

1 ENGROSSED SENATE
2 BILL NO. 814

By: Smith of the Senate

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Toure of the House

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7 An Act relating to duplicate sections; amending,
8 merging, consolidating and repealing duplicate
9 sections; amending 2 O.S. 1991, Section 1762, as last
10 amended by Section 101 of Enrolled House Bill No.
11 1378 of the 1st Session of the 48th Oklahoma
12 Legislature, 11 O.S. 1991, Section 50-101, as last
13 amended by Section 1 of Enrolled Senate Bill No. 626
14 of the 1st Session of the 48th Oklahoma Legislature,
15 11 O.S. 1991, Section 50-112, as last amended by
16 Section 4 of Enrolled Senate Bill No. 626 of the 1st
17 Session of the 48th Oklahoma Legislature, 47 O.S.
18 1991, Section 6-115, as last amended by Section 2 of
19 Enrolled House Bill No. 1131 of the 1st Session of
20 the 48th Oklahoma Legislature, 47 O.S. 1991, Section
21 156, as last amended by Section 1 of Enrolled Senate
22 Bill No. 80 of the 1st Session of the 48th Oklahoma
23 Legislature, 51 O.S. 1991, Section 6, as last amended
24 by Section 39 of Enrolled House Bill No. 1214 of the
25 1st Session of the 48th Oklahoma Legislature, Section
26 1, Chapter 165, O.S.L. 1996 (57 O.S. Supp. 2000,
27 Section 549.2), as amended by Section 44 of Enrolled
28 House Bill No. 1214 of the 1st Session of the 48th
29 Oklahoma Legislature, Section 3, Chapter 115, O.S.L.
30 2000 (63 O.S. Supp. 2000, Section 2843), as amended
31 by Section 1 of Enrolled House Bill No. 1691 of the
32 1st Session of the 48th Oklahoma Legislature, 70 O.S.
1991, Section 5-110.1, as last amended by Section 1
of Enrolled House Bill No. 1044 of the 1st Session of
the 48th Oklahoma Legislature, 74 O.S. 1991, Section
840.8, as renumbered by Section 54, Chapter 242,
O.S.L. 1994 (74 O.S. Supp. 2000, Section 840-5.5),
and as last amended by Section 13 of Enrolled House
Bill No. 1231 of the 1st Session of the 48th Oklahoma
Legislature, Section 1, Chapter 157, O.S.L. 1997 (74
O.S. Supp. 2000, Section 1811.5A), as amended by
Section 1 of Enrolled House Bill No. 1041 of the 1st
Session of the 48th Oklahoma Legislature, 82 O.S.
1991, Section 1324.16, as last amended by Section 2
of Enrolled Senate Bill No. 617 of the 1st Session of
the 48th Oklahoma Legislature, which are duplicate
sections; repealing 2 O.S. 1991, Section 1762, as
last amended by Section 1 of Enrolled House Bill No.
1214 of the 1st Session of the 48th Oklahoma
Legislature, 11 O.S. 1991, Section 50-101, as last
amended by Section 1 of Enrolled Senate Bill No. 669
of the 1st Session of the 48th Oklahoma Legislature,
11 O.S. 1991, Section 50-112, as last amended by
Section 1 of Enrolled Senate Bill No. 411 of the 1st
Session of the 48th Oklahoma Legislature, 47 O.S.
1991, Section 156, as last amended by Section 1 of
Enrolled House Bill No. 1289 of the 1st Session of

1 the 48th Oklahoma Legislature, 47 O.S. 1991, Section
2 6-115, as last amended by Section 23 of Enrolled
3 House Bill No. 1965 of the 1st Session of the 48th
4 Oklahoma Legislature, 51 O.S. 1991, Section 6, as
5 last amended by Section 1 of Enrolled Senate Bill No.
6 620 of the 1st Session of the 48th Oklahoma
7 Legislature, Section 1, Chapter 165, O.S.L. 1996 (57
8 O.S. Supp. 2000, Section 549.2), as amended by
9 Section 1 of Enrolled House bill No. 1023 of the 1st
10 Session of the 48th Oklahoma Legislature, Section 3,
11 Chapter 115, O.S.L. 2000 (63 O.S. Supp. 2000, Section
12 2843), as amended by Section 3 of Enrolled House Bill
13 No. 1152 of the 1st Session of the 48th Oklahoma
14 Legislature, 70 O.S. 1991, Section 5-110.1, as last
15 amended by Section 71 of Enrolled House Bill No. 1214
16 of the 1st Session of the 48th Oklahoma Legislature,
17 70 O.S. 1991, Section 18-108, as last amended by
18 Section 64 of Enrolled House Bill No. 1965 of the 1st
19 Session of the 48th Oklahoma Legislature, 74 O.S.
20 1991, Section 130.12, as last amended by Section 170
21 of Enrolled House Bill No. 1214 of the 1st Session of
22 the 48th Oklahoma Legislature, 74 O.S. 1991, Section
23 840.8, as renumbered by Section 54, Chapter 242,
24 O.S.L. 1994 (74 O.S. Supp. 2000, Section 840-5.5),
25 and as last amended by Section 53 of Enrolled House
26 Bill No. 1965 of the 1st Session of the 48th Oklahoma
27 Legislature, 74 O.S. 1991, Section 1306, as last
28 amended by Section 1 of Enrolled Senate Bill No. 633
29 of the 1st Session of the 48th Oklahoma Legislature,
30 Section 1, Chapter 157, O.S.L. 1997 (74 O.S. Supp.
31 2000, Section 1811.5A), as amended by Section 1 of
32 Enrolled Senate Bill No. 704 of the 1st Session of
the 48th Oklahoma Legislature, 82 O.S. 1991, Section
1324.16, as last amended by Section 180 of Enrolled
House Bill No. 1214 of the 1st Session of the 48th
Oklahoma Legislature, which are duplicate sections;
providing effective dates; and declaring an
emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 1762, as last
amended by Section 101 of Enrolled House Bill No. 1378 of the 1st
Session of the 48th Oklahoma Legislature, is amended to read as
follows:

Section 1762. As used in the Oklahoma Agricultural Linked
Deposit Program:

1. "Agricultural domestic corporation" means any domestic
corporation formed or licensed pursuant to the Oklahoma General
Corporation Act or a limited domestic liability company formed or
licensed pursuant to the Oklahoma Limited Liability Company Act and

1 meeting the requirements of paragraph 5 of subsection A of Section
2 955 of Title 18 of the Oklahoma Statutes and meeting the
3 requirements of subsection A of Section 951 of Title 18 of the
4 Oklahoma Statutes;

5 2. "Agricultural linked deposit" means a certificate of deposit
6 placed by the State Treasurer with an eligible lending institution
7 or an investment in bonds, notes, debentures, or other obligations
8 or securities issued by the federal farm credit bank with regard to
9 an eligible lending institution for the purpose of carrying out the
10 intent of this program;

11 3. "Agricultural Linked Deposit Loan Package" means the forms
12 provided by the State Treasurer for the purpose of applying for an
13 agricultural linked deposit;

14 4. "Alternative agricultural products" means those products
15 included in a report submitted by the Cooperative Extension Service
16 of Oklahoma State University to the State Department of Agriculture,
17 and any other products which the State Board of Agriculture
18 determines will diversify Oklahoma's agricultural industry so as to
19 broaden Oklahoma's economic base;

20 5. "An at-risk farm or ranch business" shall be one that seeks
21 a production loan and meets the following criteria:

22 a. at least sixty percent (60%) of gross income derived
23 from farming and/or ranching, and

24 b. a debt-to-asset ratio over forty percent (40%);

25 6. "Eligible agricultural business" means any person engaged in
26 producing, processing, or marketing alternative agricultural
27 products or an at-risk farm or ranch business, within the State of
28 Oklahoma in operation that has developed a management plan through
29 the Intensive Financial Management and Planning Support (IFMAPS)
30 program of the Cooperative Extension Service of Oklahoma State
31 University or the Farm Business Management Program of the ~~State~~

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1 Oklahoma Department of Vocational Career and Technical Technology
2 Education; and

3 7. "Eligible lending institution" means a financial institution
4 that agrees to participate in the Oklahoma Agricultural Linked
5 Deposit Program, and:

6 a. is eligible to be a depository of state funds, or

7 b. is an institution of the farm credit system organized
8 under the federal "Farm Credit Act of 1971", 12 U.S.C.
9 2001, as amended.

