPERIENCE - DEGREE INDEX |                      |                    |                    |
|-----------------------------------|----------------------|--------------------|--------------------|
| EXPERIENCE                        | BACHELOR'S<br>DEGREE | MASTER'S<br>DEGREE | DOCTOR'S<br>DEGREE |
| 0 - 2                             | .7                   | .9                 | 1.1                |
| 3 - 5                             | .8                   | 1.0                | 1.2                |
| 6 - 8                             | .9                   | 1.1                | 1.3                |
| 9 - 11                            | 1.0                  | 1.2                | 1.4                |
| 12 - 15                           | 1.1                  | 1.3                | 1.5                |
| Over 15                           | 1.2                  | 1.4                | 1.6                |

The school district teacher index for each school district shall be determined by subtracting the weighted average state teacher from the weighted average district teacher. Multiply the school district teacher index if greater than zero by .7 and then multiply that product by the sum of the district's weighted pupil grade level calculation provided in paragraph 1 of this subsection and the weighted pupil category calculation provided in subparagraph n of paragraph 2 of this subsection to determine the weighted teacher experience and degree calculation.

SECTION 35. AMENDATORY Section 6, Chapter 215, O.S.L. 1996, as amended by Section 5, Chapter 343, O.S.L. 1997 (70 O.S. Supp. 1997, Section 18-201.1), is amended to read as follows:

Section 18-201.1 A. Beginning with the 1997-98 school year, and each school year thereafter, the weighted membership of a school district for calculation of Foundation Aid purposes pursuant to paragraph 1 of subsection D of Section 18-200.1 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation and the weighted teacher experience and degree calculation. The weighted membership of a school district for calculation of Salary Incentive Aid purposes pursuant to

paragraph 3 of subsection D of Section 18-200.1 of this title shall be the sum of the weighted pupil grade level calculation, the weighted pupil category calculation, the weighted district calculation, and the weighted teacher experience and degree calculation.

B. The weighted calculations provided for in subsection A of this section shall be based on the highest weighted average daily membership of the first nine (9) weeks of the current school year, the preceding school year or the second preceding school year of a school district, unless otherwise specified. The highest of the three (3) weighted average daily memberships shall be used consistently in all of the calculations. The average daily membership data used for all calculations in paragraphs 1, 2, 3 and 4 of this subsection shall be the same as used in the calculation of the State Aid Formula. The weighted calculations provided for in subsection A of this section shall be determined as follows:

1. The weighted pupil grade level calculation shall be determined by taking the highest average daily membership and assigning weights to the pupils according to grade attended as follows:

|    | GRADE LEVEL  | WEIGHT |
|----|--|--------|
| a. | Early childhood programs,<br>contingent upon the enactment of<br>Enrolled House Bill No. 1657 of<br>the 1st Session of the 46th<br>Oklahoma Legislature  | .7     |
| b. | Underage students enrolled<br>in kindergarten for the 1997-98<br>school year, contingent upon the<br>enactment of Enrolled House Bill<br>No. 1657 of the 1st Session of the<br>46th Oklahoma Legislature | 1.3    |
| c. | Underage students enrolled in<br>kindergarten beginning with the<br>1998-99 school year, contingent upon   |        |

|   |       |
|---|-------|
| the enactment of Enrolled House Bill<br>No. 1657 of the 1st Session of the 46th<br>Oklahoma Legislature | .7    |
| d. Kindergarten   | 1.3   |
| e. First and second grade   | 1.351 |
| f. Third grade  | 1.051 |
| g. Fourth through sixth grade   | 1.0   |
| h. Seventh through twelfth grade  | 1.2   |
| i. Out-of-home placement  | 1.45  |

Multiply the membership of each subparagraph of this paragraph by the weight assigned to such subparagraph of this paragraph and add the totals together to determine the weighted pupil grade level calculation for a school district. Determination of the pupils eligible for the early childhood program weight shall be pursuant to the provisions of Section 1-114 of this title. No child for whom tuition is paid pursuant to the provisions of Section 1-114 of this title may be included in the membership count of the school district providing the early childhood program. The pupils eligible for the out-of-home placement pupil weight shall be students who are not residents of the school district in which they are receiving education pursuant to the provisions of subsection D of Section 1-113 of this title. Such weight may be claimed by the district providing educational services to such student for the days that student is enrolled in that district. If claimed, the out-of-home placement weight shall be in lieu of the pupil grade level and any pupil category weights for that student. Provided, if a student resides in a juvenile detention center that is restricted to less than twelve (12) beds, the out-of-home placement pupil weight for such students shall be calculated as follows: for a center with six (6) beds - 2.9; for a center with eight (8) beds - 2.2; and for a center with ten (10) beds - 1.74.

