

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1214

By: Ingmire

AS INTRODUCED

An Act relating to vocational technical education; amending 2 O.S. 1991, Sections 1762, as amended by Section 2, Chapter 367, O.S.L. 1997, 2002, 2003, 2005 and 2006 (2 O.S. Supp. 2000, Section 1762), which relate to agriculture; amending 10 O.S. 1991, Sections 620.1, 620.3, as last amended by Section 1, Chapter 268, O.S.L. 1998, 620.5, 1125, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as amended by Section 57, Chapter 352, O.S.L. 1995, 1141, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 4, Chapter 268, O.S.L. 1998, 1160.2, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 12, Chapter 293, O.S.L. 1997 and Section 177, Chapter 352, O.S.L. 1995, as amended by Section 1, Chapter 211, O.S.L. 1996 (10 O.S. Supp. 2000, Sections 620.3, 7005-1.1, 7302-5.1, 7302-9.2 and 7307-1.1), which relate to children; amending 11 O.S. 1991, Sections 52-102, 52-103, 52-104 and 52-107, which relate to cities and towns; amending Section 9, Chapter 408, O.S.L. 1997, as last amended by Section 1, Chapter 319, O.S.L. 2000 (17 O.S. Supp. 2000, Section 139.109), which relates to the Corporation Commission; amending 19 O.S. 1991, Section 864.4, which relates to counties and county officers; amending 21 O.S. 1991, Section 1277, as last amended by Section 2, Chapter 382, O.S.L. 2000 and Section 3, Chapter 170, O.S.L. 1992, as last amended by Section 220, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Sections 1277 and 1280.1), which relate to crimes and punishment; amending 22 O.S. 1991, Sections 305.2, as last amended by Section 1, Chapter 278, O.S.L. 2000, Section 11, Chapter 359, O.S.L. 1997 and Section 8, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Sections 305.2, 471.10 and 988.8), which relate to criminal procedure; amending 26 O.S. 1991, Sections 3-101, as last amended by Section 3, Chapter 176, O.S.L. 1997, 12-116, as amended by Section 17, Chapter 247, O.S.L. 1992, 13A-101, as amended by Section 2, Chapter 346, O.S.L. 1992, 13A-102, 13A-103, as amended by Section 18, Chapter 247, O.S.L. 1992, 13A-104, 13A-105, as last amended by Section 1, Chapter 217, O.S.L. 1998, 13A-106, as amended by Section 3, Chapter 360, O.S.L. 1994, 13A-109, as amended by Section 20, Chapter 247, O.S.L. 1992, 13A-110, as last amended by Section 5, Chapter 280, O.S.L. 2000 and 13A-111 (26 O.S. Supp. 2000, Sections 3-101, 12-116, 13A-101, 13A-103, 13A-105, 13A-106, 13A-109 and 13A-110), which relate to elections; amending 36 O.S. 1991, Section 6217, as

last amended by Section 46, Chapter 353, O.S.L. 2000 (36 O.S. Supp. 2000, Section 6217), which relates to insurance; amending 40 O.S. 1991, Section 414, as amended by Section 6, Chapter 305, O.S.L. 1992 (40 O.S. Supp. 2000, Section 414), which relates to labor; amending Section 1, House Joint Resolution No. 1056, O.S.L. 1992, as last amended by Section 1, Chapter 67, O.S.L. 1996 (43A O.S. Supp. 2000, Section 3-250), which relates to mental health; amending Section 34, Chapter 247, O.S.L. 1996, as last amended by Section 1, Chapter 190, O.S.L. 1998 and Section 1, Chapter 92, O.S.L. 1999 (47 O.S. Supp. 2000, Sections 6-107.3 and 855.1), which relate to motor vehicles; amending 51 O.S. 1991, Section 6, as last amended by Section 1, Chapter 162, O.S.L. 2000 (51 O.S. Supp. 2000, Section 6), which relates to officers; amending Section 24, Chapter 414, O.S.L. 1997 (56 O.S. Supp. 2000, Section 230.70), which relates to poor persons; amending 57 O.S. 1991, Sections 509.1, 538, 539.1, as amended by Section 17, Chapter 364, O.S.L. 1993 and Section 1, Chapter 165, O.S.L. 1996 (57 O.S. Supp. 2000, Sections 539.1 and 549.2), which relate to prisons and reformatories; amending 59 O.S. 1991, Sections 199.7, as last amended by Section 8, Chapter 355, O.S.L. 2000, 567.3a, as last amended by Section 1, Chapter 71, O.S.L. 1998, 567.12, as amended by Section 1, Chapter 141, O.S.L. 1992, 858-307.2, as last amended by Section 14, Chapter 60, O.S.L. 1998 and 858-712, as last amended by Section 5, Chapter 144, O.S.L. 1994 (59 O.S. Supp. 2000, Sections 199.7, 567.3a, 567.12, 858-307.2 and 858-712), which relate to professions and occupations; amending 60 O.S. 1991, Section 177.2, as amended by Section 1, Chapter 266, O.S.L. 2000 (60 O.S. Supp. 2000, Section 177.2), which relates to property; amending 62 O.S. 1991, Sections 41.5a, as amended by Section 5, Chapter 268, O.S.L. 1992, Section 1, Chapter 268, O.S.L. 1992, as last amended by Section 3, Chapter 45, O.S.L. 1998, 41.21, as last amended by Section 3, Chapter 347, O.S.L. 2000, 57.122, as amended by Section 9, Chapter 307, O.S.L. 1992, Section 4, Chapter 350, O.S.L. 1992, as amended by Section 1, Chapter 84, O.S.L. 1995, 371, as last amended by Section 2, Chapter 43, O.S.L. 1999 and Section 2, Chapter 330, O.S.L. 1992 (62 O.S. Supp. 2000, Sections 41.5a, 41.5m, 41.21, 57.122, 57.303, 371 and 901), which relate to public finance; amending Section 3, Chapter 170, O.S.L. 1994, as amended by Section 14, Chapter 177, O.S.L. 2000, 63 O.S. 1991, Sections 1-821, 1-835 and 2-508, as last amended by Section 2, Chapter 152, O.S.L. 1999 (63 O.S. Supp. 2000, Sections 1-237 and 2-508), which relate to public health and safety; amending 65 O.S. 1991, Section 3-113.2, which relates to public libraries; amending 68 O.S. 1991, Section 2884, as last amended by Section 10, Chapter 405, O.S.L. 1998 (68 O.S. Supp. 2000, Section 2884), which relates to revenue and taxation; amending 70 O.S. 1991, Sections 1-106, 1-117, as last amended by Section 2, Chapter 153, O.S.L. 1995, Section 1, Chapter 167, O.S.L. 1994, as amended by Section 1, Chapter 257, O.S.L. 1995, Section 7, Chapter 320, O.S.L. 1999, as amended by Section 5, Chapter 232, O.S.L. 2000, Section 8, Chapter 320, O.S.L. 1999, as amended by

Section 6, Chapter 232, O.S.L. 2000, Section 9, Chapter 320, O.S.L. 1999, 5-101, as amended by Section 25, Chapter 239, O.S.L. 1993, 5-110.1, as last amended by Section 1, Chapter 178, O.S.L. 1996, 5-115, as last amended by Section 7, Chapter 334, O.S.L. 2000, 5-124, as last amended by Section 9, Chapter 365, O.S.L. 1998, 5-129.2, 5-132.1, Section 11, Chapter 365, O.S.L. 1998, Section 5, Chapter 178, O.S.L. 1996, Section 11, Chapter 178, O.S.L. 1996, 6-101.40, as last amended by Section 8, Chapter 360, O.S.L. 1993, Section 5, Chapter 322, O.S.L. 1995, Section 7, Chapter 322, O.S.L. 1995, Section 5, Chapter 308, O.S.L. 1992, as renumbered by Section 34, Chapter 322, O.S.L. 1995, and as last amended by Section 2, Chapter 311, O.S.L. 1999, Section 8, Chapter 308, O.S.L. 1992, as renumbered by Section 34, Chapter 322, O.S.L. 1995, and as last amended by Section 7, Chapter 344, O.S.L. 1997, Section 22, Chapter 322, O.S.L. 1995, 7-105, as last amended by Section 2, Chapter 322, O.S.L. 1997, 9-108, as amended by Section 70, Chapter 290, O.S.L. 1994, 11-103.6, as last amended by Section 1, Chapter 232, O.S.L. 2000, 13-111, as amended by Section 9, Chapter 116, O.S.L. 1993, 14-102, as amended by Section 2, Chapter 148, O.S.L. 2000, 14-103, as last amended by Section 27, Chapter 2, O.S.L. 1994, Section 67, Chapter 290, O.S.L. 1994, Section 4, Chapter 319, O.S.L. 1996, Section 1, Chapter 335, O.S.L. 1998, Section 2, Chapter 330, O.S.L. 2000, 14-105, as amended by Section 2, Chapter 144, O.S.L. 1995, 14-106, 14-108, as amended by Section 1, Chapter 171, O.S.L. 1999, 14-108.1, as amended by Section 2, Chapter 359, O.S.L. 1993, 14-109, 14-110, 14-112, 14-115, 14-116, 14-124, 14-125, 14-125.1, 14-126, Section 2, Chapter 144, O.S.L. 1993, Section 3, Chapter 144, O.S.L. 1993, Section 4, Chapter 144, O.S.L. 1993, 17-101, as last amended by Section 1, Chapter 105, O.S.L. 1999, 17-101.1, 17-106, as last amended by Section 2, Chapter 316, O.S.L. 1997, 17-108, as last amended by Section 1, Chapter 402, O.S.L. 1999, 17-108.1, as last amended by Section 6, Chapter 317, O.S.L. 1996, Section 1, Chapter 300, O.S.L. 1997, as last amended by Section 82, Chapter 418, O.S.L. 2000, 17-116.7, 18-114.7, as last amended by Section 5, Chapter 1, O.S.L. 2000, 21-102, Section 1, Chapter 252, O.S.L. 1996, Section 5, Chapter 380, O.S.L. 1998, as amended by Section 1, Chapter 334, O.S.L. 1999, Section 6, Chapter 380, O.S.L. 1998, as amended by Section 2, Chapter 334, O.S.L. 1999, 35e, as amended by Section 5, Chapter 232, O.S.L. 1994, 1210.41, 1210.42, 1210.43, 1210.44, 1210.45, Section 1, Chapter 352, O.S.L. 1997, 1210.508, as last amended by Section 1, Chapter 306, O.S.L. 2000, Section 3, Chapter 190, O.S.L. 1998, Section 1210.531, as last amended by Section 3, Chapter 356, O.S.L. 1999, Section 2, Chapter 232, O.S.L. 1992, Section 62, Chapter 290, O.S.L. 1994, as amended by Section 11, Chapter 348, O.S.L. 1996, Section 65, Chapter 290, O.S.L. 1994, Section 5, Chapter 225, O.S.L. 1999, as amended by Section 4, Chapter 304, O.S.L. 2000, 2167, 2253, 2254, 2268, 2271, 2272, Section 2, Chapter 353, O.S.L. 1992, as last amended by Section 12, Chapter 232, O.S.L. 2000, Section 3,

Chapter 353, O.S.L. 1992, as last amended by Section 13, Chapter 232, O.S.L. 2000, Section 4, Chapter 353, O.S.L. 1992, as last amended by Section 14, Chapter 232, O.S.L. 2000, Section 38, Chapter 320, O.S.L. 1999, as amended by Section 17, Chapter 232, O.S.L. 2000, Section 39, Chapter 320, O.S.L. 1999, as amended by Section 18, Chapter 232, O.S.L. 2000, Section 40, Chapter 320, O.S.L. 1999, as amended by Section 19, Chapter 232, O.S.L. 2000, 3311.4, as amended by Section 2, Chapter 230, O.S.L. 1998, Section 6, Chapter 353, O.S.L. 1992, Section 41, Chapter 320, O.S.L. 1999, as amended by Section 20, Chapter 232, O.S.L. 2000, 4406, 4410, 4411, 4419, as amended by Section 1, Chapter 40, O.S.L. 1992, 4420, as amended by Section 9, Chapter 276, O.S.L. 1996, 4420.1, 4420.2, 4421, 4714, 5001 and Section 3, Chapter 296, O.S.L. 2000 (70 O.S. Supp. 2000, Sections 1-117, 1-118.1, 3-132, 3-133, 3-134, 5-101, 5-110.1, 5-115, 5-124, 5-135.3, 5-153, 5-159, 6-101.40, 6-184, 6-186, 6-188, 6-199, 6-201, 7-105, 9-108, 11-103.6, 13-111, 14-102, 14-103, 14-103.1, 14-103.2, 14-103.3, 14-103.4, 14-105, 14-108, 14-108.1, 14-127, 14-128, 14-129, 17-101, 17-106, 17-108, 17-108.1, 17-108.2, 18-114.7, 24-100, 26-103, 26-104, 35e, 1210.404, 1210.508, 1210.515, 1210.531, 1210.555, 1210.563, 1210.566, 1210.725, 2602, 2603, 2604, 2611, 2612, 2613, 3311.4, 3953.1, 3953.2, 4419, 4420 and 8005), which relate to schools; amending 72 O.S. 1991, Sections 302, 303, 305 and 306, which relate to soldiers and sailors; amending Section 1, Chapter 372, O.S.L. 1998, as last amended by Section 1, Chapter 7, 1st Extraordinary Session, O.S.L. 2000 (73 O.S. Supp. 2000, Section 301), which relates to state capital and capitol building; amending 74 O.S. 1991, Sections 18 1, as last amended by Section 30, Chapter 1, O.S.L. 1995, 85.12, as last amended by Section 23, Chapter 6, O.S.L. 2000, 130.12, as amended by Section 5, Chapter 379, O.S.L. 1994, 130.14, as last amended by Section 6, Chapter 160, O.S.L. 1998, 213, as last amended by Section 1, Chapter 324, O.S.L. 1999, 227.8, as amended by Section 2, Chapter 317, O.S.L. 1993, 805.2, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 3, Chapter 314, O.S.L. 1998, Section 5, Chapter 287, O.S.L. 1997, as amended by Section 5, Chapter 410, O.S.L. 1999, 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 9, Chapter 336, O.S.L. 2000, 1303, as last amended by Section 1, Chapter 339, O.S.L. 1999, Section 3, Chapter 400, O.S.L. 1992, as last amended by Section 5, Chapter 255, O.S.L. 1999 and Section 6, Chapter 230, O.S.L. 1992 (74 O.S. Supp. 2000, Sections 18 1, 85.12, 130.12, 130.14, 213, 227.8, 840-2.18, 840-2.27B, 840-5.5, 1303, 1363 and 5060.26), which relate to state government; amending 82 O.S. 1991, Section 1324.16, as last amended by Section 6, Chapter 404, O.S.L. 1997 (82 O.S. Supp. 2000, Section 1324.16), which relates to water and water rights; amending 85 O.S. 1991, Sections 16, as last amended by Section 7, Chapter 361, O.S.L. 1997 and 173, as last amended by Section 10, Chapter 248, O.S.L. 2000 (85 O.S. Supp. 2000, Sections 16 and 173), which relate to workers'

compensation; amending Section 9B of Article X of the Oklahoma Constitution, as last amended by Section 7, Chapter 232, O.S.L. 1994, which relates to tax levies for area school districts; changing the name of the State Board of Vocational and Technical Education, changing the name of the Oklahoma Department of Vocational and Technical Education; changing the name of area vocational and technical schools or school districts; deleting obsolete language; updating statutory cites; providing an effective date; 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 amended by Section 2, Chapter 367, O.S.L. 1997 (2 O.S. Supp. 2000, Section 1762), is amended to read as follows:

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

1. "Eligible agricultural business" means any individual, partnership, co-operative, domestic limited liability company, or agricultural domestic corporation engaged in producing, processing or marketing alternative agricultural products or an at-risk farm or ranch business, within the State of Oklahoma in operation which has developed a management plan through the Intensive Financial Management and Planning Support (IFMAPS) program of the Cooperative Extension Service of Oklahoma State University or the Farm Business Management Program of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education;

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

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

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

3. "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 meeting the requirements of paragraph 5 of subsection A of Section 955 of Title 18 of the Oklahoma Statutes and meeting the requirements of subsection A of Section 951 of Title 18 of the Oklahoma Statutes;

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

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

6. "An at-risk farm or ranch business" shall be one which seeks a production loan and meets the following criteria:

- a. at least sixty percent (60%) of gross income derived from farming and/or ranching, and
- b. a debt-to-asset ratio over forty percent (40%);

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

8. "Board" means the State Board of Agriculture; and

9. "Department" means the State Board of Agriculture or the State Department of Agriculture.

SECTION 2. AMENDATORY 2 O.S. 1991, Section 2002, is amended to read as follows:

Section 2002. From and after July 1, 1986, if funds become available and if considered economically feasible by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, any Oklahoma farmer and rancher who meets the criteria set forth in this act shall be entitled to accept tuition waivers and to attend any state-supported ~~area vocational and technical~~ technology center school. Provided, that said tuition waivers, if offered, under this act shall be accepted by any approved applicant by July 1, 1996, and further, said tuition waivers, if offered, shall not exceed a period of more than thirty-six (36) months.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 2003, is amended to read as follows:

Section 2003. In order for farmers and ranchers to qualify for retraining, they shall:

1. Have at least fifty percent (50%) of income from farming and ranching on or after January 1, 1983, and the applicant furnish appropriate federal and state tax returns to verify facts necessary to qualify for retraining; and

2. Have defaulted on any agriculture-related loan to any banking, savings and loan, or federal agency, on or after January 1, 1983; or

3. Have been the subject of a foreclosure on any item or property related to agriculture business by any institution similar to a bank or savings and loan, including but not limited to the Federal Land Bank; or any federal agency similar, but not limited to the Farmers Home Administration or the Federal Land Bank; or

4. Be an individual who could possibly save his farm or ranch from bankruptcy or foreclosure by learning a skill. The individuals

who would qualify under this subsection will be recommended by the Advisory Committee on Agricultural Employment Retraining created in Section ~~5~~ 2005 of this ~~act~~ title; and

5. Satisfy the entrance and eligibility requirements imposed by the ~~institution of vocational and technical education~~ technology center school.

SECTION 4. AMENDATORY 2 O.S. 1991, Section 2005, is amended to read as follows:

Section 2005. A. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall administer this program with present personnel and shall not hire any new employees to assist in administering this act.

B. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall adopt rules ~~and regulations~~ pertaining to this act which shall take into consideration the special knowledge that farmers and ranchers already possess through practical experience and design courses that will expedite the learning of a skill and the opportunity for self-employment or job placement, and shall waive any tuition due from any approved applicant.

C. There is hereby created the Advisory Committee on Agricultural Employment Retraining to be composed of the following six (6) members who shall serve without per diem expenses or travel reimbursement on an advisory basis to the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education regarding this act as follows:

1. Two members shall be appointed by the Governor;
2. Two members shall be appointed by the Speaker of the House of Representatives; and
3. Two members shall be appointed by the President Pro Tempore of the Senate.

D. The Advisory Committee on Agricultural Employment Retraining will also recommend individuals for this program who have a

financial hardship and could possibly save their farm or ranch from bankruptcy or foreclosure by learning a new skill. The Advisory Committee recommendations shall be forwarded to the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education for final consideration.

SECTION 5. AMENDATORY 2 O.S. 1991, Section 2006, is amended to read as follows:

Section 2006. In the event that any institution is being seriously handicapped in its ability to provide an education or training for all of its students as a result of a disproportionate amount of tuition-waiver students under this act, then the administrative officer of such institution shall certify as to the handicapped condition to the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education who shall be permitted to establish a quota system for the institution. A schedule of guidelines and priorities shall be established for accepting students, as well as limiting the number of tuition-waiver students who may enroll. The excess number of applicants may enroll in some other ~~state-supported institution of vocational and technical education~~ technology center schools which has not reached a critical level of tuition-waiver students.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 620.1, is amended to read as follows:

Section 620.1 A. The purpose of this act is to ensure efficient, cost effective delivery of state services and accountability in the delivery of state services to children and their families through the establishment of uniform administrative rules governing the maintenance, transfer and release of confidential information between public and private agencies that provide services to children and their families in order to:

1. Facilitate access to health, mental health, social and related services that are made available through state and federal funds for children and families;

2. Remove unnecessary and cumbersome impediments to the delivery of such services; and

3. Better provide for the expeditious, coordinated and cooperative delivery of services by establishing a uniform system of rules, procedures and forms for the maintenance, transfer and release of confidential information to be used by state, county and private agencies, boards of education, and ~~area vocational-technical education~~ technology center districts, pursuant to the provisions of this act.

B. For the purpose of this act, "confidential information" means any information regarding a child receiving services supported in whole or in part by state or federal funds, a family member of such child, or other persons residing in the home of such child, and which is required by state or federal law or regulation to be maintained in a confidential manner.

C. Nothing in this act shall be construed to authorize the release of confidential information except pursuant to an informed consent as provided in Section 4 620.4 of this ~~act~~ title, a court order, or as otherwise provided by law.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 620.3, as last amended by Section 1, Chapter 268, O.S.L. 1998 (10 O.S. Supp. 2000, Section 620.3), is amended to read as follows:

Section 620.3 A. Prior to April 1, 1991, the following agencies shall promulgate uniform rules and adopt uniform procedures and forms for the maintenance, transfer and release of confidential information:

1. Department of Human Services;
2. Department of Mental Health and Substance Abuse Services;
3. State Department of Health;

4. State Department of Education;

5. ~~State Oklahoma~~ Department of ~~Vocational Career~~ and ~~Technical~~ Technology Education;

6. Oklahoma Commission on Children and Youth;

7. J.D. McCarty Center for Children with Developmental Disabilities;

8. Department of Corrections; and

9. Beginning July 1, 1998, the Office of Juvenile Affairs.

B. Private agencies receiving public funds pursuant to a grant or contract with a state agency listed in subsection A of this section and providing institutional, community residential or community-based services, as defined by Section 1101 of this title, to children and families, shall comply with the rules regarding the maintenance, transfer and release of confidential information adopted by the governing board of the state agency or agencies from which they receive funds.

C. The provisions of Sections 620.1 through 620.6 of this title shall not apply to court records of juvenile cases maintained by the district courts. The supervising judge of a statutorily constituted juvenile bureau may establish court rules for the transfer and release of other confidential information maintained by the juvenile bureau which substantially conform with the rules, forms and procedures promulgated and adopted by state agencies pursuant to the provisions of Sections 620.1 through 620.6 of this title.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 620.5, is amended to read as follows:

Section 620.5 A. The local board of education of each school district and each ~~area vocational-technical education~~ technology center school district shall adopt policies and procedures for the transfer and release of confidential information to the agencies listed in Section ~~3~~ 620.3 of this ~~act~~ title, to persons and agencies subject to the rules promulgated by said agencies pursuant to this

act, and to statutorily-constituted juvenile bureaus. The policies and procedures adopted by said boards shall comply with the requirements for state agency rules listed in Section 4 620.4 of this ~~act~~ title for the transfer and release of confidential information.

B. A local board of education may adopt in whole or in part the rules, procedures and forms promulgated and adopted by the State Board of Education, and each ~~area vocational-technical education~~ technology center school board may adopt in whole or in part the rules, procedures and forms promulgated and adopted by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

SECTION 9. AMENDATORY 10 O.S. 1991, Section 1125, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as amended by Section 57, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 2000, Section 7005-1.1), is amended to read as follows:

Section 7005-1.1 A. The court shall make and keep records of all cases brought before it. The court shall devise and cause to be printed such forms for social and legal records and such other papers as may be required.

B. As used in the Oklahoma Children's Code:

1. "Records" shall include but not be limited to written or printed documents, papers, logs, reports, files, case notes, films, photographs, audio or visual tape recordings, and shall include information entered into and maintained in an automated or computerized information system;

2. "Juvenile court record" means legal and social records other than adoption records, including but not limited to agency, law enforcement and district attorney's records, filed with the court that are related to a child who is the subject of a court proceeding pursuant to the provisions of the Oklahoma Children's Code;

3. "Agency record" means records prepared, obtained or maintained by a public or private agency with regard to a child who

is or has been under its care, custody or supervision or to a family member or other person living in the home of such child and shall include but not be limited to:

- a. any study, plan, recommendation, assessment or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care or treatment of such child, or
- b. any records made in the course of any investigation or inquiry conducted by an agency to determine whether a child is or may be a deprived child, a delinquent child, a child in need of supervision or a child in need of treatment;

4. "District attorney's records" means any records prepared or obtained by an office of a district attorney relating to juvenile cases and any records prepared or obtained for the prosecution of crimes against children that constitute a legal or social record of a child as defined by this section;

5. "Law enforcement records" means any contact, incident or similar reports, arrest records, disposition records, detention records, fingerprints, or photographs related to a child and shall include but not be limited to reports of investigations or inquiries conducted by a law enforcement agency to determine whether a child is or may be subject to the provisions of this title as a deprived child, a delinquent child, a child in need of supervision or a child in need of treatment. Law enforcement records pertaining to juveniles shall be maintained separately from records pertaining to adults;

6. "Nondirectory education records" means any records maintained by a public or private school, including a ~~vocational-technical~~ technology center school, regarding a child who is or has been a student at the school which are categorized as private or

confidential records pursuant to the federal Family Educational Rights and Privacy Act of 1974 and any rules promulgated pursuant to said act;

7. "Legal record" means any petition, docket, motion, finding, order, judgment, pleading, paper or other document, other than social records, filed with the court;

8. "Social record" means social studies and medical, psychological, clinical or other treatment reports or studies, educational records and agency records other than legal records filed with the court; and

9. "Participating agency" means any public or private agency that has entered into a contract or an interagency agreement under the Interlocal Cooperation Act in accordance with the rules and guidelines adopted pursuant to Section 620.6 of this title for the purpose of accessing and sharing information necessary for the care, treatment, and supervision of children and youth.

SECTION 10. AMENDATORY 10 O.S. 1991, Section 1141, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 4, Chapter 268, O.S.L. 1998 (10 O.S. Supp. 2000, Section 7302-5.1), is amended to read as follows:

Section 7302-5.1 A. The Department of Juvenile Justice shall provide intake, probation and parole services for juveniles and may enter into agreements to supplement probationary services to juveniles in any county. The Department may participate in federal programs for juvenile probation officers, and may apply for, receive, use and administer federal funds for such purpose.

B. A pre-adjudicatory substance abuse assessment of a child may be conducted in conjunction with a court intake or preliminary inquiry pursuant to an alleged delinquent act or upon admission to a juvenile detention facility through the use of diagnostic tools including, but not limited to, urinalysis, structured interviews or substance abuse projective testing instruments.

1. Information gained from the substance abuse assessment pursuant to this subsection shall be used only for substance abuse treatment and for no other purpose. The results shall not be used in any evidentiary or fact-finding hearing in a juvenile proceeding or as the sole basis for the revocation of a community-based placement or participation in a community-based program.

2. The results of the substance abuse assessment may be given to the child's intake, probation or parole counselor, the parent or guardian of the child or to the child's attorney. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section 620.6 of this title, the counselor may also provide the results of the substance abuse assessment to medical personnel, therapists, school personnel or others for use in the treatment and rehabilitation of the child.

C. In accordance with the guidelines adopted pursuant to the Serious and Habitual Juvenile Offender Program, the Department of Juvenile Justice and the juvenile bureaus shall implement:

1. Court intake risk-assessment for children alleged or adjudicated to be delinquent;

2. The imposition of administrative sanctions for the violation of a condition of probation or parole;

3. A case management system for ensuring appropriate:

a. diversion of youth from the juvenile justice system,

b. services for and supervision of all youth on pre-adjudicatory or postadjudicatory probation or on parole, and for juvenile offenders in the custody of the Department of Juvenile Justice, and

c. intensive supervision of serious and habitual offenders and communication between law enforcement and juvenile court personnel and others regarding such offenders; and

4. Guidelines for juvenile court personnel recommendations to district attorneys regarding the disposition of individual cases by district attorneys.

D. 1. The Department of Juvenile Justice shall establish directly and by contract, the services necessary to implement the Serious and Habitual Juvenile Offender Program including, but not limited to:

- a. misdemeanor and non-serious first-time offender programs,
- b. tracking and mentor services,
- c. weekend detention,
- d. five-day out-of-home sanction placements,
- e. short-term thirty-day intensive, highly structured placements,
- f. transitional programs,
- g. substance abuse treatment and diagnostic and evaluation programs, and
- h. day treatment programs.

2. In implementing these services, the Department shall give priority to those areas of the state having the highest incidences of juvenile crime and delinquency.

E. 1. The following entities shall conduct, upon adjudication of a child as a delinquent or in need of supervision unless such child has been previously assessed within the six (6) months prior to such intake, a literacy skills assessment:

- a. the Department of Juvenile Justice,
- b. a first-time offender program within a designated youth services agency,
- c. any metropolitan county juvenile bureau, or
- d. any county operating a juvenile bureau.

2. Such assessment shall be conducted through the use of diagnostic tools which include, but are not limited to:

- a. structured interviews,
- b. standardized literacy testing instruments which measure the educational proficiency of the child, and
- c. any other measure used to determine:
 - (1) whether a child is reading at an age-appropriate level, and
 - (2) the child's capacity to read at such level.

3. The results of the literacy skills assessment required pursuant to this subsection shall be made available to the court by the district attorney for use in the disposition phase; provided, however, the results shall not be used in any evidentiary or fact-finding hearing in a juvenile proceeding to determine whether a juvenile should be adjudicated. Provided, further, such results shall not be used as the sole basis for the revocation of a community-based placement or participation in a community-based program.

- 4. a. Upon request, the results of the literacy skills assessment shall be given to the following:
 - (1) the child's intake, probation or parole counselor,
 - (2) the parent or guardian of the child, or
 - (3) the child's attorney.
- b. In accordance with the guidelines established pursuant to the Serious and Habitual Juvenile Offender Program and Section 620.6 of this title, the counselor may also provide the results of the literacy skills assessment to therapists, school personnel or others for use in the training and rehabilitation of the child.

- 5. a. If the child is a juvenile placed in an institution or facility operated by the Department, the child shall be assessed and a literacy improvement program shall

be implemented in accordance with Sections 7302-6.1 and 7302-6.3 of this title.

- b. If the child is adjudicated delinquent or in need of supervision or is being detained as part of a deferral of prosecution agreement, deferral to file agreement or a deferral sentence agreement, and the results of the literacy skills assessment show that the child is not reading at an age-appropriate level but has the capacity to improve his or her reading skills, the child shall be required to actively participate in a literacy skills improvement program which may include, but not be limited to, a program of instruction through a public or private school, including any ~~area vocational-technical~~ technology center school, of this state or any other state. The child shall provide documentation of substantial quantifiable literacy improvement, sufficient to demonstrate reading proficiency at an age-appropriate or developmentally appropriate level; provided, however, failure to demonstrate substantial quantifiable literacy improvement shall not be the sole basis for not dismissing a case against a child.

SECTION 11. AMENDATORY 10 O.S. 1991, Section 1160.2, as renumbered by Section 199, Chapter 352, O.S.L. 1995, and as last amended by Section 12, Chapter 293, O.S.L. 1997 (10 O.S. Supp. 2000, Section 7302-9.2), is amended to read as follows:

Section 7302-9.2 As used in the Oklahoma Juvenile Code:

1. "Agencies and programs comprising the juvenile justice system" means:
 - a. the courts, the District Attorney's Council and offices of the district attorneys, state and local law enforcement agencies, juvenile bureaus, the Department

of Human Services, the Department of Juvenile Justice of the Office of Juvenile Affairs, the Oklahoma Commission on Children and Youth, the Department of Corrections, the Criminal Justice Resource Center, any other state agency responsible for the care, custody or supervision of youth alleged or adjudicated to be delinquent, and

- b. to the extent that they are responsible for the provision of services to youth alleged or adjudicated to be delinquent, including but not limited to educational, treatment or residential services, local school districts and ~~area vocational-technical~~ technology center schools and other public and private agencies not otherwise specifically included in subparagraph a of this paragraph, comprising the "children and youth service system" as defined by Section 600 of this title;

2. "Felony act" or "felony offense" means any criminal offense that would constitute a felony crime if committed by an adult;

3. "Habitual criminal acts" means three separate delinquency adjudications for the commission of felony acts. The felony acts relied upon shall not have arisen out of the same transaction or occurrence or series of events related in time and location;

4. "Juvenile court personnel" means those persons responsible for juvenile court intake, probation and parole supervision and services to youth alleged or adjudicated to be delinquent;

5. "Juvenile Justice Information System" means the automated information system established by Section 7302-9.6 of this title;

6. "Juvenile offender" means a delinquent child or juvenile as defined by Section 7301-1.3 of this title;

7. "Sanction" means a consequence imposed upon a juvenile offender:

- a. as a result of a criminal act, and
- b. as a result of a violation of a condition of probation or parole;

8. "Serious act" means any crime specified by subsection A of Section 7306-1.1 of this title;

9. "Serious and Habitual Juvenile Offender Program" means the program of information, information sharing, case tracking, case management, supervision and sanctions established by Section 7302-9.3 of this title; and

10. "Serious juvenile offender" and "habitual juvenile offender" means persons under eighteen (18) years of age who have been adjudicated delinquent for the commission of serious acts or habitual criminal acts and are subject to the Serious and Habitual Juvenile Offender Program in accordance with the criteria established pursuant to Section 7302-9.3 of this title.

SECTION 12. AMENDATORY Section 177, Chapter 352, O.S.L. 1995, as amended by Section 1, Chapter 211, O.S.L. 1996 (10 O.S. Supp. 2000, Section 7307-1.1), is amended to read as follows:

Section 7307-1.1 A. The court shall make and keep records of all cases brought before the court pursuant to the Oklahoma Juvenile Code, Section 7301-1.1 et seq. of this title. The court shall devise and cause to be printed such forms for social and legal records and such other papers as may be required.

B. As used in the Oklahoma Juvenile Code:

1. "Records" or "record" shall include but not be limited to written or printed documents, papers, logs, reports, files, case notes, films, photographs, audio or visual tape recordings pertaining to a juvenile proceeding or a child, and shall include information entered into and maintained in an automated or computerized information system;

2. "Juvenile court record" means legal and social records other than adoption records, including but not limited to agency, law

enforcement and district attorney's records, filed with the court that are related to a child who is the subject of a court proceeding pursuant to the Oklahoma Juvenile Code;

3. "Agency record" means records prepared, obtained or maintained by a public or private agency with regard to a child who is or has been under its care, custody or supervision or with regard to a family member or other person living in the home of such child and shall include but not be limited to:

- a. any study, plan, recommendation, assessment or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care or treatment of such child, or
- b. any records made in the course of any investigation or inquiry conducted by an agency to determine whether a child is a delinquent child or a child in need of supervision;

4. "District attorney's records" means any records prepared or obtained by an office of a district attorney relating to a juvenile case and any records prepared or obtained for the prosecution of crimes against children that constitute a legal or social record of a child;

5. "Law enforcement records" means any contact, incident or similar reports, arrest records, disposition records, detention records, fingerprints, or photographs related to a child and shall include but not be limited to reports of investigations or inquiries conducted by a law enforcement agency to determine whether a child is or may be subject to the provisions of this chapter as a delinquent child or a child in need of supervision. Law enforcement records pertaining to juveniles shall be maintained separately from records pertaining to adults;

6. "Nondirectory education records" means any records maintained by a public or private school, including a ~~vocational-technical~~ technology center school, regarding a child who is or has been a student at the school which are categorized as private or confidential records pursuant to the federal Family Educational Rights and Privacy Act of 1974 and any rules promulgated pursuant to the act;

7. "Legal record" means any petition, docket, motion, finding, order, judgment, pleading, paper or other document, other than social records, filed with the court;

8. "Social record" means social studies and medical, psychological, clinical or other treatment reports or studies, educational records and agency records other than legal records filed with the court; and

9. "Participating agency" means any public or private agency that has entered into a contract or an interagency agreement under the Interlocal Cooperation Act in accordance with the rules and guidelines adopted pursuant to Section 620.6 of this title or the Serious and Habitual Juvenile Offender Act for the purpose of accessing and sharing information necessary for the care, treatment, and supervision of children and youth.

SECTION 13. AMENDATORY 11 O.S. 1991, Section 52-102, is amended to read as follows:

Section 52-102. As used in Sections 52-101 through 52-107 of this title:

1. "Clerk", "treasurer" and "finance officer" mean any person who is at any time responsible for the clerical or financial records, or the keeping or making of any of them, of any city or town government coming within the provisions of this article;

2. "Committee" means the Advisory Committee to the municipal clerks and treasurers training division of the ~~State~~ Oklahoma

Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education;
and

3. "Division" means the municipal clerks and treasurers training division of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

SECTION 14. AMENDATORY 11 O.S. 1991, Section 52-103, is amended to read as follows:

Section 52-103. A. There is hereby created the Advisory Committee to the municipal clerks and treasurers division of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education which shall consist of five (5) members appointed by the Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education. The Director shall appoint one member he deems appropriate; one member from a list of three persons submitted by the Oklahoma Municipal League; one member from a list of three persons submitted by the Oklahoma Chapter of the Municipal Finance Officers Association; one member from a list of three persons submitted by the Oklahoma Chapter of the Municipal Treasurers Association; and one member from a list of three persons submitted by the Oklahoma Municipal Clerks, Treasurers and Finance Officers Association. Terms of office shall be for three (3) years, and shall be made in the manner provided in this section. The nominees submitted for appointment by the organizations herein enumerated shall be officers or employees of cities and towns.

B. The existing Commission members shall serve to the end of their terms of office as members of the Advisory Committee. Thereafter, appointments shall be made as provided for by law. The Committee shall elect from among its members a chairman and shall not meet more than six (6) days in any one (1) fiscal year.

C. Personnel employed by the Commission on June 30, 1986, shall become employees of the ~~State~~ Oklahoma Department of ~~Vocational~~

Career and ~~Technical~~ Technology Education on July 1, 1986, without change in status as to duties and compensation, including accrual of leave, and eligibility for longevity payments and other benefits of employment, except as otherwise provided by law.

D. Members of the Committee shall receive no salary or other compensation for their services but shall be reimbursed for travel expense pursuant to the State Travel Reimbursement Act.

SECTION 15. AMENDATORY 11 O.S. 1991, Section 52-104, is amended to read as follows:

Section 52-104. In addition to other powers and duties conferred upon it by law, the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and Technical Technology Education shall:

1. Employ such personnel, incur such expenses, make contracts and purchase such personal property as may be necessary for the purposes of conducting training programs, including but not limited to itinerant training programs and special on-the-job training programs;

2. Accept such grants, appropriation or other monies or services as may be available for training, research, development or demonstration purposes in training aimed to increase the efficiency of clerks, treasurers and finance officers and of persons under their direction; and

3. Develop such manuals and prescribe such procedures and tests as may be necessary for the fulfillment of the purposes of this article, to determine criteria and to grade for the successful completion of training.

SECTION 16. AMENDATORY 11 O.S. 1991, Section 52-107, is amended to read as follows:

Section 52-107. Effective November 15, 1986, the "Clerks' and Treasurers' Training Fund" is abolished. All monies received to the credit of said fund shall be deposited to the State ~~Vocational-Technical~~ Career-Technology Fund in the State Treasury.

SECTION 17. AMENDATORY Section 9, Chapter 408, O.S.L. 1997, as last amended by Section 1, Chapter 319, O.S.L. 2000 (17 O.S. Supp. 2000, Section 139.109), is amended to read as follows:

Section 139.109 A. There is hereby created within the Oklahoma Corporation Commission the "Oklahoma E911 Emergency Service Fund". Beginning September 1, 1997, each local exchange telecommunications service provider shall annually contribute fifty cents (\$.50) per retail local exchange access line to the Oklahoma E911 Emergency Service Fund until the total amount contributed by all providers to the Fund equals Five Million Dollars (\$5,000,000.00). The contribution amount for each service provider shall be based upon the number of retail local exchange access lines of that service provider in service on July 1 of each applicable year. The Oklahoma E911 Emergency Service Fund shall be administered by the Oklahoma Corporation Commission and used to defray the cost of purchasing and installing equipment for enhanced 911 emergency systems across the state. Preference for funding shall be given first to those systems established in areas of the state which do not have access to 911 emergency service before July 1, 1997, and second to areas of the state which do not have access to enhanced 911 emergency services. Funding from the E911 Emergency Service Fund shall not be used for ongoing operating costs of any emergency telephone service system. To qualify for funding, the emergency telephone service system shall have been or be in the process of being approved as provided for in the Nine-One-One Emergency Number Act. Local exchange telecommunications service providers serving fifteen percent (15%) or more of the access lines in the state may not apply for recovery of the contributions made to the E911 Emergency Service Fund from the Oklahoma Universal Service Fund created in Section 139.106 of this title. All monies in the Oklahoma E911 Emergency Service Fund shall be expended only for the purposes set forth in this subsection.

B. There is hereby created within the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education the "Oklahoma Telecommunications Technology Training Fund". Beginning September 1, 1997, each local exchange telecommunications service provider shall annually contribute seventy-five cents (\$.75) per retail local exchange access line to the Oklahoma Telecommunications Technology Training Fund until the total amount contributed by all providers to the Fund equals Seven Million Dollars (\$7,000,000.00). The contribution amount for each service provider shall be based upon the number of retail local exchange access lines of that service provider in service on July 1 of each applicable year. The Oklahoma Telecommunications Technology Training Fund shall be administered by the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education working in conjunction with OneNet, and shall be used to provide statewide training of teachers and school administrators in the most effective use of telecommunications and distance learning technology for the enhancement of education throughout the state. Local exchange telecommunications service providers serving fifteen percent (15%) or more of the access lines in the state may not apply for recovery of the contributions made to the Oklahoma Telecommunications Technology Training Fund from the Oklahoma Universal Service Fund created in Section 139.106 of this title. All monies in the Oklahoma Telecommunications Technology Training Fund shall be expended only for the purposes set forth in this subsection.

C. The following services are hereby declared to be Special Universal Services and such services shall be provided only after funding for the Oklahoma Universal Service Fund is implemented as set forth in Section 139.101 et seq. of this title:

1. Each not-for-profit hospital in the state shall, upon written request, receive one incoming, toll-free phone number and up to a total of five access lines, free of charge, to allow incoming,

toll-free calls from any location within the geographic area served by the hospital;

2. Each not-for-profit hospital in this state shall, upon written request, receive, free of charge, one telecommunications line or wireless connection sufficient for providing such telemedicine services as the hospital is equipped to provide. The telecommunications carrier shall be entitled to reimbursement from the Oklahoma Universal Service Fund for providing the line or connection. In no case, however, shall reimbursement from the fund be made for an Internet subscriber fee or charges incurred as a result of services accessed via the Internet;

3. Each public school building wherein classrooms are contained and each public library in the state shall, upon written request, receive one incoming, toll-free phone number and up to a total of five access lines, free of charge, to allow incoming, toll-free calls from any location within the geographic area served by the school or the public library;

4. Each public school building wherein classrooms are contained and each public library in the state shall, upon written request, receive one access line, free of charge, with the ability to connect to an Internet service provider at 56 kbps, in the most economically efficient manner for the carrier, or an equivalent dollar credit to be applied by the public school or public library toward similar services provided by the same carrier, for the purpose of accessing the Internet. In no case shall the Oklahoma Universal Service Fund reimburse an entity for an Internet subscriber fee or charges incurred as a result of services accessed via the Internet; and

5. Each county seat in the state shall, upon written request of the board of county commissioners, receive one incoming, toll-free phone number and up to a total of five access lines, free of charge, to allow incoming, toll-free calls from any location within the geographic area served by the county seat.

D. To the extent Special Universal Services are purchased from a telecommunications service provider by another carrier, the Special Universal Services are for the exclusive use of the not-for-profit hospital, public school, public library or county government. Under no circumstances shall the not-for-profit hospital, public school, public library or county government sell, repackage or share Special Universal Services with any other entity.

SECTION 18. AMENDATORY 19 O.S. 1991, Section 864.4, is amended to read as follows:

Section 864.4 No person shall be issued a certificate of competency as a Class A electrical contractor, Class B electrical contractor, appliance repair shop, electrical sign contractor, motor shops, Class A journeyman electrician, Class B journeyman electrician, journeyman sign electrician, or electrical appliance repairman until he has passed an examination by the joint electrical examining and appeals board, except as herein provided. Said board shall meet within ten (10) days after its appointment and shall then designate the time and place for the first examination of all applicants desiring to secure certificates.