10 SECTION 2. AMENDATORY 11 O.S. 1991, Section 50-101, as
11 last amended by Section 1 of Enrolled Senate Bill No. 626 of the 1st
12 Session of the 48th Oklahoma Legislature, is amended to read as
13 follows:

14 Section 50-101. As used in this article:

15 1. "System" means the Oklahoma Police Pension and Retirement
16 System and all predecessor municipal Police Pension and Retirement
17 Systems;

18 2. "Article" means Article 50 of this title;

19 3. "State Board" means the Oklahoma Police Pension and
20 Retirement Board;

21 4. "Local board" means the local police pension and retirement
22 boards;

23 5. "Fund" means the Oklahoma Police Pension and Retirement
24 Fund;

25 6. "Officer" means any duly appointed and sworn full-time
26 officer of the regular police department of a municipality whose
27 duties are to preserve the public peace, protect life and property,
28 prevent crime, serve warrants, enforce all laws and municipal
29 ordinances of this state, and any political subdivision thereof, and
30 who is authorized to bear arms in the execution of such duties;

31 7. "Member" means all eligible officers of a participating
32 municipality and any person hired by a participating municipality

1 who is undergoing police training to become a permanent police
2 officer of the municipality. Effective July 1, 1987, a member does
3 not include a "leased employee" as defined under Section 414(n) (2)
4 of the Internal Revenue Code of 1986, as amended. Effective July 1,
5 1999, any individual who agrees with the participating municipality
6 that the individual's services are to be performed as a leased
7 employee or an independent contractor shall not be a member
8 regardless of any classification as a common law employee by the
9 Internal Revenue Service or any other governmental agency, or any
10 court of competent jurisdiction. A member shall include ~~members~~
11 eligible commissioned officers of the Oklahoma State Bureau of
12 Narcotics and Dangerous Drugs Control, the Oklahoma State Bureau of
13 Investigation, and the Alcoholic Beverage Laws Enforcement
14 Commission who elect to participate in the System pursuant to
15 Section 50-111.5 of Title 11 of the Oklahoma Statutes;

16 8. "Normal retirement date" means the date at which the member
17 is eligible to receive the unreduced payments of the member's
18 accrued retirement benefit. Such date shall be the first day of the
19 month coinciding with or following the date the member completes
20 twenty (20) years of credited service. If the member's employment
21 continues past the normal retirement date of the member, the actual
22 retirement date of the member shall be the first day of the month
23 after the member terminates employment with more than twenty (20)
24 years of credited service;

25 9. "Credited service" means the period of service used to
26 determine the eligibility for and the amount of benefits payable to
27 a member. Credited service shall consist of the period during which
28 the member participated in the System or the predecessor municipal
29 systems as an active employee in an eligible membership
30 classification, plus any service prior to the establishment of the
31 predecessor municipal systems which was credited under the
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1 predecessor municipal systems or credited service granted by the
2 State Board;

3 10. "Participating municipality" means a municipality which is
4 making contributions to the System on behalf of its officers. The
5 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the
6 Oklahoma State Bureau of Investigation, and the Alcoholic Beverage
7 Laws Enforcement Commission shall be treated in the same manner as a
8 participating municipality only regarding those members who elect to
9 participate in the System pursuant to Section 50-111.5 of Title 11
10 of the Oklahoma Statutes;

11 11. "Permanent total disability" means incapacity due to
12 accidental injury or occupational disease, to earn any wages in the
13 employment for which the member is physically suited and reasonably
14 fitted through education, training or experience. Further, the
15 member must be declared one hundred percent (100%) impaired as
16 defined by the "American Medical Association's Guides to the
17 Evaluation of Permanent Impairment" on the basis of a physical
18 medical examination by a physician licensed to practice medicine in
19 this state, as selected by the State Board;

20 12. "Permanent partial disability" means permanent disability
21 which is less than permanent total disability as defined in this
22 section. The member must be declared no greater than ninety-nine
23 percent (99%) impaired as defined by the "American Medical
24 Association's Guides to the Evaluation of Permanent Impairment" on
25 the basis of a physical medical examination by a physician licensed
26 to practice medicine in this state, as selected by the State Board;

27 13. "Beneficiary" means a member's surviving spouse or any
28 surviving children, including biological and adopted children, at
29 the time of the member's death. The surviving spouse must have been
30 married to the member for the thirty (30) continuous months
31 immediately preceding the member's death, provided a surviving
32 spouse of a member who died while in, and as a consequence of, the

1 performance of the member's duty for a participating municipality,
2 shall not be subject to the thirty-month marriage requirement for
3 survivor benefits. A surviving child of a member shall be a
4 beneficiary until reaching eighteen (18) years of age or twenty-two
5 (22) years of age if the child is enrolled full time and regularly
6 attending a public or private school or any institution of higher
7 education. Any child adopted by a member after the member's
8 retirement shall be a beneficiary only if the child is adopted by
9 the member for the thirty (30) continuous months preceding the
10 member's death. Any child who is adopted by a member after the
11 member's retirement and such member dies accidentally or as a
12 consequence of the performance of the member's duty as a police
13 officer shall not be subject to the thirty-month adoption
14 requirement. This definition of beneficiary shall be in addition to
15 any other requirement set forth in this article;

16 14. "Executive Director" means the managing officer of the
17 System employed by the State Board;

18 15. "Eligible employer" means any municipality with a municipal
19 police department;

20 16. "Entry date" means the date as of which an eligible
21 employer joins the System. The first entry date pursuant to this
22 article shall be January 1, 1981;

23 17. "Final average salary" means the average paid gross salary
24 of the member for normally scheduled hours over the highest salaried
25 thirty (30) consecutive months of the last sixty (60) months of
26 credited service.

27 a. Gross salary shall not include payment for accumulated
28 sick and annual leave upon termination of employment
29 or any uniform allowances. Provided, for purposes of
30 determining the normal disability benefit, final
31 average salary shall be based on the member's total
32 service if less than thirty (30) months. Gross salary

1 shall include any amount of elective salary reduction
2 under Section 457 of the Internal Revenue Code of
3 1986, as amended, and any amount of nonelective salary
4 reduction under Section 414(h) of the Internal Revenue
5 Code of 1986, as amended. Effective January 1, 1988,
6 gross salary shall include any amount of elective
7 salary reduction under Section 125 of the Internal
8 Revenue Code of 1986, as amended. Only salary on
9 which required contributions have been made may be
10 used in computing the final average salary.

11 b. In addition to other applicable limitations, and
12 notwithstanding any other provision to the contrary,
13 for plan years beginning on or after July 1, 1996, the
14 annual compensation of each "Noneligible Member" taken
15 into account under the System shall not exceed the
16 Omnibus Budget Reconciliation Act of 1993 (OBRA '93)
17 annual compensation limit. The OBRA '93 annual
18 compensation limit is One Hundred Fifty Thousand
19 Dollars (\$150,000.00), as adjusted by the Commissioner
20 for increases in the cost of living in accordance with
21 Section 401(a)(17)(B) of the Internal Revenue Code of
22 1986, as amended. The annual compensation limit in
23 effect for a calendar year applies to any period, not
24 exceeding twelve (12) months, over which compensation
25 is determined ("determination period") beginning in
26 such calendar year. If a determination period
27 consists of fewer than twelve (12) months, the OBRA
28 '93 annual compensation limit will be multiplied by a
29 fraction, the numerator of which is the number of
30 months in the determination period, and the
31 denominator of which is twelve (12). For purposes of
32 this section, a "Noneligible Member" is any member who

1 first became a member during a plan year commencing on
2 or after July 1, 1996.

3 c. For plan years beginning on or after July 1, 1996, any
4 reference in the System to the annual compensation
5 limit under Section 401(a)(17) of the Internal Revenue
6 Code of 1986, as amended, shall mean the OBRA '93
7 annual compensation limit set forth in this provision.

8 d. If compensation for any prior determination period is
9 taken into account in determining a Noneligible
10 Member's benefits accruing in the current plan year,
11 the compensation for that prior determination period
12 is subject to the OBRA '93 annual compensation limit
13 in effect for that prior determination period. For
14 this purpose, for determination periods beginning
15 before the first day of the first plan year beginning
16 on or after July 1, 1996, the OBRA '93 annual
17 compensation limit is One Hundred Fifty Thousand
18 Dollars (\$150,000.00).