2. The weighted pupil category calculation shall be determined by assigning a weight to the pupil category as follows:

| CATEGORY           | WEIGHT |
|--------------------|--------|
| a. Vision Impaired | 3.8    |

|    |                                  |                  |
|----|----------------------------------|------------------|
| b. | Learning Disabilities            | .4               |
| c. | <del>Hearing Impaired</del>      |                  |
|    | <u>Deaf or Hard-of-Hearing</u>   | 2.9              |
| d. | Deaf and Blind                   | 3.8              |
| e. | Educable Mentally Handicapped    | 1.3              |
| f. | Emotionally Disturbed            | 2.5              |
| g. | Gifted                           | .34              |
| h. | Multiple Handicapped             | 2.4              |
| i. | Physically Handicapped           | 1.2              |
| j. | Speech Impaired                  | .05              |
| k. | Trainable Mentally Handicapped   | 1.3              |
| l. | Bilingual                        | .25              |
| m. | Special Education Summer Program | 1.2              |
| n. | Economically Disadvantaged       | .25              |
| o. | Optional Extended School         |                  |
|    | Year Program                     | As determined by |

the State Board  
of Education

Except as otherwise provided, multiply the number of pupils approved in the school year with the highest average daily membership in each category by the weight assigned to such category and add the totals together to determine the weighted pupil category calculation for a school district. For the 1996-97 school year, the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus eight percent (8%) of the total average daily membership of the school district for the preceding school year. For the 1997-98 school year and subsequent school years, the number to be multiplied by the weight assigned to the gifted category in subparagraph g of this

paragraph shall be the lesser of (1) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus the number of students identified as gifted pursuant to subparagraphs a through d of paragraph 1 of Section 1210.301 of this title, or (2) the sum of the number of students who scored in the top three percent (3%) on any national standardized test of intellectual ability plus eight percent (8%) of the total average daily membership of the school district for the first nine (9) weeks of the school year.

3. The weighted district calculation shall be determined by determining the calculations for each school district for both the small school district formula and the district sparsity - isolation formula, applying whichever is the greater of the calculations of the two formulas and then applying the restrictions pursuant to subparagraph c of this paragraph.

- a. Small school district formula:  $529 \text{ minus the average daily membership divided by } 529 \text{ times } .2 \text{ times total average daily membership.}$

The small school district formula calculation shall apply only to school districts whose highest average daily membership is less than 529 pupils. School districts which are consolidated or annexed after August 19, 1991, pursuant to the Oklahoma School Consolidation and Annexation Act shall have the weighted district size calculation for the two (2) school years following the fiscal year in which such consolidation occurred calculated to be the sum of the individual consolidated districts computed as if the consolidation had not taken place. Thereafter, any such district which is consolidated pursuant to the Oklahoma School Consolidation and Annexation Act shall not qualify for the weighted district calculation unless the district can satisfy the specifications herein. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

b. District sparsity - isolation formula:

The district sparsity - isolation formula calculation shall apply only to school districts:

- (1) whose total area in square miles is greater than the average number of square miles for all school districts in this state; and
- (2) whose areal density is less than one-fourth (1/4) of the state average areal density. Areal density shall be determined by dividing the school district's average daily membership by the school district's total area in square miles.

The district sparsity - isolation formula calculation shall be calculated as follows:

The school district student cost factor multiplied by the school district area factor. The resulting product shall be multiplied by the school district's average daily membership. Subject to the provisions of subparagraph c of this paragraph, the resulting number shall be counted as additional students for the purpose of calculating State Aid.

The school district student cost factor shall be calculated as follows:

The school district's average daily membership shall be categorized into the following grade level groups and applied to the appropriate formulas as computed below:

Grade Level Group

Grades K-5                      Divide 74 by the sum of the Grade Level ADM plus 23, add .85 to the quotient, then multiply the sum by the Grade Level ADM.

Grades 6-8                      Divide 122 by the sum of the Grade Level ADM plus 133, add .85 to the quotient, then

multiply the sum by the Grade  
Level ADM.

Grades 9-12

Divide 292 by the sum of the Grade  
Level ADM plus 128,  
add .78 to the quotient, then  
multiply the sum by the Grade  
Level ADM.

The sum of the grade level group's average daily  
membership shall be divided by the school district's  
average daily membership. The number one (1.0)  
shall be subtracted from the resulting quotient.