Said board shall examine applicants for certificate of competency as Class A electrical contractors or Class A journeyman electricians, as to their practical knowledge of electrical wiring, the installation of same, the installation of electrical appliance or fixtures, and the operation and control of electrical systems.

Applicants for certificate of competency as Class A electrical contractors shall further be required to present evidence of five (5) years' actual electrical experience. Applicants for certificate of competency as Class A journeyman electricians shall further be required to present evidence of three (3) years' actual electrical experience. A credit shall be allowed, however, of not to exceed one (1) year for Class A and Class B electrical contractor applicants, electrical sign contractor applicants, and Class A and

Class B journeyman electrician applicants for time spent as a student in a program of electrical study or training at a school approved by the board. Such board approval shall not be required, however, with respect to publicly supported technology center schools ~~having a vocational-technical program~~.

All other applicants for certificates of competency shall be examined as to their practical knowledge of the installation, maintenance and repair of the appliances, equipment, apparatus and systems permitted to be worked on under the certificate which they seek. All examinations shall be written. If the applicant demonstrates his competency in that phase of the trade for which a certificate of competency is sought the board shall issue a certificate of competency to such applicant authorizing him to engage only in such electrical work described in said certificate upon compliance with the conditions of any other section herein relating thereto.

All certificates shall be signed by the chairman of said board and attested by the secretary and shall show the date of passage of the examination or, if issued without examination as herein provided, the reason therefor, the name of the person and the class of work authorized. Such certificate shall be issued only for the year in which it is dated and shall expire on December 31 of the year for which issued. Certificates shall be numbered consecutively and the examining board and the electrical inspector shall keep a record of all such certificates issued.

It shall be unlawful for any certificate of competency or license holder to transfer his certificate or license or to allow it to be used directly or indirectly by any other person.

Licensed contractors shall employ workmen licensed in the category of the contractor's work classification.

Any certificate of competency or license heretofore issued by a city of this state having a population of one hundred eighty

thousand (180,000), or more, according to the last Federal Decennial Census, or by a joint examining and/or appeals board created under any previous act, shall be recognized for the balance of the year of its issue by the joint electrical examining and appeals board in the county in which such city or joint board shall have been located. Such certificates or licenses shall be subject to renewal without further examination upon payment of the regularly established renewal fee in the same manner as if such certificate or license had been originally issued by the joint electrical examining and appeals board to which it is presented for renewal.

In any county not heretofore covered by a statutory electrical code, any person who has been engaged in the work as a Class A journeyman electrician, Class B journeyman electrician, sign electrician, electrical appliance repairman or the work and business of a Class A electrical contractor, Class B electrical contractor, electrical sign contractor, motor shop or appliance repair shop, as such classifications are defined herein, within any county subject to the provisions of this act, for a period of at least two (2) years, immediately preceding July 5, 1965, shall, upon proof of such work, be issued a certificate of competency by the joint electrical examining and appeals board without examination and upon such person's payment of all fees as provided herein, and provided further that the application therefor is made within sixty (60) days after the creation of the joint electrical examining and appeals board. The latter-named group shall be granted such certificates of competency without regard as to whether they have ever been licensed in any municipality or not.

SECTION 19. AMENDATORY 21 O.S. 1991, Section 1277, as last amended by Section 2, Chapter 382, O.S.L. 2000 (21 O.S. Supp. 2000, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person in possession of a valid concealed handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, to carry any concealed handgun into any of the following places:

1. Any structure, building, or office space which is owned or leased by a city, town, county, state, or federal governmental authority for the purpose of conducting business with the public;

2. Any meeting of any city, town, county, state or federal officials, school board members, legislative members, or any other elected or appointed officials;

3. Any prison, jail, detention facility or any facility used to process, hold, or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent;

4. Any elementary, or secondary school, or ~~vocational-technical~~ technology center school property;

5. Any sports arena during a professional sporting event;

6. Any place where pari-mutuel wagering is authorized by law;
and

7. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

a. any property set aside for the use of any vehicle, whether attended or unattended, by a city, town, county, state, or federal governmental authority,

b. any property set aside for the use of any vehicle, whether attended or unattended, by any entity offering any professional sporting event which is open to the public for admission, or by any entity engaged in pari-mutuel wagering authorized by law,

- c. any property adjacent to a structure, building, or office space in which concealed weapons are prohibited by the provisions of this section,
- d. any property designated by a city, town, county, or state, governmental authority as a park, recreational area, or fairgrounds; provided nothing in this subparagraph shall be construed to authorize any entry by a person in possession of a concealed handgun into any structure, building, or office space which is specifically prohibited by the provisions of subsection A of this section.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any person in control of any place described in paragraph 1, 2, 3, 5 or 6 of subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a concealed handgun license from possession of a handgun allowable under such license in places described in paragraph a, b, c or d of this subsection.

C. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00). Any person convicted of violating the provisions of this section may be liable for an administrative fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

D. No person in possession of any concealed handgun pursuant to the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college or university property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid concealed handgun license:

1. Any property set aside for the use of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the college or university president while the vehicle is on any college or university property;

2. Any property authorized for possession or use of handguns by college or university policy;

3. Any property authorized by the written consent of the college or university president, provided the written consent is carried with the handgun and the valid concealed handgun license while on college or university property.

The college or university may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars (\$250.00) and may have the concealed handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college or university to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a concealed handgun license from possession of a handgun allowable under such license in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college or university in this state from taking administrative action against any student for any violation of any provision of this subsection.

E. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment.

SECTION 20. AMENDATORY Section 3, Chapter 170, O.S.L. 1992, as last amended by Section 220, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person, except a peace officer or other person authorized by the board of education of that district or governing body for any public or private school, to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title.

B. "School property" means any publicly or privately owned property held for purposes of elementary, secondary or ~~vocational-technical~~ career-technology education, and shall not include property owned by public school districts or private educational entities where such property is leased or rented to an individual or corporation and used for purposes other than educational.

C. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, shall not be in violation of the provisions of this section, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property. However, for the purposes of participating in the Oklahoma Department of Wildlife certified hunter training education course or

any other hunting, safety or firearms training courses, the principal or chief administrator of any public or private school where said course is offered may authorize firearms or other weapons to be brought onto school property and used in such training course.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00), and imprisonment for not more than two (2) years. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, shall have the license permanently revoked and shall be liable for an administrative fine of One Hundred Dollars (\$100.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 21. AMENDATORY 22 O.S. 1991, Section 305.2, as last amended by Section 1, Chapter 278, O.S.L. 2000 (22 O.S. Supp. 2000, Section 305.2), is amended to read as follows:

Section 305.2 A. If an accused qualifies for the deferred prosecution program, the accused and the State of Oklahoma, through the district attorney, may execute an agreement whereby the accused agrees to waive any rights to a speedy accusation, a speedy trial, and any statute of limitations, and agrees to fulfill such conditions to which the accused and the State of Oklahoma may agree including, but not limited to, restitution and community services.

B. The accused, as consideration for entering into a deferred prosecution agreement, consents and agrees to a full and complete photographic record of property which was to be used as evidence. The photographic record shall be competent evidence of the property and admissible in any criminal action or proceeding as the best evidence.

C. Property shall be returned to its owner only after the photographic record is made subject to the following conditions:

1. Property, except that which is prohibited by law, shall be returned to its owner after proper verification of title;

2. The return of property to the owner shall be without prejudice to the state or to any person who may have a claim against the property; and

3. When property is returned, the recipient shall sign, under penalty of perjury, a declaration of ownership which shall be retained by the police department or sheriff's office.

D. As additional consideration for the agreement, the State of Oklahoma shall agree not to file an information if the accused satisfactorily completes the conditions of the agreement.

E. The agreement between the accused and the State of Oklahoma may include provisions whereby the accused agrees to be supervised in the community. If the accused is required to be supervised pursuant to the terms of the agreement, the person shall be required to pay a supervision fee to be established by the supervisory agency. The supervision fee shall be paid to the supervisory agency as required by the rules of the supervisory agency. The supervisory agency shall monitor the person for compliance with the conditions of the agreement. The supervisory agency shall report to the district attorney on the progress of the accused, and shall report immediately if the accused fails to report or participate as required by the agreement.

F. The agreement between the parties may require the accused to participate or consult with local service providers, including the Department of Human Services, the Department of Mental Health and Substance Abuse Services, the Employment Security Commission, federal services agencies, other state or local agencies, colleges, universities, ~~vocational-technical~~ technology center schools, and private or charitable service organizations. When the accused is

required to participate or consult with any service provider, a program fee may be required unless the fee would impose an unnecessary hardship on the person. The program fee shall be established by the service provider based upon a sliding scale. Any state agency called upon for assistance in a deferred prosecution program by any district attorney shall render services and assistance as available. Any supervision fee or program fee authorized by this section may be waived in whole or in part when the accused is indigent. No person who is otherwise qualified for a deferred prosecution program shall be denied services or supervision based solely on the person's inability to pay a fee or fees.

G. The agreement between the parties may require the accused to pay a victim compensation assessment pursuant to the provisions of Section 142.18 of Title 21 of the Oklahoma Statutes. The amount of the assessment shall be agreed to by the parties and shall be within the amounts specified in Section 142.18 of Title 21 of the Oklahoma Statutes for the offense charged.

H. Any deferred prosecution agreement including, but not limited to, any fee, sliding scale fee, compensation, contract, assessment, or other financial agreement charged or waived by the accused or the State of Oklahoma shall be a record open to the public.

I. 1. On or after the effective date of this act, each office of the district attorney shall, upon request and within a reasonable time, provide the name and other identifying information of an accused entering into a deferred prosecution agreement.

2. A deferred prosecution agreement entered into prior to the effective date of this act shall not be a record open to the public, unless confidentiality was waived as a condition of the agreement.

SECTION 22. AMENDATORY Section 11, Chapter 359, O.S.L. 1997 (22 O.S. Supp. 2000, Section 471.10), is amended to read as follows:

Section 471.10 A. For purposes of this act, the following state agencies shall jointly develop a standardized testing instrument with an appropriate scoring device for use by all the district courts in this state in implementing the Oklahoma Drug Court Act:

1. The Department of Corrections;
2. The Administrative Office of the Courts;
3. The Department of Mental Health and Substance Abuse Services;
4. The State Department of Health;
5. The State Department of Education;
6. The Office of Juvenile Affairs; and
7. The Oklahoma Department of Vocational and Technical Education.

B. The Administrative Office of the Courts shall promulgate rules, procedures, and forms necessary to implement the Oklahoma Drug Court Act to ensure statewide uniformity in procedures and forms. The Department of Mental Health and Substance Abuse Services is directed to develop a training and implementation manual for drug court programs with the assistance of the State Department of Health, the State Department of Education, the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education, the Department of Corrections, the Office of Juvenile Affairs, and the Administrative Office of the Courts. The Department of Mental Health and Substance Abuse Services shall provide technical assistance to the district courts in implementing drug court programs.

C. All participating agencies shall promulgate rules as necessary to comply with the provisions of this act. Each district court shall establish rules for their jurisdiction upon implementation of a drug court program, pursuant to the provisions of this act.

SECTION 23. AMENDATORY Section 8, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (22 O.S. Supp. 2000, Section 988.8), is amended to read as follows:

Section 988.8 A. A community sentencing system established pursuant to the provisions of the Oklahoma Community Sentencing Act shall include those community punishments and programs and services enumerated and funded as a pilot project in the annual plan submitted to the Community Sentencing Division within the Department of Corrections and any other services or punishments subsequently added and funded during a plan year. The options may not be utilized for offenders not meeting the eligibility criteria of programs and score requirements for the Level of Services Inventory (LSI) or other approved assessment. Each local system shall strive to have available to the court all of the following services for eligible offenders:

1. Community service with or without compensation to the offender;
2. Substance abuse treatment and availability for periodic drug testing on offenders following treatment;
3. Varying levels of supervision by the Department of Corrections probation officers or another qualified supervision source;
4. Education and literacy provided by the State Department of Education, the county library system, the local school board, or another qualified source;
5. Employment opportunities and job skills training provided by the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and Technical ~~Technology~~ Education or another qualified source;
6. Enforced collections provided by the local court clerk, or another state agency; and
7. The availability of county jail or another restrictive housing facility for limited disciplinary sanctions.

B. The court may order as a community punishment for an eligible offender any condition listed as a condition available for a suspended sentence.

C. In all cases in which an offender is sentenced to a community punishment, the offender shall be ordered as part of the terms and conditions of the sentence to pay for the court ordered sanction, based upon ability to pay. Payments may be as provided by court order or pursuant to periodic payment schedules established by the service provider. If the offender does not have the financial ability to pay for the court ordered sanction, payment shall be made from funds budgeted for the local community sentencing system.

SECTION 24. AMENDATORY 26 O.S. 1991, Section 3-101, as last amended by Section 3, Chapter 176, O.S.L. 1997 (26 O.S. Supp. 2000, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no special election shall be held by any county, school district, ~~vocational-technical~~ technology center school district, municipality or other entity authorized to call elections except on the second Tuesday of January, February, May, June, July, August, September, October, November and December and the first Tuesday in March and April in odd-numbered years and the second Tuesday of January, February, March, May, June and December, the first Tuesday in April, the fourth Tuesday in August, the third Tuesday in September and the first Tuesday after the first Monday in November of any even-numbered year.

C. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday.

SECTION 25. AMENDATORY 26 O.S. 1991, Section 12-116, as amended by Section 17, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 2000, Section 12-116), is amended to read as follows:

Section 12-116. In the event the Governor or the Legislature shall call for a special statewide election on any measure to be submitted to a vote of the people, said election shall be held not fewer than sixty (60) days from the date said election is called. In the event the board of county commissioners or the governing body of a municipality or school district or ~~vocational-technical~~ technology center school district or any other governmental subdivision calls for a special election on any question, said election shall be held not fewer than sixty (60) days from the date said election is called; provided, that a special election called by a school or ~~vocational-technical~~ technology center school district to be held on the date of the annual school runoff election shall not be held fewer than forty-five (45) days from the date said special election is called. A special election to fill a vacancy for member of the board of education of a school district or to fill a vacancy for municipal office shall be scheduled not fewer than sixty (60) days from the date said election is called.

SECTION 26. AMENDATORY 26 O.S. 1991, Section 13A-101, as amended by Section 2, Chapter 346, O.S.L. 1992 (26 O.S. Supp. 2000, Section 13A-101), is amended to read as follows:

Section 13A-101. A. Except as otherwise provided by law, the general election laws shall apply to all elections for school districts and ~~vocational-technical~~ technology center school districts. When it is impossible or impractical to apply the general election laws for school districts and ~~vocational-technical~~ technology center school districts, the Secretary of the State Election Board shall prescribe procedures consistent with the purposes of the general election laws.

B. The Secretary of the State Election Board may allow certain precincts to be closed during school district and ~~vocational-technical~~ technology center school district elections upon request of the secretary of the county election board or upon request of the board of education of a school district.

C. Except as otherwise provided in this section, upon request of the board of education of any school district, or of the board of education of any ~~vocational-technical~~ technology center school district, or both if an election in the precinct is affected by both, the secretary of a county election board shall combine the voter registration records of any precinct, not split by two or more school districts in which elections are being held or by two or more school board districts in school districts of ten thousand (10,000) or more average daily membership, with those of an adjacent precinct within the school district for any school election, provided that the voter registration records of no more than three precincts may be combined in one precinct. No voter registration records may be moved if another entity, other than a public school or vocational-technical school district, is holding an election in the precinct on the same day. No voter registration records may be moved across county lines.

D. School districts and ~~vocational-technical~~ technology center school districts shall share polling places where the districts overlap if the districts hold elections on the same day.

E. At least ten (10) days prior to a school election, the superintendent for each board of education for a district in which voter registration information has been combined shall publish a notice and issue a news release of the polling place locations for that election in a newspaper of general circulation in each county where voter registration information was combined. Said notice shall list the name and location of the combined polling places, and which precinct will conduct the voting. Said notice shall include

information about options for absentee and in-person absentee voting. Ten (10) days prior to the election, the county election board shall post a notice on the door of each polling place from which voter registration information is being moved. Said notice shall list the name and location of the combined polling places, and which precinct will conduct the voting. Said notice shall also be posted at each affected county election board stating that such polling place will not be open and explaining options for mail and in-person absentee voting.

SECTION 27. AMENDATORY 26 O.S. 1991, Section 13A-102, is amended to read as follows:

Section 13A-102. Unless otherwise provided by law, all elections for every school district and ~~vocational-technical~~ technology center school district shall be conducted in accordance with provisions of this article.

SECTION 28. AMENDATORY 26 O.S. 1991, Section 13A-103, as amended by Section 18, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 2000, Section 13A-103), is amended to read as follows:

Section 13A-103. A. The election of members of the board of education of every school district and ~~vocational-technical~~ technology center school district shall be conducted on the second Tuesday in February of each year.

If no candidate receives more than fifty percent (50%) of the votes cast in the election provided for in this subsection, an election between the two candidates with the highest number of votes shall be conducted on the first Tuesday in April of that year.

B. Elections on the question of making a levy or levies for schools under Section 9, Section 9B or Section 10 of Article X of the Oklahoma Constitution shall be held on the second Tuesday in February of each year.

C. The board of education of every school district or ~~vocational-technical~~ technology center school district may call a

special election for the purpose of voting on any matter or question authorized by law.

SECTION 29. AMENDATORY 26 O.S. 1991, Section 13A-104, is amended to read as follows:

Section 13A-104. For school districts and ~~vocational-technical~~ technology center school districts located in more than one county, the county election board located in the county wherein supervision of the district is located shall be responsible for certifying its elections. The Secretary of the State Election Board shall prescribe procedures for certification.

SECTION 30. AMENDATORY 26 O.S. 1991, Section 13A-105, as last amended by Section 1, Chapter 217, O.S.L. 1998 (26 O.S. Supp. 2000, Section 13A-105), is amended to read as follows:

Section 13A-105. Candidates for member of the board of education of every school district or ~~vocational-technical~~ technology center school district shall file declarations of candidacy in the same place and with the same officials as candidates for county office. The declaration of candidacy to be signed by the candidate shall have an attachment to be signed by the candidate listing the requirements of a candidate for election or reelection to a school board as set forth in Sections 13A-106 and 5-105a of this title and Sections 5-110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and the candidate shall swear or affirm that he or she is eligible to run for such office or serve in such office if elected. Candidates shall file on the first Monday in December through the following Wednesday. For school districts and ~~vocational-technical~~ technology center school districts located in more than one county, filing shall be in the county wherein supervision of the district is located.

SECTION 31. AMENDATORY 26 O.S. 1991, Section 13A-106, as amended by Section 3, Chapter 360, O.S.L. 1994 (26 O.S. Supp. 2000, Section 13A-106), is amended to read as follows:

Section 13A-106. A. To be eligible to be a candidate for member of the board of education of a school district or ~~vocational-technical~~ technology center school district, a person must have resided in the district for at least six (6) months preceding the first day of the filing period, and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the district for six (6) months preceding the first day of the filing period. Beginning May 1, 1990, no person shall be eligible to be a candidate for or elected to be a member of the board of education of a school district or ~~vocational-technical~~ technology center school district unless the person has been awarded a high school diploma or certificate of high school equivalency. In school districts that are divided into election districts, a candidate must have resided in the district for at least six (6) months preceding the first day of the filing period and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the election district for six (6) months preceding the first day of the filing period. Beginning May 1, 1990, no person shall be eligible to be a candidate for or elected to be a member of the board of education unless the person has been awarded a high school diploma or certificate of high school equivalency.

B. To be eligible to vote in a school district election or a ~~vocational-technical~~ technology center school district election, a person must be registered with the county election board at an address located within the geographical boundaries of the district. To be eligible to vote in an election district election within a school district, a person must be registered with the county election board at an address located within the geographical boundaries of the election district.

SECTION 32. AMENDATORY 26 O.S. 1991, Section 13A-109, as amended by Section 20, Chapter 247, O.S.L. 1992 (26 O.S. Supp. 2000, Section 13A-109), is amended to read as follows:

Section 13A-109. A. The board of education of every school district and ~~vocational-technical~~ technology center school district shall notify, by resolution, the secretary of the county election board responsible for certifying its election of any regular or special election.

B. The resolution calling for an election or elections shall include, but shall not be limited to, the following information:

1. Date or dates of the election or elections;
2. Identification of the office or offices to be filled, qualifications of candidates for office and the length of term of each;
3. Information describing election districts within the school district, if applicable;
4. Ballot titles of the question or questions to be voted upon;
5. Information describing the persons eligible to vote in the election; and
6. All other information necessary for conducting the election or elections.

C. Resolutions calling for regular elections shall be delivered to the secretary of the county election board no fewer than fifteen (15) days preceding the first day of the filing period. The resolution shall contain all questions to be voted upon at the election to be held on the second Tuesday in February.

D. Resolutions calling for special elections shall be delivered to the secretary of the county election board no fewer than sixty (60) days preceding the election.

SECTION 33. AMENDATORY 26 O.S. 1991, Section 13A-110, as last amended by Section 5, Chapter 280, O.S.L. 2000 (26 O.S. Supp. 2000, Section 13A-110), is amended to read as follows:

Section 13A-110. A. Except for a vacancy in the position of the chair of the board elected pursuant to Section 1 of this act, vacancies for members of the board of education of every school district or ~~vocational-technical~~ technology center school district shall be filled by appointment by the board. Persons appointed to fill such vacancies in the first half of the term of office for the board position shall serve only until the next succeeding election, at which time the office which they hold shall be placed on the ballot for the balance of the unexpired term. Vacancies filled by appointment following the delivery of the resolution calling for regular elections to the secretary of the county election board shall be filled until the regular elections the following year. Persons elected to fill unexpired terms shall begin those terms at the next regular meeting of the board of education following the election. Persons appointed to fill such vacancies after the first half of the term of office for the board position shall serve for the balance of the unexpired term. No person shall be appointed to a board of education who does not meet the eligibility qualifications needed to be a candidate for such position as provided for in Sections 13A-106 of this title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma Statutes.

B. If the board of education does not fill the vacancy by appointment within sixty (60) days of the date the board declared the seat vacant, the board of education shall call a special election to fill the vacancy for the unexpired term.

C. In districts having a chair of the board elected by the electors of the district, a vacancy in the office of the chair of the board shall be filled by the vice-chair who shall continue to serve as the board member for the board district for which elected. The board shall call a special election to elect a chair of the board to serve the remainder of the unexpired term. The special election shall be held in conjunction with the next regular,

district-wide school election, conducted pursuant to Section 13A-103 of ~~Title 26 of the Oklahoma Statutes~~ this title, that is held more than ninety (90) days after the vacancy occurs. The successful candidate in the special election shall assume office as provided for district board of education members and shall serve the remainder of the unexpired term.

SECTION 34. AMENDATORY 26 O.S. 1991, Section 13A-111, is amended to read as follows:

Section 13A-111. A. At elections held concurrently with county and state elections, the board of education of every school district and ~~vocational-technical~~ technology center school district shall reimburse the county election board only for those costs exclusively attributable to the district.

B. At elections not held concurrently with county and state elections, the board of education of every school district and ~~vocational-technical~~ technology center school district shall reimburse the county election board for all costs of the election. If more than one entity holds an election concurrently, then costs shall be assessed proportionately.

SECTION 35. AMENDATORY 36 O.S. 1991, Section 6217, as last amended by Section 46, Chapter 353, O.S.L. 2000 (36 O.S. Supp. 2000, Section 6217), is amended to read as follows:

Section 6217. A. A license as an adjuster shall expire two (2) years from the month of original issuance of the license or subsequent renewal of the license.

B. Any licensee applying for renewal of a license as an adjuster from January 1, 2000, through January 1, 2001, shall have completed not less than six (6) clock hours of continuing insurance education within the previous eighteen (18) months prior to renewal of the license. Beginning January 1, 2001, and each year thereafter, any licensee applying for renewal of a license as an adjuster shall have completed not less than twelve (12) clock hours

of continuing insurance education within the previous twenty-four (24) months prior to renewal of the license. Such continuing education shall cover subjects in the classes of insurance for which the adjuster is licensed. Such continuing education shall not include a written or oral examination. The Insurance Commissioner shall approve courses and providers of continuing education for insurance adjusters as required by this section. For company or staff adjusters the Insurance Commissioner shall approve courses provided by the insurer employing the company or staff adjusters, including training related to the insurance contracts issued by the company employing the company or staff adjusters. Provided, a licensee who, during the allotted time prior to renewal, successfully completes any one of the following courses or programs of instruction and equivalent classroom hours shall be deemed to have met the requirements for continuing education:

1. Any part of the Life Underwriter Training Council Life Course curriculum totaling fifty (50) classroom hours, which may include the health course totaling twenty-six (26) classroom hours;

2. Any part of the American College CLU diploma curriculum totaling thirty (30) classroom hours;

3. Any part of the Insurance Institute of America's Accredited Advisor in Insurance (AAI) program totaling twenty-five (25) classroom hours;

4. Any part of the American Institute of Property and Liability Underwriters' Chartered Property Casualty Underwriter (CPCU) professional designation program totaling thirty (30) classroom hours;

5. Any part of the Certified Insurance Counselor program totaling twenty-five (25) classroom hours;

6. Any insurance-related course, approved by the Advisory Board and the Insurance Commissioner, taught by an accredited college or university or ~~an area vocational-technical~~ a technology center

school per credit hour granted totaling fifteen (15) classroom hours;

7. Any course or program of instruction or seminar developed or sponsored by an authorized ~~area vocational-technical~~ technology center school, an insurer, recognized agents' association, or insurance trade association, or any independent program of instruction, if approved by the Advisory Board and the Insurance Commissioner, for the equivalency of the number of classroom hours assigned thereto by the Board and the Commissioner; and

8. Any correspondence course, approved by the Advisory Board and the Insurance Commissioner, for the equivalency of the number of classroom hours assigned thereto by the Commissioner.

C. Subject to the right of the Commissioner to suspend, revoke, or refuse to renew a license of an adjuster, any such license may be renewed by filing on the form prescribed by the Commissioner on or before the expiration date a written request by or on behalf of the licensee for such renewal and proof of completion of the continuing education requirement set forth in subsection B of this section, accompanied by payment of the renewal fee.

D. If the request, proof of compliance with the continuing education requirement and fee for renewal of a license as an adjuster are filed with the Commissioner prior to the expiration of the existing license, the licensee may continue to act pursuant to said license, unless revoked or suspended prior to the expiration date, until the issuance of a renewal license or until the expiration of ten (10) days after the Commissioner has refused to renew the license and has mailed notice of said refusal to the licensee. Any request for renewal filed after the date of expiration may be considered by the Commissioner as an application for a new license.

SECTION 36. AMENDATORY 40 O.S. 1991, Section 414, as amended by Section 6, Chapter 305, O.S.L. 1992 (40 O.S. Supp. 2000, Section 414), is amended to read as follows:

Section 414. A. The Commissioner shall not assert enforcement jurisdiction pursuant to Section 401 et seq. of this title over any occupational safety or health issue with respect to which a federal standard has been issued pursuant to Section (6) of Public Law 91-596, also known as the Williams-Steiger Occupational Safety and Health Act of 1970.

B. The Commissioner shall provide competent occupational safety and health consultation, education and training for private and public employers in coordination with the ~~State~~ Oklahoma Department of ~~Vocational Career and Technical~~ Technology Education and other available community resources.

C. Such consultation shall be provided on a priority basis to those private employers which, based on their certification, have occupational injury and illness rates exceeding the national average incidence rate for private employers of similar character.

D. No such consultation shall be provided except upon written request by the private employer.

E. Except when a condition of "imminent danger" exists, no reports, communication, or other information regarding safety and health hazards discovered by the Commissioner, pursuant to the administration of Section 401 et seq. of this title, or his representative in the workplaces of private employers, shall be reported to any enforcement authority whatsoever without the prior approval of the employer.

F. The Commissioner may, in providing services to private employers upon request, refer private employers for participation in other safety and health consultation, education and training programs including but not limited to the programs authorized by Section 7(C)1 of Public Law 91-596.

G. The Commissioner may, upon request, refer qualifying private employers to programs operated by the U.S. Department of Labor for recognition or for exemption from inspection by the U.S. Department of Labor Occupational Safety and Health Administration.

H. The Commissioner shall certify successful participation in the occupational safety and health consultation, education and training program pursuant to the provisions of Section 924.2 of Title 36 of the Oklahoma Statutes.

I. The Commissioner may promulgate such rules and regulations as may be necessary to implement the provisions of this section.

J. As used in this section:

1. "Private employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any state or political subdivision of a state; and

2. "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death, or serious physical harm immediately.

SECTION 37. AMENDATORY Section 1, House Joint Resolution No. 1056, O.S.L. 1992, as last amended by Section 1, Chapter 67, O.S.L. 1996 (43A O.S. Supp. 2000, Section 3-250), is amended to read as follows:

Section 3-250. A. There is hereby re-created until February 1, 1997, the Interagency Council for Services to Mentally Ill Homeless Persons.

B. The Interagency Council for Services to Mentally Ill Homeless Persons shall be composed of fourteen (14) members as follows:

1. The Director of the Department of Human Services, or his designee;

2. The Director of the State Department of Rehabilitation Services, or his designee;

3. Two persons representing the Department of Mental Health and Substance Abuse Services, one of whom shall be the Commissioner of Mental Health and Substance Abuse Services, or his designee, and one of whom shall be a person designated by the Commissioner to represent individuals having knowledge of and experience in services for homeless mentally ill persons;

4. The Director of the Oklahoma Housing Finance Agency, or his designee;

5. The Director of the Oklahoma Employment Security Commission, or his designee;

6. The Director of the Oklahoma Department of Commerce, or his designee;

7. The Director of the Oklahoma Commission on Children and Youth, or his designee;

8. Two persons appointed by the State Board of ~~Vocational~~ Career and Technical Technology Education; and

9. Four persons representing private agencies or organizations providing services to homeless mentally ill persons, appointed by the Governor from a list of not less than eight persons submitted by the Oklahoma Homeless Network.

C. The chairperson and any other officers of the Interagency Council for Services to Mentally Ill Homeless Persons shall be elected by the membership of the Council during its first meeting and upon a vacancy of any office. The Interagency Council for Services to Mentally Ill Homeless Persons shall meet at least monthly, and may meet more often as necessary. Members of the Council shall be reimbursed for expenses incurred in the performance of their duties pursuant to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

D. Administrative support for the Interagency Council for Services to Mentally Ill Homeless Persons, including but not limited

to personnel necessary to ensure the proper performance of the duties and responsibilities of the Council, shall be provided by the Department of Human Services. The Department may provide for such administrative support through interagency agreements with other state agencies represented on the Council, pursuant to the Interlocal Cooperation Act, Section 1001 et seq. of Title 74 of the Oklahoma Statutes.

E. The Interagency Council for Services to Mentally Ill Homeless Persons shall:

1. Develop and implement a plan for the cooperative and coordinated delivery of services by the public and private agencies responsible for services to mentally ill and homeless persons. Such plan shall specify the respective roles, duties and responsibilities of said public and private agencies, the policies and procedures to be implemented, and methods to ensure the accountability of the respective agencies for the proper implementation of the plan. The policies and procedures included in the plan shall be designed to reduce or eliminate barriers to services. The provisions of the plan shall be implemented through interagency agreements pursuant to the Interlocal Cooperation Act or by contract, as appropriate;

2. Establish a central grants clearinghouse for:

- a. the distribution of information regarding available public and private grants for services to mentally ill and homeless persons,
- b. the provision of technical assistance to public and private agencies making applications for such grants, and
- c. coordination of the preparation of grant applications to ensure the maximum effectiveness of such grants as may be awarded to a public or private agency; and

3. Investigate and make recommendations regarding methods of ensuring the equitable distribution of state and federal funds for services to mentally ill and homeless persons.

F. The Interagency Council for Services to Mentally Ill Homeless Persons shall make regular, but not less than quarterly, reports to each agency affected by the report, and annual reports to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and to appropriate committees of the Senate and the House of Representatives.

SECTION 38. AMENDATORY Section 34, Chapter 247, O.S.L. 1996, as last amended by Section 1, Chapter 190, O.S.L. 1998 (47 O.S. Supp. 2000, Section 6-107.3), is amended to read as follows:

Section 6-107.3 A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that such person:

1. a. is a student enrolled in a public or private secondary school, including any ~~area vocational technical~~ technology center school, of this state or any other state,
- b. has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state,
- c. is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued by the State Department of Education, or has obtained such certificate,
- d. is excused from such requirement pursuant to a lawful excuse as defined in subsection G of this section or due to circumstances beyond the control of the person, or

e. is excused from such requirement pursuant to subsection C of this section; and

2. Has successfully passed the criterion-referenced reading test required for all eighth grade students or an alternative reading proficiency test approved by the State Department of Education pursuant to the provisions of Section 3 of this act demonstrating reading proficiency at the eighth-grade reading level, unless such student is excused from such requirement pursuant to the provisions of Section 3 of this act.

Provided, during the summer months when school is not in regular session, as established by the school district pursuant to Section 1-109 of Title 70 of the Oklahoma Statutes, persons under eighteen (18) years of age may satisfy the documentation requirement of this subsection by providing a notarized written statement from the parent, custodial parent or legal guardian of the child to the Department of Public Safety that the child completed the immediately previous school year and is enrolled or intends to enroll for the immediately subsequent school year. The documentation shall be signed by the parent, custodial parent or legal guardian.

B. 1. A student under eighteen (18) years of age who is receiving education by other means, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of paragraph 1 of subsection A of this section by providing a written statement from the parent, custodial parent, or legal guardian of the student to the Department of Public Safety attesting that the child is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution. The documentation shall be signed by the parent, custodial parent, or legal guardian.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. 1. A student under eighteen (18) years of age, who does not meet the requirements of subparagraphs a through c of paragraph 1 of subsection A of this section or the requirements of subsection B of this section, may retain or be issued a driver license if:

- a. the student is employed at least twenty-four (24) hours per week, and
- b. the student's employer verifies such employment on a form prescribed by the Department of Public Safety.

2. Any student who has retained or been issued a driver license pursuant to this subsection who leaves such employment shall have fifteen (15) days from the date of termination of employment to provide verification of employment from a new employer.

3. Any employer who falsifies a verification of employment shall be subject to an administrative fine of not more than Fifty Dollars (\$50.00), to be assessed by the Department of Public Safety.

D. 1. School district attendance officers, upon request, shall provide a documentation of enrollment status form, established and approved by the Department of Public Safety, to any student under eighteen (18) years of age who is properly enrolled in a school for which the attendance officer is responsible, for presentation to the Department of Public Safety upon application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle.

2. Except as provided in subsection E of this section, whenever a student over fourteen (14) years of age and under eighteen (18) years of age withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment status form.

3. Within fifteen (15) working days of the receipt of such notice, the Department of Public Safety shall provide written notice to the student, by first class, postage prepaid mail, that the student's license will be canceled, or the driver license

application of the student will be denied thirty (30) days following the date the notice to the student was sent, unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day period, the Department of Public Safety shall cancel the driving privileges of the student.

E. When the withdrawal from school of a student is:

1. Due to circumstances beyond the control of the student;
2. Pursuant to any lawful excuse; or

3. For the purpose of transfer to another school, including education at home pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by a parent, custodial parent, or legal guardian of the student,

no notice as required by subsection D of this section shall be sent to the Department of Public Safety, or, if sent, such notice shall be disregarded by the Department of Public Safety. If the student is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the student with documentation to present to the Department of Public Safety to excuse the student from the requirements of this section.

F. Every school district shall, upon request, provide documentation of reading proficiency for any student enrolled in such school district by certifying passage of a reading examination pursuant to the provisions of Section 3 of this act.

G. As used in this section:

1. "Withdrawal" means more than ten (10) consecutive days, or parts of days, of unexcused absences or fifteen (15) days, or parts of days, total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes;

provided, however, the meaning of such term shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or imprisonment in a jail, penitentiary or other correctional institution;

4. "Documentation of enrollment status form" means the document established and approved by the Department of Public Safety to substantiate information concerning a student's eligibility to apply for or to retain a license or permit to drive. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information; and

5. "Documentation of reading proficiency" means information provided by a school authorized by subsection B of Section 3 of this act to certify a student's eligibility to apply for a license or permit based on passage of a reading proficiency test approved by the State Department of Education, or pursuant to the alternative documentation criteria provided in subsection C of Section 3 of this act. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C., Sections 1232g through 1232i, unless compliance is made with the restrictions regarding disclosure of the information.

H. The provisions of this section shall be inapplicable with respect to any minor upon whom rights of majority have been conferred pursuant to Sections 91 through 94 of Title 10 of the Oklahoma Statutes.

I. The Department of Public Safety shall establish and approve documentation forms and certificates required by this section for use by school districts to comply with the provisions of this

section. Upon establishment and approval of such forms and certificates, the Department of Public Safety shall notify each school district and the State Board of Education of the content thereof.

SECTION 39. AMENDATORY Section 1, Chapter 92, O.S.L. 1999 (47 O.S. Supp. 2000, Section 855.1), is amended to read as follows:

Section 855.1 A. 1. The Commissioner of Public Safety shall designate official inspectors and shall issue licenses for and furnish instructions and all necessary forms to said official inspectors for the inspection of vehicles and the issuance of official certificates of inspection or rejection.

2. Application for a license as an official inspector shall be made upon an official form and shall be granted only when the Commissioner of Public Safety, after appropriate training, examination and investigation, is satisfied that the applicant is eligible in accordance with the requirements as prescribed by the Commissioner to make such inspections. The Commissioner shall prescribe by rule the training requirements for all official inspectors, and the applicant shall complete all training requirements, including any subsequent additional training requirements which the Commissioner deems necessary for licensed official inspectors.

3. The Commissioner and the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education may enter into an interlocal agreement to carry out the requirements of this subsection.

B. Any employee of a station, facility or conversion center which converts motor vehicles to have the capability of being fueled by alternative fuels, as defined by Section 130.2 of Title 74 of the Oklahoma Statutes, may be authorized by the Commissioner to perform inspections as provided in Chapter 70 of ~~Title 47 of the Oklahoma~~

~~Statutes~~ this title. Subject to the application requirements specified in this section, the Commissioner of Public Safety shall issue an official inspector license to any such person who qualifies for a license as an official inspector.

C. The Commissioner of Public Safety shall properly supervise and cause inspections to be made of the performance of persons licensed under this section and shall suspend or revoke and require the surrender of the license issued to the person who is not properly conducting inspections.

D. No license shall be revoked or suspended except upon notice to the licensee and to the employer of the licensee and after an opportunity to be heard by the Commissioner. A license may be temporarily suspended without notice pending any investigation or hearing. Whenever any license has been revoked, no license shall be reissued to an applicant until after the expiration of a period of one (1) year from the date of such revocation.

SECTION 40. AMENDATORY 51 O.S. 1991, Section 6, as last amended by Section 1, Chapter 162, O.S.L. 2000 (51 O.S. Supp. 2000, Section 6), is amended to read as follows:

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

1. Notaries public;
2. Members of the State Textbook Committee;
3. County free fair board members;
4. Municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by

resolutions adopted by the board of county commissioners and governing body of the municipality employing such officers;

5. Any person holding a county or municipal office or position, or membership on any public trust authority, who is a member of a board or commission that relates to federal, state, county or municipal government and is created by the United States Government, the State of Oklahoma or a political subdivision of the state, except where the duties of the offices or positions conflict;

6. Any elected municipal officers and school board members who are appointed to a state board, commission, or similar entity if there is no compensation for such services other than reimbursement for necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes;

7. Any trustee of a public trust, who is appointed as a trustee of a different public trust or any trustee of the Tulsa County Public Facilities Authority who may also be employed by the Department of Transportation;

8. Law enforcement officers employed by municipal or county law enforcement departments or agencies, other than those law enforcement officers elected or appointed as sheriff, chief of police or some similar position in which they are the head of a county or municipal law enforcement agency, who are elected to local boards of education; provided, the provisions of this paragraph shall not prohibit any law enforcement officer employed by a municipality having a population of ten thousand (10,000) or fewer people from serving as a member of a local board of education;

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

10. Any District Supervisor, Assistant District Supervisor, Team Supervisor, Parole Officer 1 or Parole Officer 2 of the

Department of Corrections who is elected or appointed to a city council;

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

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

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

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

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

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

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

18. Members of the University Hospitals Authority;

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

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

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

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

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

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

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

B. Any salaries, emoluments or benefits that would otherwise be paid by the agency or political subdivision to a loaned employee or officer shall instead be paid to the regular employer of such employee. The loaned employee shall in turn be paid regular salary and benefits the same as if continuing regular employment with the permanent employer.

SECTION 41. AMENDATORY Section 24, Chapter 414, O.S.L. 1997 (56 O.S. Supp. 2000, Section 230.70), is amended to read as follows:

Section 230.70 A. The Legislature hereby encourages the establishment of One-stop Career/Employment Centers that link federal, state and local resources and programs and that create collaborative and interorganizational partnerships between state governmental agencies and private and nonprofit entities. Such agencies and private and nonprofit entities shall include, but not be limited to:

1. The Department of Human Services;
2. The State Department of Education;
3. The Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education;
4. The Oklahoma Department of Commerce;
5. The Oklahoma Employment Security Commission;
6. The Oklahoma Health Care Authority;
7. The State Department of Health;
8. The State Department of Mental Health and Substance Abuse Services;
9. The Oklahoma Department of Corrections;
10. Office of Personnel Management;
11. The Oklahoma State Regents for Higher Education;
12. Community action agencies;
13. Local and municipal groups;
14. Substate planning groups; and
15. Religious and charitable organizations.

B. 1. The purpose of the collaborative and interorganizational partnership shall be to assist persons receiving temporary assistance, persons who are employed in low-wage jobs, underemployed persons, and persons who are unemployed to obtain employment preparation; to explore career, employment and job referral

opportunities; to improve skills through education and training; and to obtain information on various services and programs in the state.

2. Employment preparation includes, but is not limited to:

- a. education, training, or retraining for specified time limits,
- b. private and public work experience, and
- c. development of certain career/job training and retraining skills and apprenticeships.

C. The Oklahoma Employment Security Commission, in consultation with entities desiring to form such partnerships, shall develop a local implementation plan for use by all parties desiring to enter into a plan for a one-stop career and employment center. The plan shall be signed by all partnership entities and shall be submitted to the Oklahoma Employment Security Commission for review and recommendation.

D. The local implementation plan shall include, but not be limited to, the names, addresses, and phone numbers of parties and organizational entities; specific goals, objectives, and plans for implementation of the initiative; the signature of all parties agreeing to the initiative; and the beginning date of the initiative as agreed upon by the parties.

SECTION 42. AMENDATORY 57 O.S. 1991, Section 509.1, is amended to read as follows:

Section 509.1 A. It is the finding of the Legislature that certain property currently under the control of the Department of Human Services could be better utilized if transferred to the Department of Corrections.

B. The Oklahoma Children's Center and the property related thereto, located at Taft, Oklahoma, is hereby transferred from the Department of Human Services to the Department of Corrections.

C. All official records maintained by the Oklahoma Children's Center while said institution was under the supervision, management,

operation, and control of the Department of Human Services shall be transferred to the Department of Human Services.

D. The Department of Corrections shall establish a women's correctional institution on the property transferred pursuant to subsection B of this section.

E. The Department of Corrections and the ~~State~~ Vocational-Technical Education Oklahoma Department of Career and Technology Education shall establish inmate training programs for women on the property transferred pursuant to subsection B of this section.

F. The Department of Corrections and ~~State Vocational-Technical Education~~ Oklahoma Department of Career and Technology Education shall give first priority on employment at the Jess Dunn Correctional Center to those present employees of the Department of Human Services now working at the Oklahoma Children's Center. Written justification for hiring any employees necessary to staff positions needed for this transition, other than present employees of the Department of Human Services, must be filed with the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate for a period of one (1) year.

G. All agreements involving the town of Taft entered into by the Department of Human Services relative to water or sewer facilities or otherwise shall be assumed by the Department of Corrections.

H. The George Nigh Training Center (the Oklahoma Children's Center) physical facility shall not be altered until after March 15, 1989.