19 e. Effective July 1, 1989, through June 30, 1997, in
20 determining the compensation of a member for purposes
21 of this limitation, the rules of Section 414(q)(6) of
22 the Internal Revenue Code of 1986, as amended, shall
23 apply, except in applying such rules, the term
24 "family" shall include only the spouse of the member
25 and any lineal descendants of the member who have not
26 attained age nineteen (19) before the close of the
27 year. If, as a result of the application of such
28 rules, the adjusted annual compensation limitation is
29 exceeded, then the limitation shall be prorated among
30 the affected individuals in proportion to each such
31 individual's compensation as determined under this
32 section prior to the application of this limitation;

1 18. "Accrued retirement benefit" means two and one-half percent
2 (2 1/2%) of the member's final average salary multiplied by the
3 member's years of credited service not to exceed thirty (30) years;

4 19. "Normal disability benefit" means two and one-half percent
5 (2 1/2%) of the member's final average salary multiplied by twenty
6 (20) years;

7 20. "Limitation year" means the year used in applying the
8 limitations of Section 415 of the Internal Revenue Code of 1986, as
9 amended, which year shall be the calendar year;

10 21. "Paid base salary" means compensation that shall include
11 longevity, educational allowances, and normal compensation paid on a
12 regularly scheduled pay period of which said pay period shall
13 include holidays, annual leave and sick leave. Paid base salary
14 shall not include overtime. This shall exclude any incremental
15 increases due to reimbursement or payment of benefits or other
16 allowances including but not limited to insurance premium
17 reimbursements; and

18 22. "Actuarial equivalent" means equality in value of the
19 aggregate amounts expected to be received based on interest rate and
20 mortality assumptions set by the State Board, in a manner that
21 precludes employer discretion, and based upon recommendations from
22 independent professional advisors, and which shall be published
23 annually in the actuarial report.

24 SECTION 3. AMENDATORY 11 O.S. 1991, Section 50-112, as
25 last amended by Section 4 of Enrolled Senate Bill No. 626 of the 1st
26 Session of the 48th Oklahoma Legislature, is amended to read as
27 follows:

28 Section 50-112. A. All persons employed as officers or any
29 person hired by a participating municipality who is undergoing
30 police training to become a permanent police officer of the
31 municipality shall participate in the System upon initial employment
32 with a police department of a participating municipality. All such

1 persons shall submit to a physical-medical examination pertaining to
2 sight, hearing, agility and other conditions the requirements of
3 which shall be established by the State Board. The person shall be
4 required to complete this physical-medical examination prior to the
5 beginning of actual employment. This examination shall identify any
6 preexisting conditions. Except as otherwise provided in this
7 section, a police officer shall be not less than twenty-one (21) nor
8 more than forty-five (45) years of age when accepted for membership
9 in the System. However, if a municipality should be found to be in
10 noncompliance with the provisions of Article 50 of this title, as
11 determined by the State Board, then any current full-time active
12 police officer employed by a municipality as of July 1, 2001, shall
13 not be denied eligibility to participate in the Oklahoma Police
14 Pension and Retirement System solely due to age. The State Board
15 shall have authority to deny or revoke membership of any person
16 submitting false information in such person's membership
17 application. The State Board shall have final authority in
18 determining eligibility for membership in the System, pursuant to
19 the provisions of this article.

20 B. The police chief of any participating municipality may be
21 exempt from membership in the System or may become a member provided
22 the member is not a retired member and the requirements of this
23 section are met at the time of employment.

24 C. A member of the System who has attained his or her normal
25 retirement date may, if the member so elects, agree to terminate
26 employment and retire as a member of the System, make an election to
27 receive distributions from the System, and then return to employment
28 in the position of police chief, but in the position of police
29 chief, such member shall be a retired member of the System,
30 receiving distributions from the System while employed as police
31 chief.

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1 D. A former member of the System who terminates from covered
2 employment and who has neither retired from the System nor entered
3 the Oklahoma Police Deferred Option Plan and is later employed in a
4 covered position with a participating municipality shall not be
5 denied eligibility to become a member of the System because he or
6 she is forty-five (45) years of age or older. If such member has
7 withdrawn his or her contributions prior to re-entering the System
8 and the member desires to receive credit for such prior service,
9 then the member shall pay back such contributions and interest
10 pursuant to Section 50-111.1 of this title.

11 SECTION 4. AMENDATORY 47 O.S. 1991, Section 6-115, as
12 last amended by Section 2 of Enrolled House Bill No. 1131 of the 1st
13 Session of the 48th Oklahoma Legislature, is amended to read as
14 follows:

15 Section 6-115. Every driver license shall be issued for a
16 period of no more than four (4) years. The expiration date of an
17 initial license shall be four (4) years from the last day of the
18 month of issuance or four (4) years from the last day of the birth
19 month of the applicant immediately preceding the date of issuance,
20 if requested by the applicant. The expiration date of renewal
21 license shall be four (4) years from the last day of the month of
22 expiration of the previous license or four (4) years from the last
23 day of the birth month of the licensee immediately preceding the
24 expiration date of the previous license, if requested by the
25 licensee. Every such driver license shall be renewable upon
26 application, furnishing both primary and secondary proofs of
27 identity, and payment of the required fee. All applicants for
28 renewals of driver licenses who have proven collision records or
29 apparent physical defects may be required to take an examination as
30 specified by the Commissioner of Public Safety. The Department of
31 Public Safety shall promulgate rules prescribing forms of primary
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1 and secondary identification acceptable for the renewal of an
2 Oklahoma driver license.

3 SECTION 5. AMENDATORY 47 O.S. 1991, Section 156, as last
4 amended by Section 1 of Enrolled Senate Bill No. 80 of the 1st
5 Session of the 48th Oklahoma Legislature, is amended to read as
6 follows:

7 Section 156. A. Unless otherwise provided for by law, no state
8 board, commission, department, institution, official, or employee,
9 except the Department of Public Safety, the Department of Human
10 Services, the State Department of Rehabilitation Services, the
11 Department of Wildlife Conservation, the Department of Corrections,
12 the State Department of Education, the Oklahoma School of Science
13 and Mathematics, the Oklahoma State Bureau of Narcotics and
14 Dangerous Drugs Control, the Oklahoma State Bureau of Investigation,
15 the Transportation Commission, the Department of Agriculture, the
16 State Department of Health, the Department of Mental Health and
17 Substance Abuse Services, the J.D. McCarty Center for Children with
18 Developmental Disabilities, the Military Department of the State of
19 Oklahoma, the Oklahoma Tourism and Recreation Department, the
20 Oklahoma Conservation Commission, the Oklahoma Water Resources
21 Board, the Department of Mines, the Office of Juvenile Affairs, the
22 Oklahoma Department of Veteran Affairs and the Oklahoma Supreme
23 Court shall purchase any passenger automobile or bus with public
24 funds.

25 B. 1. The Oklahoma School for the Deaf at Sulphur, the
26 Oklahoma School for the Blind at Muskogee, and any state institution
27 of higher education may purchase, own, or keep if now owned, or
28 acquire by lease or gift, and use and maintain such station wagons,
29 automobiles, trucks, or buses as are reasonably necessary for the
30 implementation of the educational programs of said institutions.

31 2. No bus operated, owned, or used by such educational
32 institutions shall be permitted to carry any person other than

1 students, faculty members, employees, or volunteers of such
2 institutions. The provisions of this section shall not be construed
3 to prohibit:

4 a. the operation of intracampus buses or buses routed
5 directly between portions of the campus of any
6 institution not adjacent to each other, nor to
7 prohibit the collection of fares from such students,
8 faculty members, or employees of such institutions,
9 sufficient in amount to cover the reasonable cost of
10 such transportation, or

11 b. the Oklahoma School for the Blind or the Oklahoma
12 School for the Deaf from entering into agreements with
13 public school districts pursuant to the Interlocal
14 Cooperation Act for the mutual use of the schools' and
15 the districts' vehicles. Such use may include, but is
16 not limited to, the transportation of students from
17 school districts with students from the Oklahoma
18 School for the Blind or the Oklahoma School for the
19 Deaf in vehicles owned by the Oklahoma School for the
20 Blind or the Oklahoma School for the Deaf when
21 traveling to school-related activities.