The school district area cost factor shall be calculated  
as follows:

Subtract the state average district area from the  
district area, then divide the remainder by the  
state average district area;

however, the district area cost factor shall not exceed  
one (1.0).

The State Board of Education shall define geographical  
barriers whose location in a school district would inhibit the  
district from consolidation or annexation. The Board shall make  
available an application process, review applications, and for  
districts the Board deems necessary allow additional square miles  
to be used for the purposes of calculations used for the weighted  
district sparsity - isolation formula. Provided, that the  
additional square miles allowed for geographical barriers shall  
not exceed thirty percent (30%) of the district's actual size.

c. State Aid funds which a district is calculated to  
receive as a result of the weighted district  
calculation shall be restricted as follows:

If, after the weighted district calculation is  
applied, the district's projected per pupil  
revenue exceeds one hundred fifty percent (150%)  
of the projected state average per pupil  
revenue, then the district's State Aid shall be  
reduced by an amount that will restrict the

district's projected per pupil revenue to one hundred fifty percent (150%) of the projected state average per pupil revenue. Provided, in applying the restriction provided in this division, the district's State Aid shall not be reduced by an amount greater than by the amount of State Aid which was generated by the weighted district calculation.

The July calculation of the projected per pupil revenue shall be determined by dividing the highest of the district's preceding two years average daily membership (ADM) as weighted by the pupil grade level, the pupil category, the district and the teacher experience degree index calculations for projected State Aid into the district's projected total revenues including projected funds for the State Aid Formula for the preceding year, net assessed valuation for the preceding calendar year times thirty-nine (39) mills, county revenues excluding the county four-mills revenues for the second preceding year, other state appropriations for the preceding year and the collections for the preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax.

The December calculation of the projected per pupil revenue shall be determined by dividing the highest of the district's first nine (9) weeks of the current school year or the two preceding school years average daily membership (ADM) as weighted by the pupil grade level, the pupil category, the district and the teacher experience degree index calculations for projected State Aid into the district's projected total revenues including funds for the December calculation of the current year State Aid Formula, net assessed valuation for the current calendar year times thirty-nine (39) mills,

county revenues excluding the county four-mills revenue for the preceding year, other state appropriations for the preceding year and the collections for the preceding year of state apportionment, motor vehicle revenue, gross production tax and R.E.A. tax.

The district's projected total revenues for each calculation shall exclude the following collections for the second preceding year: federal revenue, insurance loss payments, reimbursements, recovery of overpayments and refunds, unused reserves, prior expenditures recovered, prior year surpluses, and other local miscellaneous revenues.

4. The weighted teacher experience and degree calculation shall be determined in accordance with the teacher experience and degree index. The State Department of Education shall determine an index for each state teacher by using data supplied in the school district's teacher personnel reports of the preceding year and utilizing the index as follows:

| TEACHER EXPERIENCE - DEGREE INDEX |                      |                    |                    |
|-----------------------------------|----------------------|--------------------|--------------------|
| EXPERIENCE                        | BACHELOR'S<br>DEGREE | MASTER'S<br>DEGREE | DOCTOR'S<br>DEGREE |
| 0 - 2                             | .7                   | .9                 | 1.1                |
| 3 - 5                             | .8                   | 1.0                | 1.2                |
| 6 - 8                             | .9                   | 1.1                | 1.3                |
| 9 - 11                            | 1.0                  | 1.2                | 1.4                |
| 12 - 15                           | 1.1                  | 1.3                | 1.5                |
| Over 15                           | 1.2                  | 1.4                | 1.6                |

The school district teacher index for each school district shall be determined by subtracting the weighted average state teacher from the weighted average district teacher. Multiply the school district teacher index if greater than zero by .7 and then multiply that product by the sum of the district's weighted pupil grade level calculation provided in paragraph 1 of this subsection and the weighted pupil category calculation provided in

subparagraph n of paragraph 2 of this subsection to determine the weighted teacher experience and degree calculation.

SECTION 36. AMENDATORY 70 O.S. 1991, Section 1745, is amended to read as follows:

Section 1745. The Oklahoma School for the Deaf of the State Board of Education and the Oklahoma Vocational Rehabilitation Division of the State Board for Vocational Education are hereby authorized to enter into a cooperative agreement that is mutually acceptable to both Boards, whereby an evaluation and rehabilitation center can be established, maintained and operated to serve the ~~hearing-impaired~~ deaf and hard-of-hearing citizens of Oklahoma who are fifteen (15) years of age or older at the State School for the Deaf.