SECTION 43. AMENDATORY 57 O.S. 1991, Section 538, is amended to read as follows:

Section 538. A. The ~~State~~ Department of ~~Public Welfare~~ Human Services, through ~~its Vocational~~ the State Department of Rehabilitation Division Services, and the State Board of

~~Vocational-Technical~~ Career and Technology Education shall implement policies and programs consistent with available funds and applicable federal statutes, rules and regulations, to provide appropriate education, rehabilitation and ~~vocational-technical~~ career-technology training for persons in custody of the Department of Corrections who are candidates for work release programs, parole or release. It is the intent of the Oklahoma Legislature that such programs will be available so that said education and training will reasonably be expected to be completed before parole, release or work release begins.

B. The Department of Corrections shall work cooperatively with the ~~Vocational~~ State Department of Rehabilitation Division Services and the State Board of ~~Vocational-Technical~~ Career and Technology Education to provide suitable candidates to allow reasonable cost effectiveness in the operation of said education, rehabilitation and training programs. This shall be accomplished through development of a method for screening and classification of persons in all facilities operated by the Department of Corrections, such screening and classification to be done cooperatively with the above named agencies.

SECTION 44. AMENDATORY 57 O.S. 1991, Section 539.1, as amended by Section 17, Chapter 364, O.S.L. 1993 (57 O.S. Supp. 2000, Section 539.1), is amended to read as follows:

Section 539.1 The Department of Corrections, the State Department of Rehabilitation Services and the State Board of ~~Vocational-Technical~~ Career and Technology Education shall use the following priorities and methods of selection when implementing any program for persons in custody of the Department of Corrections:

1. The assistance of the Oklahoma Department of ~~Vocational~~ Career and Technical Technology Education or a ~~public vocational-technical~~ technology center school within the State of Oklahoma;

2. The assistance of a private vocational or vocational-technical school within the State of Oklahoma;

3. The assistance of a public university, college or junior college located within the State of Oklahoma;

4. The assistance of a private university or college located within the State of Oklahoma;

5. The assistance of a private firm located within the State of Oklahoma; and

6. The assistance from any entity, public or private, located outside the State of Oklahoma.

SECTION 45. AMENDATORY Section 1, Chapter 165, O.S.L. 1996 (57 O.S. Supp. 2000, Section 549.2), is amended to read as follows:

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

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

- a. the State Department of Agriculture,
- b. the Department of Commerce,
- c. Oklahoma State University,
- d. Oklahoma University,
- e. the Oklahoma Center for the Advancement of Science and Technology,

- f. the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education,
- g. the State Department of Corrections,
- h. two appointees selected by the Speaker of the House of Representatives,
- i. two appointees selected by the President Pro Tempore of the Senate, and
- j. two appointees selected by the Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 46. AMENDATORY 59 O.S. 1991, Section 199.7, as last amended by Section 8, Chapter 355, O.S.L. 2000 (59 O.S. Supp. 2000, Section 199.7), is amended to read as follows:

Section 199.7 A. Each cosmetology school shall be licensed annually by the State Board of Cosmetology. Application for the first year's license for a cosmetology school shall be accompanied by a fee of Four Hundred Dollars (\$400.00), which shall be retained by the Board if the application is approved and a license is issued. The annual renewal license fee for cosmetology schools shall be One Hundred Twenty-five Dollars (\$125.00).

B. No license or renewal thereof for a cosmetology school shall be issued unless the owner thereof shall furnish to the Board a good and sufficient surety bond in the principal sum of Two Thousand Dollars (\$2,000.00) for the first instructor and an additional One Thousand Dollars (\$1,000.00) for each additional instructor, executed by a surety company authorized to do business in this state, and conditioned on the faithful performance of the terms and conditions of all contracts entered into between the owner of said cosmetology school and all persons enrolling therein. The surety bond shall be in a form approved by the Attorney General and filed in the Office of the Secretary of State. Suit may be brought on said bond by any person injured by reason of the breach of the conditions thereof.

C. It shall be the duty of the owner or manager of a cosmetology school to enter into a written contract with all students before permitting students to attend any classes. Contracts shall be made out in triplicate, the original copy to be retained by the school, the duplicate to be given to the student, and the triplicate to be filed with the executive director of the Board.

D. No license for a cosmetology school shall be issued unless the owner thereof shall present evidence satisfactory to the Board

that the school has satisfactory facilities and equipment and has instructors qualified to give a course of study as provided in the Oklahoma Cosmetology Act.

E. There shall be included in the curriculum for cosmetology schools, courses of study in the theory of cosmetology and related theory, studies in manipulative practices, sterilization and sanitation, shop management, and such other related subjects as may be approved by the Board.

F. The Board shall adopt a curriculum of required courses of instruction in theory and training of one thousand five hundred (1,500) hours in a basic course of cosmetology to be taught in all cosmetology schools in the state. The basic course shall be designed to qualify students completing the course to take the examination for an operator's license. Students in vocational, trade, and industrial cosmetology classes in public schools shall qualify by completing one thousand (1,000) hours in a basic course of cosmetology and five hundred (500) hours of approved related subjects to be selected from, but not limited to, the following high school courses in a public school: psychology, biology, general science, American history, art, typing I, typing II, business arithmetic, salesmanship, bookkeeping I, bookkeeping II, related mathematics, English II, English III and English IV.

G. No person shall be eligible to give instruction in cosmetology unless the person is the holder of a current unrevoked instructor's license issued by the Board. Each cosmetology school shall employ at least one instructor for the first fifteen students registered therein, and at least one additional instructor shall be employed for each additional group of fifteen students, or major fraction thereof.

H. A cosmetology school may be operated in and as part of an accredited high school.

I. No cosmetology school owner or cosmetology salon owner shall charge students for cosmetic materials, supplies, apparatus, or machines used by them in practice work, but students shall be required to furnish their own books and hand instruments of trade. A reasonable charge may be made by a cosmetology school for clinical work performed by students upon persons who are not students therein. No instructor shall be permitted to do professional or clinical work in a cosmetology school at any time.

J. No cosmetology salon shall ever be operated in or as a part of a cosmetology school.

K. Students shall have an eighth-grade education or the equivalent thereof, shall be at least sixteen (16) years of age unless they are public or private school students who will be sixteen (16) years of age by November 1 of the year in which cosmetology instruction begins, and shall be of good moral and ethical character. Credit shall not be given to any person by the Board or by a cosmetology school for hours spent in attending a cosmetology school unless the person has registered with the Board as a student prior to the attendance, except that a student who has attended a cosmetology school out of state may receive credit for such attendance for transfer upon proper certification as provided by rule of the Board. No student shall be credited with more than eight (8) hours' attendance in a cosmetology school in any one (1) day. No person shall be eligible to take the examination for an operator's license unless such person is at least seventeen (17) years of age or a high school graduate.

L. 1. No student shall be eligible to take the examination for an operator's license without furnishing to the Board the affidavit of the owner of the cosmetology school that said student has satisfactorily completed one thousand five hundred (1,500) hours' study of the approved basic course, except public and private school students who will complete the one thousand five hundred-hour basic

course by the close of the current school year may take the examination next preceding the end of the school year.

2. The owner of each cosmetology school shall file a report with the Board on or before the fifth day of each month showing the total number of hours of instruction and training received by each student during the preceding calendar month. Students who are eligible to take the examination shall be given an oral examination if requested by their instructor.

M. No person shall be eligible to register for the examination for an instructor's license unless such person is a high school graduate, or has the equivalent of a high school education as to which the applicant shall qualify by tests to be prescribed by the Board and conducted by qualified examiners selected by the Board, and:

1. Has satisfactorily completed all hours required for the appropriate specialty course and an additional one thousand (1,000) instructor training hours prescribed by the Board in a cosmetology school in this state; or

2. Has completed all hours required for the appropriate specialty course, five hundred (500) instructor training hours, prescribed by the Board in a cosmetology school in this state and has been engaged in the practice of cosmetology for at least the preceding two (2) years.

N. The Board shall have the power to conduct examinations around the state at public locations including, but not limited to, ~~vocational-technical campuses~~ technology center schools.

O. Each cosmetology school shall prominently display in a conspicuous place above or to the side of the entrance thereto a sign bearing the words "BEAUTY SCHOOL", which words shall be in plain letters at least three (3) inches high and at least one (1) inch wide.

SECTION 47. AMENDATORY 59 O.S. 1991, Section 567.3a, as last amended by Section 1, Chapter 71, O.S.L. 1998 (59 O.S. Supp. 2000, Section 567.3a), is amended to read as follows:

Section 567.3a As used in the Oklahoma Nursing Practice Act:

1. "Board" means the Oklahoma Board of Nursing;
2. "The practice of nursing" means the performance of services provided for purposes of nursing diagnosis and treatment of human responses to actual or potential health problems consistent with educational preparation. Knowledge and skill are the basis for assessment, analysis, planning, intervention, and evaluation used in the promotion and maintenance of health and nursing management of illness, injury, infirmity, restoration or optimal function, or death with dignity. Practice is based on understanding the human condition across the human lifespan and understanding the relationship of the individual within the environment. This practice includes execution of the medical regime including the administration of medications and treatments prescribed by any person authorized by state law to so prescribe;
3. "Registered nursing" means the practice of the full scope of nursing which includes, but is not limited to:
 - a. assessing the health status of individuals, families and groups,
 - b. analyzing assessment data to determine nursing care needs,
 - c. establishing goals to meet identified health care needs,
 - d. planning a strategy of care,
 - e. establishing priorities of nursing intervention to implement the strategy of care,
 - f. implementing the strategy of care,
 - g. delegating such tasks as may safely be performed by others, consistent with educational preparation and

that do not conflict with the provisions of the Oklahoma Nursing Practice Act,

- h. providing safe and effective nursing care rendered directly or indirectly,
- i. evaluating responses to interventions,
- j. teaching the principles and practice of nursing,
- k. managing and supervising the practice of nursing,
- l. collaborating with other health professionals in the management of health care,
- m. performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation, and
- n. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

4. "Licensed practical nursing" means the practice of nursing under the supervision or direction of a registered nurse, licensed physician or dentist. This directed scope of nursing practice includes, but is not limited to:

- a. contributing to the assessment of the health status of individuals and groups,
- b. participating in the development and modification of the plan of care,
- c. implementing the appropriate aspects of the plan of care,
- d. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the Oklahoma Nursing Practice Act,
- e. providing safe and effective nursing care rendered directly or indirectly,

- f. participating in the evaluation of responses to interventions,
- g. teaching basic nursing skills and related principles,
- h. performing additional nursing procedures in accordance with knowledge and skills acquired through education beyond nursing preparation, and
- i. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

5. "Advanced practice nurse" means a licensed registered nurse who:

- a. has successfully completed a formal program of study approved by the Board which is designed to prepare registered nurses to perform in an expanded role in the delivery of health care,
- b. is nationally certified by an appropriate certifying body, recognized by the Board, and
- c. has received a certificate of recognition from the Board.

The term "advanced practice nurse" shall include advanced registered nurse practitioners, clinical nurse specialists, nurse-midwives and certified registered nurse anesthetists.

A registered nurse who has completed educational requirements as an advanced practice nurse and has registered for a Board-approved national certifying exam may apply for temporary recognition pending certification. Temporary recognition shall not exceed one (1) year from the date of graduation.

Temporary recognition shall expire when advanced practice status is granted or one hundred twenty (120) days following the test date, whichever comes first. If the temporary recognition certification holder fails to be certified, temporary recognition shall expire

upon receipt of the test results. Temporary recognition shall not be renewable.

The registered nurse with temporary recognition to practice as an advanced practice nurse shall not be eligible to apply for prescriptive authority;

6. "Advanced registered nurse practitioner" means a licensed registered nurse who has met the requirements of paragraph 5 of this section. The advanced registered nurse practitioner performs in an expanded role in the delivery of health care that is:

- a. consistent with advanced educational preparation as an advanced practice nurse in an area of specialty,
- b. functions within the advanced registered nurse practitioner scope of practice denoted for the area of specialization, and
- c. is in accord with the standards for advanced practice nurses as identified by the certifying body and approved by the Board.

An advanced registered nurse practitioner in accordance with the scope of practice of the advanced registered nurse practitioner shall be eligible to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section and subject to the medical direction of a supervising physician. This authorization shall not include dispensing drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.

The advanced registered nurse practitioner accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the scope of practice/role definition statements for the advanced registered nurse practitioner.

Any person who is recognized by the Board as an advanced registered nurse practitioner and wishes to practice as an advanced registered nurse practitioner in this state shall have the right to use the title "Advanced Registered Nurse Practitioner" and to the abbreviation "ARNP". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is an advanced registered nurse practitioner;

7. a. "Clinical nurse specialist" means a licensed registered nurse who holds:

- (1) a master's degree in nursing with clinical specialization preparation to function in an expanded role,
- (2) specialty certification from a national certifying organization recognized by the Board,
- (3) a certificate of recognition from the Board, and
- (4) any nurse holding a specialty certification as a clinical nurse specialist valid on January 1, 1994, granted by a national certifying organization recognized by the Board, shall be deemed to be a clinical nurse specialist under the provisions of the Oklahoma Nursing Practice Act.

b. In the expanded role, the clinical nurse specialist performs at an advanced practice level which shall include, but not be limited to:

- (1) practicing as an expert clinician in the provision of direct nursing care to a selected population of patients or clients in any setting, including private practice,
- (2) managing the care of patients or clients with complex nursing problems,

- (3) enhancing patient or client care by integrating the competencies of clinical practice, education, consultation, and research, and
 - (4) referring patients or clients to other services.
- c. A clinical nurse specialist in accordance with the scope of practice of such clinical nurse specialist shall be eligible to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section, and subject to the medical direction of a supervising physician. This authorization shall not include dispensing drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.
- d. The clinical nurse specialist accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the scope of practice/role definition statements for the clinical nurse specialist.
- e. Any person who is recognized by the Board as a clinical nurse specialist shall have the right to use the title "Clinical Nurse Specialist" and abbreviation "CNS". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a clinical nurse specialist;

8. "Nurse-midwife" means a qualified registered nurse who has received a certificate of recognition from the Oklahoma Board of Nursing who possesses evidence of certification according to the requirements of the American College of Nurse-Midwives, and has the right to use the title "Certified Nurse-Midwife" and the

abbreviation "CNM". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a certified nurse-midwife.

A certified nurse-midwife in accordance with the scope of practice of such certified nurse-midwife shall be eligible to obtain recognition as authorized by the Board to prescribe, as defined by the rules promulgated by the Board pursuant to this section and subject to the medical direction of a supervising physician. This authorization shall not include the dispensing of drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for, or the dispensing of professional samples to patients.

The certified nurse-midwife accepts responsibility, accountability, and obligation to practice in accordance with usual and customary advanced practice nursing standards and functions as defined by the scope of practice/role definition statements for the certified nurse-midwife;

9. "Nurse-midwifery practice" means providing management of care of normal newborns and women, antepartally, intrapartally, postpartally and gynecologically, occurring within a health care system which provides for medical consultation, medical management or referral, and is in accord with the standards for nurse-midwifery practice as defined by the American College of Nurse-Midwives;

10. a. "Certified registered nurse anesthetist" means any person who holds a license to practice as a registered nurse in this state and who:

- (1) has successfully completed the educational program of a school of nurse anesthetists accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs,
- (2) is certified by the Council on Certification of Nurse Anesthetists as a Certified Registered

Nurse Anesthetist within one (1) year following completion of such educational program, and continues to maintain such recertification by the Council on Recertification of Nurse Anesthetists,

(3) administers anesthesia under the supervision of a medical doctor, an osteopathic physician, a podiatric physician or a dentist licensed in this state and under conditions in which timely onsite consultation by such doctor, osteopath, podiatric physician or dentist is available, and

(4) has received a certificate of recognition from the Board.

- b. A certified registered nurse anesthetist, under the supervision of a medical doctor, osteopathic physician, podiatric physician or dentist licensed in this state, and under conditions in which timely, on-site consultation by such medical doctor, osteopathic physician, podiatric physician or dentist is available, shall be authorized, pursuant to rules adopted by the Oklahoma Board of Nursing, to order, select, obtain and administer legend drugs, Schedules II through V controlled substances, devices, and medical gases only when engaged in the preanesthetic preparation and evaluation; anesthesia induction, maintenance and emergence; and postanesthesia care. A certified registered nurse anesthetist may order, select, obtain and administer drugs only during the perioperative or periobstetrical period.
- c. A certified registered nurse anesthetist who applies for authorization to order, select, obtain and administer drugs shall:

- (1) be currently recognized as a certified registered nurse anesthetist in this state,
 - (2) provide evidence of completion, within the two-year period immediately preceding the date of application, of a minimum of fifteen (15) units of continuing education in advanced pharmacology related to the administration of anesthesia as recognized by the Council on Recertification of Nurse Anesthetists,
 - (3) provide evidence of professional liability insurance coverage, and
 - (4) complete and submit a notarized application, on a form prescribed by the Board, accompanied by the application fee established pursuant to this section.
- d. The authority to order, select, obtain and administer drugs shall be terminated if a certified registered nurse anesthetist has:
- (1) ordered, selected, obtained or administered drugs outside of the certified registered nurse anesthetist scope of practice or ordered, selected, obtained or administered drugs for other than therapeutic purposes, or
 - (2) violated any provision of state laws or rules or federal laws or regulations pertaining to the practice of nursing or the authority to order, select, obtain and administer drugs.
- e. The Oklahoma Board of Nursing shall notify the Board of Pharmacy within two (2) working days after termination of or a change in the authority to order, select, obtain and administer drugs for a certified registered nurse anesthetist.

- f. The Board shall provide by rule for biennial application renewal and reauthorization of authority to order, select, obtain and administer drugs for certified registered nurse anesthetists. At the time of application renewal, a certified registered nurse anesthetist shall submit documentation of a minimum of eight (8) units of continuing education, completed during the previous two (2) years, in advanced pharmacology relating to the administration of anesthesia, as recognized by the Council on Recertification of Nurse Anesthetists.
- g. Any person who is recognized by the Board as a certified registered nurse anesthetist shall have the right to use both the title "Certified Registered Nurse Anesthetist" and the abbreviation "CRNA". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a certified registered nurse anesthetist.
- h. This paragraph shall not prohibit the administration of local or topical anesthetics as now permitted by law. Provided further, nothing in this paragraph shall limit the authority of the Board of Dentistry to establish the qualifications for dentists who direct the administration of anesthesia;

11. "Supervising physician" means an individual holding a current license to practice as a physician from the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners, who supervises an advanced registered nurse practitioner, a clinical nurse specialist, or a certified nurse-midwife, and who is not in training as an intern, resident, or fellow. To be eligible to supervise such advanced practice nurse, such physician

shall remain in compliance with the rules promulgated by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners;

12. "Supervision of an advanced practice nurse with prescriptive authority" means overseeing and accepting responsibility for the ordering and transmission by an advanced registered nurse practitioner, a clinical nurse specialist, or a certified nurse-midwife of written, telephonic, electronic or oral prescriptions for drugs and other medical supplies, subject to a defined formulary; and

13. "Advanced unlicensed assistive person" means any person who has successfully completed a certified training program developed by a working committee composed of representatives of the following entities:

- a. State Department of Health,
- b. Oklahoma State Regents for Higher Education,
- c. ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education,
- d. Oklahoma Board of Nursing,
- e. Oklahoma Hospital Association,
- f. Oklahoma Nurses Association,
- g. The Nursing Home Association of Oklahoma,
- h. Oklahoma State Association of Licensed Practical Nurses, and
- i. Oklahoma Home Care Association.

The working committee shall also develop a list of the functions that an advanced unlicensed assistive person shall be able to perform upon completion of the certification training program. The working committee shall submit the certification training program and list of functions to the Board for their review and approval. The Board shall promulgate rules to enact the provisions of this paragraph.

Any person who has successfully completed the certification training program provided for in this paragraph shall be certified by the Board as an advanced unlicensed assistive person and as such shall be qualified to assist a licensed nurse in providing patient or client care as defined in rules promulgated by the Board.

SECTION 48. AMENDATORY 59 O.S. 1991, Section 567.12, as amended by Section 1, Chapter 141, O.S.L. 1992 (59 O.S. Supp. 2000, Section 567.12), is amended to read as follows:

Section 567.12 A. To qualify as an approved program for registered nurses, the program must be conducted in the State of Oklahoma in an accredited college or university leading to an associate, baccalaureate, or higher degree in nursing. Such programs shall meet the standards fixed by the Oklahoma Board of Nursing and prescribed in its rules.

B. For a practical nursing program operated in ~~an area vocational and technical~~ a technology center school or a skill center to qualify as an approved program for practical nurses, the program must be approved by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education and meet the standards fixed by the Oklahoma Board of Nursing as prescribed in its rules, which rules shall conform to the provisions of this subsection.

1. The nursing education program for practical nurses shall be administered by a licensed practical nurse coordinator who:

- a. is a registered nurse with a minimum of an associate degree or diploma in nursing currently licensed in Oklahoma,
- b. has a minimum of a baccalaureate degree, preferably in nursing,
- c. has a minimum of two (2) years full-time-equivalent practice as a registered nurse in a clinical setting, within the last five (5) years preceding the first date of first employment as a teacher, and

d. has at least one (1) academic year, full-time experience in a nursing education program.

2. All nurse faculty of a nursing program for practical nurses shall:

- a. hold a valid license to practice as a registered nurse with a minimum of an associate degree or diploma in nursing in this state, and
- b. present evidence of a minimum of two (2) years full-time-equivalent practice as a registered nurse in a clinical setting, within the last five (5) years preceding the first date of first employment as a teacher.

3. Nursing faculty who teach in programs offering the certificate in practical nursing shall have completed at least fifteen (15) semester hours in nursing, general education, social sciences, physical sciences or counseling and guidance. These credits shall be in addition to the pre-service basic program in nursing unless the person holds a baccalaureate degree in nursing.

4. Schools shall establish the baccalaureate degree as minimum preparation for teaching and a nurse faculty member shall have a written plan for obtaining a baccalaureate degree, preferably in nursing.

5. Faculty employed in schools conducted by public comprehensive high school systems shall meet the requirements for teacher certification established by the State Department of Education.

C. For a program for practical nurses operated by an entity other than ~~an area vocational-technical~~ a technology center school to qualify as an approved program, the program must be conducted in the State of Oklahoma and meet the standards fixed by the Oklahoma Board of Nursing as prescribed in its rules.

SECTION 49. AMENDATORY 59 O.S. 1991, Section 858-307.2, as last amended by Section 14, Chapter 60, O.S.L. 1998 (59 O.S. Supp. 2000, Section 858-307.2), is amended to read as follows:

Section 858-307.2 A. 1. Prior to July 1, 1996, as a condition of renewal or reactivation of the license, each licensee with the exception of those exempt as set out in this section shall submit to the Commission evidence of completion of twenty-one (21) clock hours or its equivalent as determined by the Commission of continuing education courses approved by the Commission, within the thirty-six (36) months immediately preceding the term for which the license is to be issued. Each licensee shall be required to complete and include as part of said twenty-one (21) clock hours of continuing education a three-clock-hour course conducted on required subjects as prescribed by the Commission.

2. Beginning July 1, 1996, as a condition of renewal or reactivation of the license, each licensee shall submit to the Commission evidence of completion of twenty-one (21) clock hours or its equivalent as determined by the Commission of continuing education courses approved by the Commission, within the thirty-six (36) months immediately preceding the term for which the license is to be issued. Each licensee shall be required to complete and include as part of said twenty-one (21) clock hours of continuing education nine (9) clock hours of courses conducted on required subjects as prescribed by the Commission.

B. The continuing education courses required by this section shall be satisfied by courses approved by the Commission and offered by:

1. The Commission;
2. ~~An area vocational technical~~ A technology center school;
3. A college or university;
4. A private school;

5. The Oklahoma Association of Realtors, the National Association of Realtors, or any affiliate thereof;

6. The Oklahoma Bar Association, American Bar Association, or any affiliate thereof; or

7. An education provider.

C. The Commission shall maintain a list of courses which are approved by the Commission.

D. The Commission shall not issue a renewal license or reactivate a license unless the continuing education requirement set forth in this section is satisfied within the prescribed time period.

E. The provisions of this section do not apply:

1. During the period a license is on inactive status;

2. To a licensee who holds a provisional sales associate license;

3. To a nonresident licensee licensed in this state if the licensee maintains a current license in another state and has satisfied the continuing education requirement for license renewal in that state; or

4. To a corporation, association, partnership or branch office.

SECTION 50. AMENDATORY 59 O.S. 1991, Section 858-712, as last amended by Section 5, Chapter 144, O.S.L. 1994 (59 O.S. Supp. 2000, Section 858-712), is amended to read as follows:

Section 858-712. A. State Certified General Appraiser - As a prerequisite to taking the examination for certification as a State Certified General Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed the minimum requirement of classroom hours promulgated by the Appraiser Qualifications Board of the Appraisal Foundation of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or college or university or ~~area vocational-technical~~ technology center school or

private school approved by the Board and such classes shall be made available on a regional basis throughout the State of Oklahoma prior to the required examination date with the cost of the classes being established by the Board which must include classroom hours related to standards of professional practice.

B. State Certified Residential Appraiser - As a prerequisite to taking the examination for certification as a State Certified Residential Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed the minimum requirement of classroom hours promulgated by the Appraiser Qualifications Board of the Appraisal Foundation of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or college or university or ~~area vocational-technical~~ technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout this state prior to the required examination date with the cost of the classes being established by the Board which must include classroom hours related to standards of professional practice.

C. State Licensed Appraiser - As a prerequisite to taking the examination for certification as a State Licensed Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed not less than seventy-five (75) classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university or ~~area vocational-technical~~ technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout the State of Oklahoma prior to the required examination date with the cost of the classes being established by the Board which must include classroom hours related to standards of professional practice.

SECTION 51. AMENDATORY 60 O.S. 1991, Section 177.2, as amended by Section 1, Chapter 266, O.S.L. 2000 (60 O.S. Supp. 2000, Section 177.2), is amended to read as follows:

Section 177.2 A. No public trust, school district or county shall issue any bonds, notes, nonpayable warrants, certificates of participation, certificates of indebtedness or any other evidence of indebtedness for the purpose of short-term cash management by any school district or county unless such school district or county shall have been approved for participation by the Oklahoma Commission on School and County Funds Management.

As used in this section, "short-term cash management" means any borrowing or any method employed by a school district or county to obtain funds in advance of the receipt of tax revenue, and shall include, but not be limited to, the issuance of certificates of indebtedness, certificates of participation, tax-anticipation notes, bonds, notes, or any other evidence of indebtedness. It shall not include debt issued pursuant to a vote of the electors of the school district or county pursuant to the Constitution.

B. The Oklahoma Commission on School and County Funds Management, shall consist of the State Superintendent of Public Instruction, the Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education, and the State Bond Advisor. The Commission shall:

1. Receive requests of school districts and counties for authorization to participate in a short-term cash management program where the proceeds will be used to facilitate cash-flow management. The requests must be received by the Commission on or before April 1 in order for the school district or county to be considered for participation during the next fiscal year, unless such date is extended by the Commission;

2. Within five (5) business days of receiving a request, forward the request to the appropriate certifying authority. If the

request and accompanying material meet the requirements of this act, the certifying authority must return the request and accompanying information to the Commission with a written review and comment within sixty (60) days of receipt of the request from the Commission. The certifying authority for school districts shall be the State Superintendent of Public Instruction and for ~~area~~ ~~vocational-technical~~ technology center school districts, shall be the Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education and for counties, shall be the State Board of Equalization;

3. Approve or reject each request for participation, and forward notice of the decision of the Commission to the requesting school district or county and to the Office of the Governor. The Commission shall approve or reject a request within thirty (30) days following the date it receives the request and accompanying information with a written review and comment from a certifying authority;

4. Certify the need for funds generated by the proposed short-term cash management based on the financial projections of the school district or county, including the projected cash-flow shortfall, estimated income, and anticipated surplus balances on June 30 of the current fiscal year in the general and building funds of the school district or county. Accumulative cash-flow shortfall projections must be determined using the method specified by Section 148 of the Internal Revenue Code;

5. Establish reasonable limits for fees, commissions and other compensation paid to any person or firm involved with the proposed short-term cash management program;

6. Establish participation limitations for a school district or a county using the method specified in Section 148 of the Internal Revenue Code. No school district or county shall participate in a short-term cash management program in an amount which exceeds the

determination of need pursuant to the accumulative cash-flow projections as specified in paragraph 4 of this subsection or forty percent (40%) of the approved annual budget of the school district or county, whichever is less;

7. Establish limitations which prohibit school districts and counties which are participating in a short-term cash management program from issuing nonpayable warrants if proceeds are available from the short-term cash management program;

8. Submit an annual report, by December 15 of each year, to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Governor, the State Auditor and Inspector and the Attorney General, detailing the participation of each school district and county for the prior fiscal year in the short-term cash management programs authorized by this act; and

9. Prescribe methods and procedures by which school districts or counties may request authorization to participate in short-term cash management programs.

C. School districts and counties desiring to participate in a short-term cash management program as provided in subsection A of this section shall file a request with the Commission on such forms as the Commission shall prescribe. Such request shall be accompanied by:

1. A resolution adopted by the board of education of the school district or by the county commissioners of a county. Such resolution shall state that the school district or county intends to and has need to participate in a short-term cash management program and that the board of education or county commission has authorized the submission of such request;

2. A letter signed by the underwriter of the short-term cash management program that specifies the name and address of all persons and firms receiving compensation, directly or indirectly, involved with the proposed short-term cash management program. All

persons and firms designated shall not be paid out of school or county funds. For purposes of this paragraph, school or county funds shall not include the proceeds from certificates of indebtedness or certificates of participation generated from a short-term cash management program;

3. A verification from the Administrator of the Oklahoma Department of Securities that all persons receiving compensation, directly or indirectly, for providing advice to the school districts or counties concerning participation in the program or for endorsing participation in the program are appropriately registered with the Oklahoma Department of Securities as investment advisers or investment adviser representatives, as applicable, and that all persons receiving compensation, directly or indirectly, for the placement of the certificates of participation or like securities with investors are registered as broker-dealers or agents, as applicable;

4. The estimated income and expenditures of the school district or county for the year for which the school district or county wishes to participate in a short-term cash management program. The appropriate certifying authority shall develop and provide an income and expenditure disclosure form for use by a school district or county which desires to participate in a short-term cash management program which follows the applicable portions of the information return required by Section 148 of the Internal Revenue Code. The information supplied in the disclosure form must reflect the ability of the school district or county to pay off an amount equal to the district's or county's liability on the program from the income from the fiscal year of participation, prior to approval for participation by the Commission. If the Commission determines that a question exists concerning any information submitted pursuant to this subsection, the Commission may request any additional

information from the school district or county that it deems necessary;

5. A copy of the most recent information return for a short-term cash management program filed with the Internal Revenue Service pursuant to Section 149(e) of the Internal Revenue Code;

6. An affidavit by all persons, firms, corporations or business enterprises of any kind which provide services for compensation on any financing to implement a short-term cash management program, which shall be signed under oath on a form approved by the Commission and which shall state that such persons, firms, corporations or business enterprises have not given any money or other thing of value, other than a bona fide campaign contribution, to any public official or to any public employee of a school district or county participating in such a cash management program. Any such person, firm, corporation or business enterprise shall also file a disclosure statement on a form approved by the Commission, which shall disclose all campaign contributions of any kind made to any public official of a school district or county participating in such a short-term cash management program and shall also disclose the identity of any officer, director, agent or employee of such person, firm, corporation or business enterprise who is an officer or employee of a school or county participating in a short-term cash management program, or who is related to such officers or employees within the third degree of affinity or consanguinity;

7. A notarized sworn affidavit executed by each member of a board of education of a school district, the superintendent of schools and the treasurer of the school district or by each county commissioner of a county and the county treasurer, which states that the person or any member of the immediate family of the person has no direct or indirect financial interest in the short-term cash management program being requested. The affidavit shall be on a form prescribed by the Commission;

8. A summary report detailing all expenses incurred by a school district or county in participating in a short-term cash management program. The report shall be on a form prescribed by the Commission; and

9. Any application and other materials including any other necessary financial information, as may be required by the Commission.

D. If the information required to be submitted pursuant to this section meets all requirements established by the Commission and the Commission has approved such information and participation, and the participation is otherwise in accordance with law, the Oklahoma Commission on School and County Funds Management shall authorize the participation of the school district or county in the short-term cash management program. The Commission shall notify the school district or county in writing, whether the requirements of this section have been satisfied and approved.

E. School districts and counties participating in a short-term cash management program authorized by this section shall report to the Commission the probable income and expenses of anticipated investment income. The report shall not include probable income or expenses related to participation in a short-term cash management program.

F. The ability of a school district or county to issue general obligation bonds shall not be modified by this act.

G. The Office of the Attorney General shall provide legal assistance to the Oklahoma Commission on School and County Funds Management.

SECTION 52. AMENDATORY 62 O.S. 1991, Section 41.5a, as amended by Section 5, Chapter 268, O.S.L. 1992 (62 O.S. Supp. 2000, Section 41.5a), is amended to read as follows:

Section 41.5a A. The Information Services Division shall:

1. Coordinate data processing planning through analysis of each agency's long-term data processing plans;

2. Develop a state-wide data processing plan with annual modifications to include as a minimum:

- a. individual agency plans,
- b. information systems plans for the state-wide electronic data processing function,
- c. major development projects proposed for the current year and the next three (3) years, and
- d. an explanation of revisions to previous plans;

3. Establish minimum mandatory standards for:

- a. information systems planning,
- b. systems development methodology,
- c. documentation,
- d. hardware requirements and compatibility,
- e. operating systems compatibility,
- f. software and hardware acquisition,
- g. data security and internal controls,
- h. data base compatibility, and
- i. contingency planning and disaster recovery.

Such standards shall, upon adoption, be the minimum requirements applicable to all agencies. These standards shall be compatible with the standards established for the Oklahoma Government Telecommunications Network created in Section 1 of this act. Individual agency standards may be more specific than state-wide requirements but shall in no case be less than the minimum mandatory standards. Where standards required of an individual agency of the state by agencies of the federal government are more strict than the state minimum standards, such federal requirements shall be applicable;

4. Develop and maintain applications for agencies not having the capacity to do so;

5. Operate a data processing service center to provide operations and hardware support for agencies requiring such services and for state-wide systems;

6. Maintain a directory of application systems, systems software, hardware, internal and external data processing studies and training courses in use by all agencies of the state; and facilitate the utilization of such resources by any agency having requirements which are found to be available within any agency of the state;

7. Assist agencies in the acquisition and utilization of data processing systems and hardware to effectuate the maximum benefit for the provision of services and accomplishment of the duties and responsibilities of agencies of the state;

8. In conjunction with the Office of Personnel Management, establish training guidelines for electronic data processing personnel, assist agencies in placing personnel in appropriate courses offered by other agencies of the state, and sponsor training courses for attendance by data processing personnel of all agencies;

9. Coordinate for the executive branch of state government agency data processing activities, encourage joint projects and common systems, and linking of agency systems through the review of agency plans, development of a state-wide plan and its integration with the budget process to ensure that developments and/or acquisitions are consistent with state-wide objectives and that proposed systems are justified and cost effective;

10. Develop performance reporting guidelines for data processing facilities and conduct an annual review to compare agency plans and budgets with results and expenditures;

11. Establish operations review procedures for data processing installations operated by agencies of the state for independent assessment of productivity, efficiency, and cost effectiveness;

12. Establish service center user charges for billing costs to agencies based on the use of all resources; and

13. Provide system development and consultant support to state agencies on a contractual, cost reimbursement basis.

B. No agency of the executive branch of the state shall use state funds for or enter into any agreement for the acquisition of computer hardware or software exceeding Two Thousand Five Hundred Dollars (\$2,500.00) in value without written authorization of the Director of State Finance. The provisions of this subsection shall not be applicable to any member of The Oklahoma State System of Higher Education, any public elementary or secondary schools of the state, or any ~~area vocational-technical~~ technology center school district as defined in Section 14-108 of Title 70 of the Oklahoma Statutes.

C. The provisions of this act shall not require the disclosure, directly or indirectly, of any information of a state agency which is declared to be confidential or privileged by state or federal statute or the disclosure of which is restricted by agreement with the United States or one of its agencies, nor the disclosure of data processing system details that may permit the access to confidential information.

SECTION 53. AMENDATORY Section 1, Chapter 268, O.S.L. 1992, as last amended by Section 3, Chapter 45, O.S.L. 1998 (62 O.S. Supp. 2000, Section 41.5m), is amended to read as follows:

Section 41.5m A. There is hereby created a wide area telecommunications network to be known and referred to as the "Oklahoma Government Telecommunications Network (OGTN)". The OGTN shall consist of the telecommunications systems and networks of educational entities and agencies of state government.

B. Notwithstanding the provisions of subsection A of this section:

1. The Oklahoma State Regents for Higher Education may continue to operate, maintain and enhance the State Regents Educational Telecommunications Network; provided, however, the Oklahoma State Regents for Higher Education shall submit all plans for the enhancement of the State Regents Educational Telecommunications Network to the Office of State Finance for review and approval within the context of the statewide telecommunications network provided for in subsection C of this section and shall participate with the Office of State Finance in joint efforts to provide services for the OGTN; and

2. The Department of Public Safety may continue to operate, maintain and enhance the statewide law enforcement data communications network provided for in Section 2-124 of Title 47 of the Oklahoma Statutes; provided, however, the Department of Public Safety shall submit all plans for the enhancement of the statewide law enforcement data communications network to the Office of State Finance for review and approval and shall participate with the Office of State Finance in joint efforts to provide services for the OGTN.

C. The Office of State Finance shall be responsible for developing, operating and maintaining the OGTN. The purposes of the OGTN shall include the following:

1. Development of a comprehensive, unified statewide telecommunications network to effectively and efficiently meet the communication needs of educational entities and agencies of state government;

2. Effective and efficient utilization of existing telecommunications systems operated by educational entities and agencies of state government; and

3. Elimination and prevention of unnecessarily duplicative telecommunications systems operated by educational entities and agencies of state government.

D. In developing, operating and maintaining the OGTN, the Office of State Finance shall:

1. Develop a statewide master plan for meeting the communications needs of educational entities and of agencies of state government. To facilitate the development of a statewide master plan as provided for in this paragraph:

- a. the Oklahoma State Regents for Higher Education shall submit a report annually to the Director of State Finance identifying the telecommunications plans of each member of The Oklahoma State System of Higher Education. For purposes of developing such report, each member shall cooperate with and submit to the State Regents a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,
- b. the State Superintendent of Public Instruction shall submit a report annually to the Director of State Finance identifying the telecommunications plans of the public common school system of the state. For purposes of developing such report, the respective public elementary and secondary schools shall cooperate with and submit to the State Superintendent a plan of their telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,
- c. the State Director of ~~Vocational and Technical~~ the Oklahoma Department of Career and Technology Education

shall submit a report annually to the Director of State Finance identifying the telecommunications plans of ~~area vocational-technical~~ technology center school districts. For purposes of developing such report, each ~~area vocational-technical~~ technology center school district as defined in Section 14-108 of Title 70 of the Oklahoma Statutes shall cooperate with and submit to the State Director of ~~Vocational and Technical~~ the Oklahoma Department of Career and Technology Education a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,

d. the chief administrative officer of each state agency of the executive branch shall submit a plan annually to the Director of State Finance identifying the telecommunications needs of the state agency, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services, and

e. the Director of the Oklahoma Department of Libraries shall submit a report annually to the Director of State Finance identifying the telecommunications plans of public libraries and public library systems. For purposes of developing such report, the chief administrative officer of any public library or public library system not otherwise required to submit a plan of its telecommunications needs pursuant to the

provisions of this paragraph shall cooperate with and submit annually to the Director of the Oklahoma Department of Libraries a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records and the use of telecommunications equipment or services. To assure inclusion in the report of the plans of the telecommunications needs of any library that is a part of any member of The Oklahoma State System of Higher Education, a public elementary or secondary school, or ~~area vocational-technical~~ technology center school district, all such plans relating to libraries received by the Oklahoma State Regents for Higher Education, the State Superintendent of Higher Education, and the State Director of ~~Vocational and Technical~~ the Oklahoma Department of Career and Technology Education shall be submitted to the Director of the Oklahoma Department of Libraries by the respective recipients thereof as soon as practicable after receipt. The Director of the Oklahoma Department of Libraries shall certify to the Office of State Finance that such plans are consistent with the plan developed by the Oklahoma Library Technology Network or explain any inconsistencies therewith;

2. Identify the most cost-effective means of meeting the telecommunications needs of educational entities and of agencies of state government;

3. Develop minimum mandatory standards and protocols for equipment, facilities and services of the OGTN;

4. Evaluate the advantages and disadvantages of utilizing equipment, facilities, and services of both private entities and those owned and operated by the state; and

5. Recommend a fee structure to provide for the operation and maintenance of the OGTN.

SECTION 54. AMENDATORY 62 O.S. 1991, Section 41.21, as last amended by Section 3, Chapter 347, O.S.L. 2000 (62 O.S. Supp. 2000, Section 41.21), is amended to read as follows:

Section 41.21 A. Except as otherwise provided by subsections B, C, D, E, F, G, H and K of this section, procedures for effecting payment of claims or payrolls shall include the following:

1. All miscellaneous claims and payroll claims which are to be used to authorize the payment of money from the State Treasury, shall be filed with the Director of State Finance for audit and settlement prior to being filed for payment with the State Treasurer; provided, the Director of State Finance may establish alternative procedures for the settlement of claims through the Office of State Finance whenever such procedures are deemed more advantageous and consistent with the requirements of Section 41.1 et seq. of this title. Such procedures may include, but are not limited to, at the discretion of the Director of State Finance:

- a. a procedure to permit consolidated payment to vendors for claims involving more than one agency of the state when audit and settlement of such claims, as hereinafter provided, can in all respects be accomplished,
- b. procedures based upon valid statistical sampling models for preaudit of claims, except for payroll claims and travel claims, against contracts, purchase orders and other commitments before entering such claims against the appropriation allotment accounts, and

c. policies, procedures and performance criteria for the participation of agencies or departments, not authorized in subsections B through H of this section, to engage in an alternative system for the settlement of claims through the Office of State Finance; and

2. After claims or payrolls or both have been properly audited and recorded against the respective contracts, purchase orders, other commitments and appropriation allotment accounts, the Division of Central Accounting and Reporting shall certify such claims or payrolls to the State Treasurer for payment. It shall be the responsibility of the Division of Central Accounting and Reporting to determine:

- a. that all material legal requirements concerning the expenditure of monies involved in each claim or payroll have been complied with, and
- b. that funds have been properly and legally allotted for the payment of the claim or payroll and that a sufficient balance exists for the payment of same.

Sufficient space shall be provided on each claim and payroll for the Director of State Finance to indicate that the claim or payroll has been approved for payment by the Division of Central Accounting and Reporting. The Director of State Finance shall authorize bonded employees in the Division of Central Accounting and Reporting to execute the signed approval of each claim or payroll which shall be certified to the State Treasurer for payment.

B. The Department of Human Services is authorized to establish an encumbrance and preaudit system for settlement of claims relating to public assistance, social service benefits and medical benefits to or for persons eligible under applicable federal laws and rules, Oklahoma Statutes, and policies established by the Oklahoma Commission for Human Services. The following programs shall be eligible for this procedure:

1. Aid to Families with Dependent Children;
2. Aid to Aged, Blind and Disabled;
3. Medical Assistance;
4. Day Care;
5. Refugee Resettlement;
6. Low Income Heating and Energy Assistance;
7. General Assistance;
8. Crippled Children;
9. Social Services under Title XX of the U.S. Social Security Act, 42 U.S.C., Section 301 et seq.;
10. Adoption Subsidies;
11. Foster Care;
12. Medical Examination;
13. Area Agencies on Aging;
14. Any contract for service for which the Department of Central Services has approved as qualifying for a fixed and uniform rate pursuant to Section 85.7 of Title 74 of the Oklahoma Statutes;
15. Sheltered Workshops;
16. Contracted Group Homes;
17. Rehabilitative Client Interpreters;
18. Rehabilitative Client Drivers; and
19. Maternal and Child Health Services Block Grant.

The Department of Human Services shall provide to the Director of State Finance, for approval prior to inclusion in this procedure, detailed listings of the type of payments to be made for each of these programs. The Department of Human Services shall provide the Director of State Finance a daily report of the dollar amount of claims settled and checks or warrants written, the dollar amount of checks or warrants canceled, and the dollar amount of checks or warrants canceled by statutes.