22 C. The J.D. McCarty Center for Children with Developmental
23 Disabilities, the Oklahoma Department of Libraries, the Oklahoma
24 Department of Veterans Affairs, and the Oklahoma Veterans Centers
25 may own and maintain such passenger vehicles as those institutions
26 have acquired prior to May 1, 1981.

27 D. The use of station wagons, automobiles, and buses, other
28 than as provided for in this section, shall be permitted only upon
29 written request for such use by heads of departments of the
30 institution, approved in writing by the president of said
31 institution or by some administrative official of said institution
32 authorized by the president to grant said approval. Such use shall

1 be permitted only for official institutional business or activities
2 connected therewith. Such use shall be subject to the provisions of
3 Sections 156.1 and 159.7 of this title forbidding personal use of
4 such vehicles, and to the penalties therein declared.

5 E. Any person convicted of violating the provisions of this
6 section shall be guilty of a misdemeanor and shall be punished by
7 fine or imprisonment, or both, as provided for in Section 156.1 of
8 this title.

9 F. For the purpose of this section and Section 156.3 of this
10 title, a station wagon is classified as a passenger automobile and
11 may not be purchased solely for the use of transporting property.
12 Such vehicles shall include, but not be limited to, all vehicles
13 which have no separate luggage compartment or trunk but which do not
14 have open beds, whether the same are called station wagons, vans,
15 suburbans, town and country, blazers, or any other names. All state
16 boards, commissions, departments, and institutions may own and
17 maintain station wagons purchased solely for the purpose of
18 transporting property if acquired prior to July 1, 1985.

19 G. The provisions of this section and Section 156.1 of this
20 title shall not apply to public officials who are statewide elected
21 commissioners.

22 SECTION 6. AMENDATORY 51 O.S. 1991, Section 6, as last
23 amended by Section 39 of Enrolled House Bill No. 1214 of the 1st
24 Session of the 48th Oklahoma Legislature, is amended to read as
25 follows:

26 Section 6. A. Except as may be otherwise provided, no person
27 holding an office under the laws of the state and no deputy of any
28 officer so holding any office shall, during the person's term of
29 office, hold any other office or be the deputy of any officer
30 holding any office, under the laws of the state. The provisions of
31 this section shall not apply to:

32 1. Notaries public;

- 1 2. Members of the State Textbook Committee;
- 2 3. County free fair board members;
- 3 4. Municipal and county law enforcement officers serving in
4 positions as law enforcement officers of both such governmental
5 entities upon such terms and conditions as are mutually approved by
6 resolutions adopted by the board of county commissioners and
7 governing body of the municipality employing such officers;
- 8 5. Any person holding a county or municipal office or position,
9 or membership on any public trust authority, who is a member of a
10 board or commission that relates to federal, state, county or
11 municipal government and is created by the United States Government,
12 the State of Oklahoma or a political subdivision of the state,
13 except where the duties of the offices or positions conflict;
- 14 6. Any elected municipal officers and school board members who
15 are appointed to a state board, commission, or similar entity if
16 there is no compensation for such services other than reimbursement
17 for necessary travel expenses pursuant to the provisions of the
18 State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of
19 the Oklahoma Statutes;
- 20 7. Any trustee of a public trust, who is appointed as a trustee
21 of a different public trust or any trustee of the Tulsa County
22 Public Facilities Authority who may also be employed by the
23 Department of Transportation;
- 24 8. Law enforcement officers employed by municipal or county law
25 enforcement departments or agencies, other than those law
26 enforcement officers elected or appointed as sheriff, chief of
27 police or some similar position in which they are the head of a
28 county or municipal law enforcement agency, who are elected to local
29 boards of education; provided, the provisions of this paragraph
30 shall not prohibit any law enforcement officer employed by a
31 municipality having a population of ten thousand (10,000) or fewer
32 people from serving as a member of a local board of education;

1 9. Any member of the Oklahoma Highway Patrol Division of the
2 Department of Public Safety who is elected to a local board of
3 education;

4 10. Any District Supervisor, Assistant District Supervisor,
5 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
6 Department of Corrections who is elected or appointed to a city
7 council;

8 11. Any trustee or director of a rural electric cooperative, or
9 port authority who is appointed or elected to a state, county or
10 municipal board, commission or similar entity;

11 12. County employees who are elected as members of town or city
12 councils;

13 13. Municipal, county, state or tribal law enforcement or peace
14 officers operating under cross-deputization agreements with an
15 Indian tribe or branch of the federal government;

16 14. Municipal or county law enforcement or peace officers
17 serving in positions as campus police officers or campus public
18 safety officers pursuant to the provisions of the Oklahoma Campus
19 Security Act, upon such terms and conditions as are mutually
20 approved by resolution adopted by the governing body of the
21 municipality or county and the governing board of the institution of
22 higher education;

23 15. State law enforcement or peace officers serving in
24 positions as campus police officers or campus public safety officers
25 pursuant to the provisions of the Oklahoma Campus Security Act, upon
26 such terms and conditions as are mutually approved by written
27 agreement between the Commissioner of Public Safety and the
28 governing board of the institution of higher education;

29 16. Municipal and county law enforcement officers serving in
30 positions as part-time rangers under the Oklahoma Tourism and
31 Recreation Department;

1 17. The Administrator of a Scenic Rivers Commission serving in
2 the position of a park ranger under the Oklahoma Tourism and
3 Recreation Department;

4 18. Members of the University Hospitals Authority;

5 19. Any person holding a state office or position who is a
6 ~~noncompensated~~ reserve force deputy sheriff or a ~~noncompensated~~
7 reserve municipal police officer;

8 20. Any person holding a state office or position who serves as
9 a special assistant district attorney without compensation;

10 21. Any elected or appointed member of a local school board who
11 is a member of a municipal planning commission;

12 22. Any elected or appointed member of a local school board who
13 is a member or an officer of a volunteer fire department;

14 23. Directors or officers of a rural water district and chiefs
15 of municipal fire departments or rural fire districts who are
16 appointed or elected to an unsalaried office in a state, county,
17 municipal, school, or technology center school board, commission, or
18 similar entity, except where the duties of the office would create a
19 conflict of interest; and

20 24. Any person who is a dispatcher or confinement officer at a
21 municipal jail who is a noncompensated reserve municipal police
22 officer.

23 The provisions of this section shall not prohibit any person
24 holding an office under the laws of the state or any deputy of any
25 officer so holding any office from serving upon the board of
26 Oklahoma Futures or upon the board of directors of the Oklahoma
27 Center for the Advancement of Science and Technology. The
28 provisions of this section shall not prohibit a member of the board
29 of directors of the Oklahoma Center for the Advancement of Science
30 and Technology from serving upon the board of Oklahoma Futures.

31 B. Any salaries, emoluments or benefits that would otherwise be
32 paid by the agency or political subdivision to a loaned employee or

1 officer shall instead be paid to the regular employer of such
2 employee. The loaned employee shall in turn be paid regular salary
3 and benefits the same as if continuing regular employment with the
4 permanent employer.

5 SECTION 7. AMENDATORY Section 1, Chapter 165, O.S.L.
6 1996 (57 O.S. Supp. 2000, Section 549.2), as amended by Section 44
7 of Enrolled House Bill No. 1214 of the 1st Session of the 48th
8 Oklahoma Legislature, is amended to read as follows:

9 Section 549.2 A. 1. There is hereby created until July 1,
10 ~~2001~~ 2007, in accordance with the provisions of the Oklahoma Sunset
11 Law, the Oklahoma Prison Industry Marketing Development Advisory
12 Task Force for the purpose of collaborative research, planning and
13 the providing of information to the Legislature and cooperative
14 marketing associations desiring to make investments into and create
15 and design joint ventures for the development and advancement of the
16 production, processing, handling and marketing of products grown,
17 made or manufactured within correctional settings.

18 2. The Advisory Task Force shall consist of a representative
19 from each of the following organizations or state agencies selected
20 by that organization or agency:

- 21 a. the State Department of Agriculture,
- 22 b. the Department of Commerce,
- 23 c. Oklahoma State University,
- 24 d. Oklahoma University,
- 25 e. the Oklahoma Center for the Advancement of Science and
26 Technology,
- 27 f. the Oklahoma Department of Career and Technology
28 Education,
- 29 g. the State Department of Corrections,
- 30 h. two appointees selected by the Speaker of the House of
31 Representatives,
- 32

1 i. two appointees selected by the President Pro Tempore
2 of the Senate, and

3 j. two appointees selected by the Governor.