SECTION 37. AMENDATORY 70 O.S. 1991, Section 3904, as amended by Section 24, Chapter 324, O.S.L. 1992 (70 O.S. Supp. 1997, Section 3904), is amended to read as follows:

Section 3904. ~~(a)~~ A. The income, interest, rentals and proceeds of the sale of Section Thirteen in this state, and any indemnity lands in lieu of Section Thirteen which were granted to the state for the use and benefit of the University of Oklahoma, ~~Agricultural and Mechanical College~~ Oklahoma State University, the Normal Schools, the University Preparatory School, and ~~the Colored Agricultural and Normal~~ Langston University, shall be divided and distributed as follows:

To the University of Oklahoma and the Northern Oklahoma College, one-third (1/3); the University of Oklahoma to receive nine-tenths (9/10) of said one-third (1/3) and the Northern Oklahoma College to receive one-tenth (1/10) of said one-third (1/3); to the Oklahoma State University and Langston University, one-third (1/3); the Oklahoma State University to receive nine-tenths (9/10) of said one-third (1/3), and Langston University to receive one-tenth (1/10) of said one-third (1/3); to the University of Central Oklahoma, East Central University, Northeastern State University, Northwestern Oklahoma State University, Southeastern Oklahoma State University, Southwestern Oklahoma State University, Oklahoma Panhandle State University,

University of Sciences and Arts of Oklahoma, and Cameron University, the Normal Schools, one-third (1/3), the same to be equally divided among said state colleges, provided, that in the event of the establishment of additional similar state colleges, such additional state colleges shall share equally with the other state colleges in the division and distribution of the one-third (1/3) last above mentioned. In the event of the sale of Section Thirteen, or any portion thereof, the proceeds of said sale shall be divided and distributed among said institutions in the same manner, proportion and amount as hereinbefore indicated for the division and distribution of the interest, income, rentals or proceeds thereof of said land; provided, that the said lands so reserved, or the proceeds of the sale thereof or of any indemnity land granted in lieu of Section Thirteen, shall be safely kept or invested and preserved by the state as a trust, which shall never be diminished, but may be added to, and the income, interest and rentals thereof, shall be used exclusively for the benefit of said educational institutions. Such additional institutions shall remain under the exclusive control of the state, and no part of the proceeds arising from the sale or disposal of any land granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college or university, and no portion of the funds arising from the sale of Section Thirteen or any indemnity land, shall ever be diverted either temporarily or permanently from the purpose for which said lands were granted to the state.

~~(b)~~ B. The state educational institutions eligible for participation in the Section Thirteen Fund and the new college fund may expend monies in such funds from time to time as needs arise for the construction and purchase of buildings, for the purchase of equipment, and for other capital additions. The provisions of this section shall be cumulative to existing laws.

SECTION 38. AMENDATORY 74 O.S. 1991, Section 324.11b, is amended to read as follows:

Section 324.11b A. Any person, partnership, corporation, organization, state, city, town, county, or other subdivision of

Req. No. 11347Page 63

this state, operating a building or structure used as a hotel or motel, within the State of Oklahoma, shall provide, at no additional charge to deaf and ~~hearing-impaired~~ hard-of-hearing guests and upon request of such guests, portable smoke detectors of the type suitable for providing visual warning to such guests, a room equipped with fixed visual warning smoke detectors or a ground floor guest room accessible to the out-of-doors. Each hotel or motel shall have available at least one portable visual warning smoke detector, one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors for each fifty guest rooms of such hotel or motel. No hotel or motel shall be required to have more than a total of six portable visual warning smoke detectors, six rooms with fixed visual warning smoke detectors or six ground floor guest rooms accessible to the out-of-doors. Each hotel or motel shall have at least one such smoke detector, one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors.

B. Any school or college that provides housing to ~~hearing-impaired~~ deaf and hard-of-hearing individuals shall make a visual warning smoke detector available for each such individual's use and may require users to post a refundable deposit.

SECTION 39. AMENDATORY 74 O.S. 1991, Section 840.19a, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-4.4), is amended to read as follows:

Section 840-4.4 When the appointing authority determines that certain knowledge and sign language skills are required in any position in order to effectively work with ~~hearing-impaired~~ deaf or hard-of-hearing persons, such requirements shall be incorporated into the specifications of the appropriate job classifications. Such requirements shall not be construed as placing additional requirements on persons who are incumbents in such positions at the time such a determination is made.

SECTION 40. REPEALER 10 O.S. 1991, Sections 451 and 458, and 62 O.S. 1991, Section 177, are hereby repealed.

SECTION 41. This act shall become effective November 1, 1998.

46-2-11347

CLD