C. The State Department of Rehabilitation Services is authorized to establish an encumbrance and preaudit system for

settlement of claims relating to social service benefits and medical benefits to or for persons eligible under applicable federal laws and regulations, Oklahoma Statutes, and policies established by the Commission for Rehabilitation Services for the following programs:

1. Vocational and other rehabilitation;
2. Educational services;
3. Disability Determination Services; and
4. Visual Services.

The State Department of Rehabilitation Services shall provide to the Director of State Finance, for approval prior to inclusion in this procedure, detailed listings of the type of payments to be made for each of these programs. The State Department of Rehabilitation Services shall provide the Director of State Finance a daily report of the dollar amount of claims settled and checks or warrants written, the dollar amount of checks or warrants canceled, and the dollar amount of checks or warrants canceled by statutes.

D. The Oklahoma State Regents for Higher Education and the Director of State Finance shall jointly establish a system for the settlement of claims, except for payroll, by entities of The Oklahoma State System of Higher Education. The settlement system shall include policy, procedures, and performance criteria for participation. The State Regents are authorized to approve or disapprove the participation of any institution or other entity of the State System in the claims settlement system.

E. The Director of State Finance shall be authorized to establish necessary agency disbursing funds to efficiently accommodate the cash flow requirements of applicable federal regulations, bond indebtedness and other directives deemed appropriate by the Director of State Finance. Agencies operating such disbursing funds are authorized to establish a preaudit and settlement system for claims or payments or both relating to the purposes of the stated directives. The State Treasurer shall

establish procedures for the state in accordance with Federal Banking and National Automated Clearing House Association standards and agencies shall be required to utilize automated clearing house procedures established by the State Treasurer provided that no individual or entity shall be required to have a bank account unless required by federal law or federal regulation. Agencies shall be further required to present these transactions to the Office of State Finance in a summarized format and shall include any accounting information necessary as determined by the Director of State Finance including, but not limited to, information related to Public Law 101-453 the Cash Management Improvement Act, 31 U.S.C., Sections 3335, 6501 and 6503. Administrative expenditures shall not be eligible for these procedures.

The efficiency of the payment system shall be considered when the interest earnings of the state are not diminished.

F. The Director of State Finance shall be authorized to process payments for federal tax withholding without claim forms. The Director of State Finance shall establish a separate fund for the purpose of accumulating federal income tax withholding from payrolls and remitting same to the United States Treasury.

G. The Department of Education and the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education are authorized to establish a preaudit and settlement system for claims and/or payments of state funded assistance to school districts and institutions within the Oklahoma State System of Higher Education. The payment system shall be neutral as to interest income to the state and the school districts.

H. The Director of State Finance shall be authorized to process, without claim forms, interest payments to the U.S. Treasury as required by Public Law 191-453, the Cash Management Improvement Act, 31 U.S.C., Sections 3335, 6501 and 6503. Agencies are responsible for the accrual of such interest liability of the state

and shall provide payment to the Office of State Finance in the amount and method prescribed by the Office of State Finance. Any liability of the U.S. Treasury as determined by Public Law 191-453, the Cash Management Improvement Act, 31 U.S.C., Sections 3335, 6501 and 6503 shall be deposited in the State Treasury and transferred by the Director of State Finance to the General Revenue Fund of the state subsequent to final determination and necessary audit resolution.

I. The State Treasurer shall write checks or warrants in payment of claims and payrolls certified to the State Treasurer for payment by the Division of Central Accounting and Reporting or the Department of Human Services or institutions within The Oklahoma State System of Higher Education. The State Treasurer, within such limitations as the State Treasurer may prescribe, may authorize the Director of State Finance, the Department of Human Services, or an institution within The Oklahoma State System of Higher Education to write the checks or warrants for payment of claims and payrolls that have been certified by the respective agency. The Director of State Finance, the Department of Human Services, and The Oklahoma State System of Higher Education institutions shall provide the State Treasurer a register of each payment for each check or warrant written. Provided, in lieu of checks or warrants:

1. The Director of State Finance may, with the concurrence of the State Treasurer, establish a procedure to effect the settlement of interagency claims by transfer entry; and

2. At the discretion of the State Treasurer, payment of claims and payrolls may be made by the electronic transfer of funds.

Such optional settlement modes may be implemented when the authorized officer or officers of the state are satisfied such modes will substantially operate to the benefit of the state and without sacrifice to the security and integrity of the monies and records of the state.

J. The Director of State Finance is authorized to use a numeric or alphanumeric designation to cross-reference claims or payrolls to check warrant numbers, transfer entry or optional settlement mode used in the payment thereof.

K. The Department of Human Services and the Director of State Finance shall jointly establish a system for the settlement of claims, except for payroll, by the Department of Human Services. The settlement system shall include policy, procedures and performance criteria for participation.

SECTION 55. AMENDATORY 62 O.S. 1991, Section 57.122, as amended by Section 9, Chapter 307, O.S.L. 1992 (62 O.S. Supp. 2000, Section 57.122), is amended to read as follows:

Section 57.122 The State of Oklahoma Building Bonds Commission, ~~created by Title 62, Oklahoma Statutes 1961, Section 57.1,~~ acting for and on behalf of the State of Oklahoma, shall be the agency by and through which the State of Oklahoma shall incur indebtedness to the extent of the sum of Ninety-nine Million Eight Hundred Eight Thousand Dollars (\$99,808,000.00) for the purpose of planning and constructing new buildings or additions to existing state buildings and other capital improvements for remodeling, modernizing and repairing existing buildings and capital improvements and purchase of land, equipment and furnishings necessary for construction or remodeling for the following departments and agencies of state government in the amounts and for the purposes set forth as follows:

1. The constituent institutions of the Oklahoma
State System of Higher Education \$34,250,000.00
2. Medical Center of the University of Oklahoma.... 26,870,000.00
3. A new junior college at Tulsa 4,000,000.00
4. A new junior college at Midwest City and new
or existing community junior colleges 2,000,000.00
5. Griffin Memorial Hospital,
Eastern State Hospital, Western State

	Hospital and Taft State Hospital, and for community mental health centers, provided not more than \$1,200,000.00 may be spent on community mental health centers	8,000,000.00
6.	Administrative offices and laboratories of the State Health Department	4,516,000.00
7.	Oklahoma General Hospital	500,000.00
8.	Acquisition of land and completion of streets and highways in the State Capitol Complex	1,875,000.00
9.	Equipment and remodeling at Wiley Post Building and acquisition and improvement of historic sites	125,000.00
10.	Area vocational and technical <u>Technology center</u> schools and technical institutes and equipment	5,750,000.00
11.	Oklahoma State University School of Technical Training at Okmulgee	1,500,000.00
12.	Southern Oklahoma Resource Center of Pauls Valley, the Northern Oklahoma Resource Center of Enid, Hissom Memorial Center, School for the Blind, School for the Deaf, Whitaker State Children's Home, Taft State Children's Home, Helena State School for Boys, Boley State School for Boys, Taft State School for Girls and Tecumseh Girls' Town	4,375,000.00
13.	Construction of a Juvenile Diagnostic Evaluation and Receiving Center	1,000,000.00
14.	Construction of a Plans and Training Building and for district headquarters	

	of the Department of Public Safety	497,000.00
15.	Construction of headquarters, warehouse and armory buildings of State Military Department	1,500,000.00
16.	State Bureau of Investigation headquarters building	200,000.00
17.	Construction and equipping of a reception and diagnostic center and other capital improvements at the State Penitentiary	1,000,000.00
18.	Constructing, renovating and equipping academic and vocational school facilities and other capital projects at the State Reformatory	750,000.00
19.	Eastern Oklahoma Tuberculosis Sanatorium	250,000.00
20.	Western Oklahoma Tuberculosis Sanatorium	250,000.00
21.	Constructing community social service centers at Ada, Shawnee, Lawton and other communities approved by the State Department of Health	500,000.00
22.	Cerebral Palsy Institute	100,000.00

SECTION 56. AMENDATORY Section 4, Chapter 350, O.S.L.

1992, as amended by Section 1, Chapter 84, O.S.L. 1995 (62 O.S. Supp. 2000, Section 57.303), is amended to read as follows:

Section 57.303 A. The Commission acting for and on behalf of the State of Oklahoma shall be the agency by and through which the State of Oklahoma shall incur indebtedness in the sum of Three Hundred Fifty Million Dollars (\$350,000,000.00) as principal for the purpose of restoring and modernizing the state's infrastructure, for

constructing new buildings and other capital improvements, and for equipping, remodeling, modernizing and repairing any and all existing buildings and capital improvements, and purchase of land, equipment and furnishings necessary for such new construction or remodeling, including any costs associated with the issuance of the indebtedness, as follows:

1. Oklahoma State Regents for Higher Education for expenditure as follows:
 - a. University of Oklahoma - Norman Campus \$22,731,000.00
 - b. University of Oklahoma - Health Sciences Center
\$22,400,000.00
 - c. Oklahoma State University - Stillwater Campus
\$22,328,000.00
 - d. Oklahoma State University - Agriculture Experiment
Station \$4,000,000.00
 - e. Oklahoma State University - Veterinary Medicine
\$5,075,000.00
 - f. Oklahoma State University - Technical
Branch - Okmulgee \$4,118,000.00
 - g. Oklahoma State University - Technical
Branch - Oklahoma City \$3,868,000.00
 - h. Oklahoma State University - College of Osteopathic
Medicine \$3,750,400.00
 - i. University of Central Oklahoma \$7,765,106.00
 - j. East Central University \$5,869,000.00
 - k. Northeastern State University \$8,813,400.00
 - l. Northwestern Oklahoma State University \$2,860,000.00
 - m. Southeastern Oklahoma State University \$5,586,900.00
 - n. Southwestern Oklahoma State University - Weatherford
Campus \$6,297,500.00
 - o. Southwestern Oklahoma State University -
Sayre Campus \$300,000.00

p.	Cameron University	\$10,200,000.00
q.	Langston University	\$2,842,500.00
r.	Oklahoma Panhandle State University	\$2,016,500.00
s.	University of Science and Arts of Oklahoma	\$3,104,376.00
t.	University Center at Tulsa	\$15,000,000.00
u.	Carl Albert State College	\$3,021,000.00
v.	Connors State College	\$2,055,100.00
w.	Eastern Oklahoma State College	\$2,007,600.00
x.	Murray State College	\$2,045,000.00
y.	Northeastern Oklahoma Agricultural and Mechanical College	\$2,410,400.00
z.	Northern Oklahoma College	\$1,206,500.00
aa.	Oklahoma City Community College	\$6,152,100.00
bb.	Redlands Community College	\$2,003,900.00
cc.	Rogers State College	\$5,035,100.00
dd.	Rose State College	\$6,158,600.00
ee.	Seminole Junior College	\$2,125,924.00
ff.	Tulsa Junior College	\$22,333,800.00
gg.	Western Oklahoma State College	\$2,500,000.00
hh.	Enid Higher Education Program	\$619,123.00
ii.	Enid Higher Education Program - this allocation is contingent upon a \$2,200,000.00 match by the local community	\$1,980,877.00
jj.	Ardmore Higher Education Program	\$619,123.00
kk.	Muskogee Higher Education Program	\$619,123.00
ll.	Idabel Higher Education Program	\$619,123.00
mm.	Tulsa Medical Center debt retirement	\$6,600,000.00
nn.	Food Processing Research Center - Stillwater	\$14,000,000.00
oo.	Natural History Museum - Norman	\$15,000,000.00

2. ~~State Oklahoma Department of Vocational Career and Technical~~
Technology Education for expenditure as follows:
 - a. Instructional equipment for ~~area~~
technology center schools,
including inmate training facilities \$2,300,000.00
 - b. Mid-Del ~~Vo-Tech~~ Technology Center \$200,000.00
 - c. Okmulgee County ~~AVTS~~ Technology Center \$3,200,000.00
 - d. Southwest ~~AVTS~~ Technology Center \$1,500,000.00
 - e. Wes Watkins ~~AVTS~~ Technology Center \$1,000,000.00
 - f. Western Oklahoma ~~AVTS~~ Technology Center \$2,000,000.00
3. Oklahoma Water Resources Board \$5,700,000.00
4. Oklahoma Tourism and Recreation Department for the following
purposes: roads, park improvements, sewage treatment,
facility rehab, equipment, trails, park visitor centers,
welcome centers, Will Rogers Museum and other museums,
Oklahoma Jazz Hall of Fame and Quartz
Mountain Arts and Conference Center \$18,000,000.00
5. Oklahoma Historical Society \$1,700,000.00
6. Department of Human Services \$5,300,000.00
7. Department of Corrections for the following purposes: drug
offender work camps and meat processing facility at Jackie
Brannon \$6,500,000.00
8. State Department of Health \$7,500,000.00
9. State Department of Agriculture for purposes of dry fire
hydrants and rural fire equipment \$1,000,000.00
10. Department of Central Services \$4,300,000.00
11. Oklahoma Military Department \$800,000.00
12. Oklahoma School of Science and Mathematics. Said amount
shall not be used for purposes of subsection D of Section
168.3 of Title 73 of the Oklahoma Statutes \$4,500,000.00

13. Office of State Finance for expenditure for telecommunications as recommended by the State Data Processing and Telecommunications Advisory Committee
\$14,000,000.00
14. Oklahoma Department of Libraries for expenditure for matching grant program for handicapped access \$500,000.00
15. Oklahoma Department of Veterans Affairs for the following purposes: New facility at Norman, computer programming-mapper system, and improvements at the facilities at Ardmore, Sulphur, Talihina, Clinton, Claremore and Okmulgee
\$16,432,500.00
16. Department of Mental Health and Substance Abuse Services
\$6,400,000.00

If the full amount of funding for any project specified in this subsection is not necessary for provision of such project, any remaining available funds shall be allocated by the Commission to the full funding of other projects listed in this subsection or to the Oklahoma Building Bonds of 1992 Fund for appropriation by the Legislature for other capital projects.

B. The Commission, acting for and on behalf of the State of Oklahoma, shall issue, sell and deliver as hereinafter provided "Oklahoma Building Bonds of 1992" in a total principal amount of Three Hundred Fifty Million Dollars (\$350,000,000.00). It is hereby expressly provided and pledged for the benefit of the purchasers, owners and holders of said bonds that the tax on each package of cigarettes levied by Section 302 of Title 68 of the Oklahoma Statutes, constituting the remainder of revenue available from the revenues lawfully levied and collected by the State of Oklahoma on the sale of cigarettes not already committed to other obligations of the State of Oklahoma, and the tax levy on cigarettes pursuant to Sections 302-2 and 302-4 of Title 68 of the Oklahoma Statutes, or so much as may be necessary, shall be devoted irrevocably to the

payment and discharge of the interest on, and the principal of, the bonds issued hereunder as the same become due, and to create an adequate reserve to assure such payments when due; and said revenues shall be, and hereby are, irrevocably pledged for such purposes.

SECTION 57. AMENDATORY 62 O.S. 1991, Section 371, as last amended by Section 2, Chapter 43, O.S.L. 1999 (62 O.S. Supp. 2000, Section 371), is amended to read as follows:

Section 371. A. Except as otherwise provided in this section, no board of county commissioners, nor city council, nor board of trustees of any town, nor any district board of any school district in this state, nor any board of any local subdivision of this state shall make any contract with any of its members, or in which any of its members shall be directly or indirectly interested. All contracts made in violation of this section shall be wholly void.

However, for the purposes of this section, the following shall not be considered the making of a contract:

1. The depositing of any funds in a bank or other depository;
2. Any contract with a qualified nonprofit Internal Revenue Code Section 501(c)(3) organization, except for contracts paying salaries or expenses or except a contract entered into by a school district involving the counseling or instruction of students or staff;
3. Monthly billings submitted to any county or local subdivision of the state for public utility companies, electric cooperatives or telephone companies, whose services are regulated by the Oklahoma Corporation Commission, or billings of the utility companies, electric cooperatives or telephone companies pertaining to installations or changes in service, where tariffs for the charges or billings by the companies are on file with the Oklahoma Corporation Commission.

In addition, the governing board of ~~an area vocational-technical~~ a technology center school district may enter into a contract for

the ~~area vocational-technical~~ technology center school district to provide training for a company, individual, or business concern by which a member of the board is employed. A board member shall abstain from voting on any such contract between the ~~area vocational-technical~~ technology center school district board and the company, individual, or business concern by which the member is employed.

B. The provisions of this section shall not apply to:

1. Those municipal officers who are subject to Section 8-113 of Title 11 of the Oklahoma Statutes; or

2. A member of any board of education of a school district or a director or member of any rural water, sewer, gas and solid waste management district organized pursuant to Section 1324.1 et seq. of Title 82 of the Oklahoma Statutes in this state which does not include any part of a municipality with a population greater than two thousand five hundred (2,500) according to the latest Federal Decennial Census when the board member is the only person who owns or operates a business which is the only business of that type within ten (10) miles of the corporate limits of the municipality.

However, any activities permitted by this subsection shall not exceed Five Hundred Dollars (\$500.00) for any single activity and shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00) for all activities in any calendar year.

C. The provisions of this section shall not apply to conservation district board members participating in programs authorized by Section 3-2-106 of Title 27A of the Oklahoma Statutes.

D. Notwithstanding the provisions of this section, any officer, director or employee of a financial institution may serve on a board of a public body. Provided, the member shall abstain from voting on any matter relating to a transaction between or involving the financial institution in which the member is associated and the public body in which the member serves.

E. The provisions of this section shall not apply to any board of county commissioners purchasing motor fuel for exclusive use by the county from a cooperative agricultural association in which a member of the board of county commissioners has a financial or proprietary interest. The county commissioner having a financial or proprietary interest in the cooperative agricultural association shall abstain from voting on any such purchase or contract between the county and the cooperative agricultural association. Except as provided in this subsection, the purchasing procedures required by law for counties and county officers shall not otherwise be modified.

F. A member of a board of county commissioners, city council, board of trustees of any town, district board of any school district in this state, or of any board of any local subdivision of this state shall not be considered to be directly or indirectly interested in any contract with a person or entity that employs such member or the spouse of the member, if the member or the spouse of the member has an interest in the employing entity of five percent (5%) or less.

SECTION 58. AMENDATORY Section 2, Chapter 330, O.S.L. 1992 (62 O.S. Supp. 2000, Section 901), is amended to read as follows:

Section 901. A. 1. There is hereby created a Long-Range Capital Planning Commission to advise and assist the Legislature in providing for capital facilities in this state. The Commission shall consist of twelve (12) members as follows:

- a. four members appointed by the President Pro Tempore of the Senate to serve at his pleasure. Of these appointees two shall be members of the Senate and two shall be from the public at large,
- b. four members appointed by the Speaker of the House of Representatives to serve at his pleasure. Of these

appointees two shall be members of the House of Representatives and two shall be from the public at large,

- c. four members shall be appointed by the Governor to serve at his pleasure. These appointees shall be from the public at large.

2. A chairman of the Commission shall be elected from its membership. Seven members of the Commission shall constitute a quorum. Members of the Commission shall serve without compensation, but all public members shall be entitled to reimbursement, pursuant to the State Travel Reimbursement Act, for expenses incurred in the performance of their duties.

3. Initial appointments to the Commission shall be made within thirty (30) days of the effective date of this act.

B. The Commission shall have the authority to promulgate rules and regulations necessary to implement the provisions of this act.

C. The Oklahoma State Bond Advisor shall provide staffing for the Commission and other such assistance as the Commission may require.

D. 1. The Commission shall prepare each year a state capital plan for addressing state, regional and local public capital facility needs for the next ensuing five (5) years. The Oklahoma State Regents for Higher Education and each state governmental entity as defined in Section 695.3 of Title 62 of the Oklahoma Statutes shall cooperate with the Commission in the preparation of the state plan. By October 1, 1992, each state governmental entity shall submit a copy of its complete inventory and a need list. Beginning December 1, 1993, the plan shall be submitted to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate no later than December 1 of each year.

- 2. a. The capital plan should supplement and integrate, not replace, existing capital planning processes at the

state, regional or local level. The plan shall consider and incorporate, as appropriate, the local and regional plans that may be developed pursuant to the provisions of Sections 3 through 6 of this act.

b. The plan shall assess long-term needs for capital facilities provided by both state and local governments as determined by the Commission. The plan shall include:

- (1) an inventory of capital facilities held by the state, and when available, by units of local government or special districts. The inventory shall include such information as is reasonably available on the physical and economic condition of these assets,
- (2) a projection of economic and demographic trends likely to influence the needs for new or expanded capital facilities,
- (3) an estimate of mandatory, essential, desirable and deferrable repair, replacement and expansions,
- (4) estimates of life cycle costs for new and substantially expanded or renovated facilities. Life cycle costs shall include the cost of construction, financing, repair and maintenance,
- (5) an analysis of recent trends and projections of revenues available from general obligation and revenue bonds, general and dedicated taxes used for capital facilities finance, user fees, the federal government and other sources,
- (6) an analysis of the capacity of the state and local governments to incur debt or finance public capital facilities,

- (7) a detailed list of all capital projects of the state which the Commission recommends be undertaken or continued for any state agency in the next two (2) fiscal years, together with information as to the effect of such capital projects on future operating expenses of the state, and with recommendations as to the priority of such capital projects and the means of funding them,
- (8) the forecasts of the Commission as to the requirements for capital projects of state agencies for the three (3) fiscal years next following such two (2) fiscal years and for such additional periods, if any, as may be necessary or desirable for adequate presentation of particular capital projects, and a schedule for the planning and implementation or construction of such capital projects,
- (9) a schedule for the next fiscal year of recommended projects,
- (10) a review of capital projects which have recently been implemented or completed or are in process of implementation or completion,
- (11) recommendations as to the maintenance of physical properties and equipment of state agencies, and
- (12) such other information as the Commission deems relevant to the foregoing matters.

3. The Governor shall prepare at the same time as the state budget document is prepared, a capital budget. The capital budget shall be prepared and submitted by the Governor or Governor-elect in accordance with the procedures for preparing the state budget document. The capital budget shall embrace all expenditures of the

state government for facilities and equipment and all revenues to be raised for purpose of meeting expenditure commitments during the next ensuing fiscal year and shall include the following:

- a. for each expenditure and class of expenditures, the costs to be incurred during the next ensuing fiscal year, plus where appropriate, the annual operating and maintenance costs of such facilities and a schedule of depreciation calculated in accordance with the principles and standards of capital budgeting authorized by paragraph 4 of this subsection,
- b. the revenues and sources required to meet projected expenditures. Revenue sources to be indicated include, but are not limited to: the General Revenue Fund, the Transportation Fund, any special funds, proceeds of bond sales, federal funds, local government revenue or other sources. Where additional revenues in the form of additional taxes, user fees or new bond issues are proposed to meet expenditure requests, any funds created for such purposes shall be included in this act, and
- c. a statement regarding the relationship between the proposals contained in the capital budget and the capital plan. The capital budget shall be based upon the capital plan prepared by the Commission.

4. The Commission, with the assistance of the Office of State Finance, shall prepare and publish rules and regulations that set forth principles and standards for capital planning and budgeting to be used by state agencies. The rules and regulations shall set forth definitions of relevant terms to be used in the capital planning and budgeting processes, establish accounting standards and standards for costs and benefits of public facility investments.

E. The Oklahoma Department of Commerce shall assist the Long-Range Capital Planning Commission in developing any portion of the state capital plan addressing regional and local public capital facility needs. The Department shall assist in providing the expertise and information required to assess long-term needs for capital facilities at the regional and local level. The Department shall have the authority to contract with other entities to provide the type of information needed to prepare:

1. An inventory of capital facilities held by units of local government, and special districts, including such information as is reasonably available on the physical and economic condition of these assets. Inventories shall be conducted according to the geographical boundaries of the regional councils;

2. A projection of economic and demographic trends likely to influence the needs for new or expanded local capital facilities;

3. An estimate of mandatory, essential, desirable and deferrable repair, replacement and expansions; and

4. Estimates of life cycle costs for new and substantially expanded or renovated facilities. Life cycle costs shall include the cost of construction, financing, repair and maintenance.

F. 1. The Commission and the Oklahoma State Bond Advisor may call to their assistance such personnel or any state agency in order to perform their duties pursuant to the State Capital Improvement Planning Act and such agencies shall respond and provide any such assistance as may be required. The Office of State Finance and other state agencies also shall assist the Commission in the performance of its functions. The Commission may use existing studies, surveys, plans, data and other materials in the possession of any state agency or any municipality or political subdivision of this state. Each such agency, municipality or subdivision may make the same available to the Commission so that the Commission may have

available to it current information with respect to the capital plans and programs of each such agency, municipality or subdivision.

2. The officers and personnel of any state agency, municipality or political subdivision, and any other person may serve at the request of the Commission upon such advisory committees as the Commission may create and such officers and personnel may serve upon such committees without forfeiture of office or employment and with no loss or diminution of the compensation, status, rights and privileges which they otherwise enjoy.

G. 1. There is hereby created the Policy Advisory Committee to the Commission to meet no less than once a year or at the call of the chairman of the Commission.

2. The purposes and responsibilities of the Policy Advisory Committee shall be:

- a. to counsel and otherwise assist the Commission in the development of the capital plan, and
- b. to review and comment on the capital plan and make recommendations to the Commission concerning capital planning and debt management issues as deemed appropriate by the Committee.

3. The Policy Advisory Committee shall be composed of the members of the Bond Oversight Commissions and the chief executive officer or fixed designate from each of the following entities; provided, designated members shall be appointed by each chief executive officer for a term certain which shall not be less than one (1) year:

- a. Association of County Commissioners of Oklahoma,
- b. Oklahoma Municipal League,
- c. State Department of Transportation,
- d. Oklahoma Turnpike Authority,
- e. Office of Public Affairs,
- f. Oklahoma Water Resources Board,

- g. Department of Human Services,
- h. Department of Corrections,
- i. Department of Mental Health,
- j. Oklahoma Tourism and Recreation Department,
- k. Department of Education,
- l. Oklahoma State Regents for Higher Education,
- m. State Department of Health,
- n. State Department of Agriculture,
- o. Oklahoma Department of Vocational Career and Technical Technology Education,
- p. Oklahoma Association of Regional Councils, and
- q. Such other members as determined by the Commission.

SECTION 59. AMENDATORY Section 3, Chapter 170, O.S.L. 1994, as amended by Section 14, Chapter 177, O.S.L. 2000 (63 O.S. Supp. 2000, Section 1-237), is amended to read as follows:

Section 1-237. A. 1. There is hereby created the Joint Legislative Committee for Review of Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases which shall:

- a. meet with the Coordinating Council and with other state officials and employees responsible for providing services related to the prevention of adolescent pregnancy and sexually transmitted diseases at regular intervals as established by the Committee and whenever otherwise necessary to ensure that the purposes of the Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases are accomplished,
- b. evaluate programs throughout the nation that have been successful in substantially reducing teen pregnancy. This will include programs that are abstinence only,

- c. recommend changes in proposed interagency agreements and the State Plan as deemed advisable,
- d. review interagency agreements and the State Plan and subsequent revisions of the agreements and State Plan,
- e. hold hearings regarding any matters related to the Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases,
- f. monitor the implementation of the Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases, and
- g. recommend legislation to correct statutory provisions that interfere with interagency agreements or coordination or delivery of services, or that are otherwise necessary for the implementation of the Act for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases.

2. The Joint Legislative Committee for Review of Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases shall have twelve (12) members, all of whom shall be legislators, who shall serve at the pleasure of the appointing authority. Six members shall be appointed by the President Pro Tempore of the Senate and six members shall be appointed by the Speaker of the House of Representatives. The appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate shall consist of at least one-third (1/3) membership from the two major political parties of Oklahoma. The chair shall be appointed by the President Pro Tempore for odd-numbered years and by the Speaker for even-numbered years. The vice-chair shall be appointed by the Speaker for odd-numbered years and by the President Pro Tempore for even-numbered years.

Staff support services shall be provided by the State Senate and the House of Representatives.

B. 1. The Governor shall appoint an Interagency Coordinating Council for Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases which shall be composed of thirty-one (31) members as follows:

- a. the chief executive officers or their designees of the:
 - (1) Commission on Children and Youth,
 - (2) State Department of Education,
 - (3) ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education,
 - (4) Department of Human Services,
 - (5) Department of Mental Health and Substance Abuse Services,
 - (6) Office of Volunteerism,
 - (7) State Department of Health, and
 - (8) College of Public Health,
- b. the Executive Director of the Office of Juvenile Affairs or designee,
- c. two representatives from the Maternal and Infant Health Division, two representatives from the HIV/STD Division, two representatives from the Child Health and Guidance Division of the State Department of Health,
- d. a superintendent of an independent school district,
- e. a representative of a statewide association of medical doctors,
- f. a representative of a statewide association of osteopathic physicians,
- g. a representative of a statewide association of parents and teachers,

- h. a representative of a statewide association of classroom teachers,
- i. a representative of a statewide association of school counselors,
- j. a principal of an alternative education program,
- k. a representative of business or industry,
- l. a representative of a statewide association formed for the purpose of developing leadership skills,
- m. a representative of an ecumenical association,
- n. two parents of ten- to twenty-year-old children,
- o. a teenage girl,
- p. a representative of a nonprofit statewide child advocacy organization,
- q. the Governor or the Governor's designee, who shall chair the Coordinating Council.

Legal assistance shall be provided by the Office of the Attorney General. Staff support and assistance shall be provided by the State Department of Health as the legal agency.

2. The Coordinating Council shall:

- a. on or before December 1, 1994, complete the State Plan pursuant to the provisions of Section 1-238 of this title and present it to the Committee for approval, and
- b. after approval of the State Plan, monitor implementation of the plan, evaluate the plan, meet with the Committee concerning revisions whenever requested to do so, and on or before November 1, 1995, and November 1 of each subsequent year, submit a report on the implementation and evaluation of the State Plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 60. AMENDATORY 63 O.S. 1991, Section 1-821, is amended to read as follows:

Section 1-821. A. The Department shall have the power and duty to:

1. issue, renew, deny, modify, suspend, and revoke licenses for homes pursuant to the provisions of the Residential Care Act; and

2. establish and enforce standards and requirements for licensure of homes which are subject to the provisions of the Residential Care Act and require the submission of, and to review, reports from any person establishing or operating a home; and

3. enter upon any public or private property for the purpose of inspecting and investigating conditions of the residents in the home or for the purpose of inspecting and investigating the home for compliance with the provisions of the Residential Care Act, or the standards or requirements for licensure developed by the Department pursuant to the provisions of the Residential Care Act; and

4. employ or designate personnel to conduct investigations and inspections, to make reports of the condition of homes and the residents of such homes, and to take necessary action pursuant to the provisions of the Residential Care Act to protect and safeguard the health, safety, and welfare of residents of homes; and

5. establish a procedure for receipt and investigation of complaints regarding a home or concerning the condition, care, and treatment of a resident of a home; and

6. report to the district attorney having jurisdiction or the Attorney General any act committed by an owner, administrator, operator, or employee of a home which may constitute a misdemeanor pursuant to the provisions of the Residential Care Act; and

7. advise, consult, and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the provisions of the Residential Care Act; and

8. develop and enforce rules and regulations subject to the approval of the Board to implement the provisions of the Residential Care Act. Such rules and regulations shall include but not be limited to governing temperature limits, lighting, ventilation, and other physical conditions which shall protect the health, safety, and welfare of the residents in a home. It is the intent of the Legislature that residential care homes which provide care for three (3) or less residents be subject to the Residential Care Act but that the Department not promulgate standards and rules for the homes that such rules are unduly restrictive as to prohibit the operation of such home. Therefore the Department is authorized and shall establish and adopt levels of standards for residential care homes based upon number of residents in a home; and

9. investigate, request or otherwise obtain the information necessary to determine the qualifications and background of an applicant for licensure; and

10. establish civil penalties for violations of the provisions of the Residential Care Act as authorized by the Board pursuant to the provisions of the Residential Care Act; and

11. institute and maintain or intervene in any action or proceeding where deemed necessary by the Department to protect the health, safety, and welfare of any resident of a home; and

12. assure the accountability for reimbursed care provided in certified homes participating in a federal or state health program as provided by or through the Department of Human Services; and

13. advise, consult, cooperate and assist with ~~vocational-technical~~ technology center schools or institutions of higher education in this state in providing the training of persons to distribute and administer medication to a resident of a home; and

14. transfer or discharge a resident or otherwise protect the health, safety, and welfare of any resident of a home; and

15. exercise all incidental powers as necessary and proper for the administration of the Residential Care Act.

B. To improve patient care, the Department shall hold a public meeting at least once every four (4) years in each of the licensed homes to advise and to facilitate communication and cooperation between personnel of the home and the residents. Administrators, employees of the home, residents, friends and relatives of the residents, representatives of the residents, and employees from appropriate state and federal agencies shall be invited and encouraged to attend such meetings.

SECTION 61. AMENDATORY 63 O.S. 1991, Section 1-835, is amended to read as follows:

Section 1-835. Administration of medication to a resident of a home shall be administered by a person who has obtained appropriate training from a ~~vocational-technical~~ technology center school or institution of higher education.

SECTION 62. AMENDATORY 63 O.S. 1991, Section 2-508, as last amended by Section 2, Chapter 152, O.S.L. 1999 (63 O.S. Supp. 2000, Section 2-508), is amended to read as follows:

Section 2-508. A. Except as otherwise provided, all property described in paragraphs 1 and 2 of subsection A of Section 2-503 of this title which is seized or surrendered pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, shall be destroyed. The destruction shall be done by or at the direction of the Oklahoma State Bureau of Investigation, who shall have the discretion prior to destruction to preserve samples of the substance for testing. In any county with a population of four hundred thousand (400,000) or more according to the latest Federal Decennial Census, there shall be a located site, approved by the Oklahoma State Bureau of Investigation, for the destruction of the property. Any such property submitted to the Oklahoma State Bureau of Investigation which it deems to be of use

for investigative training, educational, or analytical purposes may be retained by the Oklahoma State Bureau of Investigation in lieu of destruction.

B. 1. With respect to controlled dangerous substances seized or surrendered pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, municipal police departments, sheriffs, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control Commission, the Oklahoma Highway Patrol, and the Oklahoma State Bureau of Investigation shall have the authority to destroy seized controlled dangerous substances when the amount seized in a single incident exceeds ten (10) pounds. The destroying agency shall:

- a. photograph the seized substance with identifying case numbers or other means of identification,
- b. prepare a report describing the seized substance prior to the destruction,
- c. retain at least ten (10) pounds of the substance randomly selected from the seized substance for the purpose of evidence, and
- d. obtain and retain samples of the substance from each container, bale, brick, or other unit of substance seized that is large enough for the destroying agency and the defendant or suspect to have an independent test performed on the substance for purposes of identification.

2. If a defendant or suspect is known to the destroying agency, the destroying agency shall give at least seven (7) days' written notice to the defendant, suspect or counsel for the defendant or suspect of:

- a. the date, the time, and the place where the photographing will take place and notice of the right to attend the photographing,

- b. the date, and the time where the destruction will be conducted, and
- c. the right to obtain samples of the controlled dangerous substance for independent testing and use as evidence.

3. The written notice shall also inform the defendant, suspect or counsel for the defendant or suspect that the destroying agency must be notified in writing within seven (7) days from receipt of the notice of the intent of the suspect or defendant to obtain random samples and make arrangements for the taking of samples. The samples for the defendant or suspect must be taken by a person licensed by the Drug Enforcement Administration. If the defendant or counsel for the defendant fails to notify the destroying agency in writing of an intent to obtain samples and fails to make arrangements for the taking of samples, a sample taken pursuant to subparagraph d of paragraph 1 of this subsection shall be made available upon request of the defendant or suspect.

The representative samples, the photographs, the reports, and the records made under this section and properly identified shall be admissible in any court or administrative proceeding for any purposes for which the seized substance itself would have been admissible.

C. All other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a district attorney may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the Bureau or district attorney, the Bureau shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court except for laboratory equipment which may be forfeited when no longer needed in connection with litigation,

unless the property is perishable. The Director or district attorney shall file a petition in the district court of Oklahoma County or in the case of a district attorney, the petition shall be filed in a county within the district attorney's jurisdiction requesting the authority to:

1. Conduct a sale of the property;

2. Convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or to the district attorney's office for donation or transfer in accordance with subsection I or K of this section; or

3. Convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for the purpose of leasing the property in accordance with subsection J of this section.

The Director or district attorney shall attach to the petition a list describing the property, including all identifying numbers and marks, if any, the date the property came into the possession of the Bureau or district attorney, and the name and address of the owner, if known. The notice of the hearing of the petition for the sale of the property, except laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the provisions of the Uniform Controlled Dangerous Substances Act, shall be given to every known owner, as set forth in the petition, by certified mail to the last-known address of the owner at least ten (10) days prior to the date of the hearing.

Notice of a hearing on a petition for forfeiture or sale of laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the Uniform Controlled Dangerous Substances Act shall not be required. The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned

for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director or district attorney to donate the property pursuant to subsection I of this section, to sell the property at a public auction to the highest bidder, or to convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for the purpose of leasing or transferring the property pursuant to subsection J or K of this section after at least ten (10) days' notice has been given by publication in one issue of a legal newspaper of the county. If the property is offered for sale at public auction and no bid is received that exceeds fifty percent (50%) of the value of the property, such value to be announced prior to the sale, the Director or district attorney may refuse to sell the item pursuant to any bid received. The Director or district attorney shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. The money received from the sale shall be used for the purpose of purchasing controlled dangerous substances to be used as evidence in narcotic cases and fees for informers, or employees and other associated expenses necessary to apprehend and convict violators of the laws of the State of Oklahoma regulating controlled dangerous substances. These funds shall be transferred to the agency special account established pursuant to Section 7.2 of Title 62 of the Oklahoma Statutes or the Bureau of Narcotics Revolving Fund or in the case of a district attorney, the revolving fund in that district for drug education and enforcement. The Director of the Bureau of Narcotics and Dangerous Drugs Control and the Director of State Finance are hereby authorized and directed to promulgate in writing the necessary rules and regulations requiring strict accountability relative to the expenditure of the above funds. In the case of a district attorney, the accountability relative to the expenditure of

the fund shall be according to rules already existing for county revolving funds.

D. At the request of the Department of Public Safety, the district attorney or a designee of the district attorney may conduct any forfeiture proceedings as described in Section 2-503 of this title on any property subject to forfeiture as described in subsection A, B, or C of Section 2-503 of this title. Except as provided in subsection A of this section, all other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Oklahoma Department of Public Safety may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the Department, the Department shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court, unless the property is perishable. The Commissioner of Public Safety shall file a petition in the district court of Oklahoma County requesting the authority to conduct a sale of the property or to convert title of the property to the Oklahoma Department of Public Safety. The Commissioner of Public Safety shall attach to the petition a list describing the property, including all identifying numbers and marks, if any, the date the property came into the possession of the Department, and the name and address of the owner, if known. The notice of the hearing of the petition for the sale of the property shall be given to every known owner, as set forth in the petition, by certified mail to the last-known address of the owner and party in last possession if applicable, at least ten (10) days prior to the date of the hearing. The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned

for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Commissioner of Public Safety to donate the property pursuant to subsection I of this section, to sell the property to the highest bidder, or convert title of the property to the Oklahoma Department of Public Safety for the purpose of leasing or transferring the property pursuant to subsection J or K of this section after at least five (5) days' notice has been given by publication in one issue of a legal newspaper of the county. The Commissioner of Public Safety shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. The money received from the sale shall be deposited in the Department of Public Safety Revolving Fund and shall be expended for law enforcement purposes.

E. Except as provided in subsection A of this section, all other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Alcoholic Beverage Laws Enforcement Commission may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the Alcoholic Beverage Laws Enforcement Commission, the Commission shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court, unless the property is perishable. The Director of the Alcoholic Beverage Laws Enforcement Commission shall file a petition in the district court of Oklahoma County requesting the authority to conduct a sale of the property or to convert title of the property to the Alcoholic Beverage Laws Enforcement Commission. The Director of the Alcoholic Beverage Laws Enforcement Commission shall attach to the petition a list describing the property, including all identifying numbers and marks, if any, the date the property came into the possession of the

Alcoholic Beverage Laws Enforcement Commission, and the name and address of the owner, if known. The notice of the hearing of the petition for the sale of the property shall be given to every known owner, as set forth in the petition, by certified mail to the last-known address of the owner at least ten (10) days prior to the date of the hearing. The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director of the Alcoholic Beverage Laws Enforcement Commission to donate the property pursuant to subsection I of this section or to sell the property to the highest bidder after at least five (5) days' notice has been given by publication in one issue of a legal newspaper of the county. The Director of the Alcoholic Beverage Laws Enforcement Commission shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. The money received from the sale shall be deposited in the General Revenue Fund of the state.

F. Except as provided in subsection A of this section, all other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Oklahoma State Bureau of Investigation may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the Bureau, the Bureau shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court, unless the property is perishable. The Director of the Oklahoma State Bureau of Investigation shall file a petition in the district court of Oklahoma County requesting the authority to conduct a sale of the

property or to convert title of the property to the Oklahoma State Bureau of Investigation. The Director of the Oklahoma State Bureau of Investigation shall attach to the petition a list describing the property, including all identifying numbers and marks, if any, the date the property came into the possession of the Bureau, and the name and address of the owner, if known. The notice of the hearing of the petition for the sale of the property shall be given to every known owner, as set forth in the petition, by certified mail to the last-known address of the owner and party in last possession if applicable, at least ten (10) days prior to the date of the hearing. The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director of the Oklahoma State Bureau of Investigation to donate the property pursuant to subsection I of this section, to sell the property to the highest bidder, or convert title of the property to the Oklahoma State Bureau of Investigation for the purpose of leasing or transferring the property pursuant to subsection J or K of this section after at least five (5) days' notice has been given by publication in one issue of a legal newspaper of the county. The Director of the Oklahoma State Bureau of Investigation shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. The money received from the sale shall be deposited in the OSBI Revolving Fund and shall be expended for law enforcement purposes.

G. Except as provided in subsection A of this section, all other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the

Oklahoma Department of Corrections may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the Department, the Department shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court, unless the property is perishable. The Director of the Oklahoma Department of Corrections shall file a petition in the district court of the county of seizure requesting the authority to conduct a sale of the property or to convert title to the property to the Oklahoma Department of Corrections. The Director of the Oklahoma Department of Corrections shall attach to the petition a list describing the property, including all identifying numbers and marks, if any, the date the property came into possession of the Department and the name and address of the owner, if known. The notice of the hearing of the petition for the sale of the property shall be given to every known owner, as set forth in the petition, by certified mail to the last-known address of the owner and party in last possession if applicable, at least ten (10) days prior to the date of the hearing. The notice shall contain a brief description of the property and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director of the Oklahoma Department of Corrections to donate the property pursuant to subsection I of this section, to sell the property to the highest bidder or convert title of the property to the Oklahoma Department of Corrections after at least five (5) days' notice has been given by publication in one issue of a legal newspaper of the county. The Director of the Oklahoma Department of Corrections shall make a return of the sale and when confirmed by

the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. Twenty-five percent (25%) of the money received from the sale shall be disbursed to a revolving fund in the office of the county treasurer of the county wherein the property was seized, said fund to be used as a revolving fund solely for enforcement of controlled dangerous substances laws, drug abuse prevention and drug abuse education. The remaining seventy-five percent (75%) shall be deposited in the Department of Corrections Revolving Fund to be expended for equipment for probation and parole officers and correctional officers.

H. Except as provided in subsection A of this section, all other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Office of the Attorney General may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the Office, the Office shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court, unless the property is perishable. The Office of the Attorney General shall file a petition in the district court of Oklahoma County requesting the authority to conduct a sale of the property or to convert title of the property to the Office of the Attorney General. The Office of the Attorney General shall attach to the petition a list describing the property, including all identifying numbers and marks, if any, the date the property came into the possession of the Office, and the name and address of the owner, if known. The notice of the hearing of the petition for the sale of the property shall be given to every known owner, as set forth in the petition, by certified mail to the last-known address of the owner and party in last possession, if applicable, at least ten (10) days prior to the date of the hearing. The notice shall contain a brief description of the property and the location and date of the hearing. In

addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Attorney General to donate the property pursuant to subsection I of this section, to sell the property to the highest bidder, or convert title of the property to the Office of the Attorney General for the purpose of leasing or transferring the property pursuant to subsection J or K of this section after at least five (5) days' notice has been given by publication in one issue of a legal newspaper of the county. The Attorney General shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. The money received from the sale shall be deposited in the Attorney General Law Enforcement Revolving Fund and shall be expended for law enforcement purposes. The Office of the Attorney General may enter into agreements with municipal, county or state agencies to return to such an agency a percentage of proceeds of the sale of any property seized by the agency and forfeited under the provisions of this section.