4 At all times the membership of the Advisory Task Force shall have
5 represented on it at least one member well-versed in each of the
6 following areas: agricultural economics, marketing, business and
7 finance, and production.

8 3. Each member of the Advisory Task Force initially appointed
9 shall make his appointment known to the Director of the Department
10 of Agriculture and the Director of the Department of Commerce by
11 August 1, 1996.

12 4. Any vacancies in the appointive membership of the Advisory
13 Task Force shall be filled in the same manner as the original
14 appointment.

15 B. Within fifteen (15) days from the initial appointment of
16 membership for the Advisory Task Force, the Director of the
17 Department of Agriculture and the Director of the Department of
18 Commerce shall each appoint one member of the Advisory Task Force to
19 serve as cochairs. If a vacancy occurs in such office, a new
20 cochair shall be appointed from the Advisory Task Force in the same
21 manner as the original appointment.

22 C. Other officers may be elected to serve the Advisory Task
23 Force for terms of office as may be designated by the Advisory Task
24 Force members. The cochairs of the Advisory Task Force or their
25 designees shall preside at meetings.

26 D. The Advisory Task Force may meet at such times as may be set
27 by the cochairs of the Advisory Task Force.

28 E. Members of the Advisory Task Force shall receive no salary;
29 however, all members of the Advisory Task Force may be reimbursed
30 for their actual and necessary travel expenses as follows:

1 1. Advisory Task Force members employed by the state shall be
2 reimbursed by their respective employing agency pursuant to the
3 State Travel Reimbursement Act; and

4 2. Any other Advisory Task Force member may receive
5 reimbursement from their appointing authority.

6 F. A majority of the members appointed to the Advisory Task
7 Force shall constitute a quorum and a majority present may act for
8 the Advisory Task Force.

9 G. The powers and duties of the Advisory Task Force are to:

10 1. Conduct a study of the process and procedures for creating
11 and designing joint ventures for industrial and agricultural
12 production within correctional settings;

13 2. Provide information to the Legislature relating to the
14 design and creation of agricultural and industrial joint ventures
15 within correctional settings and funding sources for such ventures;
16 and

17 3. Work with municipalities, industries, state agencies and
18 other political subdivisions of this state, other states, the
19 federal government, schools of higher education and any other entity
20 to determine areas of need for the development or expansion of
21 agricultural and industrial joint ventures within correctional
22 settings.

23 H. The Advisory Task Force shall provide a written progress
24 report to the President Pro Tempore of the Senate and the Speaker of
25 the House of Representatives on or before March 1 of each year.

26 I. The Department of Agriculture and the Department of Commerce
27 shall provide staff assistance to the Advisory Task Force as
28 necessary to assist the Advisory Task Force in the performance of
29 its duties.

30 SECTION 8. AMENDATORY Section 3, Chapter 115, O.S.L.
31 2000 (63 O.S. Supp. 2000, Section 2843), as amended by Section 1 of
32

1 Enrolled House Bill No. 1691 of the 1st Session of the 48th Oklahoma
2 Legislature, is amended to read as follows:

3 Section 2843. As used in the Nine-One-One Wireless Emergency
4 Number Act, unless the context otherwise requires:

5 1. "Area served" means the geographic area which shall be
6 served by the emergency telephone service provided by the governing
7 body of a county, municipality, part of a county or combination of
8 such governing bodies;

9 2. "Governing body" means the board of county commissioners of
10 a county, the city council or other governing body of a
11 municipality, or a combination of such boards, councils or other
12 municipal governing bodies, which shall have an administering board
13 as provided in subsection G of Section 2815 of Title 63 of the
14 Oklahoma Statutes. Any such combined administering board shall be
15 formed and shall enter into an agreement with the governing body of
16 each entity in accordance with the Interlocal Cooperation Act. The
17 agreement shall be filed with the office of the county clerk and in
18 the offices of each governmental entity involved;

19 3. "Nine-one-one wireless emergency telephone service" means
20 any telephone system whereby wireless telephone subscribers may
21 utilize a three-digit number, nine-one-one (911), for reporting an
22 emergency to the appropriate public agency providing law
23 enforcement, fire, medical, or other emergency services, including
24 ancillary communications systems and personnel necessary to pass the
25 reported emergency to the appropriate emergency service and
26 personnel;

27 4. "Nine-one-one emergency wireless telephone fee" means a fee
28 to finance the installation and operation of emergency wireless
29 telephone service and related equipment;

30 5. "Local exchange telephone company" means any company
31 providing exchange telephone service to any service user in this
32

1 state, and shall include any competitive local exchange carrier as
2 defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

3 6. "Person" means any service user, including any individual,
4 firm, partnership, copartnership, joint venture, association,
5 cooperative organization, private corporation, whether organized for
6 profit or not, fraternal organization, nonprofit organization,
7 estate, trust, business or common law trust, receiver, assignee for
8 the benefit of creditors, trustee or trustee in bankruptcy, the
9 United States of America, the state, any political subdivision of
10 the state or any federal or state agency, department, commission,
11 board, or bureau;

12 7. "Proprietary information" shall include subscriber, market
13 share, cost and review information;

14 8. "Public agency" means any city, town, county, municipal
15 corporation, public district, public trust or public authority
16 located within this state which provides or has authority to provide
17 fire fighting, law enforcement, ambulance, emergency medical, or
18 other emergency services;

19 9. "Substate planning district" means the following
20 organizations:

- 21 a. Association of Central Oklahoma Governments (ACOG),
- 22 b. Association of South Central Oklahoma Governments
23 (ASCOG),
- 24 c. Central Oklahoma Economic Development District
25 (COEDD),
- 26 d. Eastern Oklahoma Economic Development District
27 (EOEDD),
- 28 e. Grand Gateway Economic Development Association
29 (GGEDA),
- 30 f. Indian Nations Council of Governments (INCOG),
- 31 g. Kiamichi Economic Development District (KEDDO),
- 32 h. Northern Oklahoma Development Association (NODA),

- 1 i. Oklahoma Economic Development Association (OEDA),
- 2 j. Southern Oklahoma Development Association (SODA), and
- 3 k. South Western Oklahoma Development Authority (SWODA);

4 10. "Wireless service provider" means a provider of commercial
5 mobile service under Section 332(d) of the Telecommunications Act of
6 1996, 47 U.S.C., Section 151 et seq., Federal Communications
7 Commission rules, and the Omnibus Budget Reconciliation Act of 1993,
8 Pub. L. No. 103-66, and includes a provider of wireless two-way
9 communication service, radio-telephone communications related to
10 cellular telephone service, network radio access lines or the
11 equivalent, and personal communication service. The term does not
12 include a provider of:

- 13 a. a service whose users do not have access to nine-one-
14 one service,
- 15 b. a communication channel used only for data
16 transmission, or
- 17 c. a wireless roaming service or other nonlocal radio
18 access line service; and

19 11. "Wireless telecommunications connection" means any wireless
20 communication mobile station assigned a number containing an area
21 code assigned to Oklahoma by the North American Numbering Plan
22 Administrator.

23 SECTION 9. AMENDATORY 70 O.S. 1991, Section 5-110.1, as
24 last amended by Section 1 of Enrolled House Bill No. 1044 of the 1st
25 Session of the 48th Oklahoma Legislature, is amended to read as
26 follows:

27 Section 5-110.1 A. In addition to the requirements of Section
28 5-110 of this title, every member of a school district board of
29 education elected to a full term of office of five (5) years or more
30 shall be required to attend a minimum of fifteen (15) hours of
31 continuing education, each member elected to a full four-year term
32 of office shall be required to attend a minimum of twelve (12) hours

1 of continuing education, and each member elected to a full three-
2 year term of office shall be required to attend a minimum of nine
3 (9) hours of continuing education, prior to the date set for filing
4 for reelection to that respective board seat. The continuing
5 education courses, workshops, seminars, conferences, and conventions
6 which shall satisfy the continuing education requirement shall be
7 approved jointly by the State Department of Education and the ~~State~~
8 Oklahoma Department of Career and Technology Education.

9 B. Local and state continuing education programs conducted
10 pursuant to the provisions of this section shall be held in all
11 regions of the state at institutions of higher learning, area
12 technology centers or other approved sites. Notice of such courses
13 and seminars shall be provided to all school board members and to
14 the public schools.

15 C. This section shall not apply to those school board members
16 who file for reelection prior to July 1, 1991.

17 D. Failure by a board member to satisfy the continuing
18 education requirements of this section shall result in the
19 ineligibility of the member to run for reelection to the school
20 district board of education.

21 E. The State Department of Education and any organization
22 approved by the State Board of Education, including but not limited
23 to institutions of higher education, may charge persons attending
24 continuing education courses a registration fee sufficient to defray
25 the estimated costs of presenting the course. The registration fees
26 for each course shall be announced prior to the date of such course.

27 F. Any member of a school district board of education who
28 attends and completes a course which satisfies in part or in full
29 the requirements of this section shall be reimbursed by the school
30 district for expenses incurred. In addition, a school district
31 board of education may reimburse members of the board of education
32 for expenses incurred in registering and attending board member

1 training programs approved by the board which are in addition to the
2 minimum school board training requirements established by law.

3 SECTION 10. AMENDATORY 74 O.S. 1991, Section 840.8, as
4 renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp.
5 2000, Section 840-5.5), and as last amended by Section 13 of
6 Enrolled House Bill No. 1231 of the 1st Session of the 48th Oklahoma
7 Legislature, is amended to read as follows:

8 Section 840-5.5 A. The following offices, positions, and
9 personnel shall be in the unclassified service and shall not be
10 placed under the classified service:

11 1. Persons chosen by popular vote or appointment to fill an
12 elective office, and their employees, except the employees of the
13 Corporation Commission, the State Department of Education and the
14 Department of Labor;

15 2. Members of boards and commissions, and heads of agencies;
16 also one principal assistant or deputy and one executive secretary
17 for each state agency;

18 3. All judges, elected or appointed, and their employees;

19 4. Persons employed with one-time, limited duration, federal or
20 other grant funding that is not continuing or indefinitely
21 renewable. The length of the unclassified employment shall not
22 exceed the period of time for which that specific federal funding is
23 provided;

24 5. All officers and employees of The Oklahoma State System of
25 Higher Education, State Board of Education and State Department of
26 Vocational and Technical Education;

27 6. Persons employed in a professional or scientific capacity to
28 make or conduct a temporary and special inquiry, investigation, or
29 examination on behalf of the Legislature or a committee thereof or
30 by authority of the Governor. These appointments and authorizations
31 shall terminate on the first day of the regular legislative session
32 immediately following the appointment, if not terminated earlier.

1 However, nothing in this paragraph shall prevent the reauthorization
2 and reappointment of any such person. Any such appointment shall be
3 funded from the budget of the appointing authority;

4 7. Election officials and employees;

5 8. Temporary employees employed to work less than one thousand
6 (1,000) hours in any twelve-month period and seasonal employees
7 employed pursuant to Section 1806.1 of this title who work less than
8 one thousand two hundred (1,200) hours in any twelve-month period.

9 This category of employees may include persons employed on an
10 intermittent, provisional, seasonal, temporary or emergency basis;

11 9. Department of Public Safety employees occupying the
12 following offices or positions:

13 a. two administrative aides to the Commissioner,

14 b. the Governor's representative of the Oklahoma Highway
15 Safety Office who shall be appointed by the Governor,
16 and

17 c. a maximum of seven positions for the purpose of
18 administering the Oklahoma Police Corps Program,
19 within full-time employee limitations of the
20 Department, employed with federal funding that is
21 continuing or indefinitely renewable. The
22 authorization for such positions shall be terminated
23 if the federal funding for positions is discontinued;

24 10. Professional trainees only during the prescribed length of
25 their course of training or extension study;

26 11. Students who are employed on a part-time basis, which shall
27 be seventy-five percent (75%) of a normal forty-hour work week or
28 thirty (30) hours per week, or less, or on a full-time basis if the
29 employment is pursuant to a cooperative education program such as
30 that provided for under Title I IV-D of the Higher Education Act of
31 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
32 enrolled in:

- 1 a. an institution of higher learning within The Oklahoma
2 State System of Higher Education,
- 3 b. an institution of higher learning qualified to become
4 coordinated with The Oklahoma State System of Higher
5 Education. For purposes of this section, a student
6 shall be considered a regularly enrolled student if
7 the student is enrolled in a minimum of five (5) hours
8 of accredited graduate courses or a minimum of ten
9 (10) hours of accredited undergraduate courses,
10 provided, however, the student shall only be required
11 to be enrolled in a minimum of six (6) hours of
12 accredited undergraduate courses during the summer, or
- 13 c. high school students regularly enrolled in a high
14 school in Oklahoma and regularly attending classes
15 during such time of enrollment;

16 12. The spouses of personnel who are employed on a part-time
17 basis to assist or work as a relief for their spouses in the
18 Oklahoma Tourism and Recreation Department;

19 13. Service substitute attendants who are needed to replace
20 museum and site attendants who are unavoidably absent. Service
21 substitutes may work as part-time or full-time relief for absentees
22 for a period of not more than four (4) weeks per year in the
23 Oklahoma Historical Society sites and museums; such substitutes will
24 not count towards the agency's full-time-equivalent (FTE) employee
25 limit;

26 14. Employees of the House of Representatives, the State
27 Senate, or the Legislative Service Bureau;

28 15. Corporation Commission personnel occupying the following
29 offices and positions:

- 30 a. Administrative aides, and executive secretaries to the
31 Commissioners,
- 32

- b. Directors of all the divisions, personnel managers and comptrollers,
- c. General Counsel,
- d. Public Utility Division Chief Engineer,
- e. Public Utility Division Chief Accountant,
- f. Public Utility Division Chief Economist,
- g. Public Utility Division Deputy Director,
- h. Secretary of the Commission,
- i. Deputy Conservation Director,
- j. Manager of Pollution Abatement,
- k. Manager of Field Operations,
- l. Manager of Technical Services,
- m. Public Utility Division Chief of Telecommunications, and
- n. Director of Information Services;

16. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;

17. Bill Willis Community Mental Health and Substance Abuse Center personnel occupying the following offices and positions:

- a. Director of Facility,
- b. Deputy Director for Administration,
- c. Clinical Services Director,
- d. Executive Secretary to Director, and
- e. Directors or Heads of Departments or Services;

18. Office of State Finance personnel occupying the following offices and positions:

- a. State Comptroller,
- b. Information Services Division Manager,
- c. Network Manager, and
- d. Network Technician,

1 e. Employees of the Budget Division, and

2 f. Employees of the Research Division;

3 19. Employees of the Oklahoma Development Finance Authority;

4 20. Those positions so specified in the annual business plan of
5 the Oklahoma Department of Commerce;

6 21. Those positions so specified in the annual business plan of
7 the Oklahoma Center for the Advancement of Science and Technology;

8 22. The following positions and employees of the Oklahoma
9 School of Science and Mathematics:

10 a. positions for which the annual salary is Twenty-four
11 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
12 or more, as determined by the Office of Personnel
13 Management, provided no position shall become
14 unclassified because of any change in salary or grade
15 while it is occupied by a classified employee,

16 b. positions requiring certification by the State
17 Department of Education, and

18 c. positions and employees authorized to be in the
19 unclassified service of the state elsewhere in this
20 section or in subsection B of this section;

21 23. Office of Personnel Management employees occupying the
22 following positions:

23 a. the Carl Albert Internship Program Coordinator, and

24 b. one Administrative Assistant;

25 24. Department of Labor personnel occupying the following
26 offices and positions:

27 a. two Deputy Commissioners,

28 b. Executive Secretary to the Commissioner,

29 c. Chief of Staff, and

30 d. two Administrative Assistants;

31 25. The State Bond Advisor and his or her employees;

32

1 26. The Oklahoma Employment Security Commission employees
2 occupying the following positions:

- 3 a. Associate Director,
- 4 b. Secretary to the Associate Director, and
- 5 c. Assistant to the Executive Director;

6 27. Oklahoma Human Rights Commission personnel occupying the
7 position of Administrative Assistant;

8 28. The officers and employees of the State Banking Department;

9 29. Officers and employees of the University Hospitals
10 Authority except personnel in the state classified service pursuant
11 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
12 the University Hospitals Authority Model Personnel System created
13 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
14 Statutes or as otherwise provided for in Section 3213.2 of Title 63
15 of the Oklahoma Statutes;