I. Any property, including but not limited to uncontaminated laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the provisions of the Uniform Controlled Dangerous Substances Act, upon a court order, may be donated for classroom or laboratory use by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Public Safety, district attorney, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma Department of Corrections, or the Office of the Attorney General to any public secondary school or ~~vocational-technical~~ technology

center school in this state or any institution of higher education within The Oklahoma State System of Higher Education.

J. Any vehicle or firearm which has come into the possession and title vested in the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation, or the Office of the Attorney General, may be offered for lease to any sheriff's office or police department in this state on an annual basis to assist with the enforcement of the provisions of the Uniform Controlled Dangerous Substances Act. Each agency shall promulgate rules, regulations and procedures for leasing vehicles and firearms. No fully automatic weapons will be subject to the leasing agreement. All firearms leased may be utilized only by C.L.E.E.T. certified officers who have received training in the type and class of weapon leased. Every lessee shall be required to submit an annual report to the leasing agency stating the condition of all leased property. A lease agreement may be renewed annually at the option of the leasing agency. Upon termination of a lease agreement, the property shall be returned to the leasing agency for sale or other disposition. All funds derived from lease agreements or other disposition of property no longer useful to law enforcement shall be deposited in the agency's revolving fund and shall be expended for law enforcement purposes.

K. Before disposing of any property pursuant to subsections C through F of this section, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State Bureau of Investigation, the Office of the Attorney General, or a district attorney shall notify the Department of Corrections and the State Oklahoma Department of ~~Vocational Career and Technical~~ Technology Education of the identity of any such property in their possession. The Department of Corrections and the State Oklahoma

Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education must respond within ten (10) days of such notification, as to whether or not such property could be used in the operations or training programs of either agency. Upon receipt of the response, the agency or district attorney that issued the notification shall negotiate as to which agency will be entitled to the use of the property, the purpose of the use and the duration of such use. Upon return of the property, the property may be disposed of as otherwise provided in this section. The agencies and any district attorney that are parties to any transfer of property pursuant to this subsection shall enter into written agreements to carry out any such transfer of property. Any such agreement may also provide for the granting of title to any property being transferred as the parties deem appropriate.

SECTION 63. AMENDATORY 65 O.S. 1991, Section 3-113.2, is amended to read as follows:

Section 3-113.2 As used in Sections 3-113.1 through 3-115 of this title:

1. "Agency" means any office, officer, department, division, unit, bureau, board, commission, authority, institution, substate planning district, or agency in any branch of the state government, and all subdivisions of each when applicable, including state institutions of higher education, defined as all state-supported colleges, universities, junior colleges, and ~~vocational-technical~~ technology center schools; and

2. "State publications" means any informational materials, regardless of format, method of reproduction, or source, which originate in or are produced with the imprint, by the authority, or at the total or partial expense of an agency supported wholly or in part by state funds and which are distributed to persons outside of the creating agency or are required by law. "State publication" incorporates those publications that may or may not be financed by

state funds but are released by private entities pursuant to a contract with or subject to the supervision of any agency.

SECTION 64. AMENDATORY 68 O.S. 1991, Section 2884, as last amended by Section 10, Chapter 405, O.S.L. 1998 (68 O.S. Supp. 2000, Section 2884), is amended to read as follows:

Section 2884. A. The full amount of the taxes assessed against the property of any taxpayer who has appealed from a decision affecting the value or taxable status of such property as provided by law shall be paid at the time and in the manner provided by law. If at the time such taxes or any part thereof become delinquent and any such appeal is pending, it shall abate and be dismissed upon a showing that the taxes have not been paid.

B. When such taxes are paid, or by December 31, whichever is earlier, the persons protesting the taxes shall give notice to the county treasurer that an appeal involving such taxes has been taken and is pending, and shall set forth the total amount of tax that has been paid under protest or required by law to be paid prior to April 1 that will be paid under protest. The notice shall be on a form prescribed by the Tax Commission. If taxes are paid in two equal installments and the amount paid under protest does not exceed fifty percent (50%) of the full amount of assessed taxes, all protested taxes shall be specified in the second installment payment. If such amount does exceed fifty percent (50%) of the full amount of assessed taxes, then the portion of protested taxes that exceeds fifty percent (50%) of the full amount of assessed taxes shall be specified in the first installment payment and the entire second installment shall be specified to be paid under protest. The taxpayer shall attach to such notice a copy of the petition filed in the court or other appellate body in which the appeal was taken. For railroads, air carriers, and public service corporations, the amount of taxes protested shall not exceed the amount of tax calculated on the protested assessed valuation specified in the

complaint filed pursuant to the provisions of subsection A of Section 2881 of this title.

C. It shall be the duty of the county treasurer to hold taxes paid under protest separate and apart from other taxes collected. Any portion of such taxes not paid under protest shall be apportioned as provided by law. The treasurer shall invest the protested taxes in the same manner as the treasurer invests surplus tax funds not paid under protest, but shall select an investment medium which will permit prompt refund or apportionment of the protested taxes upon final determination of the appeal.

D. 1. Prior to January 31 of each year, the county treasurer shall determine the amount of ad valorem taxes paid under protest and those ad valorem taxes that will be paid under protest pursuant to subsection B of this section. The county treasurer shall then notify the State Auditor and Inspector of the total amount of paid protested ad valorem taxes and anticipated protested ad valorem taxes, the total amount of protested taxes and anticipated protested taxes by each individual taxpayer, and how such paid protested ad valorem taxes and anticipated protested ad valorem taxes would have been apportioned to each school district and ~~vocational-technical~~ technology center school district by fund had such amount of protested ad valorem taxes not been protested.

2. The State Auditor and Inspector shall compile all of the information submitted by the county treasurers in a format which shall set forth the total amount of paid and anticipated protested taxes for each school district and ~~vocational-technical~~ technology center school district by fund and a total for each school district and ~~vocational-technical~~ technology center school district by fund. This information shall then be submitted by the State Auditor and Inspector to the State Superintendent of Public Instruction, the Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education, the Speaker of the House of

Representatives, and the President Pro Tempore of the Senate. If any of the information submitted to the State Auditor and Inspector changes after being submitted, the county treasurer shall notify the State Auditor and Inspector and the State Auditor and Inspector shall submit revised information to the parties enumerated in this paragraph within thirty (30) days of such change.

3. Within ten (10) days of the release of the escrowed ad valorem taxes by the county treasurer, as required by subsection E of this section, the county treasurer shall submit a schedule showing the disposition of the released funds, separated by fund for each school district and ~~area~~ technology center school, to the State Auditor and Inspector. The State Auditor and Inspector shall certify the apportionment schedule and transmit a copy to the State Superintendent of Public Instruction and the Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

4. The State Auditor and Inspector shall promulgate any necessary rules to implement the provisions of this subsection.

E. 1. In cases involving taxpayers other than railroads, air carriers, or public service corporations, if upon the final determination of any such appeal, the court shall find that the property was assessed at too great an amount, the board of equalization from whose order the appeal was taken shall certify the corrected valuation of the property of such taxpayers to the county assessor, in accordance with the decision of the court, and shall send a copy of such certificate to the county treasurer. Upon receipt of the corrected certificate of valuation, the county assessor shall compute and certify to the county treasurer the correct amount of taxes payable by the taxpayer. The difference between the amount paid and the correct amount payable, with accrued interest, shall be refunded by the treasurer to the taxpayer upon the taxpayer filing a proper verified claim therefor, and the

remainder paid under protest, with accrued interest, shall be apportioned as provided by law.

2. If upon the final determination of any appeal, the court shall find that the property of the railroad, air carrier, or public service corporation was assessed at too great an amount, the State Board of Equalization from whose order the appeal was taken shall certify the corrected valuation of the property of the railroads, air carriers, and public service corporations to the State Auditor and Inspector in accordance with the decision of the court. Upon receipt of the corrected certificate of valuation, the State Auditor and Inspector shall certify to the county treasurer the correct valuation of the railroad, air carrier, or public service corporation and shall send a copy of the certificate to the county assessor, who shall make the correction as specified in Section 2871 of this title. The difference between the amount paid and the correct amount payable with accrued interest shall be refunded by the treasurer upon the taxpayer filing a proper verified claim, and the remainder paid under protest with accrued interest shall be apportioned according to law.

F. If an appeal is upon a question of valuation of the property, then the amount paid under protest by reason of the question of valuation being appealed shall be limited to the amount of taxes assessed against the property for the year in question less the amount of taxes which would be payable by the taxpayer for that year if the valuation of the property asserted by the taxpayer in the appeal were determined by the court to be correct.

G. If an appeal is upon a question of assessment of the property, then the amount paid under protest by reason of the question of assessment being appealed shall be limited to the amount of taxes assessed against the property for the year in question less the amount of taxes which would be payable by the taxpayer for that

year if the assessment of the property asserted by the taxpayer in the appeal was determined by the court to be correct.

SECTION 65. AMENDATORY 70 O.S. 1991, Section 1-106, is amended to read as follows:

Section 1-106. The public schools of Oklahoma shall consist of all free schools supported by public taxation and shall include nurseries, kindergartens, elementary, which may include either K-6 or K-8, ~~and~~ secondary schools and technology center schools, not to exceed two (2) years of junior college work, night schools, adult and other special classes, vocational and technical instruction and such other school classes and instruction as may be supported by public taxation or otherwise authorized by laws which are now in effect or which may hereafter be enacted.

SECTION 66. AMENDATORY 70 O.S. 1991, Section 1-117, as last amended by Section 2, Chapter 153, O.S.L. 1995 (70 O.S. Supp. 2000, Section 1-117), is amended to read as follows:

Section 1-117. A. The general fund of any school district is hereby defined as a current expense fund and shall consist of all revenue or monies that can legally be expended within a certain specified fiscal year, but shall not be considered as including any money derived from a special building fund levy made in accordance with the provisions of Section 10 of Article X of the Oklahoma Constitution, nor shall it include any monies derived from the sale of bonds issued under the provisions of Section 26 of Article X of the Oklahoma Constitution. All monies derived from the proceeds of the school levies made pursuant to the provisions of Section 9 of Article X of the Oklahoma Constitution shall be placed in the general fund provided by this section. Expenditures from the general fund shall be noncapital in nature. Except as provided for in subsections J and K of this section, a district shall not be authorized to make capital expenditures as defined by this section from the general fund.

B. For the purposes of this section, a capital expenditure shall be an expenditure which results in the acquisition of fixed assets or additions to fixed assets. Capital expenditures shall include, but shall not be limited to, purchases of land or existing buildings, purchases of real property, improvements of grounds and sites for construction purposes, all expenditures for construction of buildings unless authorized by the State Board of Education or the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education upon application to the appropriate state board pursuant to subsection E of this section, additions to buildings, remodeling of buildings if such remodeling involves changes to roof structures or load-bearing walls, professional services, salaries and expenses of architects and engineers hired or assigned to capital projects except for such services, salaries and expenses as are applicable in preparation for a bond issue, expenditures for the initial installation and extension of service systems and built-in heat or air equipment to existing buildings, expenditures for the replacement of a building which has been destroyed, installments and lease payments on property, excluding interest, that have a terminal date and result in the acquisition of property, and expenditures for preliminary studies made prior to the time that authority to proceed with a construction project is given if authority is received within the same fiscal year that the expenditure was made.

C. Noncapital expenditures shall include, but shall not be limited to expenditures for maintenance, repair and replacement of property and equipment, initial or additional purchases of furniture and equipment, direct expenses for maintenance of plant, including grounds, salaries for maintenance of plant, including salaries for the upkeep of grounds, and repair and replacement of building structures which do not add to existing facilities and which do not involve changes in roof structures or load-bearing walls and which are not classified as a capital expenditure by this section.

D. The State Board of Education shall adopt and amend regulations regarding the classification, definition and financial administration of funds, accounts and expenditures in accordance with the requirements of this section.

E. A school district shall be authorized to make capital expenditures from the general fund to defray the cost of rebuilding a school building only if a school building or facility has been destroyed by a fire or natural disaster, such as flood, tornado or other act of God, or by an act of a public enemy of the United States or this state and monies received by the district through insurance coverage, federal reimbursement, contributions and allocation from the State Board of Education from the State Public Common School Building Equalization Fund are insufficient to rebuild the facility. Capital expenditures from the general fund pursuant to this subsection shall be limited to an amount necessary to defray the cost of rebuilding the facility which exceeds monies received by the school district through insurance, federal reimbursement, contributions and state allocations.

F. Schools which receive gifts or donations or state-appropriated monies for the purpose of capital expenditures or projects shall place such monies in the building fund, as provided by Section 1-118 of this title, and not in the general fund.

G. School districts which receive monies from rental, sale, or lease of buildings, impact aid monies, or grants, gifts or donations for capital purposes, whether from state, federal, or other sources, may place such monies in the building fund authorized by Section 1-118 of this title or the general fund authorized by this section.

H. Any construction of a building included as a capital expenditure from the general fund of a school district which is authorized and has had a contractual agreement concerning such construction executed prior to July 1, 1991, may be proceeded with

and completed as authorized prior to July 1, 1991, as a capital expenditure from such general fund.

I. School districts receiving revenues authorized by Section 9B of Article X of the Oklahoma Constitution shall be authorized to make capital expenditures from the general revenue fund no greater than the amount levied by the incentive millage.

J. Upon the approval of the State Board of Education, a school district shall be authorized to make capital expenditures as defined in this section from its general fund if:

1. A bond issue has been rejected at an election by the school district electors voting on that question within the current school year, as certified by the secretary of the county election board; or

2. The school district has voted indebtedness at any time within the preceding three (3) school years through the issuance of bonds or through approval by voters of issuance of new bonds for more than eighty-five percent (85%) of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the current school year. The State Board of Education shall establish the rules and regulations to administer the provisions of this subsection which shall include, but not be limited to, specification of a maximum amount of general fund monies to be used for capital expenditures, the purposes for which such funds may be expended and the period of time in which such funds shall be encumbered.

K. Other provisions of this section notwithstanding, a school district shall be authorized to make capital expenditures from the general fund if the total assessed property valuation per average daily attendance is less than sixty percent (60%) of the state average total assessed property valuation per average daily attendance and if, for each year in which general fund revenue is

used for capital expenditures, the district has voted the five-mill building fund levy authorized in Section 10 of Article X of the Oklahoma Constitution and has voted indebtedness through the issuance of new bonds for at least eighty-five percent (85%) within the last three (3) years of the maximum allowable pursuant to the provisions of Section 26 of Article X of the Oklahoma Constitution as shown on the school district budget filed with the State Board of Equalization for the current school year and certifications by the Attorney General prior to April 1 of the school year. Provided, the maximum amount of general fund revenue used for capital expenditures pursuant to this subsection shall not exceed five percent (5%) of the total yearly revenue to the general fund. Said fund may not be used for capital expenditures for more than five (5) consecutive years and may only be utilized for remodeling or construction of classroom facilities and such ancillary facilities to said classrooms as may be necessary. Provided, further, the State Superintendent of Public Instruction shall certify in writing, prior to the expenditure of the funds for which provision is made in this subsection, that such expenditures are in compliance with the provisions of this subsection.

SECTION 67. AMENDATORY Section 1, Chapter 167, O.S.L. 1994, as amended by Section 1, Chapter 257, O.S.L. 1995 (70 O.S. Supp. 2000, Section 1-118.1), is amended to read as follows:

Section 1-118.1 The building fund of any ~~area vocational-technical~~ technology center school district shall consist of all monies derived from the proceeds of a building fund levy of not to exceed five (5) mills in any year, voted by the people of a school district pursuant to the provisions of Article X, Section 10, of the Oklahoma Constitution, monies appropriated by the state for the purpose of capital expenditures or projects, and monies donated to a school district for the purpose of capital projects or improvements and may be used for erecting, remodeling, repairing or maintaining

school buildings, and for purchasing furniture, equipment and software for instructional and noninstructional purposes, for purchasing energy and telecommunications utilities, for paying fire and casualty insurance premiums for school facilities, for purchasing security systems, and for paying salaries of security personnel, or for one or more, or all, of such purposes. Proceeds of such levies shall not be required to be used during the year for which a levy is made but may accumulate from year to year until adequate for the purposes intended. The building fund hereinabove defined is hereby declared to be a current expense fund, but shall not be considered a part of the general operating fund. No monies derived from the proceeds of the school levies made pursuant to the provisions of Article X, Section 9B of the Oklahoma Constitution may be placed in the building fund provided by this section.

SECTION 68. AMENDATORY Section 7, Chapter 320, O.S.L. 1999, as amended by Section 5, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 3-132), is amended to read as follows:

Section 3-132. A. The Oklahoma Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the act. Charter schools shall be sponsored only as follows:

1. By a local school district with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county having more than five hundred thousand (500,000) population according to the latest federal Decennial Census; or

2. By an ~~area vocational-technical~~ technology center school district only when the charter school is located in a local school district served by the ~~area vocational-technical~~ technology center school district and only if the local school district has an average daily membership of five thousand (5,000) or more and which all or part of the local school district is located in a county having more

than five hundred thousand (500,000) population according to the latest federal Decennial Census.

Additional charter schools may be sponsored as provided for in Section 3-133 of this title.

Charter schools formed pursuant to the act shall serve as a pilot program to demonstrate the potential of expanding charter schools to other parts of the state. Any charter or enterprise school operating in the state pursuant to an agreement with the board of education of a school district on July 1, 1999, may continue to operate pursuant to that agreement or may contract with the board of education of the school district pursuant to the Oklahoma Charter Schools Act. Nothing in the Oklahoma Charter Schools Act shall prohibit a school district from applying for exemptions from certain education-related statutory requirements as provided for in the Education Deregulation Act.

B. For purposes of the Oklahoma Charter Schools Act, "charter school" means a public school established by contract with a board of education of a school district or an area vocational-technical school district pursuant to the Oklahoma Charter Schools Act to provide learning that will improve student achievement and as defined in the Elementary and Secondary Education Act of 1965, 20 U.S.C. 8065.

C. A charter school may consist of a new school site, new school sites or all or any portion of an existing school site. An entire school district may not become a charter school site.

SECTION 69. AMENDATORY Section 8, Chapter 320, O.S.L. 1999, as amended by Section 6, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 3-133), is amended to read as follows:

Section 3-133. In addition to charter schools sponsored as provided for in subsection A of Section 3-132 of this title, charter schools shall be sponsored only as follows:

1. By a local school district with an average daily membership of five thousand (5,000) or more and which all or part of the school district is located in a county which is contiguous with a county having more than five hundred thousand (500,000) population according to the latest federal Decennial Census; or

2. By ~~an area vocational-technical~~ a technology center school district only when the charter school is located in a local school district served by the ~~area vocational-technical~~ technology center school district and only if the local school district has an average daily membership of five thousand (5,000) or more and which all or part of the local school district is located in a county which is contiguous with a county having more than five hundred thousand (500,000) population according to the latest federal Decennial Census.

No charter school shall be chartered in School District I029 in County No. 14 and School District I027 in County No. 9.

SECTION 70. AMENDATORY Section 9, Chapter 320, O.S.L. 1999 (70 O.S. Supp. 2000, Section 3-134), is amended to read as follows:

Section 3-134. A. An applicant seeking to establish a charter school shall first submit a written proposal to the proposed sponsor as prescribed in subsection D of this section. The proposal shall include:

1. A mission statement for the charter school;
2. A description of the organizational structure and the governing body of the charter school;
3. A financial plan for the first three (3) years of operation of the charter school and a description of the treasurer or other officers or persons who shall have primary responsibility for the finances of the charter school. Such person shall have demonstrated experience in school finance or the equivalent thereof;
4. A description of the hiring policy of the charter school;

5. The name of the applicant or applicants and requested sponsor;

6. A description of the facility and location of the charter school;

7. A description of the grades being served;

8. An outline of criteria designed to measure the effectiveness of the charter school; and

9. A demonstration of support for the charter school from residents of the school district which may include but is not limited to a survey of the school district residents or a petition signed by residents of the school district.

B. A board of education of a public school district, public body, public or private college or university, private person, or private organization may contract with a sponsor to establish a charter school. A private school shall not be eligible to contract for a charter school under the provisions of the Oklahoma Charter Schools Act.

C. The sponsor of a charter school is the board of education of a local school district or ~~an area vocational-technical~~ a technology center school district which meets the criteria established in Section 7 3-132 of this ~~act~~ title. Any board of education of a school district in the state may sponsor one or more charter schools. The physical location of a charter school sponsored by a board of education of a local school district or ~~an area vocational-technical~~ a technology center school district shall be within the boundaries of the sponsoring school district.

D. An applicant for a charter school may submit an application to a board of education of a school district or ~~an area vocational-technical~~ a technology center school district which shall either accept or reject sponsorship of the charter school within ninety (90) days of receipt of the application. If the board rejects the application, it shall notify the applicant in writing of the reasons

for the rejection. The applicant may submit a revised application for reconsideration to the board within thirty (30) days after receiving notification of the rejection. The board shall accept or reject the revised application within thirty (30) days of its receipt.

E. A board of education of a school district or ~~an area vocational-technical~~ a technology center school district shall notify the State Board of Education when the board accepts sponsorship of a charter school. The notification shall include a copy of the charter of the charter school.

F. If a board of education rejects the revised application for a charter school, the applicant may proceed to mediation or binding arbitration or both mediation and binding arbitration as provided in the Dispute Resolution Act and the rules promulgated pursuant thereto. The applicant shall contact the early settlement program for the county in which the charter school would be located. If the parties proceed to binding arbitration, a panel of three arbitrators shall be appointed by the director of the early settlement program handling the dispute. The board of education shall pay the cost for any mediation or arbitration requested pursuant to this section.

SECTION 71. AMENDATORY 70 O.S. 1991, Section 5-101, as amended by Section 25, Chapter 239, O.S.L. 1993 (70 O.S. Supp. 2000, Section 5-101), is amended to read as follows:

Section 5-101. All school districts in Oklahoma, now in existence or which may hereafter be created, shall be designated only as independent, elementary or ~~area vocational-technical~~ technology center school districts. Independent school districts, elementary school districts and ~~area vocational-technical~~ technology center school districts shall be under the supervision and the administration of the respective boards of education thereof.

SECTION 72. AMENDATORY 70 O.S. 1991, Section 5-110.1, as last amended by Section 1, Chapter 178, O.S.L. 1996 (70 O.S. Supp. 2000, Section 5-110.1), is amended to read as follows:

Section 5-110.1 A. In addition to the requirements of Section 5-110 of this title, every member of a school district board of education elected to a full term of office shall be required to attend a minimum of fifteen (15) hours of continuing education during any full term of office of the member. The continuing education courses, local and state workshops, seminars, conferences, and conventions which shall satisfy the continuing education requirement shall be held within this state and shall be approved jointly by the State Department of Education and the ~~State~~ Oklahoma Department of ~~Vocational Career and Technical~~ Technology Education.

B. Local and state continuing education programs conducted pursuant to the provisions of this section shall be held in all regions of the state at institutions of higher learning, ~~vocational-technical~~ technology center schools or other approved sites. Notice of such courses and seminars shall be provided to all school board members and to the public schools.

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

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

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

F. Any member of a school district board of education who attends and completes a course which satisfies in part or in full the requirements of this section shall be reimbursed by the school district for expenses incurred. In addition, a school district board of education may reimburse members of the board of education for expenses incurred in registering and attending board member training programs approved by the board which are in addition to the minimum school board training requirements established by law.

SECTION 73. AMENDATORY 70 O.S. 1991, Section 5-115, as last amended by Section 7, Chapter 334, O.S.L. 2000 (70 O.S. Supp. 2000, Section 5-115), is amended to read as follows:

Section 5-115. A. Unless the context clearly shows otherwise, the term "treasurer", as used in this section, includes a county treasurer acting as the treasurer of a school district pursuant to the provisions of Section 5-114 of this title. The treasurer so appointed shall execute, before entering upon the duties of the office of the treasurer, a surety bond in an amount which it is estimated by the board of education the treasurer will have on hand at any one time during the current year, and the amount of securities held as investments shall not be considered. The board of education is empowered to require the treasurer to increase or decrease the bond of the treasurer as the amount of funds on hand may require. Provided, the bond of a school district shall not, in any event, be required to be in an amount greater than that of the county treasurer of the county. The premium on the bond shall be paid by the board of education out of district funds. Provided, however, the treasurer of such district shall require the depository wherein school district funds are deposited to insure or guarantee the deposit by proper securities, which shall be of the same class of securities as are required to insure deposits of county treasurers of the various counties, and the securities shall be

pledged, taken and kept in the manner provided by Sections ~~§~~ 517.1 through ~~14~~ 517.7 of ~~this act~~ Title 62 of the Oklahoma Statutes.

B. In all districts which are permitted by law to select a local treasurer, the county treasurer shall act as treasurer thereof until such time as a local treasurer shall be appointed and has executed the surety bond required by this section. In no instance in which the county treasurer is the treasurer of any school district shall any additional bond be required, but the official bond of the county treasurer shall stand for any and all funds and securities coming into the hands of the county treasurer.

C. The local treasurer of a district, when required by the board of education, shall prepare and submit in writing a report of the condition of the finances of the district and shall produce at any meeting of the board or to any committee appointed for the purpose of examining the accounts of the treasurer all books and papers pertaining to the office of the treasurer. Upon failure to make reports as provided for herein or as may otherwise be required by law, the board may at any regular or special meeting thereof summarily suspend the treasurer, and while so suspended the treasurer shall perform no act pertaining to the office of the treasurer. Such suspension shall continue until ended by order of the board or by judgment of a court of competent jurisdiction.

D. The local treasurer of a school district shall keep a separate cash ledger for each fund in the custody of the treasurer. The local treasurer shall enter each collection and disbursement in the cash ledger of the applicable fund by recording the date and classification of each transaction and such other information as may be deemed desirable. Additional ledgers shall also be maintained to record the investments made from each fund. Such investment ledgers shall disclose the date, description and principal amount paid for each investment purchased and the date and principal amount received for each investment liquidated.

E. Upon suspension by the board, the treasurer shall immediately turn over to the board of education or to the acting treasurer if one has been appointed by the board all books and papers and other property pertaining to the office of the treasurer.

F. Except as otherwise provided by law, no treasurer of any district shall pay out school district funds in the care of the treasurer except upon warrants signed by the proper school district officials authorized by the law to sign such warrants, provided, this restriction shall not apply to sinking funds or to the investment of school district funds. Authorized sinking fund payments and payment for investments or receipt of liquidated investments may be made by check, wire transfer or other instrument or method through the Federal Reserve System.

G. The board of education shall, each month, set aside funds to an operating account and to an investment account. Investments by the treasurer shall be made in accordance with a written policy adopted by the board of education. The written investment policy shall address liquidity, diversification, safety of principal, yield, maturity, quality of the instrument, and capability of investment management. Acting within the investment policy, the treasurer shall place primary emphasis on safety and liquidity in the investment of funds. Taking into account the need to use sound investment judgment, school districts shall, to the extent practicable, use competitive bids when they purchase direct obligations of the United States Government or other obligations of the United States Government, its agencies or instrumentalities. Such system shall be designed to maximize yield within each class of investment instrument, consistent with the safety of the funds invested. The board of education must review the investment performance of the treasurer on a regular basis and no less than each month. The treasurer of every school district shall invest the full amount of the investment account in:

1. Direct obligations of the United States Government to the payment of which the full faith and credit of the Government of the United States is pledged; provided, a treasurer of a school district who has completed the program pursuant to the provisions of subsection H of this section may invest funds in the investment account in other obligations of the United States Government, its agencies or instrumentalities;

2. Obligations to the payment of which the full faith and credit of this state is pledged;

3. Certificates of deposits of banks when such certificates of deposits are secured by acceptable collateral as in the deposit of other public monies;

4. Savings accounts or savings certificates of savings and loan associations to the extent that such accounts or certificates are fully insured by the Federal Savings and Loan Insurance Corporation. Provided, that the income received from the investments may be placed in the general fund of the governmental subdivision to be used for general governmental operations;

5. Repurchase agreements that have underlying collateral consisting of those items specified in paragraphs 1 and 2 of this subsection including obligations of the United States, its agencies and instrumentalities, and where the collateral has been deposited with a trustee or custodian bank in an irrevocable trust or escrow account established for such purposes;

6. County, municipal or school district direct debt obligations for which an ad valorem tax may be levied or bond and revenue anticipation notes, money judgments against such county, municipality or school district ordered by a court of record or bonds or bond and revenue anticipation notes issued by a public trust for which such county, municipality or school district is a beneficiary thereof. All collateral pledged to secure public funds shall be valued at no more than market value. The income received

from an investment may be placed in the general fund of the governmental subdivision to be used for general governmental operations, the sinking fund, the building fund, or the fund from which the investment was made;

7. Money market mutual funds regulated by the Securities and Exchange Commission and which investments consist of obligations of the United States, its agencies and instrumentalities, and investments in those items and those restrictions specified in paragraphs 1 through 6 of this subsection;

8. Warrants, bonds or judgments of the school district; or

9. Qualified pooled investment programs, the investments of which consist of those items specified in paragraphs 1 through 8 of this subsection, as well as obligations of the United States agencies and instrumentalities, regardless of the size of the district's budget. To be qualified, a pooled investment program for school funds must be governed through an interlocal cooperative agreement formed pursuant to Section 5-117b of this title, and the program must competitively select its investment advisors and other professionals. Any pooled investment program used must be approved by the board of education.

H. The board of education is hereby empowered to require the treasurer to satisfactorily complete an investment education program approved by the State Board of Education and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education. Such program shall be designed to allow treasurers to make informed decisions regarding the safety, return, liquidity, costs and benefits of various investment options allowed under this section.

I. The income received on an investment may be placed in the fund from which the investment was made, the general fund, the building fund, or the sinking fund.

SECTION 74. AMENDATORY 70 O.S. 1991, Section 5-124, as last amended by Section 9, Chapter 365, O.S.L. 1998 (70 O.S. Supp. 2000, Section 5-124), is amended to read as follows:

Section 5-124. A. Except as otherwise provided in this section, no board of education of any school district in this state shall make any contract with any of its members or with any company, individual or business concern in which any of its members shall be directly or indirectly interested. All contracts made in violation of this section shall be wholly void. A member of a board of education shall be considered to be interested in any contract made with any company, individual, or any business concern if the member of the board of education or any member of the immediate family of the member owns any substantial interest in same.

B. For purposes of this section, the following shall not be considered the making of a contract:

1. Any contract with a qualified nonprofit Internal Revenue Code 501(c)(3) organization, except for contracts paying salaries or expenses or except a contract involving the counseling or instruction of students or staff;

2. Monthly billings submitted to any school district for public utility companies, electric cooperatives or telephone companies, whose services are regulated by the Oklahoma Corporation Commission, or billings of the utility companies, electric cooperatives or telephone companies pertaining to installations or changes in service, where tariffs for the charges or billings by the companies are on file with the Oklahoma Corporation Commission; and

3. The depositing of any funds in a bank or other depository.

C. 1. The governing board of ~~an area vocational-technical~~ a technology center school district may enter into a contract for the ~~area vocational-technical~~ technology center school district to provide training for a company, individual or business concern by which a member of the board is employed. A board member shall

abstain from voting on any such contract between the ~~area~~
~~vocational-technical~~ technology center school district board and the
company, individual or business concern by which the member is
employed.

2. A board of education may enter into a contract with a
company, individual, or business concern in which a board member or
a member's spouse is employed by or has a substantial interest if
the company, individual, or business concern is the only supplier
having a place of business located within the school district or
within ten (10) miles of the needed services or materials. The
board member shall abstain from voting on any such contract between
the company, individual, or business concern in which that member
has a substantial interest, and the minutes of the board meeting at
which the contract is approved shall state that the contract is
being made because of the lack of another supplier with a place of
business located within the school district.

3. A board of education which has entered into a lease-purchase
agreement, prior to the time a board member which has a substantial
interest in the company, individual, or business concern became a
member of the board of education, may, after the member becomes a
board member, continue to exercise any fiscal year options in the
lease-purchase agreement for renewal of the lease-purchase for the
balance of the contract term. The affected board member shall
abstain from voting on such fiscal year renewal of the continuation
of the lease-purchase agreement.

4. A board of education may enter into a contract with a
company, individual or business concern in which a board member or a
spouse of a member is employed and has no substantial interest if
the school district does not include any part of a municipality with
a population greater than two thousand five hundred (2,500)
according to the latest Federal Decennial Census and the company,

individual or business concern is located in the corporate limits of a municipality which is in the boundaries of the school district.

D. A board member shall not be considered to be directly or indirectly interested in any contract with a company, individual, or business concern that employs such board member or the spouse of the board member if the board member or the spouse of the board member has an interest of five percent (5%) or less in the company, individual, or business concern.

SECTION 75. AMENDATORY 70 O.S. 1991, Section 5-129.2, is amended to read as follows:

Section 5-129.2 A. In conformance with any other law providing procedures for the deposit of such funds, area school districts shall be authorized to establish separate accounts for deposits received for live work, resale items, student financial aid, tuitions and other fees. Such funds shall be deposited to the credit of the account maintained for that particular purpose. Disbursements from each account shall be by check countersigned by the custodian of the account and shall not be used for any purpose other than that for which the account was originally created.

B. The board of education of the ~~area vocational-technical~~ technology center school district, at the beginning of each fiscal year and as needed during each fiscal year, shall approve all accounts created pursuant to this section and all purposes for which the monies collected in each account may be expended. Provided, the board of education may direct by written resolution that any balance in excess of the amount needed to fulfill the function or purpose for which an account was established may be transferred to another account by the custodian.

SECTION 76. AMENDATORY 70 O.S. 1991, Section 5-132.1, is amended to read as follows:

Section 5-132.1 A. Any person other than those persons provided for in Section 5-132 of ~~Title 70 of the Oklahoma Statutes~~

this title, who is twenty-one (21) years of age or older and who has not completed the requirements for a high school diploma or received a General Education Diploma, upon proper application to an independent school district may be given the opportunity to complete the requirements for and receive a regular high school diploma.

B. The school district or ~~area vocational-technical~~ technology center school district in which such person resides may give the person the option of attending regular classes if class size restrictions are not violated, or of participating in other programs which may be provided pursuant to provisions of the Oklahoma Statutes or rules ~~and regulations~~ promulgated by the State Board of Education or State Board of ~~Vocational Career and Technical~~ Technology Education. Providing, however, that the school district may deny admittance of persons over twenty-one (21) to its classes.

C. The school district or ~~area vocational-technical~~ technology center school district may charge such person an amount of tuition not to exceed the average expenditure per pupil of the district for the preceding school year. Said tuition may be prorated by the number of contact hours for which the person is enrolled.

SECTION 77. AMENDATORY Section 11, Chapter 365, O.S.L. 1998 (70 O.S. Supp. 2000, Section 5-135.3), is amended to read as follows:

Section 5-135.3 The following signed and notarized statement shall be required on an invoice submitted to any school district or ~~area vocational-technical~~ technology center school district in the state, for payment to an architect, contractor, engineer or supplier of material of Two Thousand Dollars (\$2,000.00) or more:

STATE OF OKLAHOMA)

) ss

COUNTY OF)

The undersigned (architect, contractor, supplier or engineer), of lawful age, being first duly sworn, on oath says that this

invoice or claim is true and correct. Affiant further states that the (work, services or materials) as shown by this invoice or claim have been (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the school district or ~~area vocational-technical~~ technology center school district, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is submitted.

(Contractor, supplier, engineer or architect)

Subscribed and sworn to before me this __ day of ____, 19__.

Notary Public (or Officer having Power to Administer Oaths)

SECTION 78. AMENDATORY Section 5, Chapter 178, O.S.L. 1996 (70 O.S. Supp. 2000, Section 5-153), is amended to read as follows:

Section 5-153. As used in the School District Budget Act:

1. "Account" means an entity for recording specific revenues or expenditures, or for grouping related or similar classes of revenues and expenditures and recording them within a fund;
2. "Appropriation" means an authorization and allocation of money to be expended for a purpose;
3. "Budget" means a plan of financial operations for a fiscal year, including an estimate of proposed expenditures for given purposes and the proposed means for financing them;
4. "Budget summary" means a tabular listing of revenues by source and expenditures by fund for the budget year;

5. "Budget year" means the fiscal year for which a budget is prepared or is being prepared;

6. "Chief executive officer" means the superintendent of an independent school district or the elementary superintendent of a dependent school district;

7. "Current year" means the year in which the budget is prepared and adopted, or the fiscal year immediately preceding the budget year;

8. "Deficit" means the excess of the liabilities of a fund over its assets as reflected by its books of record;

9. "Estimated revenue" means the amount of revenues estimated to be received during the budget year in each fund for which a budget is prepared;

10. "Fiscal year" means the annual period for reporting fiscal operations which begins and ends on dates as the Legislature provides;

11. "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts to record cash and other financial resources, together with all liabilities, which are segregated for the purpose of carrying on specific activities for attaining certain objectives;

12. "Fund balance" means the excess of the assets of a fund over its liabilities, as reflected by its books of record;

13. "Governing body" means the board of education of the school district;

14. "Immediate prior fiscal year" means the year preceding the current year;

15. "Levy" means to impose ad valorem taxes or the total amount of ad valorem taxes for a purpose or entity;

16. "Operating reserve" means that portion of the fund balance which has not been appropriated in a budget year; and

17. "School district" means any independent or dependent school district or a ~~vocational-technical~~ technology center school district.

SECTION 79. AMENDATORY Section 11, Chapter 178, O.S.L. 1996 (70 O.S. Supp. 2000, Section 5-159), is amended to read as follows:

Section 5-159. Each fund shall be made up of accounts for classifying revenues and expenditures. Revenues shall be classified separately by source. Expenditures shall be classified into the dimensions required by the State Department of Education, or, for ~~vocational-technical~~ technology center schools, the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

SECTION 80. AMENDATORY 70 O.S. 1991, Section 6-101.40, as last amended by Section 8, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 2000, Section 6-101.40), is amended to read as follows:

Section 6-101.40 A support employee who has been employed by a local board of education for more than one (1) year shall be subject to suspension, demotion, termination or nonreemployment only for cause, as designated by the policy of the local board of education, adopted as provided in Section 6-101.43 of this title. This section shall not be construed to prevent layoffs for lack of funds or work. For purposes of this act, "support employee" means a full-time employee of a school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employee who is employed a minimum of one hundred seventy-two (172) days and who provides those services, not performed by professional educators or licensed teachers, which are necessary for the efficient and satisfactory functioning of a school district and shall not include adult education instructors or adult coordinators employed by ~~area~~ ~~vocational-technical~~ technology center school districts.

SECTION 81. AMENDATORY Section 5, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 2000, Section 6-184), is amended to read as follows:

Section 6-184. A. Beginning July 1, 1997, the Oklahoma Commission for Teacher Preparation shall have authority for approval and accreditation of teacher education programs and for assessment of candidates for licensure and certification according to the provisions of the Oklahoma Teacher Preparation Act. As part of this duty the Oklahoma Commission for Teacher Preparation shall:

1. Include the State Board of Education in the process;
2. Review and assess approved, accredited and new programs of teacher education; and
3. Encourage studies and research designed to improve teacher education.

From July 1, 1995, to July 1, 1997, the State Board of Education shall have the authority to approve and accredit teacher education programs. During such time the Oklahoma Commission for Teacher Preparation shall be included in the process. Before adopting any rule pertaining to approval or accreditation of teacher education programs or assessment of candidates for licensure and certification, the Oklahoma Commission for Teacher Preparation shall solicit comments from the State Board of Education, the Oklahoma State Regents for Higher Education and the State Board of ~~Vocational~~ Career and Technical Technology Education on the proposed rule. Within forty-five (45) days of the receipt of the proposed rule from the Oklahoma Commission for Teacher Preparation, the State Board of Education, the State Regents and the State Board of ~~Vocational~~ Career and Technical Technology Education shall separately review the proposed rule and return their recommendations to the Commission on the proposed adoption. Each recommendation shall include the rationale for the recommendation. The Oklahoma Commission for Teacher Preparation shall accord the recommendations due

deliberation in its subsequent consideration of the adoption of each proposed rule. If the action of the Commission on a proposed rule is not consistent with the recommendation made by any of the reviewing entities, within ten (10) days of the Oklahoma Commission for Teacher Preparation's formal action on the rule, the Commission shall submit a report providing justification for its actions to the Education Oversight Board.

B. The State Board of Education, the Oklahoma State Regents for Higher Education and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall also have authority to recommend to the Oklahoma Commission for Teacher Preparation rules for teacher education program approval and accreditation and rules for teacher assessment. Any such rule recommended shall be considered by the Commission within sixty (60) days of receipt of the rule by the same process provided in subsection A of this section for rules proposed by the Oklahoma Commission for Teacher Preparation.

C. Before adopting any rule pertaining to teacher licensure and certification, residency or professional development, the State Board of Education shall solicit comments from the Oklahoma Commission for Teacher Preparation, the Oklahoma State Regents for Higher Education and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education on the proposed rule. Within forty-five (45) days of the receipt of a proposed rule from the State Board of Education, the Oklahoma Commission for Teacher Preparation, the State Regents and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall separately review the proposed rule and return their recommendations to the Board on the proposed adoption. Each recommendation shall include the rationale for the recommendation. The State Board of Education shall accord the recommendations due deliberation in its subsequent consideration of the adoption of each rule. If the action of the State Board of

Education on a proposed rule is not consistent with the recommendation made by any of the reviewing entities, within ten (10) days of the State Board of Education's formal action on the rule, the State Board of Education shall submit a report providing justification for its action to the Education Oversight Board.

D. The Oklahoma Commission for Teacher Preparation, the Oklahoma State Regents for Higher Education and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall have authority to recommend to the State Board of Education rules for adoption in the areas of teacher licensure and certification, residency and professional development. Any such rule recommended shall be considered by the State Board of Education within sixty (60) days of the receipt of the rule by the same process provided in subsection C of this section for rules proposed by the State Board of Education.

SECTION 82. AMENDATORY Section 7, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 2000, Section 6-186), is amended to read as follows:

Section 6-186. A. Criteria for the approval and accreditation of teacher education programs in Oklahoma institutions of higher education shall include, but not be limited to, substantial evidence that persons who enter teacher education programs demonstrate:

1. Competency in the oral and written use of the English language;
2. A minimum grade point average as established by the Oklahoma Commission for Teacher Preparation; and
3. The ability to meet criteria established pursuant to the Oklahoma Teacher Preparation Act at the completion of the teacher education program and provide evidence of having worked with children or youth in a variety of situations.

Criteria shall also include a greater emphasis upon field work in accredited schools by prospective teachers under the supervision of higher education faculty.

B. It is hereby declared to be the intent of the Legislature that the Oklahoma Commission for Teacher Preparation work with the Oklahoma State Regents for Higher Education and the various institutions of higher education in establishing a procedure whereby full-time teacher education faculty continue their professional development during their tenure at an institution of higher education to ensure that the future teachers of this state are taught by professional educators fully trained in their area of expertise. Each approved or accredited program of teacher education shall have a teacher education professional development committee that shall include at least one public school classroom teacher as a member. The committee shall write and review professional development plans for each full-time faculty member directly involved in the teacher education process. Individual professional development plans shall be submitted to the Commission as a normal part of the five-year process of teacher education program review.

It is further declared to be the intent of the Legislature that such professional development plans provide alternative means of education including, but not limited to:

1. Professional development programs;
2. Higher education courses;
3. Exchange programs with public school classroom teachers, administrators, and other school personnel; and
4. Programs whereby all full-time teacher education faculty members directly involved in the teacher education process, including all administrators of the teacher education program, are required to serve in a state accredited public school for at least ten (10) clock hours per school year in responsibilities related to their respective teacher education teaching fields.

All public school systems shall participate in the programs provided for in this subsection when needed.

C. The Oklahoma Commission for Teacher Preparation shall adopt rules requiring specific improvements to strengthen the screening of student applicants and field activity and placement as set out in subsection A of this section. Such rules shall be reviewed and amended or readopted by the Commission at least once every five (5) years.