16 30. Alcoholic Beverage Laws Enforcement Commission employees
17 occupying the following positions:

- 18 a. three Administrative Service Assistant positions, and
- 19 b. the Deputy Director position in addition to the one
20 authorized by paragraph 2 of this subsection;

21 31. The Oklahoma State Bureau of Investigation employees
22 occupying the following positions:

- 23 a. two special investigators,
- 24 b. one information representative,
- 25 c. one federally funded physical evidence technician,
- 26 d. four federally funded laboratory analysts,
- 27 e. one Data Base Administrator,
- 28 f. two Data Processing Branch Managers,
- 29 g. four Senior Data Processing Applications Specialists,
- 30 h. a total of three positions from the following classes:
31 Senior Data Processing Systems Specialists, Data
32

1 Processing Applications Specialists, or Data
2 Processing Systems Specialists,

3 i. one Senior Computer Services Technician, or Computer
4 Services Technician,

5 j. one Senior Computer Services Coordinator, or Computer
6 Services Coordinator, and

7 k. one executive secretary in addition to the one
8 authorized pursuant to paragraph 2 of this subsection;

9 32. The Department of Transportation, the following positions:

10 a. Director of the Oklahoma Aeronautics and Space
11 Commission,

12 b. four Department of Transportation Assistant Director
13 positions,

14 c. eight field division engineer positions, and

15 d. one pilot position;

16 33. Commissioners of the Land Office employees occupying the
17 following positions:

18 a. Director of the Investments Division,

19 b. Assistant Director of the Investments Division, and

20 c. one Administrative Assistant;

21 34. Within the Oklahoma State Bureau of Narcotics and Dangerous
22 Drugs Control Commission, the following positions:

23 a. two Narcotics Agent positions, provided, authorization
24 for such positions shall be terminated when federal
25 support for the positions by the Gang
26 Intelligence/Enforcement Program is discontinued,

27 b. one executive secretary in addition to the one
28 authorized pursuant to paragraph 2 of this subsection,
29 and

30 c. one fiscal officer;

31 35. The Oklahoma Military Department of the State of Oklahoma
32 is authorized such unclassified employees within full-time employee

1 limitations to work in any of the Department of Defense directed
2 youth programs, the State of Oklahoma Juvenile Justice youth
3 programs, those persons reimbursed from Armory Board or Billeting
4 Fund accounts, and skilled trade positions;

5 36. Within the Oklahoma Commission on Children and Youth the
6 following unclassified positions:

- 7 a. one Oversight Specialist and one Community Development
8 Planner,
- 9 b. one State Plan Grant Coordinator, provided
10 authorization for the position shall be terminated
11 when federal support for the position by the United
12 States Department of Education Early Intervention
13 Program is discontinued, and
- 14 c. one executive secretary in addition to the one
15 authorized pursuant to paragraph 2 of this subsection;

16 37. The following positions and employees of the Department of
17 Central Services:

- 18 a. one Executive Secretary in addition to the Executive
19 Secretary authorized by paragraph 2 of this
20 subsection,
- 21 b. the Director of Central Purchasing,
- 22 c. one Alternate Fuels Administrator,
- 23 d. one Director of Special Projects,
- 24 e. three postauditors,
- 25 f. four high-technology contracting officers,
- 26 g. one Executive Assistant to the Purchasing Director,
- 27 h. one Contracts Manager,
- 28 i. one Associate Director, and
- 29 j. one specialized HiTech/Food Contracting Officer;

30 38. ~~One Environmental Specialist I, three~~ Four Water Quality
31 Specialists, and four Water Resources Division Chiefs within the
32 Oklahoma Water Resources Board;

1 39. J.D. McCarty Center for Children with Developmental
2 Disabilities personnel occupying the following offices and
3 positions:

- 4 a. Physical Therapists,
- 5 b. Physical Therapist Assistants,
- 6 c. Occupational Therapists,
- 7 d. Certified Occupational Therapist Aides, and
- 8 e. Speech Pathologists;

9 40. The Development Officer and the Director of the State
10 Museum of History within the Oklahoma Historical Society;

11 41. State Department of Agriculture personnel occupying the
12 following positions:

- 13 a. one Executive Secretary in addition to the Executive
14 Secretary authorized by paragraph 2 of this
15 subsection,
- 16 b. Agricultural Marketing Coordinator III,
- 17 c. temporary fire suppression personnel, regardless of
18 the number of hours worked, who are employed by the
19 State Department of Agriculture during the period of
20 October 1 through May 31 in any fiscal year; provided,
21 however, notwithstanding the provisions of any other
22 section of law, the hours worked by such employees
23 shall not entitle such employees to any benefits
24 received by full-time employees,
- 25 d. one Administrator for Human Resources,
- 26 e. one Director of Administrative Services,
- 27 f. one Water Quality Consumer Complaint Coordinator,
- 28 g. one hydrologist position,
- 29 h. Public Information Office Director,
- 30 i. Market Development Services Director,
- 31 j. Legal Services Director,
- 32 k. Animal Industry Services Director,

- 1 l. Water Quality Services Director,
- 2 m. Forestry Services Director,
- 3 n. Plant Industry and Consumer Services Director, ~~and~~
- 4 o. one Grants Administrator position, and
- 5 p. Director of Laboratory Services;

6 42. The Contracts Administrator within the Oklahoma State
7 Employees Benefits Council;

8 43. The Development Officer within the Oklahoma Department of
9 Libraries;

10 44. Oklahoma Real Estate Commission personnel occupying the
11 following offices and positions:

- 12 a. Educational Program Director, and
- 13 b. Data Processing Manager;

14 45. A Chief Consumer Credit Examiner for the Department of
15 Consumer Credit; and

16 46. All officers and employees of the Oklahoma Capitol Complex
17 and Centennial Commemoration Commission.

18 B. If an agency has the authority to employ personnel in the
19 following offices and positions, the appointing authority shall have
20 the discretion to appoint personnel to the unclassified service:

- 21 1. Licensed medical doctors, osteopathic physicians, dentists,
22 and psychologists;
- 23 2. Certified public accountants;
- 24 3. Licensed attorneys;
- 25 4. Licensed veterinarians; and
- 26 5. Licensed pharmacists.

27 C. Effective July 1, 1996, authorization for unclassified
28 offices, positions, or personnel contained in a bill or joint
29 resolution shall terminate June 30 of the ensuing fiscal year after
30 the authorization unless the authorization is codified in the
31 Oklahoma Statutes or the termination is otherwise provided in the
32 legislation.

1 SECTION 11. AMENDATORY Section 1, Chapter 157, O.S.L.
2 1997 (74 O.S. Supp. 2000, Section 1811.5A), as amended by Section 1
3 of Enrolled House Bill No. 1041 of the 1st Session of the 48th
4 Oklahoma Legislature, is amended to read as follows:

5 Section 1811.5A A. Dripping Springs State Park located in
6 Delaware County, Oklahoma, is hereby renamed "Natural Falls State
7 Park". All references to Dripping Springs State Park located in
8 Colcord, Delaware County, Oklahoma, shall mean Natural Falls State
9 Park. The Oklahoma Tourism and Recreation Department shall provide
10 for such name change in current and future signage and information
11 materials.

12 B. Sallisaw State Park located in Sequoyah County, Oklahoma, is
13 hereby renamed "Brushy Lake State Park". All references to Sallisaw
14 State Park located in Sallisaw, Sequoyah County, Oklahoma, shall
15 mean Brushy Lake State Park. The Oklahoma Tourism and Recreation
16 Department shall provide for this name change in current and future
17 signage and information materials.

18 C. Beaver State Park located in Beaver County, Oklahoma, is
19 hereby renamed "Beaver Dunes State Park". All references to Beaver
20 State Park located in Beaver County, Oklahoma, shall mean Beaver
21 Dunes State Park. The Oklahoma Tourism and Recreation Department
22 shall provide for this name change in current and future signage and
23 information materials.

24 D. Heavener State Park located in LeFlore County, Oklahoma, is
25 hereby renamed "Heavener-Runestone State Park". All references to
26 Heavener State Park located in Poteau, LeFlore County, Oklahoma,
27 shall mean Heavener-Runestone State Park. The Oklahoma Tourism and
28 Recreation Department shall provide for this name change in current
29 and future signage and information materials.

30 E. Wister State Park located in LeFlore County, Oklahoma, is
31 hereby renamed "Lake Wister State Park". All references to Wister
32 State Park located in Poteau, LeFlore County, Oklahoma, shall mean

1 Lake Wister State Park. The Oklahoma Tourism and Recreation
2 Department shall provide for this name change in current and future
3 signage and information materials.

4 F. 1. Effective July 1, 2001, the Oklahoma Tourism and
5 Recreation Commission is hereby authorized to lease, in the name of
6 the State of Oklahoma, such lands and area located within the Lake
7 Hugo area in Choctaw County, Oklahoma, which are under control and
8 direction of the United States Army Corps of Engineers, as the
9 Commission may determine to be adaptable and sufficient for the
10 purposes of locating and establishing an Oklahoma state park and
11 park facilities, and under such terms and conditions as may be
12 satisfactory to the United States Army Corps of Engineers in charge.
13 The park shall be known as the Hugo Lake State Park.

14 2. To the extent that funds are appropriated by the Legislature
15 for that specific purpose, the Oklahoma Tourism and Recreation
16 Commission is hereby authorized to operate and maintain Hugo Lake
17 State Park.

18 SECTION 12. AMENDATORY 82 O.S. 1991, Section 1324.16, as
19 last amended by Section 2 of Enrolled Senate Bill No. 617 of the 1st
20 Session of the 48th Oklahoma Legislature, is amended to read as
21 follows:

22 Section 1324.16 A. Except as otherwise provided by law:

23 1. The term of office of every member elected to an original
24 board shall be until the date of the annual meeting of the
25 participating members of either the first, second or third year
26 following the year of the incorporation of the district and until
27 their successors are elected and have qualified, and as nearly as
28 possible the terms of an equal number of directors on any such board
29 shall expire on each of said dates;

30 2. At the annual meeting of each year after the year of the
31 election of the original board members, elections shall be held to
32 elect directors to fill any position on the board, the term of

1 office of which has expired, and any director so elected shall hold
2 office for a term of three (3) years and until his or her successor
3 is elected and has qualified; and

4 3. For the purpose of election of board members and for such
5 other purposes as the bylaws may prescribe, annual meetings of
6 participating members shall be held by each district each year
7 following the year of incorporation of such district. The board of
8 directors shall cause notice of the time and place of each annual
9 meeting and the purpose thereof to be given to each of its
10 participating members. Each participating member shall be entitled
11 to a single vote, regardless of the number of benefit units to which
12 the member has subscribed.

13 B. 1. A requirement for qualification to serve as a board
14 member for a rural water district or a nonprofit rural water
15 corporation shall be a written pledge that upon election such board
16 member shall attend a minimum of six (6) hours of workshop training
17 to be offered periodically on a regional basis within twelve (12)
18 months following election of such board member, and to be organized
19 by the Oklahoma Water Resources Board in cooperation with the
20 Oklahoma Rural Water Association with the purpose of study and
21 instruction in areas of district financing, law, and the ethics,
22 duties and responsibilities of district board members. Beginning
23 July 1, 2001, all new and existing board members shall be required
24 to obtain continuing education by attending a minimum of six (6)
25 hours of workshop training every three (3) years.

26 2. The district or corporation shall reimburse all reasonable
27 expenses incurred by any board member for attending such training
28 workshop.

29 3. To avoid members having to interfere with their jobs or
30 employment, such training sessions may be divided into three-hour
31 segments, and insofar as possible be scheduled for evening sessions.
32 ~~Vocational-technical~~ Technology center school facilities, college

1 facilities or other public facilities may be utilized in all parts
2 of the state for convenience of the members. Such workshops must be
3 offered within seventy-five (75) miles of the members' residences.

4 C. Should any pledging board member fail to attend the workshop
5 training as required in subsection B of this section, he or she
6 shall be deemed ineligible to serve as a board member commencing at
7 the next regularly scheduled meeting of the board following the
8 twelve-month period. The remaining board members shall select from
9 the membership, as provided by the district or corporation bylaws,
10 another qualified member to fill the vacancy and that person shall
11 pledge to attend the workshop training provided for in this section.
12 The appointed member shall only serve until the next regularly
13 scheduled election of board members and an election shall be held to
14 fill the unexpired term of the vacated position.

15 D. Upon the election of a board member, the provisions of
16 Sections 481 through 487 of Title 21 of the Oklahoma Statutes
17 relating to nepotism shall not prohibit any employee already in the
18 service of the district from continuing in such service or from
19 promotion therein. Provided, however, the board member related to
20 the employee shall excuse himself from the board meeting during any
21 discussion of or action taken on any matter that could affect the
22 employment or compensation for employment of such employee.

23 SECTION 13. REPEALER 74 O.S. 1991, Section 840.8, as
24 renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp.
25 2000, Section 840-5.5), and as last amended by Section 53 of
26 Enrolled House Bill No. 1965 of the 1st Session of the 48th Oklahoma
27 Legislature, and 74 O.S. 1991, Section 1306, as last amended by
28 Section 1 of Enrolled Senate Bill No. 633 of the 1st Session of the
29 48th Oklahoma Legislature, are hereby repealed.

30 SECTION 14. REPEALER 2 O.S. 1991, Section 1762, as last
31 amended by Section 1 of Enrolled House Bill No. 1214 of the 1st
32 Session of the 48th Oklahoma Legislature, 11 O.S. 1991, Section 50-

1 101, as last amended by Section 1 of Enrolled Senate Bill No. 669 of
2 the 1st Session of the 48th Oklahoma Legislature, 11 O.S. 1991,
3 Section 50-112, as last amended by Section 1 of Enrolled Senate Bill
4 No. 411 of the 1st Session of the 48th Oklahoma Legislature, 47 O.S.
5 1991, Section 156, as last amended by Section 1 of Enrolled House
6 Bill No. 1289 of the 1st Session of the 48th Oklahoma Legislature,
7 Section 3, Chapter 115, O.S.L. 2000 (63 O.S. Supp. 2000, Section
8 2843), as amended by Section 3 of Enrolled House Bill No. 1152 of
9 the 1st Session of the 48th Oklahoma Legislature, 70 O.S. 1991,
10 Section 5-110.1, as last amended by Section 71 of Enrolled House
11 Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature,
12 Section 1, Chapter 157, O.S.L. 1997 (74 O.S. Supp. 2000, Section
13 1811.5A), as amended by Section 1 of Enrolled Senate Bill No. 704 of
14 the 1st Session of the 48th Oklahoma Legislature, and 82 O.S. 1991,
15 Section 1324.16, as last amended by Section 180 of Enrolled House
16 Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature,
17 are hereby repealed.

18 SECTION 15. REPEALER Section 1, Chapter 165, O.S.L.
19 1996 (57 O.S. Supp. 2000, Section 549.2), as last amended by Section
20 1 of Enrolled House Bill No. 1023 of the 1st Session of the 48th
21 Oklahoma Legislature, and 70 O.S. 1991, Section 18-108, as last
22 amended by Section 64 of Enrolled House Bill No. 1965 of the 1st
23 Session of the 48th Oklahoma Legislature, are hereby repealed.

24 SECTION 16. REPEALER 47 O.S. 1991, Section 6-115, as
25 last amended by Section 23 of Enrolled House Bill No. 1965 of the
26 1st Session of the 48th Oklahoma Legislature, 51 O.S. 1991, Section
27 6, as last amended by Section 1 of Enrolled Senate Bill No. 620 of
28 the 1st Session of the 48th Oklahoma Legislature, and 74 O.S. 1991,
29 Section 130.12, as last amended by Section 170 of Enrolled House
30 Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature,
31 are hereby repealed.

32

1 SECTION 17. Sections 1, 2, 3, 5, 8, 9, 12 and 14 of this act
2 shall become effective July 1, 2001.

3 SECTION 18. Sections 7 and 15 of this act shall become
4 effective August 23, 2001.

5 SECTION 19. Sections 4, 6 and 16 of this act shall become
6 effective November 1, 2001.

7 SECTION 20. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 Passed the Senate the 17th day of May, 2001.

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Presiding Officer of the Senate

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Passed the House of Representatives the ____ day of _____,
2001.

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Presiding Officer of the House
of Representatives

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