D. To assist the Commission in setting specific requirements as set out in subsections A and C of this section, the Commission shall annually prepare a statistical report showing the percentage of students from each of the Oklahoma institutions of higher education who have successfully completed or who have failed the competency examination for licensure and certification. The annual report shall show the percentages for each institution of higher education and each assessment area separately by student degree status and shall be distributed annually to each member of the Oklahoma Commission for Teacher Preparation, the Oklahoma State Regents for Higher Education, the governing board of each institution which has an approved or state accredited teacher education program, the State Board of Education, the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education and the Legislature.

SECTION 83. AMENDATORY Section 5, Chapter 308, O.S.L. 1992, as renumbered by Section 34, Chapter 322, O.S.L. 1995, and as last amended by Section 2, Chapter 311, O.S.L. 1999 (70 O.S. Supp. 2000, Section 6-188), is amended to read as follows:

Section 6-188. The curriculum examination which was required by Section 6-156 of this title shall be restructured into a competency examination by the Oklahoma Commission for Teacher Preparation with the assistance of the State Board of Education, the Oklahoma State Regents for Higher Education and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education in accordance with the

provisions of Section 6-184 of this title concurrently with the development of the new teacher preparation system. The competency-based teacher examination shall replace the current teacher curriculum examination which was established in Sections 6-150 through 6-158 and 6-162 through 6-170 of this title. The new teacher competency examination shall be ready for implementation and administered by the Commission beginning July 1, 1997. The competency examination shall serve as a threshold for entry into the profession.

By September 1, 1995, the Oklahoma Commission for Teacher Preparation shall develop and release a request for proposals for the state teacher competency examination which assesses candidates for licensure and certification for demonstrated competency in subject matter, professional education, and state core knowledge and skills assessment, which includes critical thinking, communication and computation. The Oklahoma Commission for Teacher Preparation shall accept bids in an open, competitive bidding process until January 1, 1996. The Commission shall review all bids and proposals and make recommendations to the Governor and Legislature by March 1, 1996. In evaluating the bids and proposals the Commission shall take into consideration the cost of developing, administering and scoring the competency examination, the cost to each individual tested and to the state, and shall factor in the cost of periodically updating the state competency examination. The curriculum examination as was required by Section 6-156 of this title and in effect July 1, 1994, shall continue to be offered by the State Board of Education until July 1, 1997. Beginning July 1, 1997, the Oklahoma Commission for Teacher Preparation shall have authority to continue to offer that examination as needed and to determine whether a student should take that test in lieu of the competency examination.

Successful completion of the curriculum examination as was required by Section 6-156 of this title shall be sufficient to satisfy the competency examination requirement for any person seeking certification in administration who successfully completed the examination prior to May 1, 1999, and who completes a masters degree in school administration or education administration from an accredited institution of higher education prior to December 31, 1999.

SECTION 84. AMENDATORY Section 8, Chapter 308, O.S.L. 1992, as renumbered by Section 34, Chapter 322, O.S.L. 1995, and as last amended by Section 7, Chapter 344, O.S.L. 1997 (70 O.S. Supp. 2000, Section 6-199), is amended to read as follows:

Section 6-199. A. There is hereby created the Oklahoma Commission for Teacher Preparation. The Commission shall be composed of twenty (20) members, sixteen of whom shall be voting members and four of whom shall be ex officio, nonvoting members. The sixteen voting members shall serve staggered terms of three (3) years, except as otherwise provided, and shall be appointed as follows:

1. The Speaker of the House of Representatives shall appoint:
 - a. one public school teacher who is an employee of an Oklahoma public school district, who shall serve an initial term of two (2) years,
 - b. one lay person who has at least one child who is a student in an elementary or secondary public school in this state,
 - c. one member of the Oklahoma State Regents for Higher Education who shall serve an initial term of two (2) years, and
 - d. one member who is a principal of an Oklahoma public school who shall serve an initial term of one (1) year;

2. The President Pro Tempore of the Senate shall appoint:
 - a. one public school teacher who is an employee of an Oklahoma public school district to serve an initial term of one (1) year,
 - b. one member of the State Board of Education who shall serve an initial term of one (1) year,
 - c. one lay person who has had some educational employment experience, and
 - d. one member who is a public school superintendent of an Oklahoma public school district to serve an initial term of two (2) years;
3. The Governor shall appoint:
 - a. one member from a private Oklahoma institution of higher education who is the dean or director of an approved teacher education program who shall serve an initial term of one (1) year,
 - b. one member of the Oklahoma State Regents for Higher Education who shall serve an initial term of two (2) years,
 - c. one member of the State Board of Education,
 - d. one teacher from ~~an area vocational-technical~~ a technology center school district who shall serve an initial term of one (1) year,
 - e. one member from an institution of higher education in The Oklahoma State System of Higher Education who is on the arts and sciences faculty to serve an initial term of two (2) years,
 - f. one member from an institution of higher education in The Oklahoma System of Higher Education who is on the teacher education faculty, and
 - g. two public school teachers who are employees of an Oklahoma public school district;

4. The ex officio, nonvoting members shall include the State Superintendent of Public Instruction, the Chancellor of Higher Education, the Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education and the Secretary of Education or their designees.

B. 1. The members of the Commission shall serve without compensation, but shall be allowed actual and necessary expenses incurred in the performance of their duties, as provided in the State Travel Reimbursement Act.

2. The Commission shall hold meetings as necessary at a place and time fixed by the Commission. The first meeting of the Commission, which shall be held on or after July 1, 1995, shall be called by the Executive Director of the Commission. At the first meeting, the Commission shall select one of the members to serve as chair and another member to serve as vice-chair. At the first ensuing meeting in each fiscal year thereafter, the chair and vice-chair for the ensuing year shall be elected. Special meetings may be called by the chair or by five members of the Commission by delivery of written notice to each member of the Commission. A majority of the voting members of the Commission shall be present at the meeting to constitute a quorum of the Commission.

3. The Commission may promulgate rules and set fees pursuant to the purposes of this act.

4. The Commission shall assist the State Board of Education and the Oklahoma State Regents for Higher Education in conducting necessary reviews and planning activities related to the purposes of this act. The Commission shall provide a public forum for receiving comments and disseminating information to the public and the education community regarding the purposes of this act. The Commission shall have the authority to make recommendations to and otherwise consult with the State Board of Education, the Oklahoma State Regents for Higher Education, the ~~Oklahoma~~ State Board of

~~Vocational~~ Career and ~~Technical~~ Technology Education, the Education Oversight Board and the Legislature on matters which relate to the purposes of this act.

5. The terms of the members shall begin July 1 of the applicable year.

C. Members serving on the Oklahoma Commission for Teacher Preparation on July 1, 1995, shall cease to be members on that date. If qualifications allow, all initial appointments shall be from among the membership of the Commission serving prior to January 1, 1995. Appointing authorities shall seek to provide a broad geographic representation of the members serving on the Commission.

D. The Oklahoma Commission for Teacher Preparation may contract for services or employ staff, as needed, to fulfill its duties and responsibilities. The Commission may enter into a contract which includes an agreement with a state agency, board or commission to provide administrative support to the Commission. The Commission may accept federal grants and other federal funds to carry out the purposes of the Commission.

E. Members of the Commission shall be exempt from the provisions of Section 6 of Title 51 of the Oklahoma Statutes, which prohibits the holding of any other office during the member's term of office on the Commission.

SECTION 85. AMENDATORY Section 22, Chapter 322, O.S.L. 1995 (70 O.S. Supp. 2000, Section 6-201), is amended to read as follows:

Section 6-201. Effective for the 1998 fiscal year, the State Board of Education, the Oklahoma State Regents for Higher Education, the ~~Oklahoma~~ State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education and the Oklahoma Commission for Teacher Preparation shall annually prepare a joint funding plan for submission by September 1 of each year to the Office of State Finance and the Legislature which reflects the estimated state costs

for the fiscal year of the entire teacher education, assessment, licensure and certification, residency and professional development system. The plan shall provide for the utilization of all financial resources from federal, state, local, and private sources and shall provide for the coordination of those resources to fund any related services. The individual components of the plan, as they relate to individual agencies, shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes.

SECTION 86. AMENDATORY 70 O.S. 1991, Section 7-105, as last amended by Section 2, Chapter 322, O.S.L. 1997 (70 O.S. Supp. 2000, Section 7-105), is amended to read as follows:

Section 7-105. A. Two or more school districts may, whether adjacent or not adjacent, be consolidated into a single school district in accordance with standards, rules and procedures to be determined by the State Board of Education. When the consolidation of two or more school districts is proposed, the State Board of Education shall conduct such studies of the populations, wealth, terrain, trade areas and other factors as may be necessary to determine the location of boundaries and the size of a proposed district which will most nearly ensure an efficient and economical administrative unit. The State Board of Education shall furnish the boards of education of the school districts which might be involved information and advice as to where the boundaries and what the size of the proposed new district should be. Nothing herein shall be construed to prevent the inclusion within a school district of territory lying within the boundaries of two or more counties.

B. Ten percent (10%) of the qualified school electors in any district may petition the board of education of such district to request such information, or a board of education of such district may on its own initiative ask for information and advice from the State Board of Education on the educational advantages and

disadvantages of proposed consolidation to the children and residents of the area which might be affected. Upon the receipt of such a petition, the local board of education shall request the services of the State Board of Education and shall notify the boards of education in adjacent school districts that such a request has been made. The State Board of Education may on its own initiative make the study herein authorized of any area of the state and direct the board of education of such school districts as might be involved to set into operation in their districts the procedure for determining what, if any, consolidation should be carried on in the area under study.

C. Any rules or procedures which the State Board of Education may prescribe for consolidation of school districts shall include the opportunity for the qualified school electors in the school districts involved to express their wishes through a majority vote of the school electors in the entire territory involved.

D. Prior to an election for consolidation, the boards of education of the school districts involved may develop a plan which shall set forth the actions to be taken during and after consolidation. The plan of action shall include agreements relating to school site closing, disposition and utilization of property and equipment and such other agreements as may be necessary to facilitate the consolidation of the school districts. The plan of action shall also include provisions related to the ~~area~~ technology center school district the newly formed district will be a part of which are consistent with the State Board of ~~Vocational~~ Career and Technical Technology Education rules. The plan shall be placed on a separate ballot and voted on by the qualified school electors of each district at the time of the consolidation election. Both the plan and consolidation questions must be approved by a majority vote for the plan to take effect. The plan shall be binding on the board of education of the newly formed district for at least three (3)

years; provided, any provisions related to the expenditure of appropriated money shall not be binding beyond the current fiscal year. The newly formed district may alter or disregard the plan only if there is a significant change in circumstances, including a significant drop in revenue to the district or in student enrollment.

E. Two or more school districts may be consolidated into a single school district on a conditional basis. If the voters approve conditional consolidation of the school districts at an election for such purpose in accordance with the procedures set forth in this section, the newly formed school district shall be considered consolidated and shall go through the same procedure and meet the same requirements as any consolidated school district. Under a conditional consolidation plan, any subsequent decision to consolidate the new school district or annex all or part of the new school district, shall first be approved by a majority of the electors, voting at such election, of each of the original school districts. If one or more of the original school districts disapproves the subsequent consolidation or annexation plan, the plan shall not be approved. If all of the original school districts approve the subsequent consolidation or annexation plan, the plan shall be approved and thereafter, any further consolidation or annexation shall be subject to approval of the electors of all of the school districts as a whole. The original school district shall mean only the districts which independently voted to join the conditionally consolidated district.

F. An election for such purpose shall be held either upon:

1. A petition for consolidation or conditional consolidation, signed by forty percent (40%) of the school district electors of each school district included in the proposed consolidation, or conditional consolidation said percentage being applied to the highest number of voters voting in a regular school election in the

district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition; or

2. The concurrence of the boards of education of the school districts included in the proposed consolidation or conditional consolidation, as shown by a resolution adopted by each board. The election shall be called by the State Board of Education and conducted in accordance with the general election laws of this state. Any vote to consolidate two or more districts, shall require a majority vote of those voting in each school district involved. When such a majority vote is in favor of consolidation or conditional consolidation, the State Board of Education shall declare the participating school districts dissolved and the new school district established, and the newly formed district shall thereupon be governed by the provisions of the Oklahoma School Code.

G. The State Superintendent of Public Instruction or designee shall convene the members of the boards of the districts forming the new district, who shall be given the opportunity of selecting from among themselves the initial board of education for the new district, selecting the number of members and designating the initial terms of service of each as required to conform to law; provided, the members convened shall have the option of forming a seven-member board pursuant to the provisions of Section 5-107A of this title rather than a board of the size otherwise provided by law and shall have the option of temporarily increasing the number of board positions for the new district by two positions per consolidating district for the first two (2) years following consolidation. The temporary positions will be filled by appointment by the board. The temporary board positions shall be abolished two (2) years from the effective date of consolidation. Within ten (10) days following the declaration of establishment of the new district, the State Superintendent or designee shall declare

the agreement or shall declare that such agreement has not been reached, in which case persons serving as members of the board of education of the participating district having the largest number of enumerated children as shown by the last regular enumeration shall serve as members of the board of education of the newly formed district for the terms for which they were elected and until their successors have been duly elected or appointed and have qualified.

H. All liabilities, assets, powers and duties of the participating districts shall become the responsibility of the new school district, which district shall be the legal successor in every respect to the school districts participating in the consolidation or conditional consolidation in accordance with law.

SECTION 87. AMENDATORY 70 O.S. 1991, Section 9-108, as amended by Section 70, Chapter 290, O.S.L. 1994 (70 O.S. Supp. 2000, Section 9-108), is amended to read as follows:

Section 9-108. The board of education of any school district furnishing transportation is hereby authorized to furnish, in addition to free transportation to and from school, transportation within or without the district for children attending the schools of that district, for the purpose of attending community, county, and state fairs that admit school children free, for purposes connected with summer youth activities upon approval of the school board governing said school district, for transporting pupils on planned school field trips to state correctional institutions pursuant to the provisions of Section ~~71~~ 1210.231 of this ~~act~~ title, and for all other purposes approved by the State Board of Education. Provided, that upon request therefor by the State Director of Cooperative Extension Work in Agriculture and Home Economics (Service), or the ~~State~~ Director of Oklahoma Department of Vocational Career and ~~Technical~~ Technology Education, or the State Supervisor of Vocational Agriculture, the State Board of Education shall authorize any school district furnishing transportation to provide

transportation for school children participating in educational contests and activities outside of the State of Oklahoma, or outside of the districts in which they reside, and two or more districts may enter into agreements for the furnishing of such transportation. The expense of any such additional transportation shall be paid by the children so transported, by the school activity or school organization receiving benefit from such transportation, or from other private sources. Money so collected shall not be chargeable to or become a part of the school district's finances.

SECTION 88. AMENDATORY 70 O.S. 1991, Section 11-103.6, as last amended by Section 1, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 11-103.6), is amended to read as follows:

Section 11-103.6 A. The State Board of Education shall adopt curricular standards for instruction of students in the public schools of this state that are necessary to ensure there is attainment of desired levels of competencies in a variety of areas to include language, mathematics, science, social studies and communication. All students shall gain literacy at the elementary and secondary levels through a core curriculum. Students must develop skills in reading, writing, speaking, computing and critical thinking. They also must learn about cultures and environments - their own and those of others with whom they share the earth. Students, therefore, must study social studies, literature, languages, the arts, mathematics and science. Such curricula shall provide for the teaching of a hands-on career exploration program in cooperation with ~~vocational-technical education~~ technology center schools. The core curriculum shall be designed to teach the competencies for which students shall be tested as provided in Section 1210.508 of this title, and shall be designed to prepare all students for employment and/or postsecondary education.

B. Beginning with the 2002-2003 school year, in order to graduate from a public high school accredited by the State Board of

Education with a standard diploma, students shall complete the following core curriculum units or sets of competencies at the secondary level:

1. Language Arts - 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses: American Literature, English Literature, World Literature, Advanced English Courses, or other English courses with content and/or rigor equal to or above grammar and composition;

2. Mathematics - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses: Algebra II, Geometry or Geometry taught in a contextual methodology, Trigonometry, Math Analysis or Precalculus, Calculus, Statistics and/or Probability, Computer Science, or other mathematics courses with content and/or rigor equal to or above Algebra I. Provided, credit may be granted for Applied Mathematics I and II and Computer Science whether taught at the comprehensive high school or at a ~~vocational-technical~~ technology center school;

3. Science - 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 2 units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses: Chemistry I, Physics, Biology II, Chemistry II, Physical Science, Earth Science, Botany, Zoology, Physiology, Astronomy, Applied Physics, Principles of Technology, qualified agricultural education courses, or other science courses with content and/or rigor equal to or above Biology I. Provided, credit may be granted for the Applied Biology/Chemistry, Physics, and Principles of Technology whether

taught at the comprehensive high school or at a ~~vocational-technical~~
technology center school;

4. Social Studies - 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses: World History, Geography, Economics, Anthropology, or other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and

5. Arts - 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

C. In addition to the 15 units or sets of competencies of core curriculum requirements established in subsection B of this section, in order to graduate from a public high school accredited by the State Board of Education students shall complete any additional course requirements or recommended elective courses as may be established by the State Board of Education and the local school board. School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages.

D. No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the core curriculum requirements of subsection B.

E. A school district shall not be required to offer every course listed in subsection B of this section, but shall offer sufficient courses to allow a student to meet the graduation requirements during the secondary grade years of the student.

F. For purposes of this section:

1. "Contextual methodology" means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge;

2. "Qualified agricultural education courses" means courses that have been determined by the State Board of Education to offer the sets of competencies in the Priority Academic Student Skills (PASS), as adopted by the Board, for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science. The courses shall be taught by teachers certified in agricultural education and comply with all rules of the Oklahoma Department of ~~Vocational~~ Career and Technical Technology Education;

3. "Rigor" means a level of difficulty that is appropriate for the grade level and that meets state and/or national standards;

4. "Sets of competencies" means those skills and competencies that are specified in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, subchapter 5, Chapter 15, Title 210 of the Oklahoma Administrative Code, and other skills and competencies adopted by the Board; and

5. "Unit" means a Carnegie Unit as defined by the North Central Association's Commission on Schools.

G. 1. The State Board of Education shall adopt a plan to ensure that rigor is maintained in the content, teaching methodology, level of expectations for student achievement, and application of learning in all the courses taught to meet the graduation requirements as specified in subsection B of this section.

2. The State Board of Education shall allow as much option at the local district level as is possible without diminishing the rigor or undermining the intent of providing these courses. To

accomplish this purpose, the State Department of Education shall work with local school districts in reviewing and approving courses taught by districts that are not specifically listed in subsection B of this section. Local options may include, but shall not be limited to, courses taken by concurrent enrollment, advanced placement, or correspondence, or courses bearing different titles.

3. If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of subsection B of this section. If the school district does not offer the necessary course selection during the student's secondary grade years, it shall be responsible for the cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fee, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site.

It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which is paid for by the school district pursuant to this paragraph, the institution charge only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.

4. Credit for the units or sets of competencies required in subsection B of this section shall be given when such units or sets of competencies are taken in the seventh or eighth grades if the teachers are certified or authorized pursuant to Section 6-189.1 of this title to teach the subjects for high school credit and the

required rigor is maintained. All units or sets of competencies required for graduation may be taken in any sequence recommended by the local school district.

H. As a condition of receiving accreditation from the State Board of Education, all students in grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

I. Academic and vocational-technical courses designed to offer sets of competencies integrated or embedded within the course that provide for the teaching and learning of the appropriate skills and knowledge in the Priority Academic Student Skills (PASS), as adopted by the State Board of Education, may upon approval of the Board be counted for academic credit and toward meeting the graduation requirements of subsection B of this section. The State Board of Education shall provide an option for high school graduation based upon attainment of the desired levels of competencies as required in tests pursuant to the provisions of Section 1210.508 of this title. Such option shall be in lieu of the amount of course credits earned.

J. The State Board of Education shall prescribe, adopt and approve a promotion system based on the attainment by students of specified levels of competencies in each area of the core curriculum.

K. Children who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA), and who satisfy the graduation requirements through the individualized education program for that student shall be awarded a standard diploma.

L. Students enrolled in an alternative education program who meet the requirements of their plans leading to high school

graduation developed pursuant to Section 1210.568 of this title shall be awarded a standard diploma.

M. Any student who completes the curriculum requirements of the International Baccalaureate Diploma Program shall be awarded a standard diploma.

SECTION 89. AMENDATORY 70 O.S. 1991, Section 13-111, as amended by Section 9, Chapter 116, O.S.L. 1993 (70 O.S. Supp. 2000, Section 13-111), is amended to read as follows:

Section 13-111. A. The State Board of Education shall:

1. Maintain a federal child count register of children with disabilities as defined by the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, as may be amended, and the implementing federal regulations;

2. Monitor efforts of the local public schools to meet the needs of children with disabilities as provided by each such child's Individualized Education Program; and

3. Coordinate private and public efforts, including efforts of agencies of state and local government to meet educational needs of children with disabilities.

B. The Department of Mental Health and Substance Abuse Services, the State Department of Health, the Department of Human Services, the State Department of Education, and the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act, Section 1001 of Title 74 of the Oklahoma Statutes, a plan for the coordinated delivery of related services to children with disabilities pursuant to the Act for Coordination of Special Services to Children and Youth.

SECTION 90. AMENDATORY 70 O.S. 1991, Section 14-102, as amended by Section 2, Chapter 148, O.S.L. 2000 (70 O.S. Supp. 2000, Section 14-102), is amended to read as follows:

Section 14-102. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall meet in regular session once each month. Special meetings may be called by the Chairman or by a majority of the members of the Board. Meetings of the Board may be held by teleconferencing. Seven members of the Board shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present in person or through teleconferencing, and every act of the Board shall be approved by a majority of the membership of the Board. Each member of the Board shall receive necessary traveling expenses while in the performance of duties as a member pursuant to the State Travel Reimbursement Act.

SECTION 91. AMENDATORY 70 O.S. 1991, Section 14-103, as last amended by Section 27, Chapter 2, O.S.L. 1994 (70 O.S. Supp. 2000, Section 14-103), is amended to read as follows:

Section 14-103. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall have the following powers and duties:

1. Have the supervision of the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education of the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, which department shall keep its principal offices at Stillwater, and appoint and fix the compensation and duties of the Director and other personnel of such Department.

2. Have the supervision of the ~~vocational and technical~~ technology center schools and colleges of Oklahoma, except Oklahoma State University of Technical Training at Okmulgee and the Oklahoma State University Technical Institutes at Oklahoma City and Stillwater, which, however, shall be eligible to participate in federal programs administered by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education as hereinafter provided.

3. Cooperate with, and enter into agreements with, and administer programs of, and receive federal funds from, the United

States Department of Education and other federal agencies in matters relating to vocational and technical education, youth apprenticeship programs, and manpower training, and be the sole state agency for such purposes. Provided that, programs and funds made available through the Job Training Partnership Act, or its successor programs, shall be excluded.

4. Provide for the formulation and adoption of curricula, courses of study, and other instructional aids necessary for the adequate instruction of students in the ~~vocational and technical~~ technology center schools and colleges of this state. It is the intent of the Legislature that instructional models for vocational students should include higher standards of academic work with increased emphasis on communication, computation and applied science.

5. Develop a plan to provide adequate vocational offerings accessible to all students having the ability to benefit.

6. Purchase or otherwise acquire equipment, materials, supplies and other property, real or personal, as may be necessary for the operation of the ~~vocational and technical~~ technology center schools of this state, and provide for the maximum utilization of such property through a coordinated and cooperative use thereof, including transfer of title to real and personal property to ~~an area vocational and technical~~ a technology center school district for a reasonable cash consideration if said property is to be utilized in a vocational-technical program administered by the ~~area vocational and technical~~ technology center district board of education. Any conveyance of real property for a reasonable consideration shall contain a reversionary clause by which the real property shall revert to the State Board of ~~Vocational Career and Technical~~ Technology Education if the property ceases to be used in a vocational-technical program administered by the ~~area vocational and technical~~ technology center district board of education.

7. Enter into such agreements and contracts with the State Board of Education, boards of trustees of community junior colleges, boards of education of independent and elementary school districts, boards of education of ~~area~~ school districts for ~~vocational and/or technical~~ technology center schools, private educational or training institutions, public or private industry, and boards of directors of community action programs, as may be necessary or feasible for the furtherance of vocational and technical training within this state.

8. Cooperate and enter into agreements with the Oklahoma State Regents for Higher Education.

9. Cooperate with the State Department of Education in developing hands-on career exploration activities for students in grades 6 through 10, integrating academic competencies into vocational instruction, and ensuring counseling of all students in order to minimize the number of students graduating from high school without having completed either a vocational-technical program or college preparation.

10. Develop and periodically update a plan to allow teacher training and the purchase and installation of technological equipment necessary to modernize vocational educational programs.

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

12. Enter into cooperative arrangements with one or more other states for the conduct and administration of programs, services and activities.

13. Cooperate whenever possible, to avoid any duplication of training programs with any established training program registered by the Bureau of Apprenticeship and Training, United States Department of Labor.

SECTION 92. AMENDATORY Section 67, Chapter 290, O.S.L. 1994 (70 O.S. Supp. 2000, Section 14-103.1), is amended to read as follows:

Section 14-103.1 A. Contingent upon the provision of appropriated funds, the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education is authorized to award one or more competitive grants for dropout recovery programs to ~~area vocational-technical~~ technology center school districts. The grant awards shall be made to ~~area vocational-technical~~ technology center school districts serving school districts that do not have intensive dropout prevention programs and that have the greatest need for dropout prevention and recovery as reflected in reports of the Office of Accountability. The Dropout Recovery Grants shall emphasize dropout recovery, shall be in addition to any existing alternative education programs, and shall meet the criteria applicable to Alternative Education Academy Grants as set forth in subsection A of Section ~~62~~ 1210.563 of this ~~act~~ title.

B. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall provide or contract for technical assistance from appropriated funds. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall provide or contract for in-depth program analysis and evaluation of grant-funded programs to the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education and the Legislature no later than November 1 following the end of the school year in which one or more programs were implemented and funded through Dropout Recovery Grants.

C. Programs funded through Dropout Recovery Grants shall be subject to the funding cycle and limitations applicable to Alternative Education Academy Grants as set out in subsection C of Section ~~62~~ 1210.563 of this ~~act~~ title.

D. By September 15 of each school year, all revenue received and expended for students participating in Dropout Recovery Grant programs created in subsection A of this section shall be reported to the State Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

E. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall promulgate rules as necessary to administer the Dropout Recovery Grants and the process by which the grant funding shall be allocated.

F. By September 1, 1995, the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall prepare and submit to the Legislature and the Governor a proposed statewide plan, including a statement of needed funding, for the provision of vocational and technical education to students in grades six through twelve who have been identified by school districts in their needs assessments as being at risk of not completing a high school education for a reason other than that identified in Section 13-101 of ~~Title 70 of the Oklahoma Statutes~~ this title, and who would benefit from vocational and technical education. The plan shall include the availability of technology education courses to the identified students, an outreach effort to students in grades eleven and twelve in vocational and technical courses, provision for cooperative agreements to provide services for students participating in alternative education programs, and coordination with the State Board of Education.

SECTION 93. AMENDATORY Section 4, Chapter 319, O.S.L. 1996 (70 O.S. Supp. 2000, Section 14-103.2), is amended to read as follows:

Section 14-103.2 The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall promulgate rules to ensure access to vocational offerings in ~~area vocational-technical~~ technology center school districts to students in ~~vocational-~~

~~technical~~ technology center school districts who are receiving educational services from a school district due to placements outlined in the provisions of Section 1-113 of ~~Title 70 of the Oklahoma Statutes~~ this title.

SECTION 94. AMENDATORY Section 1, Chapter 335, O.S.L. 1998 (70 O.S. Supp. 2000, Section 14-103.3), is amended to read as follows:

Section 14-103.3 Subject to the availability of funds appropriated specifically for this purpose, the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall implement a pilot program at ~~area vocational-technical~~ technology center schools, the purpose of which is to provide services and training to help rural businesses expand. The purpose of the pilot program is to provide tuition grants and offer economic development, marketing and technology access services to qualifying rural businesses and communities as determined by the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

SECTION 95. AMENDATORY Section 2, Chapter 330, O.S.L. 2000 (70 O.S. Supp. 2000, Section 14-103.4), is amended to read as follows:

Section 14-103.4 The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall establish a program for training and certification in medical micropigmentation, to be offered in the ~~area vocational and technical~~ technology center schools. The program shall be developed with curricular advice from the Oklahoma Board of Nursing, State Board of Medical Licensure and Supervision, State Board of Osteopathic Examiners, and the Board of Dentistry.

SECTION 96. AMENDATORY 70 O.S. 1991, Section 14-105, as amended by Section 2, Chapter 144, O.S.L. 1995 (70 O.S. Supp. 2000, Section 14-105), is amended to read as follows:

Section 14-105. The ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education may operate and maintain, or otherwise provide for, courses of instruction and training in vocational and technical education courses and subjects, and charge students reasonable tuition fees for such instruction or training. The fees shall be deposited in a special fund, which is hereby created, to be known as the State ~~Vocational-Technical~~ Career-Technology Fund. The fund may be used to pay expenses incurred by the Department in operating and maintaining such classes, and payment therefrom may be upon vouchers signed by a person or persons designated by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education. The fund may also be used for the operation of the Mid-America Vocational Curriculum Consortium (MAVCC) for the purpose of developing and disseminating curriculum materials for the member states.

SECTION 97. AMENDATORY 70 O.S. 1991, Section 14-106, is amended to read as follows:

Section 14-106. A. The ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education may operate and maintain an equipment pool, at which there shall be kept equipment for the use of ~~area~~ technology center school districts and ~~vocational and technical~~ schools supported by public funds, and said department and schools shall be eligible for surplus property and equipment.

B. Whenever the department determines that any such district or school has, and does not have a need for, equipment purchased wholly or partly with state or federal funds, it may, if consistent with federal laws and regulations, order the equipment transferred to the equipment pool; and the district or school, or officials thereof, shall thereupon have the duty to comply with such order. Provided, any equipment which has been purchased wholly or in part with local school funds shall require the concurrence of the governing board of

that local school before the equipment shall be transferred to the state equipment pool.

C. Whenever the department determines that ~~an area~~ a technology center school district or ~~a vocational or technical~~ school supported by public funds has a need for any equipment in the equipment pool, the department may transfer the equipment to such district or ~~vocational or technical~~ school.

D. The State Board of ~~Vocational Career and Technical~~ Technology Education shall adopt and enforce such rules ~~and regulations~~ as it deems necessary to carry out the provisions of this section.

SECTION 98. AMENDATORY 70 O.S. 1991, Section 14-108, as amended by Section 1, Chapter 171, O.S.L. 1999 (70 O.S. Supp. 2000, Section 14-108), is amended to read as follows:

Section 14-108. A. The State Board of ~~Vocational Career and Technical~~ Technology Education shall prescribe criteria and procedures for establishing ~~area vocational-technical~~ technology center school districts and the government thereof, as provided by Section 9B, Article X, Oklahoma Constitution, and such districts so established shall be operated in accordance with rules ~~and regulations~~ of the State Board of ~~Vocational Career and Technical~~ Technology Education, except as otherwise provided in this title.

B. ~~An area vocational-technical~~ A technology center school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes. Its official name shall be designated by the State Board of ~~Vocational Career and Technical~~ Technology Education, in which name it may sue and be sued, and be capable of contracting and being contracted with, and holding real and personal estate. Its governing board shall be a board of education consisting of not less than five (5) nor more than seven (7) members elected in a manner prescribed by the State Board of ~~Vocational Career and Technical~~ Technology Education. Such

board of education shall have the same powers and duties that boards of education of independent school districts have. It may require nonresident students to pay reasonable tuition fees, which may be paid for a student by the independent or elementary school district in which the student resides.

C. An election to vote on the question of making a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in ~~an area~~ a technology center school district under the provisions of subsection A, Section 9B, Article X, Oklahoma Constitution, shall be called by the board of education and conducted by the county election board of such district in the same manner that elections for emergency levies in school districts under the provisions of Section 9(d), Article X, Oklahoma Constitution, are called and conducted. When such levy is approved by a majority of the electors of the ~~area~~ technology center school district voting on the question at such election, the levy shall be made each fiscal year thereafter until repealed by a majority of the electors of the district voting on the question at an election called for such purpose. An election to vote on the question of making a local incentive levy of not to exceed five (5) mills on the dollar valuation of the taxable property in ~~an area~~ a technology center school district under the provisions of subsection B of Section 9B of Article X of the Oklahoma Constitution, may be called by the board of education; and elections on a levy for a building fund for an area school district under the provisions of Section 10, Article X, Oklahoma Constitution, shall be called by the board of education of such district and conducted by the county election board in the same manner that elections for similar levies are called and conducted in independent school districts.

D. Annual estimates of needs of ~~area~~ technology center school districts shall be made and approved in the same manner that those of independent school districts are made and approved. Provided,

that the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall prescribe a list of appropriation accounts by which the funds of ~~area~~ technology center school districts shall be budgeted, accounted for and expended. Any such estimate of needs may include an estimate of federal funds as probable income from sources other than ad valorem tax of the district and other than any excise or other tax assessed by legislative enactment and distributed in lieu of ad valorem taxes. If ~~an area~~ a technology center school district lies in more than one county, the district's estimate of needs shall be filed with and approved by the county excise board of the county designated by the school district board of education.

E. Territory may be annexed to or detached from ~~an area~~ a technology center school district, in accordance with rules ~~and regulations~~ prescribed by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education. If the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education requires the submission of a petition in order for an election to be called for the purpose of annexation or deannexation of territory to ~~an area~~ a technology center school district, such petition shall not be required to bear a number of technology center school district electors' signatures which exceed fifty percent (50%) of the number of technology center school district electors who voted in the last school board election in the territory proposed to be annexed or deannexed. Provided, the period of time from which the petition is initiated to its time of filing with the State Board shall not exceed ninety (90) days.

F. Schools of ~~area~~ technology center school districts shall be subject to classification, inspection and accreditation by the State Board of Education.

G. The ~~area vocational and technical~~ technology center school board of education may designate a county treasurer to serve as

treasurer of the school district or may appoint an independent treasurer.

H. Within four (4) years after the creation of an ~~area~~ a technology center school district, such ~~area~~ school district may, at its discretion, permit a teacher to transfer any or all accrued benefits upon employment including credit for years of service in the previous school district by the ~~area~~ technology center school district, if the teacher at the time of hiring is employed as a teacher by an independent or elementary school district which is all or partly within the boundaries of the ~~area~~ technology center school district or is employed as a teacher in a skills center within the boundaries of the ~~area~~ school district.

~~I. For the 1991-92 school year the formula used to distribute state equalization funds to area vocational-technical schools shall be the same formula that was used to distribute equalization funds in the 1989-90 school year. Provided, for the 1991-92 school year any area vocational-technical school given special designation by the State Board of Vocational and Technical Education prior to January 1, 1990, for funding purposes due to location, partially or entirely, within the boundary of a college area vocational-technical district shall receive state vocational-technical program formula and equalization formula funding. Provided, such designated district's participation in equalization formula funding shall be limited to funds used in the state equalization formula program for the 1991-92 school year above the level of funds used in the 1989-90 school year.~~

~~J. The board of education of an area vocational-technical~~ a technology center school district may convey personal property without consideration to a school district that is within the boundary of the ~~area vocational-technical~~ technology center school district or a public school offering secondary level education which was created and is operated by the State of Oklahoma and that is

within the boundary of the ~~area vocational-technical~~ technology center school district.

SECTION 99. AMENDATORY 70 O.S. 1991, Section 14-108.1, as amended by Section 2, Chapter 359, O.S.L. 1993 (70 O.S. Supp. 2000, Section 14-108.1), is amended to read as follows:

Section 14-108.1 A. The board of education of each ~~area vocational-technical~~ technology center school district in this state shall provide a health insurance plan for the employees of the ~~area vocational-technical~~ technology center school district. ~~Area vocational-technical~~ Technology center school districts may obtain health and dental insurance coverage as provided for in the State and Education Employees Group Insurance Act or may obtain other health insurance coverage. Any ~~area vocational-technical~~ technology center district that does not participate in the health and dental insurance plans offered through the State and Education Employees Group Insurance Act shall obtain health insurance coverage for the employees which provides open enrollment, and provide for the continuation of health insurance coverage, including supplemental Medicare insurance coverage, for those district employees who retire from said district after September 30, 1991, with a vested benefit in the Teachers' Retirement System of Oklahoma. A retired person who begins receiving benefits from the Teachers' Retirement System of Oklahoma after September 30, 1991, who retires from an ~~area vocational-technical~~ a technology center school district that provides other health insurance coverage, and who elects to continue said health insurance coverage shall pay to the ~~area vocational-technical~~ technology center school district the premium rate for the health insurance minus an amount equal to the premium rate of the Medicare supplement or the amount determined pursuant to subsection (4) of Section 1316.3 of Title 74 of the Oklahoma Statutes, whichever is less, which shall be paid by the Teachers' Retirement System of Oklahoma to the ~~area vocational-technical~~ technology center

center school district. The ~~area vocational-technical~~ technology center school district shall remit to the health insurance coverage provider the total premium due less any uncollected amounts payable from retired ~~area vocational-technical~~ technology center school district employees or their qualified survivors.

B. ~~An area vocational-technical~~ A technology center school district that participates in health insurance coverage other than the health insurance plan offered by the State and Education Employees Group Insurance Act shall not be required to pay any portion of the premium for the employees or the dependents of the employees of said school district. Unless a school district negotiates an agreement with its employees regarding health insurance pursuant to Sections 509.1 through 509.9 of this title, and to the extent that the agreement provides for the members of the recognized bargaining unit, ~~an area vocational-technical~~ a technology center school district that participates in health insurance coverage other than the health insurance plan offered by the State and Education Employees Group Insurance Act is prohibited from acquiring additional or supplemental health or dental insurance for any board member, area school superintendent or any other employee which is not available to all employees of said district, and said technology center school district shall not pay a greater portion of the employee or dependent premium for any health or dental insurance plan or plans provided by said technology center school district on behalf of any board member, area school superintendent or employee than that portion paid on behalf of all participating employees of said district.

C. If ~~an area vocational-technical~~ a technology center school district obtains health insurance coverage from a source other than through the State and Education Employees Group Insurance Act, the employees of the ~~area vocational-technical~~ technology center school district who would be eligible to participate in the health and

dental plans may require the board of education of the ~~area~~
~~vocational-technical~~ technology center school district to call an
election to allow said employees to vote as to whether the
technology center school district shall participate in the health
and dental insurance plans offered through the State and Education
Employees Group Insurance Act. Upon the filing with the board of
education of a petition calling for such an election which is signed
by no less than thirty percent (30%) of the eligible employees of
the ~~area vocational-technical~~ technology center school district, the
board of education shall call an election for the purpose of
determining whether the ~~area vocational-technical~~ technology center
school district shall participate in the health and dental insurance
plans offered through the State and Education Employees Group
Insurance Act. The election shall be held within thirty (30) days
of the filing of the petition. If a majority of those eligible
employees voting at the election vote to participate in the health
and dental insurance plans offered through the State and Education
Employees Group Insurance Act, the board of education of the ~~area~~
~~vocational-technical~~ technology center school district shall apply
for such participation within thirty (30) days of the election.

D. If an ~~area vocational-technical~~ technology center school
district does not have any health insurance coverage of the type
required by this section, that ~~area vocational-technical~~ technology
center school district shall immediately be enrolled in the health
and dental insurance plans offered through the State and Education
Employees Group Insurance Act.

E. A carrier providing health insurance coverage for employees
of a ~~vocational-technical~~ an area technology center school district
health insurance group which replaces a previous carrier for such
~~vocational-technical~~ technology center school district employees
shall provide coverage for each retired employee who is receiving a
benefit or terminates employment with a vested benefit from the

Teachers' Retirement System of Oklahoma and who is enrolled in the health insurance group by the previous carrier at the time the previous carrier providing health insurance coverage is replaced. Notwithstanding any provision in this section to the contrary, any person who retires pursuant to the provisions of the Teachers' Retirement System of Oklahoma prior to May 1, 1993, or terminates service with a vested benefit, pursuant to the provisions of the Teachers' Retirement System of Oklahoma prior to May 1, 1993, may continue to participate in the health and dental plans authorized by the provisions of the State and Education Employees Group Insurance Act.

F. In the event a ~~vocational-technical~~ an area technology center school district ceases to exist, the assets and duties of said ~~vocational-technical~~ technology center school district are transferred to one or more other ~~vocational-technical~~ technology center school districts, said other ~~vocational-technical~~ technology center school district or districts do not agree to employ all of the former employees of the ~~vocational-technical~~ technology center school district that is ceasing to exist, and said former employees who are not being reemployed have rights under federal or state law to continue group insurance coverage, the annexing ~~vocational-technical~~ technology center school district having the largest general fund revenue for the most recent preceding fiscal year for which data is available shall provide group insurance coverage to said former employees not being retained during the period as required by law.

SECTION 100. AMENDATORY 70 O.S. 1991, Section 14-109, is amended to read as follows:

Section 14-109. A. If required to do so as a prerequisite to the receipt of federal funds for a building project, the board of education of ~~an area~~ a technology center school district may establish a special account to be used for payment of the cost of

the building project. Federal and state funds received for the building project may be deposited in the special account. Monies from the following sources, if available for the payment of the cost of the building project, may also be deposited in the special account: bond issues, levies for a building fund under Section 10 of Article X, Oklahoma Constitution and appropriations for capital outlay in the general fund of the district.

B. The board of education shall estimate the total amount to be deposited in or transferred to the aforesaid building project account, and may issue warrants against the account for the payment of the cost of the building project. The total amount of such warrants shall not exceed the estimate of the board of education of the total amount to be deposited in or transferred to the account. If there shall be an insufficient amount in the building project account to pay a warrant, the warrant shall bear interest at a rate to be fixed by the board of education, not to exceed six percent (6%) per annum, from the date of issuance until paid.

C. For the purposes of this section, the cost of a building project shall include expenditures for sites, for the construction of buildings, and for equipment, furniture and fixtures.

D. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall adopt such rules ~~and regulations~~ as it deems necessary to make the provisions of this section effective.

SECTION 101. AMENDATORY 70 O.S. 1991, Section 14-110, is amended to read as follows:

Section 14-110. A. If the territory comprising an independent school district has been established by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education as an ~~area a~~ technology center school district, and the boundaries of each are coterminous, the board of education of the ~~area~~ technology center school district shall be separate from the board of education of the

independent school district and no member of either board shall be eligible to serve on the other.

B. Existing boards of education of ~~area~~ technology center school districts which are comprised of members of the board of education of an independent school district with coterminous boundaries shall be dissolved by the State Board of ~~Vocational Career and Technical~~ Technology Education, and the offices of the members of such boards shall become vacant on the first Monday in June, 1982. The State Board of ~~Vocational Career and Technical~~ Technology Education shall establish election districts for such ~~an~~ area a technology center school district which shall have boundaries coterminous with the election districts of the independent school district and which shall be numbered identically to the election districts of the independent school district.

C. A separate board of education shall be created for such ~~an~~ area a technology center school district and its members elected in the manner prescribed by the rules ~~and regulations~~ of the State Board of ~~Vocational Career and Technical~~ Technology Education except as hereafter provided:

1. The Governor shall appoint members to those offices of the board of education of such ~~an area~~ a technology center school district which will become vacant on the first Monday in June, 1982, to staggered terms as follows:

- a. two members shall be appointed to a term of one (1) year. Each of these offices shall become vacant on the first Monday in June, 1983,
- b. two members shall be appointed to a term of two (2) years. Each of these offices shall become vacant on the first Monday in June, 1984,
- c. two members shall be appointed to a term of three (3) years. Each of these offices shall become vacant on the first Monday in June, 1985, and

d. one member shall be appointed to a term of four (4) years. This office shall become vacant on the first Monday in June, 1986;

2. Upon the expiration of the term of an office of the board of education of ~~a vocational and technical~~ a technology center school district prior to the expiration of the term of an office of the board of education of the independent school district in a coterminous election district, the Governor shall appoint a board member to the office of the ~~vocational and technical~~ technology center school district for the number of years necessary to establish a coterminous term between the board members of the ~~vocational and technical~~ technology center school board and the independent school district in the coterminous election district;

3. Thereafter, as the office of each member appointed to the board of education of the ~~area~~ technology center school district becomes vacant, it shall be filled by a member elected as prescribed by the rules ~~and regulations~~ of the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education except as herein provided;

4. Elections of members to the board of education of the ~~area~~ technology center school district shall be held on the same day as elections are held for election of members to the independent school district;

5. One member shall be elected from each election district by the voters of that election district; and

6. The term of office of each member elected to the board of education of the ~~area~~ technology center school district shall be four (4) years.

SECTION 102. AMENDATORY 70 O.S. 1991, Section 14-112, is amended to read as follows:

Section 14-112. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education is hereby specifically designated as the agency of this state to cooperate and deal with any officer,

board, or authority of the United States Government which may require or recommend cooperation with any state board of vocational and technical education; ~~provided, however, said board.~~ The Board, unless otherwise provided specifically by law, shall have no authority to use or pledge funds of the state for cooperation without approval by the Governor of the state.

SECTION 103. AMENDATORY 70 O.S. 1991, Section 14-115, is amended to read as follows:

Section 14-115. Section 14-115. As used in this act:

1. Board means the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education;
2. Superintendent means the superintendent of the ~~area~~ vocational-technical technology center school designated as the pilot multipurpose service center for displaced homemakers;
3. Center means the pilot multipurpose service center for displaced homemakers; and
4. Displaced homemaker means an individual who:
 - a. has worked without pay as a homemaker for his or her family, and who has reached the age of thirty-five (35) years or older,
 - b. is not gainfully employed,
 - c. has had, or would have, difficulty finding employment, and
 - d. (1) has depended on the income of a family member and has lost that income, or
(2) has depended on government assistance as the parent of dependent children, but who is no longer eligible for such assistance.

SECTION 104. AMENDATORY 70 O.S. 1991, Section 14-116, is amended to read as follows:

Section 14-116. The Board shall establish a pilot multipurpose service center for displaced homemakers in a suitable ~~area~~

~~vocational-technical~~ technology center school with adequate facilities. The Board shall designate the ~~area vocational-technical~~ technology center school which is to serve as the pilot multipurpose service center for displaced homemakers. The superintendent of the designated ~~area~~ technology center school shall hire the personnel and administer the program for the pilot project. The superintendent is authorized to contract with or make grants to private nonprofit agencies or organizations to carry out the various programs of the centers as enumerated in this act.

SECTION 105. AMENDATORY 70 O.S. 1991, Section 14-124, is amended to read as follows:

Section 14-124. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education is hereby directed to assume the administrative, supervisory and instructional operations of all vocational training programs in correctional institutions for which it receives funds.

SECTION 106. AMENDATORY 70 O.S. 1991, Section 14-125, is amended to read as follows:

Section 14-125. The administration, supervision, and operation of the Vocational Training Program and School located at the Stringtown Correctional Center is hereby transferred from the Department of Human Services to the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education. All property, records, and personnel of said center are hereby transferred to the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

SECTION 107. AMENDATORY 70 O.S. 1991, Section 14-125.1, is amended to read as follows:

Section 14-125.1 Employees of the Vocational Training Program and School located at the Stringtown Correctional Center who are members of the Oklahoma Public Employees Retirement System and are being transferred from the Department of Human Services to the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall

cease accruing benefits in the Oklahoma Public Employees Retirement System and shall commence accruing benefits pursuant to the Teachers' Retirement System on July 1, 1983. On January 1, 1984, the Oklahoma Public Employees Retirement System shall transfer to the Teachers' Retirement System the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each employee of the Vocational Training Program and School located at the Stringtown Correctional Center transferring to the Teachers' Retirement System and the retirement records of those transferring employees. Service accrued by said employees pursuant to the provisions of the Oklahoma Public Employees Retirement System shall be treated as credited service in the Teachers' Retirement System.

SECTION 108. AMENDATORY 70 O.S. 1991, Section 14-126, is amended to read as follows:

Section 14-126. No administration of ~~an area vocational-technical~~ a technology center school district shall enter into a contract for consultant services with any person who has retired from employment as an administrator with any ~~area vocational-technical~~ technology center school district for two (2) years after the retirement date of such administrator. Nothing in this section shall prohibit a board of education of ~~an area vocational-technical~~ a technology center school district from employing as a substitute teacher, a person who has retired as an administrator or teacher with ~~an area vocational-technical~~ a technology center school district within two (2) years after the retirement date of the person.

SECTION 109. AMENDATORY Section 2, Chapter 144, O.S.L. 1993 (70 O.S. Supp. 2000, Section 14-127), is amended to read as follows:

Section 14-127. A. The Oklahoma Legislature, recognizing the need for improved methods of helping secondary students make a

smooth transition from high school to the workplace, hereby establishes guidelines for youth apprenticeship programs.

B. Youth apprenticeship programs shall be defined as learning programs for young people enrolled in vocational education that combine on-the-job learning with classroom instruction, that offer a bridge between secondary and post high school training and education, and that result in certification of mastery of work skills.

C. Youth apprenticeship programs shall be administered and supervised by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, which shall also establish standards for program operation.

D. Notwithstanding any other section of law, youth apprenticeship programs shall not mean any traditional apprenticeship program registered by the Bureau of Apprenticeship and Training, United States Department of Labor.

SECTION 110. AMENDATORY Section 3, Chapter 144, O.S.L. 1993 (70 O.S. Supp. 2000, Section 14-128), is amended to read as follows:

Section 14-128. A. There is hereby created the Oklahoma Youth Apprenticeship Committee. The committee shall be appointed by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education within thirty (30) days of the effective date of this act and shall consist of thirteen (13) members as follows:

1. The Director of the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education or designee who shall also serve as committee chair;
2. The State Superintendent of Public Instruction or designee;
3. The Chancellor of Higher Education or designee;
4. One superintendent of ~~an area vocational and technical a~~ technology center school district;
5. One superintendent of an independent school district;

6. One president of a state community or junior college;

7. Two members who represent the interests of labor, including one who represents the Bureau of Apprenticeship Training of the United States Department of Labor;

8. Four members who are currently employed in business or industry; and

9. One member who represents a city chamber of commerce.

B. Seven members of the committee shall constitute a quorum. A quorum must be present to transact any business of the committee. The committee is advisory in nature and shall meet as necessary to provide recommendations to the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education related to the administration of and standards for youth apprenticeship programs. The members of the committee shall be reimbursed for travel expenses incurred in performing official duties in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 111. AMENDATORY Section 4, Chapter 144, O.S.L. 1993 (70 O.S. Supp. 2000, Section 14-129), is amended to read as follows:

Section 14-129. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall promulgate rules to implement the provisions of this act.

SECTION 112. AMENDATORY 70 O.S. 1991, Section 17-101, as last amended by Section 1, Chapter 105, O.S.L. 1999 (70 O.S. Supp. 2000, Section 17-101), is amended to read as follows:

Section 17-101. The following words and phrases as used in this act, unless a different meaning is clearly required by the context, shall have the following meanings:

(1) "Retirement system" shall mean the Teachers' Retirement System of Oklahoma, as defined in Section 17-102 of this title.

(2) "Public school" shall mean a school district, a state college or university, the State Board of Education, the State Board of ~~Vocational~~ Career and Technology Education and any other state educational entity conducted within the state supported wholly or partly by public funds and operating under the authority and supervision of a legally constituted board or agency having authority and responsibility for any function of public education.

(3) "Classified personnel" shall mean any teacher, principal, superintendent, supervisor, administrator, librarian, certified or registered nurse, college professor, or college president whose salary is paid wholly or in part from public funds. An employee of any state department, board, board of regents or board of trustees, who is in a supervisory or an administrative position, the function of which is primarily devoted to public education, shall be considered classified personnel under the meaning of this act, at the discretion of the Board of Trustees of the Teachers' Retirement System. The term "teacher" shall also include instructors and counselors employed by the Department of Corrections and holding valid teaching certificates issued by the State Department of Education. Provided, that a person employed by the Department of Corrections as an instructor or counselor shall have been actively engaged in the teaching profession for a period of not less than three (3) years prior to employment to be eligible to participate in the Oklahoma Teachers' Retirement System. The Department of Corrections shall contribute the employer's share to the Oklahoma Teachers' Retirement System.

(4) "Nonclassified optional personnel" shall include cooks, janitors, maintenance personnel not in a supervisory capacity, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of the public schools, state colleges, universities or any state department, board, board of regents or board of trustees, the functions of which are primarily

devoted to public education and whose salaries are paid wholly or in part from public funds.

(5) "Employer" shall mean the state and any of its designated agents or agencies with responsibility and authority for public education, such as boards of education of elementary and independent school districts, boards of regents, boards of control or any other agency of and within the state by which a person may be employed for service in public education.

(6) "Member" shall mean any teacher or other employee included in the membership of the system as provided in Section 17-103 of this title.

(7) "Board of Trustees" shall mean the board provided for in Section 17-106 of this title to administer the retirement system.

(8) "Service" shall mean service as a classified or nonclassified optional employee in the public school system, or any other service devoted primarily to public education in the state.

(9) "Prior service" shall mean service rendered prior to July 1, 1943.

(10) "Membership service" shall mean service as a member of the classified or nonclassified personnel as defined in paragraphs (3) and (4) of this section.

(11) "Creditable service" shall mean membership service plus any prior service authorized under this title.

(12) "Annuitant" shall mean any person in receipt of a retirement allowance as provided in this title.

(13) "Accumulated contributions" shall mean the sum of all amounts deducted from the compensation of a member and credited to his individual account in the Teacher Savings Fund, together with interest as of June 30, 1968.

(14) "Earnable compensation" shall mean the full rate of the compensation that would be payable to a member if he worked the full normal working time.

(15) "Average salary":

- (a) for those members who joined the System prior to July 1, 1992, shall mean the average of the salaries for the three (3) years on which the highest contributions to the Teachers' Retirement System was paid not to exceed the maximum contribution level specified in Section 17-116.2 of this title or the maximum compensation level specified in subsection (28) of this section. Provided, no member shall retire with an average salary in excess of Twenty-five Thousand Dollars (\$25,000.00) unless the member has made the required election and paid the required contributions on such salary in excess of Twenty-five Thousand Dollars (\$25,000.00), and
- (b) for those members who join the System after June 30, 1992, shall mean the average of the salaries for five (5) consecutive years on which the highest contribution to the Teachers' Retirement System was paid. Only salary on which required contributions have been made may be used in computing average salary.

(16) "Annuity" shall mean payments for life derived from the "accumulated contributions" of a member. All annuities shall be payable in equal monthly installments.

(17) "Pension" shall mean payments for life derived from money provided by the employer. All pensions shall be payable in equal monthly installments.

(18) "Monthly retirement allowance" is one-twelfth (1/12) of the annual retirement allowance which shall be payable monthly.

(19) "Retirement Benefit Fund" shall mean the fund from which all retirement benefits shall be paid based on such mortality tables as shall be adopted by the Board of Trustees.

(20) "Actuary" shall mean a person especially skilled through training and experience in financial calculation respecting the expectancy and duration of life.

(21) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality and other tables as shall be adopted by the Board of Trustees.

(22) The masculine pronoun, whenever used, shall include the feminine.

(23) "Actuarially determined cost" shall mean the single sum which is actuarially equivalent in value to a specified pension amount as determined on the basis of mortality and interest assumptions adopted by the Board of Trustees.

(24) "Normal retirement age" means age sixty-two (62) or the age at which the sum of a member's age and number of years of creditable service total eighty (80), whichever occurs first.

(25) "Regular annual compensation" means salary plus fringe benefits, excluding the flexible benefit allowance pursuant to Section 7 of this act and for purposes pursuant to Section 17-101 et seq. of this title. For purposes of this definition, regular annual compensation shall include all normal periodic payments as provided in subsection D of Section 17-116.2 of this title.

(26) "Teacher" means classified personnel and nonclassified optional personnel.

(27) "Active classroom teacher" means a person employed by a school district to teach students specifically identified classes for specifically identified subjects during the course of a semester, and who holds a valid certificate or license issued by and in accordance with the rules and regulations of the State Board of Education.

(28) "Maximum compensation level" shall mean:

- (a) Twenty-five Thousand Dollars (\$25,000.00) for credited service authorized and performed prior to July 1,

1995, for members not electing a higher maximum compensation level,

- (b) Forty Thousand Dollars (\$40,000.00) for credited service authorized and performed prior to July 1, 1995, for members electing a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00),
- (c) Twenty-seven Thousand Five Hundred Dollars (\$27,500.00) for members who, as of June 30, 1995, had elected to have a maximum compensation level not in excess of Twenty-five Thousand Dollars (\$25,000.00), and who were employed by an entity or institution within The Oklahoma State System of Higher Education for credited service authorized and performed on or after July 1, 1995, but not later than June 30, 1996, if such member does not elect a higher maximum compensation level for this period as authorized by Section 17-116.2A of this title,
- (d) Thirty-two Thousand Five Hundred Dollars (\$32,500.00) for members employed by a comprehensive university if the member meets the requirements imposed by Section 17-116.2A of this title and the member elects to impose a higher maximum compensation level for service performed on or after July 1, 1995, but not later than June 30, 1996,
- (e) Forty-four Thousand Dollars (\$44,000.00) for members who, as of June 30, 1995, had elected to have a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00), and who were employed by an entity or institution within The Oklahoma State System of Higher Education for credited service authorized and performed on or after July 1, 1995, but

not later than June 30, 1996, if such member does not elect a higher maximum compensation level for this period as authorized by Section 17-116.2A of this title,

(f) Forty-nine Thousand Dollars (\$49,000.00) for members employed by a comprehensive university if the member meets the requirements imposed by Section 17-116.2A of this title and the member elects to impose a higher maximum compensation level for service performed on or after July 1, 1995, but not later than June 30, 1996,

(g) the following amounts for credited service authorized and performed by members employed by a comprehensive university, based upon the election of the member in effect as of June 30, 1995:

1. for members who elected a maximum compensation level not in excess of Twenty-five Thousand Dollars (\$25,000.00):

(i) Thirty-two Thousand Five Hundred Dollars (\$32,500.00) for service authorized and performed on or after July 1, 1996, but not later than June 30, 1997,

(ii) Thirty-seven Thousand Five Hundred Dollars (\$37,500.00) for service authorized and performed on or after July 1, 1997, but not later than June 30, 1998,

(iii) Forty-two Thousand Five Hundred Dollars (\$42,500.00) for service authorized and performed on or after July 1, 1998, but not later than June 30, 2000,

(iv) Forty-seven Thousand Five Hundred Dollars (\$47,500.00) for service authorized and

- performed on or after July 1, 2000, but not later than June 30, 2001,
- (v) Fifty-two Thousand Five Hundred Dollars (\$52,500.00) for service authorized and performed on or after July 1, 2001, but not later than June 30, 2002,
 - (vi) Fifty-seven Thousand Five Hundred Dollars (\$57,500.00) for service authorized and performed on or after July 1, 2002, but not later than June 30, 2003,
 - (vii) Sixty-two Thousand Five Hundred Dollars (\$62,500.00) for service authorized and performed on or after July 1, 2003, but not later than June 30, 2004,
 - (viii) Sixty-seven Thousand Five Hundred Dollars (\$67,500.00) for service authorized and performed on or after July 1, 2004, but not later than June 30, 2005,
 - (ix) Seventy-two Thousand Five Hundred Dollars (\$72,500.00) for service authorized and performed on or after July 1, 2005, but not later than June 30, 2006,
 - (x) Seventy-seven Thousand Five Hundred Dollars (\$77,500.00) for service authorized and performed on or after July 1, 2006, but not later than June 30, 2007,
 - (xi) the full amount of regular annual compensation for service authorized and performed on or after July 1, 2007, and
2. for members who elected a maximum compensation level in excess of Twenty-five Thousand Dollars (\$25,000.00):

- (i) Forty-nine Thousand Dollars (\$49,000.00) for service authorized and performed on or after July 1, 1996, but not later than June 30, 1997,
- (ii) Fifty-four Thousand Dollars (\$54,000.00) for service authorized and performed on or after July 1, 1997, but not later than June 30, 1998,
- (iii) Fifty-nine Thousand Dollars (\$59,000.00) for service authorized and performed on or after July 1, 1998, but not later than June 30, 2000,
- (iv) Sixty-four Thousand Dollars (\$64,000.00) for service authorized and performed on or after July 1, 2000, but not later than June 30, 2001,
- (v) Sixty-nine Thousand Dollars (\$69,000.00) for service authorized and performed on or after July 1, 2001, but not later than June 30, 2002,
- (vi) Seventy-four Thousand Dollars (\$74,000.00) for service authorized and performed on or after July 1, 2002, but not later than June 30, 2003,
- (vii) Seventy-nine Thousand Dollars (\$79,000.00) for service authorized and performed on or after July 1, 2003, but not later than June 30, 2004,
- (viii) Eighty-four Thousand Dollars (\$84,000.00) for service authorized and performed on or after July 1, 2004, but not later than June 30, 2005,

(ix) Eighty-nine Thousand Dollars (\$89,000.00)
for service authorized and performed on or
after July 1, 2005, but not later than June
30, 2006,

(x) Ninety-four Thousand Dollars (\$94,000.00)
for service authorized and performed on or
after July 1, 2006, but not later than June
30, 2007,

(xi) the full amount of regular annual
compensation for service authorized and
performed on or after July 1, 2007,

(h) the full amount of regular annual compensation of:

1. a member of the retirement system not employed by
an entity or institution within The Oklahoma
State System of Higher Education for all credited
service authorized and performed on or after July
1, 1995,
2. a member of the retirement system first employed
on or after July 1, 1995, by an entity or
institution within The Oklahoma State System of
Higher Education for all credited service
authorized and performed on or after July 1,
1995, but not later than June 30, 1996,
3. a member of the retirement system employed by an
entity or institution within The Oklahoma State
System of Higher Education, other than a
comprehensive university, if the member elects to
impose a higher maximum compensation level for
service performed on or after July 1, 1995, but
not later than June 30, 1996, pursuant to
subsection B of Section 17-116.2A of this title,

4. a member of the retirement system who is first employed on or after July 1, 1996, by any entity or institution within The Oklahoma State System of Higher Education, including a comprehensive university, for credited service authorized and performed on or after July 1, 1996,
5. a member of the retirement system who, as of July 1, 1996, is subject to a maximum compensation level pursuant to paragraph (g) of this subsection if the member terminates service with a comprehensive university and is subsequently reemployed by a comprehensive university, or
6. a member of the retirement system employed by a comprehensive university for all service performed on and after July 1, 2007.

(29) "Comprehensive university" shall mean:

- (a) the University of Oklahoma and all of its constituent agencies, including the University of Oklahoma Health Sciences Center, the University of Oklahoma Law Center and the Geological Survey, and
- (b) Oklahoma State University and all of its constituent agencies, including the Oklahoma State University Agricultural Experiment Station, the Oklahoma State University Agricultural Extension Division, the Oklahoma State University College of Veterinary Medicine, the Oklahoma State University College of Osteopathic Medicine, the Technical Branch at Oklahoma City and the Technical Branch at Okmulgee.

SECTION 113. AMENDATORY 70 O.S. 1991, Section 17-101.1, is amended to read as follows:

Section 17-101.1 A. Except as otherwise provided for in this section, employees of the Oklahoma Board of Private Vocational

Schools shall be members of the Teachers' Retirement System of Oklahoma.

B. Employees of the Oklahoma Board of Private Vocational Schools who were as of June 30, 1986, employees of the Oklahoma Board of Private Schools and members of the Oklahoma Public Employees Retirement System shall cease accruing benefits in the Oklahoma Public Employees Retirement System and commence accruing benefits under the Teachers' Retirement System of Oklahoma on August 1, 1986. The Oklahoma Public Employees Retirement System shall transfer to the Teachers' Retirement System of Oklahoma the retirement records for each such employee and the actual amount contributed to the Oklahoma Public Employees Retirement System by the state and by each such employee transferring to the Oklahoma Teachers' Retirement System. All years and months of service accrued by each such employee pursuant to the provisions of the Oklahoma Public Employees Retirement System shall be treated as credited service in the Teachers' Retirement System of Oklahoma.

C. Employees of the Oklahoma Board of Private Vocational Schools who were as of June 30, 1986, employees of the Oklahoma Board of Private Schools and members of the Oklahoma Public Employees Retirement System, individually may choose to remain members of the Oklahoma Public Employees Retirement System. Any such employee choosing to remain a member of the Oklahoma Public Employees Retirement System shall submit written notification of such choice to the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education prior to August 1, 1986. On August 1, 1986, the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall notify the Oklahoma Public Employees Retirement System of those employees who chose to remain members of the Oklahoma Public Employees Retirement System and such employees shall not be transferred from the Oklahoma Public

Employees Retirement System to the Teachers' Retirement System of Oklahoma.

SECTION 114. AMENDATORY 70 O.S. 1991, Section 17-106, as last amended by Section 2, Chapter 316, O.S.L. 1997 (70 O.S. Supp. 2000, Section 17-106), is amended to read as follows:

Section 17-106. (1) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of the act are hereby vested in a Board of Trustees which shall be known as the Board of Trustees and shall be organized immediately after a majority of the trustees provided for in this section shall have qualified and taken the oath of office.

(2) The Board shall consist of the following members:

(a) The State Superintendent of Public Instruction, ex officio.

(b) The Director of State Finance, ex officio.

(c) The Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education, ex officio, or his or her designee.

(d) One member appointed by the Governor whose initial term of office shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(e) Two members shall be appointed by the Governor of the State of Oklahoma and approved by the Senate. The two members shall be:

1. a representative of a school of higher education in Oklahoma whose term of office shall initially be one (1) year, and 2. a member of the System of the nonclassified optional personnel status whose initial term of office shall be two (2) years. After the said initial terms of office the terms of said members shall be four (4) years.

(f) Upon the expiration of the term of office of the stockbroker member of the Board, the Governor shall appoint a member to the Board whose initial term of office shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(g) Upon the expiration of the term of office of the representative of the insurance industry member of the Board, the Governor shall appoint a member to the Board whose initial term of office shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(h) Upon the expiration of the term of office of the investment counselor member of the Board, the Governor shall appoint a member to the Board whose initial term of office shall expire on January 14, 1991. The members thereafter appointed by the Governor shall serve a term of office of four (4) years which is coterminous with the term of office of the office of the appointing authority.

(i) Upon the expiration of the term of office of the active classroom teacher member of the Board, the President Pro Tempore of the Senate shall appoint a member to the Board, who shall be an active classroom teacher and whose initial term of office shall expire on January 8, 1991. The members thereafter appointed by the President Pro Tempore of the Senate shall serve a term of office of four (4) years.

(j) Upon the expiration of the term of office of the retired classroom teacher member of the Board, the Speaker of the House of Representatives shall appoint a member to the Board, who shall be a retired member of the System and whose initial term of office shall expire on January 8, 1991. The members thereafter appointed by the

Speaker of the House of Representatives shall serve a term of office of four (4) years.

(k) The Speaker of the House of Representatives shall appoint a member to the Board, who shall be an active classroom teacher and whose initial term of office shall expire on January 3, 1989. The members thereafter appointed by the Speaker of the House of Representatives shall serve a term of office of four (4) years.

(l) The President Pro Tempore of the Senate shall appoint a member to the Board, who shall be a retired member of the System and whose initial term of office shall expire on January 3, 1989. The members thereafter appointed by the President Pro Tempore of the Senate shall serve a term of office of four (4) years.

(3) Persons who are appointed to the Board of Trustees by the Governor pursuant to paragraphs (d), (f), (g) and (h) of subsection (2) of this section shall:

(a) have demonstrated professional experience in investment or funds management, public funds management, public or private pension fund management or retirement system management; or

(b) have demonstrated experience in the banking profession and have demonstrated professional experience in investment or funds management; or

(c) be licensed to practice law in this state and have demonstrated professional experience in commercial matters; or

(d) be licensed by the Oklahoma State Board of Public Accountancy to practice in this state as a public accountant or a certified public accountant.

The appointing authorities, in making appointments that conform to the requirements of this subsection, shall give due consideration to balancing the appointments among the criteria specified in paragraphs (a) through (d) of this subsection.

(4) No member of the Board of Trustees shall be a lobbyist registered in this state as provided by law.

(5) Notwithstanding any of the provisions of this section to the contrary, any person serving as an appointed member of the Board of Trustees on the operative date of this act shall be eligible for reappointment when the term of office of the member expires.

(6) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(7) Each of the trustees, except those who are state officials serving ex officio, shall receive travel expenses in accordance with the State Travel Reimbursement Act.

(8) Each trustee shall, within ten (10) days after his appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the Board of Trustees and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of State.

(9) Each trustee shall be entitled to one vote on the Board of Trustees. Seven votes shall be necessary for a decision by the trustees at any meeting of said Board.

(10) Subject to the limitations of this act, the Board of Trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this act and for the transaction of its business. Provided that such rules and regulations may include rules and regulations providing for the withholding from the retirement allowance due a retired person under the provisions of this act an amount requested in writing by the retiree for the purpose of paying:

(a) monthly premiums on group hospital and surgical insurance programs to which such retiree belongs, and for the transmitting of

the sums so withheld to the insurance carrier designated by the retiree; and

(b) membership dues in any statewide association limited to retired educator membership with a minimum membership of one thousand (1,000) dues-paying members and for the transmitting of the sums so withheld.

(11) The Board of Trustees shall elect from its membership a chairman, and by a majority vote of all of its members shall appoint a secretary-treasurer, who may be, but need not be, one of its members. The Board shall employ an executive secretary and shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the Board and all other expenses of the Board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the Board shall approve.

(12) The members of the Board of Trustees, the Executive Secretary and the employees of the System shall not accept gifts or gratuities from an individual organization with a value in excess of Fifty Dollars (\$50.00) per year. The provisions of this section shall not be construed to prevent the members of the Board of Trustees, the Executive Secretary or the employees of the System from attending educational seminars, conferences, meetings or similar functions which are paid for, directly or indirectly, by more than one organization.

(13) The Board of Trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

(14) The Board of Trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding school year, the amount of the

accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system and a detailed accounting of its administrative expenses.

(15) The Board of Trustees shall retain an attorney who is licensed to practice law in this state. The attorney shall serve at the pleasure of the Board of Trustees for such compensation as may be provided by the Board of Trustees. The attorney shall advise the Board of Trustees and perform legal services for the Board of Trustees with respect to any matters properly before the Board of Trustees. When requested by the Board of Trustees, the Attorney General of the state also shall render legal services to the Board of Trustees. In addition to the above, the Board of Trustees may employ hearing examiners to conduct administrative grievance hearings under the provisions of the Oklahoma Administrative Procedures Act, Sections 301 through 325 of Title 75 of the Oklahoma Statutes.

(16) Suitable offices shall be furnished by the Department of Central Services. Upon the failure or inability of the Department of Central Services to provide adequate facilities, the Board of Trustees may contract for necessary office space in suitable quarters.

(17) The Board of Trustees shall designate a Medical Board to be composed of three physicians not eligible to participate in the retirement system. The physicians so appointed by the Board of Trustees shall be legally qualified to practice medicine in Oklahoma and shall be physicians of good standing in the medical profession. If required, other physicians may be employed to report on special cases. The Medical Board shall pass upon all medical examinations required under the provisions of this act and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall

report in writing to the Board of Trustees its conclusion and recommendation upon all the matters referred to it. The Board of Trustees shall adopt such rules and regulations as may be necessary to properly administer this benefit.

(18) The Board of Trustees shall designate an actuary who shall be the technical advisor of the Board of Trustees on matters regarding the operation of funds created by the provisions of this act and shall perform such other duties as are required in connection therewith.

(19) At least once each five (5) years the actuary shall make an actuarial investigation of the experience of the retirement system, including the mortality, service and compensation experience of members and beneficiaries. Based on the results of such investigation the actuary shall recommend for adoption by the Board of Trustees such tables and rates as are required for the operation of the retirement system and for the preparation of annual actuarial valuations.

(20) On the basis of such tables and rates as the Board of Trustees shall adopt, the actuary shall prepare an annual actuarial valuation of the assets and liabilities of the retirement system and certify the rates of contribution payable by the state under the provisions of law concerning the Teachers' Retirement System.

(21) Subject to the funds available under the provisions of Section 1004 of Title 68 of the Oklahoma Statutes, the employer contributions to the retirement system for the fiscal year beginning July 1, 1987, and for each fiscal year thereafter, shall be determined by the Board of Trustees on the basis of the most recent actuarial valuation, which amount shall be calculated as the sum of the normal cost for the fiscal year plus the payment required to amortize the unfunded accrued liability at a rate of level dollar payments not to exceed forty (40) years.

SECTION 115. AMENDATORY 70 O.S. 1991, Section 17-108, as last amended by Section 1, Chapter 402, O.S.L. 1999 (70 O.S. Supp. 2000, Section 17-108), is amended to read as follows:

Section 17-108. A. Each local school district, or state college or university, or State Board of Education or State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, or other state agencies whose employees are members of the Teachers' Retirement System shall match on a pro rata basis, in accordance with subsection B of this section the contributions of members whose salaries are paid by federal funds or externally sponsored agreements such as grants, contracts and cooperative agreements. These funds shall be remitted at the same time as the regular contributions of members are remitted to the Teachers' Retirement System of Oklahoma and deposited in the Retirement Benefit Fund.

B. On an annual basis, the Board of Trustees shall set the contribution rate to be paid by contributing employers as provided in subsection A of this section. The contribution rate shall be determined using cost principles established by federal regulations and shall be consistent with policies, regulations and procedures that apply uniformly to both federally assisted and other activities, and be accorded consistent treatment through application of generally accepted accounting principles. The Board shall approve the contribution rate for each fiscal year ending June 30, no later than April 1 of the previous fiscal year.

C. All the assets of the retirement system shall be credited according to the purpose for which they are held to one of ten funds, namely: The Teachers' Savings Fund, the Retirement Benefit Fund, the Interest Fund, the Permanent Retirement Fund, the Expense Fund, the Suspense Fund, the Reserve for Investment Fluctuations Fund, the Teachers' Deposit Fund, the Membership Annuity Reserve Fund and the Retiree Medical Benefit Fund.

1. The Teachers' Savings Fund shall be a fund in which shall be accumulated the regular contributions from the compensation of members, including interest earnings prior to July 1, 1968. Contributions to and payments from the Teachers' Savings Fund shall be made as specifically provided in each plan available within the retirement system.

2. The deductions provided for in the plans within the retirement system shall be made notwithstanding that the minimum compensation provided for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and payment of salary or compensation, less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The employer shall certify to the Board of Trustees on each and every payroll, or in such other manner as said Board may prescribe, the amounts to be deducted, and each of said amounts shall be deducted, and when deducted shall be paid into said Teachers' Savings Fund, and shall be credited to the individual account of the member from whose compensation said deduction was made.

3. Following the termination of membership in the retirement system for any member who has been absent from service for five (5) years in any period of six (6) consecutive years, the Teachers' Savings Fund Account of such member shall be closed and the amount due the member as provided in Section 17-105 of this title shall be paid upon the filing of formal application. At the time such membership is terminated the amount due the member as provided in said Section 17-105 of this title shall be transferred to the Suspense Fund.

4. Upon the retirement of a member an amount sufficient to pay his annuity benefit for a two-year period shall be transferred from

the Teachers' Savings Fund to the Retirement Benefit Fund; an amount sufficient to pay his annuity benefit for one (1) year shall be transferred each succeeding year thereafter. Should a member who has retired under Option 1 die, the balance of money he had in Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund for payment to his beneficiary or estate.

5. Retirement Benefit Fund.

- a. After August 2, 1969, there shall be transferred from the Teachers' Savings Fund and the Membership Annuity Reserve Fund for those members drawing retirement benefits from the Teachers' Retirement System of Oklahoma an amount necessary to provide the monthly annuity payments and pension payments. In addition the fund shall consist of monies received from any state dedicated revenue, monies received from state appropriations, monies received from federal matching funds, and the residue of the interest on investments after the requirements of Section 17-107 of this title have been fully met. The Retirement Benefit Fund shall consist of an amount of money necessary for the making of retirement payments to retirees.
- b. Should a member have deposits in the Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund and wish to receive monthly retirement benefits on such deposits, the actuarial equivalent of a two-year period and each succeeding fiscal year thereafter shall be transferred to the Retirement Benefit Fund. The member may choose any of the plans available in the Teachers' Retirement Act as a method of receiving monthly retirement benefits on the money he has on deposit in the Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund. The monthly retirement benefits paid from the

Teachers' Deposit Fund or the Tax-Sheltered Annuity Fund shall be in addition to the regular retirement benefits and the money transferred from the Teachers' Deposit Fund or Tax-Sheltered Annuity Fund shall not be matched by the State of Oklahoma.

- c. From the Retirement Benefit Fund shall be paid all monthly retirement benefits.
- d. At the death of a retired member who has retired under the Maximum Plan of Retirement, Option 1 or Option 4, the balance of money the member has in the Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund and the amount due the beneficiary or his estate under Option 1 or Option 4 shall be paid from the Retirement Benefit Fund.
- e. At the death of both a retired member and the retired member's spouse, who had retired under Option 2 or 3, any balance in the Teachers' Savings Fund shall be transferred from the Teachers' Savings Fund to the Retirement Benefit Fund.
- f. At the death of a retired member who had retired under Option 5, the balance of any monies the member had in the Teachers' Savings Fund shall be transferred to the Retirement Benefit Fund for the purpose of making a lump-sum settlement to the beneficiary or his estate. Providing that if the surviving spouse elects to receive the balance under the Maximum Plan of Retirement or Option 1 the member's money, if any, on a monthly basis, constituting actuarial equivalent of two (2) years' payments, and each year thereafter the annual actuarial equivalent, shall be transferred from the Teachers' Savings Fund for the purpose of paying

monthly retirement benefits to the spouse under this option.

6. The Interest Fund is hereby created to facilitate the crediting of interest to the various other funds to which interest is to be credited. All income, interest and dividends derived from the deposits and investments authorized by this act shall be paid into the Interest Fund. On June 30, each year, interest shall be transferred to the other funds as herein provided.

7. The Permanent Retirement Fund shall consist of the accumulated gifts, awards, and bequests made to the retirement system, and transfers from the Suspense Fund, the principal of which is hereby held and dedicated as a perpetual endowment of the retirement system and shall not be diverted or appropriated to any other cause or purpose unless specifically provided for in such gifts, awards or bequests.

8. The Expense Fund shall be the fund from which the expense of administration and maintenance of the retirement system shall be paid. The Board of Trustees shall cause to be prepared and adopt annually an itemized budget showing the amount required to defray the expenses for the ensuing fiscal year.

Transfers to and payments from this fund shall be made as follows: first, from the Interest Fund; second, from any dedicated revenue; and, third, from appropriation by the Oklahoma Legislature.

All monies for the operation of the Teachers' Retirement System of Oklahoma shall be paid from the Expense Fund upon the approval by the Board of Trustees and the checks signed by two people designated to sign such checks by the Board of Trustees of the Teachers' Retirement System of Oklahoma.

9. The Suspense Fund shall be comprised of amounts transferred to the fund as provided in this section and Section 17-105 of this title and obligations of the retirement system to any member or person which cannot be legally discharged.

10. The Reserve for Investment Fluctuations Fund shall be the fund in which eight percent (8%) of the investment earnings and the realized profits from the sale or exchange of securities shall be deposited each year until an amount equal to two percent (2%) of the total investments shall be accumulated, and such fund shall thereafter be maintained at such level. Upon proper resolution by the Board of Trustees transfers may be made from this fund to reimburse the investment account of other funds wherein a deficit shall have accrued.

11. Teachers' Deposit Fund.

Any member may request, prior to a pay period, that his employer make additional deposits for him, for tax-sheltered annuity purposes. However, the amount deposited shall not exceed the member's "Exclusion Allowance" as defined in Section 403(b)(2) of the Internal Revenue Code of 1986, as amended, and applicable federal regulations. All such deposits shall be credited to the member's account in the Teachers' Deposit Fund for the purchase of a tax-sheltered annuity. The amount thus accumulated, with earnings, shall be used upon the member's retirement, separation from service, death or disability to purchase an annuity in addition to his regular service retirement allowance. The amount a member accumulates in the Teachers' Deposit Fund, not including interest, may be used to pay distributions in the case of hardship as provided in Section 403(b)(11) of the Internal Revenue Code of 1986, as amended, and applicable federal regulations.

12. The Membership Annuity Reserve Fund is composed of teachers' contributions and state matching funds for those members who retired before August 2, 1968. From this fund there shall be transferred the actuarial equivalent necessary to pay retirement benefits for a period of two (2) years and thereafter the actuarial equivalent necessary to pay retirement benefits for one (1) succeeding year.

13. Collection of Contributions.

a. The collection of members' contributions shall be as follows:

(1) Each employer shall cause to be deducted on each and every payroll or claim of a member for each and every payroll claim period subsequent to the date of establishment of the retirement system the contribution payable by such member as provided in this act. With each and every payroll or claim the employer shall deliver to the treasurer of said employer warrants issued to the employees as shown to be due by said payroll or claim, together with a warrant or warrants in favor of the Teachers' Retirement System as shown by said payroll or claim.

(2) The treasurer or disbursing officer upon delivery of the warrants and a true copy of the payroll or claims as provided above shall register said warrants as provided for the registration of other school warrants, and shall deliver to the employer warrants issued in favor of the employees, and shall deliver warrants issued in favor of the Teachers' Retirement System and the copy of the payroll or claims to the school district superintendent as designated by the Board of Trustees. For the purpose of collecting contributions of teachers in the public schools, the superintendent of a school district is hereby designated to receive the Teachers' Retirement warrants from the treasurer or proper disbursing officer of the several school districts for the purpose of transmitting such warrants and payroll or claims to the Executive Secretary of the Teachers' Retirement System of the State of Oklahoma. Any college or university or other educational institution or agency operated in whole or in part by the state shall have the amount retained or deducted from the funds regularly appropriated by the state for the current maintenance for such educational departments and institutions.

(3) For the purpose of enabling the collection of the contributions of the members of the retirement system to be made as simple as possible, the Board of Trustees shall require the secretary or other officer of each employer-board or agency, within thirty (30) days after the beginning of each school year, to make a list of all teachers in its employ who are members of the retirement system, certify to the correctness of this list, and file the same with the Executive Secretary of the Board of Trustees of the Teachers' Retirement System. If additions to or deductions from this list should be made during the year such additions or deductions shall likewise be certified to the Board of Trustees of the Teachers' Retirement System.

(4) The State Treasurer shall furnish annually to the Board of Trustees a sworn statement of the amount of the funds in his custody belonging to the retirement system. The records of the Board of Trustees shall be open to public inspection and any member of the retirement system shall be furnished with a statement of the amount of the credit to his individual account upon written request by such member, provided the Board of Trustees shall not be required to answer more than one such request of a member in any one (1) year.

(5) Failure of any superintendent, officer, or other person to discharge the duties imposed upon him by this act shall render him or his bondsman liable for any loss occasioned thereby to the Teachers' Retirement System or the employees of the school district, or both.

(6) On a showing by the Teachers' Retirement System that a warrant, voucher or check issued to it has, for any reason, been lost or never received, after ninety (90) days from the date of issue or from transmittal for payment, it shall be the duty of the issuing authority forthwith, without any indemnifying bond or other requirements, to issue a duplicate thereof in lieu of that which was lost, to the Teachers' Retirement System; and the Teachers'

Retirement System shall save harmless any school district or agency of state government making payment under the provisions hereof to the State Teachers' Retirement System if the original warrant, voucher or check is later presented for payment and same is paid after a duplicate warrant, voucher or check has been issued and paid to the Teachers' Retirement System, and any loss sustained therefrom shall be charged to the Interest Fund.

14. Rollover Contributions from other Governmental Plans.

Any member may purchase credit for service, to the extent specified in the retirement system law, with rollovers or direct transfers from another governmental retirement plan demonstrated to be qualified under Section 401(a) of the Internal Revenue Code of 1986, as amended from time to time. Rollovers or direct transfers in excess of the amount necessary to purchase such service credit shall not be allowed.

15. Retiree Medical Benefit Fund.

The Retiree Medical Benefit Fund shall be maintained as a subaccount under the Retirement Benefit Fund. The Retiree Medical Benefit Fund is composed of all assets contributed to this subaccount to pay the retirement system's portion of the monthly retiree health insurance benefits described in Section 1316.3 of Title 74 of the Oklahoma Statutes. All allocated assets and the earnings thereon in the Retiree Medical Benefit Fund shall be held for the exclusive purpose of providing retiree medical benefits pursuant to Section 1316.3 of Title 74 of the Oklahoma Statutes. The Retiree Medical Benefit Fund shall be administered in accordance with the requirements under Section 401(h) of the Internal Revenue Code of 1986, as amended from time to time. An amount necessary to pay the health insurance premiums for retired members as provided by Section 1316.3 of Title 74 of the Oklahoma Statutes shall be deposited each month into the Retiree Medical Benefit Fund.

SECTION 116. AMENDATORY 70 O.S. 1991, Section 17-108.1, as last amended by Section 6, Chapter 317, O.S.L. 1996 (70 O.S. Supp. 2000, Section 17-108.1), is amended to read as follows:

Section 17-108.1 A. The employer of any member of the Teachers' Retirement System of Oklahoma shall make the following contributions to the System:

1. Beginning July 1, 1998, through June 30, 1999, eleven and one-half percent (11 1/2%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member;

2. Beginning July 1, 1999, through June 30, 2000, four and eight-tenths percent (4.8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member;

3. Beginning July 1, 2000, through June 30, 2001, five and eight-tenths percent (5.8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member;

4. Beginning July 1, 2001, through June 30, 2002, six and eight-tenths percent (6.8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member; and

5. Beginning July 1, 2002, through June 30, 2003, and for each fiscal year thereafter, seven and five-hundredths percent (7.05%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

Any employer contribution paid to the System pursuant to this subsection shall not be considered as salary, fringe benefit, or total compensation due to members for the purpose of meeting any legislative or contractual obligation of the employer.

B. For entities or institutions within The Oklahoma State System of Higher Education, the contributions to the retirement

system specified in subsection A of this section shall be made on regular annual compensation of a member who is an employee of such entity or institution not to exceed the maximum compensation level in effect for the member as prescribed by law.

C. Employers paying contributions to the Retirement System pursuant to subsection A or B of this section shall receive credit for that portion of the gross production tax on natural gas and/or casinghead gas apportioned to the Retirement System pursuant to subsection 2 of Section 1004 of Title 68 of the Oklahoma Statutes in meeting the total required employer contribution. On an annual basis, the Board of Trustees shall estimate the net additional cost required to be paid by the contributing employers in order to meet the total employer contribution as provided in subsection A or B of this section. The Board of Trustees shall approve the amount of the additional contribution required to be paid by contributing employers as a percentage of total member salaries and fringe benefits for each fiscal year ending June 30, no later than April 1 of the previous fiscal year. In no event shall the additional contribution required to be paid by the contributing employer under this subsection be less than the contribution required under this subsection in the prior year. In the event actual contributions do not equal the required total contribution as provided in subsection A or B of this section, the net difference between the actual contributions and the required total contributions shall be determined and shall be included in the amount of the additional contribution required to be paid by contributing employers for the next fiscal year. All contributing employers shall pay the same percentage of total member salaries and fringe benefits during each fiscal year. The provisions of this subsection shall terminate June 30, 1999.

D. Any school district, state college or university, State Board of Education, State Board of ~~Vocational~~ Career and Technology

Education, or other state agency may, for and on behalf of any member of the Teachers' Retirement System, pay all or any portion of the contribution required by Section 17-108 of this title.

Provided, the contribution so paid by any school district, state college or university, State Board of Education, State Board of ~~Vocational~~ Career and Technology Education, or other state agency shall be and remain subject to the withdrawal provisions set forth under the Teachers' Retirement System. Wherever the term "contribution" is used, it shall be deemed to include contributions paid for and on behalf of a member by a school district, state college or university, State Board of Education, State Board of ~~Vocational~~ Career and Technology Education, or other state agency.

SECTION 117. AMENDATORY Section 1, Chapter 300, O.S.L. 1997, as last amended by Section 82, Chapter 418, O.S.L. 2000 (70 O.S. Supp. 2000, Section 17-108.2), is amended to read as follows:

Section 17-108.2 A. Beginning July 1, 1998, and for each plan year thereafter, a teacher employed by any school district or employed by a ~~vocational-technical~~ technology center school district who qualifies for a minimum salary pursuant to the schedule contained in Section 18-114.7 of this title, shall have credited against the employee contribution amount, as applicable to the amount of compensation required to be paid to the teacher as a minimum salary pursuant to Section 18-114.7 of this title, an annual amount based upon qualifying years of service as follows:

YEARS OF SERVICE	CREDIT AMOUNT
0	\$60.15
1	\$103.41
2	\$145.65
3	\$188.15
4	\$233.33
5	\$278.76
6	\$325.26

7	\$372.82
8	\$421.44
9	\$471.12
10	\$521.87
11	\$573.67
12	\$626.54
13	\$680.48
14	\$735.47
15	\$791.53
16	\$848.65
17	\$906.83
18	\$966.07
19	\$1,026.38
20	\$1,087.75
21	\$1,150.18
22	\$1,213.68
23	\$1,278.23
24	\$1,343.85
25 or more	\$1,410.53

B. The state shall pick up and pay the annual amount prescribed by subsection A of this section, based upon the conditions prescribed by subsection A of this section, to the Teachers' Retirement System. The annual amount prescribed by subsection A of this section shall be divided into monthly amounts as may be required in order to give full effect to the credit amount without the necessity of dividing the annual credit amount into twelve (12) equal installments.

C. If an eligible teacher terminates service prior to June 30 of any applicable plan year, the amounts prescribed by subsection A of this section, and transferred to the Teachers' Retirement System from the State Board of Education and the State Board of ~~Vocational~~ Career and Technical Technology Education shall be retained by the

Teachers' Retirement System of Oklahoma and treated as an actuarial gain of the System.

D. If an employing school district has contractually committed to make payment of the employee contributions required by Section 17-116.2 of this title for a member who is eligible for the credit amount prescribed by subsection A of this section for the fiscal year, using funds available to the district and not by effecting the employee contribution through a deduction from the member's gross salary, the district shall pay additional compensation to each of its eligible teachers in an amount equal to the amount prescribed by subsection A of this section based upon the number of years of teaching experience of the eligible member.

E. If an eligible member is hired by a school district or a ~~vocational-technical~~ technology center school district and receives compensation for less than one hundred eighty (180) days of service, the district shall determine a pro rata amount of the annual credit amount and shall pay additional compensation to the member equal to the pro rata amount for each month during which the member is employed. The monthly credit amount for such member shall be added to the member's compensation beginning with the first full month during which the member is employed by the district.

F. The amount required to be added to the compensation of the eligible member pursuant to subsection D of this section shall be subject to any applicable federal or state taxes upon the additional income.

G. The amount required to be added to the compensation of the eligible member pursuant to subsection D of this section shall not be treated as regular annual compensation for purposes of Section 17-116.2 of this title or as salary or fringe benefits for purposes of determining the minimum salary pursuant to the requirements of Section 18-114.7 of this title or for purposes of meeting the requirements of any locally adopted salary schedule.

H. The employing district shall prepare its payroll records to reflect that the total employee contribution amount, for the salary not in excess of the applicable minimum salary amount, has been paid pursuant to a combination of the payment from the funds of the employing district and the amount credited to the employee contribution account of the member pursuant to subsection A of this section.

I. If an employing school district has contractually committed to deduct employee contributions required by Section 17-116.2 of this title by effecting the employee contribution through a deduction from the member's gross salary, the district shall decrease the amount of the payroll deduction for such employee contribution by the amount as prescribed in subsection A of this section, based upon the number of years of teaching experience of the member. The amount required to be subtracted from the amount by which the employee's gross salary would otherwise be reduced pursuant to this subsection shall be subject to any applicable federal or state taxes. The employing district shall prepare its payroll records to reflect that the total employee contribution amount, for the salary not in excess of the applicable minimum salary amount, has been paid pursuant to a combination of the deduction from the member's salary and the amount credited to the employee contribution account of the member pursuant to subsection A of this section.

SECTION 118. AMENDATORY 70 O.S. 1991, Section 17-116.7, is amended to read as follows:

Section 17-116.7 A. After the effective date of this act, before entering into any type of contract that creates an unfunded liability and is for the purpose of enhancing pension benefits for employees beyond the provisions of the Teachers' Retirement System of Oklahoma, a state institution of higher education, ~~area~~ vocational-technical technology center school district, or public

school district, unless otherwise provided by law, shall forward to the Office of the Attorney General a copy of the contract and a copy of an actuarial report indicating the amount of unfunded liability that would be created pursuant to the contract. The Attorney General shall review the contract to ensure that the contract conforms to state law. No such contract shall be signed by the education entity until the Attorney General approves the contract. Any such contract entered into without complying with the requirements of this section shall be void.

B. In order to make the Legislature and Governor more aware of the effect of unfunded pension benefits and other post-employment benefits on state finances, annual audits conducted pursuant to law on state institutions of higher education, ~~area vocational-technical technology center~~ school districts, and school districts shall be prepared in accordance with appropriate accounting standards pertaining to unfunded pension benefits and other post-employment benefits. The State Regents for Higher Education, the State Board of ~~Vocational Career and Technical~~ Career and Technical Education and the State Board of Education, jointly, shall have the information pertaining to benefits compiled into an annual report that shall be distributed to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

SECTION 119. AMENDATORY 70 O.S. 1991, Section 18-114.7, as last amended by Section 5, Chapter 1, O.S.L. 2000 (70 O.S. Supp. 2000, Section 18-114.7), is amended to read as follows:

Section 18-114.7 A. Beginning with the 2000-01 school year, teachers in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

Years of Experience	Bachelor's Degree	Master's Degree	Doctor's Degree
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0	\$27,060	\$28,166	\$29,272
1	\$28,221	\$29,327	\$30,433
2	\$28,553	\$29,659	\$30,765
3	\$28,885	\$29,991	\$31,097
4	\$29,217	\$30,323	\$31,429
5	\$29,549	\$30,655	\$31,761
6	\$29,881	\$30,987	\$32,093
7	\$30,213	\$31,319	\$32,425
8	\$30,545	\$31,651	\$32,757
9	\$30,877	\$31,983	\$33,089
10	\$31,209	\$32,315	\$33,421
11	\$31,541	\$32,647	\$33,753
12	\$31,873	\$32,979	\$34,085
13	\$32,205	\$33,311	\$34,417
14	\$32,537	\$33,643	\$34,749
15	\$32,869	\$33,975	\$35,081
16	\$33,201	\$34,307	\$35,413
17	\$33,533	\$34,639	\$35,745
18	\$33,865	\$34,971	\$36,077
19	\$34,197	\$35,303	\$36,409
20	\$34,529	\$35,635	\$36,741
21	\$34,861	\$35,967	\$37,073
22	\$35,193	\$36,299	\$37,405
23	\$35,525	\$36,631	\$37,737
24	\$35,857	\$36,963	\$38,069
25	\$36,189	\$37,295	\$38,401

For the 2000-01 school year, any amounts received pursuant to Section 1 ~~of this act~~, Chapter 1, O.S.L. 2000 shall count towards the minimum salary schedule established in this section for those teachers who qualified for the salary increase under Section 1 ~~of this act~~, Chapter 1, O.S.L. 2000.

When determining the Minimum Salary Schedule, "fringe benefits" shall mean all or part of hospital or medical benefits, and sickness, accident, health or life insurance, and retirement benefits, excluding the contributions made pursuant to subsection A of Section 17-108.1 of this title and the flexible benefit allowance pursuant to Section 26-105 of this title from the flexible benefit allowance funds disbursed by the State Board of Education and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education pursuant to Section 26-104 of this title. Any of the degrees referred to in this section shall be from a college recognized by the State Board of Education. The State Board of Education shall accept teaching experience from out-of-state school districts that are accredited by the State Board of Education or appropriate state accrediting agency for said districts. For the purpose of state salary increments and retirement, no teacher shall be granted credit for more than five (5) years' active duty in the military service, or out-of-state teaching experience as a certified teacher or its equivalent. Nothing in this section shall prohibit boards of education from crediting more years of experience on local salary schedules than those allowed for state purposes. The State Board of Education shall recognize, for purposes of certification and salary increments, the years of experience of a certified teacher who teaches in the Department of Corrections' educational program beginning with fiscal year 1981. The State Board of Education shall recognize for purposes of certification and salary increments the years of experience of a Vocational Rehabilitation Counselor under the Department of Human Services if such counselor was employed as a certified teacher by the State Department of Education when the Division of Vocational Rehabilitation was transferred from the State Board for Vocational Education or the State Board of Education to the Oklahoma Public Welfare Commission on July 1, 1968.

B. The State Board of Education shall recognize for purposes of certification and salary increments all of the years of experience a:

1. Vocational Rehabilitation Counselor completed while employed by the Department of Human Services if such counselor was certified as a teacher or was eligible for certification as a teacher in Oklahoma;

2. Certified teacher completed while employed by the Department of Human Services Child Study Center at University Hospital, if the teacher was certified as a teacher in Oklahoma; and

3. Certified school psychologist or psychometrist completed while employed as a doctoral intern, psychological assistant, or psychologist with any agency of the State of Oklahoma if such experience primarily involved work with persons of school or pre-school age and if such person was, at the time the experience was acquired, certified as, or eligible for certification as, a school psychologist or psychometrist.

SECTION 120. AMENDATORY 70 O.S. 1991, Section 21-102, is amended to read as follows:

Section 21-102. A. There is hereby re-created the Oklahoma Board of Private Vocational Schools which shall consist of nine (9) members of whom three shall be the Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education, the Chancellor of the Oklahoma State Regents for Higher Education and the State Superintendent of Public Instruction or their designated representatives and of whom six shall be appointed by the Governor of the State of Oklahoma subject to the advice and consent of the Senate. Four persons shall qualify to serve on the Board provided they occupy and have occupied for the past three (3) years executive or managerial positions in private schools located in this state of the type regulated under Sections 21-101 through 21-115 of this title. Two persons shall qualify to serve on said Board

provided they occupy and have occupied for the past three (3) years executive or managerial positions in business or industry, not connected with private schools. Each of the six persons shall be appointed for a term of six (6) years. After July 1, 1970, the Governor shall appoint one member for a term of six (6) years, one member for a term of five (5) years, one member for a term of four (4) years, one member for a term of three (3) years, one member for a term of two (2) years and one member for a term of one (1) year.

B. The Board is authorized to appoint and fix the compensation of a director. The Director shall employ and fix the duties and compensation of such clerical or other assistants as are reasonably necessary to effectuate the provisions of Sections 21-101 through 21-115 of this title.

C. Personnel employed by the Oklahoma Board of Private Schools on June 30, 1986, shall become employees of the Oklahoma Board of Private Vocational Schools on July 1, 1986, without change in status as to duties and compensation, including accrual of leave, and eligibility for longevity payments and other benefits of employment except as otherwise provided by law.

SECTION 121. AMENDATORY Section 1, Chapter 252, O.S.L. 1996 (70 O.S. Supp. 2000, Section 24-100), is amended to read as follows:

Section 24-100. A. Due to the growing concern of safety and the ever constant threat of violence in our children's schools, it is the intent of the Legislature that local schools and families must work together to combat this rising problem. Therefore, no later than October 1, 1996, and every year thereafter, each public school site shall establish a Safe School Committee to be composed of at least six (6) members. The Safe School Committee shall be composed of an equal number of teachers, parents of the children affected and students. The Safe School Committee shall study and make recommendations to the principal regarding: unsafe conditions,

possible strategies for students to avoid harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school.

B. The provisions of this section shall not apply to ~~vocational and technical~~ technology center schools.

SECTION 122. AMENDATORY Section 5, Chapter 380, O.S.L. 1998, as amended by Section 1, Chapter 334, O.S.L. 1999 (70 O.S. Supp. 2000, Section 26-103), is amended to read as follows:

Section 26-103. The following words and phrases as used in this act, unless a different meaning is clearly required by the context, shall have the following meanings:

1. "Benefit" means any of the benefits which may be purchased or are required to be purchased under the cafeteria plan;

2. "Cafeteria plan" means a benefit plan established pursuant to 26 U.S.C. Section 125;

3. "Flexible benefit allowance" means amounts credited by the school district for each school district employee for the purchase of benefits under the cafeteria plan;

4. "Support personnel" means full-time employees of a school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employees who are employed a minimum of six (6) hours per day for a minimum of one hundred seventy-two (172) days and who provide services not performed by certified personnel, which is necessary for the efficient and satisfactory functioning of a school district, and shall include cooks, janitors, maintenance personnel, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of a school district but shall not include adult education instructors or adult coordinators employed by ~~area vocational-technical~~ technology center school districts;

5. "Plan year" means the twelve-month period established by the school district for the cafeteria plan;

6. "School district" means the public school districts and ~~area vocational-technical~~ technology center school districts of this state;

7. "School district employee" means certified or support personnel as defined in this act;

8. "Certified personnel" means a certified person employed on a full-time basis to serve as a teacher, principal, supervisor, administrator, counselor, librarian, or certified or registered nurse, but shall not mean a superintendent of a school district; and

9. "Self-insured" means a health care program in which the school district funds the benefit plans from its own resources without purchasing insurance and which may be administered by the school district or by an outside administrator under contract with the school district for administrative services. The State Board of Education shall prepare by May 1st of each year a list of each school district in the state that is self-insured and the number of support personnel and the number of certified personnel that are participating in each self-insured school district plan.

SECTION 123. AMENDATORY Section 6, Chapter 380, O.S.L. 1998, as amended by Section 2, Chapter 334, O.S.L. 1999 (70 O.S. Supp. 2000, Section 26-104), is amended to read as follows:

Section 26-104. A. The Legislature shall annually appropriate adequate funding to the State Board of Education and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education for the purpose of providing a flexible benefit allowance to school district employees pursuant to this act. The funding shall be based on the number of eligible school district employees employed by a school district which is participating in the health insurance plan offered by the State and Education Employees Group Insurance Board or is self-insured as counted on May 1st of each year. Each Board shall

disburse the flexible benefit allowance funds in appropriate amounts to school districts.

B. Every school district shall establish or make available to school district employees a cafeteria plan pursuant to 26 U.S.C. Section 125 of the United States Code. The plan shall offer, as a benefit, major medical health care plan coverage.

C. The flexible benefit allowance amount established pursuant to Section 26-105 of this title shall be credited to each eligible school district employee. School district employees shall elect whether to use the flexible benefit allowance to pay for coverage in the health insurance plan offered by the State and Education Employees Group Insurance Board or the self-insured plan offered by the school district, or to receive the flexible benefit allowance as taxable compensation.

D. The administrator of the cafeteria plan shall maintain a separate account for each participating school district employee. School districts shall forward the school district employee flexible benefit allowance amounts to the administrator for elected purchases of cafeteria plan benefits.

E. Expenses included in an employee's salary adjustment agreement pursuant to the cafeteria plan shall be limited to expenses for:

1. Premiums for any health insurance, health maintenance organization, life insurance, long term disability insurance, dental insurance or high deductible health benefit plan offered to employees and their dependents; and

2. All other eligible benefit programs offered under 26 U.S.C. Section 125 of the United States Code.

F. The flexible benefit allowance amount established in Section 26-105 of this title shall not be included as income in computation of state retirement contributions and benefits or as part of the Minimum Salary Schedule for teachers established in Section 18-114.7

of this title. School districts shall not consider the flexible benefit allowance amount as income for eligible support employees and thereby shall not reduce the salary of an eligible support employee.

SECTION 124. AMENDATORY 70 O.S. 1991, Section 35e, as amended by Section 5, Chapter 232, O.S.L. 1994 (70 O.S. Supp. 2000, Section 35e), is amended to read as follows:

Section 35e. A. It shall be the duty of the superintendent, principal or head teacher of each public or private middle, junior high and high school accredited by the State Department of Education in the State of Oklahoma to notify the State Department of Education quarterly as scheduled by the Department of the name, address, race and age of any pupil dropping out from such school during the preceding quarter. Such report shall be made on forms prescribed and furnished by the State Department of Education.

B. The Oklahoma State Board of Education shall cause these statistics of school dropouts to be tabulated by grade and school district. Information of school dropouts shall be made available to the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education, the Oklahoma Indian Affairs Commission, the Bureau of Indian Affairs and the Department of Health, Education and Welfare.

C. The State Department of Education shall make an annual report to the Legislature prior to the convening of each regular session thereof of information received and tabulated pursuant to this section.

D. For the purposes of this section, school dropout means any student who is under the age of nineteen (19) and has not graduated from high school and is not attending any public or private school or is otherwise receiving an education pursuant to law for the full term the schools of the school district in which he resides are in session.

SECTION 125. AMENDATORY 70 O.S. 1991, Section 1210.41,
is amended to read as follows:

Section 1210.41 Any person, company, corporation, partnership, copartnership, trust or other business entity desiring to do so may enter into a written lease or loan agreement with the board of education of any ~~vocational and technical~~ technology center school or ~~area~~ technology center school district covering the lease or loan to such board of education of any motor vehicle for use by such ~~vocational and technical~~ technology center school or ~~area~~ technology center school district in connection with any training or maintenance or other similar educational program, or in administering any such program, operated by or under the direction of such board of education. Such written agreement shall specify the monetary consideration therefor, if any; shall provide that ownership of such motor vehicle shall remain in the person or business entity so furnishing same to the board of education; shall state the make, model, equipment attached, year of manufacture and manufacturer's delivery price of said motor vehicle; and the duration of the term of such lease or loan agreement. Such written agreements shall provide that upon expiration of the term set out in the agreement said motor vehicle shall be returned to the owner thereof. Such agreements shall be executed by the board of education, or an administrative officer in behalf thereof, and the owner of such motor vehicle.

SECTION 126. AMENDATORY 70 O.S. 1991, Section 1210.42,
is amended to read as follows:

Section 1210.42 Each motor vehicle furnished to the board of education of a ~~vocational and technical~~ technology center school or ~~area~~ technology center school district in the manner and for the purposes provided for in Section ~~4~~ 1210.41 of this ~~act~~ title may be operated for such purposes with a special license plate attached thereto. Such special license plates shall be issued for a nominal

fee of One Dollar (\$1.00) in event the vehicle is loaned but such special license plates may be used only while such motor vehicle is in the possession or under the control of the board of education, and it shall not be necessary for the owner of such motor vehicle to pay the vehicle excise tax thereon during the time same is in the possession of such board of education and used for purposes stated in Section ~~±~~ 1210.41 of this ~~act~~ title.

SECTION 127. AMENDATORY 70 O.S. 1991, Section 1210.43, is amended to read as follows:

Section 1210.43 In event the vehicle is loaned the board of education shall provide insurance, by securing a policy from an insurance company authorized to do business in this state, with limits of not less than Five Thousand Dollars (\$5,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than Ten Thousand Dollars (\$10,000.00) because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property to a limit of not less than Five Thousand Dollars (\$5,000.00) because of injury to or destruction of property of others in any one accident, to cover such motor vehicle and its use while in its possession or control, and the owner so furnishing same shall not be liable for any personal injury or property damage resulting from the use of any such motor vehicle while in the possession of the board of education, its officials, employees or students.

The use of such motor vehicles for the purposes stated in Section ~~±~~ 1210.41 of this title by ~~vocational and technical~~ technology center schools or ~~area~~ technology center school districts is declared to be a public governmental function and no action for damages shall be brought against such schools or school districts or the boards of education thereof and the amount of damages, if any, recoverable against and collectible from such insurer may be determined in an

action brought against said insurance company and shall be limited to the amount provided in the insurance contract.

SECTION 128. AMENDATORY 70 O.S. 1991, Section 1210.44, is amended to read as follows:

Section 1210.44 It shall be unlawful for any person to operate a motor vehicle bearing a special license plate as provided for in this act on any street, road or highway in this state for any purpose other than in connection with any training or maintenance or other similar educational program or in administering such program; and upon conviction therefor such person shall be punished by a fine of not more than Fifty Dollars (\$50.00). Use of a motor vehicle in a manner unauthorized herein shall create no liability of any kind upon a ~~vocational and technical~~ technology center school or ~~area~~ technology center school district, or upon the board of education thereof.

SECTION 129. AMENDATORY 70 O.S. 1991, Section 1210.45, is amended to read as follows:

Section 1210.45 The board of county commissioners of any county or the governing board of any city or town is hereby authorized, in its discretion and upon such terms, conditions and for such consideration as it deems advisable, to lease, loan, sell or donate any obsolete, surplus or unneeded machinery, equipment or motor vehicle which it may have to the board of education of any ~~vocational and technical~~ technology center school or ~~area~~ technology center school district for use in connection with any training, maintenance or other similar educational program conducted by such board of education. Such educational programs may include, but shall not be limited to, the performance of field training projects in behalf of any county, municipality, school district or any organization not organized for profit, to provide needed training experience for the persons enrolled in such training programs.

SECTION 130. AMENDATORY Section 1, Chapter 352, O.S.L. 1997 (70 O.S. Supp. 2000, Section 1210.404), is amended to read as follows:

Section 1210.404 A. The Oklahoma School of Science and Mathematics shall solicit proposals and award grants for pilot projects that develop and establish model programs implementing advanced science and math curriculum at local ~~vocational-technical~~ technology center school sites, local colleges or universities, or at local school sites via distance learning. At least two grants shall be awarded during the 1997-98 school year for implementation beginning the fall of 1997. The Oklahoma School of Science and Mathematics shall determine pilot project criteria. The pilot project proposals shall be considered on a statewide competitive basis.

B. A Selection Committee shall be established to assist the Oklahoma School of Science and Mathematics in selecting sites for model programs. The Selection Committee shall consist of the following members:

1. The Director of the ~~State~~ Oklahoma Department of ~~Vocational Career and Technical~~ Technology Education or a designee;
2. The Superintendent of Public Instruction or a designee; and
3. The Director of the Oklahoma School of Science and Mathematics or a designee.

C. An Advisory Council shall be established to assist the Oklahoma School of Science and Mathematics in development of the model programs. The Advisory Council shall establish eligibility criteria for student participation in the program. The Advisory Council shall have final approval of the curriculum and shall set academic standards for the program. The Advisory Council shall consist of the following members:

1. A superintendent of a participating local school district within the ~~vocational-technical~~ technology center school district

elected by the majority of the participating superintendents or a designee;

2. The superintendent of a ~~vocational-technical~~ technology center school district participating in the program or a designee; and

3. The Director of the Oklahoma School of Science and Mathematics or a designee.

D. The Advisory Council and participating ~~area vocational-technical~~ technology center schools shall work with the Oklahoma School of Science and Mathematics in determining advanced science and math curriculum needs for the area served by the program. A representative from the Advisory Council and participating ~~area vocational-technical~~ technology center school or participating local school site shall work with a representative from the Oklahoma School of Science and Mathematics in the recruitment and hiring of faculty for the program. Faculty positions shall be approved by a majority vote of the representatives from the Advisory Council, ~~area vocational-technical~~ technology center school and the Oklahoma School of Science and Mathematics.

E. The participating ~~area vocational-technical~~ technology center school district shall provide transportation for those students attending the program at the ~~area vocational-technical~~ technology center school site. Local schools at their option may provide transportation for students attending at college or university sites.

SECTION 131. AMENDATORY 70 O.S. 1991, Section 1210.508, as last amended by Section 1, Chapter 306, O.S.L. 2000 (70 O.S. Supp. 2000, Section 1210.508), is amended to read as follows:

Section 1210.508 A. 1. Beginning with the 2001-2002 school year and every school year thereafter, for purposes of comparison with the state criterion-referenced tests for student academic achievement at the elementary level, the State Board of Education

shall cause a norm-referenced test to be administered to every student in the fourth-grade of the public schools who is a resident of or transferee into the district in which the student is enrolled. The test used shall be selected by the Board and shall measure specific skills represented by learner objectives. The student skills to be tested at the fourth-grade level shall include reading, mathematics, and language arts.

2. Beginning with the 2000-2001 school year the State Board of Education shall cause a norm-referenced test to be administered to every student in the third grade of the public schools who is a resident of or transferee into the district in which the student is enrolled. The test used shall be selected by the Board and shall measure specific skills represented by learner objectives. The student skills to be tested at the third-grade level shall include reading, mathematics, and language arts. The third-grade norm-referenced test shall be administered every year thereafter, until the implementation of the third-grade criterion-referenced test provided for in paragraph 3 of subsection B of this section.

B. 1. The Board shall develop and administer a series of criterion-referenced tests designed to indicate whether competencies as defined by the State Board of Education which Oklahoma public school students are expected to have attained in grades five and eight in mathematics, science, reading and writing of English, history, constitution and government of the United States, geography, and the arts and for the subjects and grade levels specified in paragraphs 2, 3 and 4 of this subsection have been achieved. Students who do not perform satisfactorily on the tests shall be remediated, subject to the availability of funding.

2. The Board shall administer criterion-referenced tests in the reading and writing of English, mathematics, science, United States history, Constitution and government, geography, and the arts to every student in the fifth- and eighth-grades who are residents of

or transferees into the district in which they are currently enrolled.

3. Contingent upon the availability of funds appropriated for that purpose, the State Department of Education shall develop and field-test during the 2001-2002 school year a series of criterion-referenced tests in reading/language arts, and mathematics for every student in the third-grade of the public schools who is a resident of or transferee into the district in which the student is enrolled. If the necessary funds are made available, the tests shall be implemented in the 2002-2003 school year and administered every year thereafter.

4. Each student who completes the instruction for the specified secondary level competencies, beginning with the school year listed in this paragraph and each school year thereafter, shall complete an end-of-instruction test for those competencies in order to graduate from high school. After the end-of-instruction tests are fully implemented all students will take the tests prior to graduation, unless otherwise exempt by law. The State Board of Education shall administer the criterion-referenced tests, to be implemented according to the following schedule:

Subject	Implementation
English II	2000-2001
United States History	2000-2001
Biology I	2002-2003
Algebra I	2002-2003

The end-of-instruction tests shall serve the purpose of the criterion-referenced tests as provided in paragraph 1 of this subsection. Students shall be afforded the opportunity to retake the tests once prior to graduation. In order to provide an indication of the levels of competency attained by the student in a permanent record for potential future employers and institutions of higher education, school districts shall report the highest achieved

state test performance index on the end-of-instruction tests on the student's high school transcript. Any student at the middle school level who completes the instruction in a secondary course specified in this paragraph may, upon the student's request, be administered the appropriate end-of-instruction test. It is the intent of the Legislature that, following implementation of the secondary level end-of-instruction tests, the performance data and any available research shall be reviewed for consideration of additional consequences, including, but not limited to, high school graduation.

C. All criterion-referenced tests required by this section shall measure academic competencies in correlation with the curricular standards adopted by the Board pursuant to Section 11-103.6 of this title. The State Board of Education shall evaluate academic competencies to ensure such competencies reflect high standards, are specific, well-defined, measurable, challenging, and will prepare elementary students for next-grade-level course work and secondary students for post-secondary studies at institutions of higher education or ~~vocational-technical~~ technology center schools without the need for remediation in core curriculum areas. All academic competencies shall reflect the goal of improving the state average American College Testing (ACT) score. The State Department of Education shall annually evaluate the results of the criterion-referenced tests. The State Board of Education shall seek to ensure that data yielded from the tests required in this section are utilized at the school district level to prescribe skill reinforcement and/or remediation by requiring school districts to develop and implement a specific program of improvement based on the test results.

D. 1. All results and reports of the criterion-referenced test series required in subsection B of this section for grades three, five and eight shall be returned to each school district prior to May 1 of each year.

2. State, district, and site level results of all tests required in this section shall be disaggregated by ethnic group and gender. All results and reports of the criterion-referenced test series required in subsection B of this section shall be returned to the State Department of Education and to the Office of Accountability by June 15 of each year. Each school site shall notify the student's parents of the school's performance levels in the Oklahoma School Testing Program as reported in the Oklahoma Educational Indicators Program at the end of each school year.

E. The State Board of Education shall be responsible for the development, field-testing, and validation of the criterion-referenced test series required in subsection B of this section. In the interest of economy the Board shall adapt criterion-referenced tests that have been developed by other states or are otherwise commercially available, or portions of such tests, to the extent that such tests are appropriate for use in the testing program to be administered to Oklahoma students.

F. The Board shall develop, administer, and incorporate as a part of the Oklahoma School Testing Program, other testing programs or procedures, including appropriate accommodations for the testing of students with disabilities as required by the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476.

SECTION 132. AMENDATORY Section 3, Chapter 190, O.S.L. 1998 (70 O.S. Supp. 2000, Section 1210.515), is amended to read as follows:

Section 1210.515 A. Pursuant to the provisions of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes, any person under the age of eighteen (18) years wishing to apply for a driver license or permit shall successfully demonstrate a satisfactory reading ability at the eighth-grade reading level by meeting the following criteria:

1. A student enrolled in a public school shall successfully complete the reading portion of the state criterion-referenced test offered in the eighth grade. Following the administration of this test in the eighth grade, any student not successfully completing the reading portion shall be assigned a plan of remedial reading. The student may either retake the reading portion of the state criterion-referenced test upon its administration the following year, or take an alternative reading proficiency test in order to satisfy the criteria for a driver license or permit. Alternative reading proficiency tests shall be approved by the State Department of Education. Subsequent successful completion of an alternative reading proficiency test shall serve to satisfy any test retaking requirement which may be required for the reading portion of the state criterion-referenced test in the eighth grade in the Oklahoma School Testing Program. School districts shall notify, in writing, each student who takes the reading portion of the state criterion-referenced test for the eighth grade or who takes an alternative reading proficiency test and the student's parent or legal guardian of the test results. If the student fails to perform satisfactorily on the test, the notice shall inform the student of the reading proficiency driver license requirement and the school's remediation plan for the student. Upon the student's successful completion of the test, the school shall furnish the student with the documentation needed for the driver license application in Oklahoma;

2. Unless alternatively documented according to the provisions of subsection C of this section, students under the age of eighteen (18) years shall successfully complete a reading proficiency test approved by the State Department of Education; and

3. Any student who wishes to apply for a restricted license to operate a motorcycle may take an alternative reading proficiency test, subject to the provisions of this section.

B. Alternative reading proficiency tests shall be offered by testing sites, which shall include the public schools at least four (4) times per calendar year, and may include any of the following which chose to participate, the ~~area vocational-technical~~ technology center school districts, Regional Education Service Centers, colleges, accredited private schools, and other sites approved by the State Department of Education. A student may take the test as often as wished, subject to the provisions of this section. Testing sites shall provide the first alternative reading proficiency test for each student at no cost to the student. Students may be assessed a fee not to exceed Twenty-five Dollars (\$25.00) by the testing site for each subsequent alternative reading proficiency test taken.

C. A school district shall provide for alternative documentation of reading proficiency for the purposes of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes for any student with an individualized education plan. The alternative documentation shall be furnished to such student who is performing satisfactorily in reading pursuant to the student's individualized education plan. Parents of disabled students educated pursuant to the provisions of Section 4 of Article XIII of the Oklahoma Constitution may satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes by signing an affidavit that, based upon their best information and belief, their child would qualify for an individualized education plan if enrolled in public school, and that in their judgment their child is performing satisfactorily in reading and is therefore academically qualified to satisfy the requirement of paragraph 2 of subsection A of Section 6-107.3 of Title 47 of the Oklahoma Statutes.

SECTION 133. AMENDATORY 70 O.S. 1991, Section 1210.531, as last amended by Section 3, Chapter 356, O.S.L. 1999 (70 O.S. Supp. 2000, Section 1210.531), is amended to read as follows:

Section 1210.531 A. The Education Oversight Board shall establish an Oklahoma Educational Indicators Program. The purpose of the Program shall be to develop and implement a system of measures whereby the performance of public schools and school districts is assessed and reported without undue reliance upon any single type of indicator, and whereby the public, including students and parents, may be made aware of the proper meaning and use of any tests administered under the Oklahoma School Testing Program Act, relative accomplishments of the public schools, and of progress being achieved. The Board shall involve representatives of various organizations of school teachers and of school administrators in the development of the Program. The Program shall be so designed that use of standardized definitions and measures and opportunities for coordination with national reports, including those of the National Assessment of Educational Progress, are maximized.

B. The Oklahoma Educational Indicators Program shall present information for comparisons of graduation rates, dropout rates, pupil-teacher ratios, student enrollment gain and loss rates, and test results in the contexts of socioeconomic status and the finances of school districts. Information shall be provided individually for all public school sites and school districts in a format that facilitates comparisons. As necessary data become available, comparisons shall also be provided individually for all schools and school districts on a historical basis. Reports of all tests administered pursuant to the Oklahoma School Testing Program Act, Section 1210.505 et seq. of this title, shall be a part of the Oklahoma Educational Indicators Program and shall be provided for each grade and each test subject or set of competencies. The

Education Oversight Board shall seek to develop and incorporate additional indicators of comparative standing and accomplishment.

C. Additionally, the Education Oversight Board, with the cooperation of the State Department of Education, the Oklahoma State Regents for Higher Education, and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, shall develop procedures for obtaining and reporting data to the high schools and to the general public regarding the performance of each high school's graduates in Oklahoma's institutions of higher education and in postsecondary vocational-technical education. The Education Oversight Board shall include such data in the report of the Oklahoma Educational Indicators Program.

D. By February 1 of each year the Education Oversight Board shall publish:

1. A summary report to the people and Legislature of Oklahoma of the information provided by the Oklahoma Educational Indicators Program; and

2. State, district, and site level reports which shall include the percentage of students who perform at the various levels on the tests required by the Oklahoma State Testing Program.

Immediately following the publication of the reports required in this subsection each year, all data gathered pursuant to the Oklahoma Educational Indicators Program shall be made available for public inspection at the offices of the Education Oversight Board or the Office of Accountability; provided, confidentiality of individual student records shall be preserved as required by law.

SECTION 134. AMENDATORY Section 2, Chapter 232, O.S.L. 1992 (70 O.S. Supp. 2000, Section 1210.555), is amended to read as follows:

Section 1210.555 A. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education is authorized to assist, and, if funds including but not limited to state appropriations are

available, or if private or corporate donations or other sources are matched in pilot projects, to make grants to, local boards of education for the establishment of pilot projects that would aid in the providing of technology education to middle school students. Funding may cover the cost of equipment, books and materials, and the start-up costs of developing the technology education program. Projects may involve entire districts, combinations of districts, combinations of schools, or elements of schools individually or in combination.

B. If funds are available on or before March 31, 1993, the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall determine pilot project criteria, and by July 1, 1993, solicit proposals, and establish a process for the consideration of proposals. Such proposals for pilot projects shall be considered on a statewide competitive basis.

C. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education is authorized to promulgate rules ~~and regulations~~ for the operation of such projects and to grant exceptions to rules ~~and regulations~~ for districts selected to operate such projects. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall have the authority to require termination of a pilot project or its continuation at any time that it finds such termination to be in the best interests of the students involved.

SECTION 135. AMENDATORY Section 62, Chapter 290, O.S.L. 1994, as amended by Section 11, Chapter 348, O.S.L. 1996 (70 O.S. Supp. 2000, Section 1210.563), is amended to read as follows:

Section 1210.563 A. Contingent upon the provision of appropriated funds designated for Alternative Education Academies pilot programs, the State Board of Education is authorized to award one or more competitive grants for alternative education programs to school districts, nonprofit organizations, or entities formed by

interlocal cooperative agreements pursuant to Section 5-117b of ~~Title 70 of the Oklahoma Statutes~~ this title. The grant awards shall be made to school districts located in counties with a high number of dropouts as reported by the Office of Accountability for the school year preceding the year for which the grant is being sought and a high number of referrals to the juvenile justice system or, if the grant award is to a nonprofit organization or entity formed by an interlocal cooperative agreement, the program to be funded shall serve students in school districts located in counties with a high number of dropouts and a high number of referrals to the juvenile justice system. Programs eligible for funding shall include but not be limited to programs provided:

1. Directly by a school district;

2. Pursuant to an interlocal cooperative agreement with another school district or districts or ~~an area vocational and technical~~ a technology center school district; or

3. Pursuant to contract with a nonprofit organization.

B. In order to be eligible for an Alternative Education Academy Grant, a program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;

2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;

3. Include an intake and screening process to determine eligibility of students;

4. Demonstrate that teaching faculty are appropriately certified teachers;

5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;

6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;

7. Provide courses that meet the curricular standards adopted by the State Board of Education and remedial courses;

8. Offer individualized instruction;

9. State clear and measurable program goals and objectives;

10. Include counseling and social services components with the provision that providers of services are not required to be certified as school counselors;

11. Require a plan leading to graduation be developed for each child in the program;

12. Offer life skills instruction;

13. Provide opportunities for arts education to students, including Artists in Residence programs coordinated with the Oklahoma Arts Council;

14. Provide a proposed annual budget;

15. Include an evaluation component including an annual written self-evaluation; and

16. Be appropriately designed to serve middle school, junior high school and secondary school students in grades six through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of ~~Title 70 of the Oklahoma Statutes~~ this title.

C. Grant recipients shall have priority, if recommended by the Alternative Education Academy Grants Technical Assistance Center as provided for in subsection F of this section, and if funds are available, for annual renewal of grants by the State Board of Education in amounts and on conditions as provided in this section. If a district receives grants for an Alternative Education Academy program for three (3) consecutive school years and if the program upon evaluation by the Technical Assistance Center meets the

criteria set forth in subsection B of this section, funding shall be as follows:

1. Funding for the fourth consecutive school year shall be in an amount of fifty percent (50%) of the average amount of grants awarded for the program pursuant to this section for the first three (3) consecutive school years;

2. Funding for the fifth consecutive school year shall be awarded only if the program has been state-validated and replicated by another district; if funding is awarded, it shall be in the amount of twenty-five percent (25%) of the average amount of grants awarded to the program pursuant to this section for the first three (3) consecutive school years;

3. All grants for the fourth and fifth school years as provided above shall be matched with local funds or in-kind contributions. Programs which received grants continuously for five (5) consecutive school years shall not thereafter be eligible for grants pursuant to this section.

D. School districts that receive Alternative Education Academy Grants shall not use the grant funds to supplant budgeted district expenditures for existing alternative education programs. Provided, programs that have been funded in prior years by Alternative Approaches grants pursuant to Section 1210.561 of this title may be funded through Alternative Education Academy Grants if included in the grant request and approved.

E. By September 15 of each school year, all revenue received and expended for students participating in alternative education academies created in subsection A of this section shall be reported to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-135 of this title.

F. Recipients of Alternative Education Academy Grants shall be subject to statutes and rules applicable to alternative education, including any exemptions from statutory or regulatory requirements authorized by statutes or rule.

G. 1. From funds appropriated for Alternative Education Academy Grants, the State Board of Education shall contract for technical assistance for operation of an Alternative Education Academy Grants Technical Assistance Center. The technical assistance provider shall be an entity located in Oklahoma that is officially recognized by the United States Department of Education to assess and facilitate dissemination of validated educational programs in Oklahoma. The technical assistance provider shall have priority, if its operations are deemed satisfactory by the State Board of Education and if funds are available, for annual renewal of the contract.

2. The duties of the technical assistance provider shall include, but shall not be limited to:

- a. recommending programs to the State Board of Education for Alternative Education Academy Grants,
- b. providing initial and ongoing training of personnel who will educate at-risk populations through programs funded pursuant to this section,
- c. providing technical assistance to districts identified by the State Department of Education as eligible for initial grants pursuant to subsection A of this section,
- d. providing technical assistance to grant recipients to enhance probability of success of grant-funded programs,
- e. evaluating grant-funded programs for possible state validation as defined in Section 1210.561 of this title,

- f. reporting to the State Board of Education the name and description of any program which receives state validation, and
- g. providing in-depth program analysis and evaluation of grant-funded programs to the State Board of Education and the Legislature no later than November 1 following the end of the school year in which one or more grant-funded programs were implemented.

H. The State Board of Education shall promulgate rules as necessary to administer the Alternative Education Academy Grants and the process by which the grant funding shall be allocated.

I. Any school district which does not participate in the Alternative Education Academy Grants created in this section may provide an alternative education program pursuant to the provisions of this section.

SECTION 136. AMENDATORY Section 65, Chapter 290, O.S.L. 1994 (70 O.S. Supp. 2000, Section 1210.566), is amended to read as follows:

Section 1210.566 A. By July 1, 1994, the State Board of Education shall notify in writing every school district of the provisions of this act which relate to alternative education.

B. By December 1, 1994, every school district that serves middle school, junior high school and secondary school students shall conduct and report to the State Department of Education a needs assessment to identify those students in grades six through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of ~~Title 70 of the Oklahoma Statutes~~ this title, including students under the age of nineteen (19) who reside in the district and have dropped out of school or are or have been suspended from school. Districts shall utilize data and information from juvenile justice agencies and the Office of Accountability in conducting the needs

assessments. The results of the needs assessments shall be reported to the State Department of Education in a format specified by the Department.

C. By May 1, 1995, every school district as specified in subsection B of this section shall develop and submit to the State Department of Education a proposed plan approved by the district board of education, for meeting the needs of the students at risk of not completing a high school education as identified through the needs assessment required in subsection B of this section by establishing, continuing or expanding alternative education programs. The district shall include parents, students, teachers, law enforcement representatives, judicial system representatives, social service representatives, ~~area vocational-technical~~ technology center school district representatives, and others deemed appropriate by the board of education in the development of the proposed plan. If the school district overlaps ~~an area vocational-technical~~ a technology center school district or districts, the plan shall be coordinated with the board of education of each overlapped ~~area vocational-technical~~ technology center school district.

D. The proposed plan shall be placed on file at the office of the school district superintendent where it shall be made available to the public on request.

E. By September 1, 1995, the State Board of Education shall prepare and submit to the Legislature and the Governor a proposed statewide plan, including a statement of needed funding, for the provision of alternative education to students in grades six through twelve who have been identified by school districts in their needs assessments as being at risk of not completing a high school education for a reason other than that identified in Section 13-101 of ~~Title 70 of the Oklahoma Statutes~~ this title. The plan should include provisions for cooperative agreements to provide services for students in alternative education programs and coordination with

the State Board of ~~Vocational Career~~ and ~~Technical Technology~~ Education.

SECTION 137. AMENDATORY Section 5, Chapter 225, O.S.L. 1999, as amended by Section 4, Chapter 304, O.S.L. 2000 (70 O.S. Supp. 2000, Section 1210.725), is amended to read as follows:

Section 1210.725 A. There is hereby created the Virtual Internet School Pilot Program Coordinating Committee. The Committee shall consist of nine (9) members who shall be selected by the Superintendent of Public Instruction, the Chancellor of Higher Education, and the Cabinet Secretary for Science and Technology, upon agreement of at least two of the three.

B. Each public school district selected to participate in the Pilot Program shall be represented by one member on the Committee. The members shall be proficient in technology tools or applications and shall be either administrators, teachers, curriculum specialists, or other individuals who are residents of the school district that member represents.

C. The following shall serve as ex officio, nonvoting members of the Committee:

1. The State Superintendent of Public Instruction or a designee;

2. The Executive Director of the Oklahoma Educational Television Authority or a designee;

3. The Director of the ~~State~~ Oklahoma Department of ~~Vocational Career~~ and ~~Technical Technology~~ Education or a designee;

4. The Chancellor of Higher Education or a designee;

5. The Secretary of Education or a designee;

6. The Secretary of Science and Technology or a designee; and

7. The Director of the Department of Rehabilitation Services or a designee.

D. Appointment of members of the Committee shall be made within thirty (30) days after the effective date of this act.

E. The State Superintendent of Public Instruction shall call the first meeting of the Committee within forty-five (45) days after the effective date of this act. The Committee shall select the Chair and the Vice Chair of the Committee from among their respective appointments at the first meeting. Subsequent meetings of the Committee shall be held at the call of the Chair or by a quorum of the members. The Committee shall meet at such times as is necessary. A quorum shall consist of a majority of the voting members of the Committee.

F. Members of the Committee shall receive no compensation for serving on the Committee, but shall receive travel reimbursement as follows:

1. State agency employees who are members of the Committee shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

2. All other Committee members shall be reimbursed by the State Board of Education for travel expenses incurred in performance of their duties on the Committee, in accordance with the State Travel Reimbursement Act.

SECTION 138. AMENDATORY 70 O.S. 1991, Section 2167, is amended to read as follows:

Section 2167. It is the intent of the Legislature that the State Regents continue to study and determine the feasibility of establishing a statewide joint system to make use of the above services in all colleges, municipal or community junior colleges and ~~vocational-technical~~ technology center schools in Oklahoma, or make use of the above services in any one of such colleges upon proper agreement.

SECTION 139. AMENDATORY 70 O.S. 1991, Section 2253, is amended to read as follows:

Section 2253. The development of vocational and occupational education which involves manipulative skills such as machine shop, printing, carpentry, stenography and distributive education shall be accomplished primarily at the secondary level of learning in programs provided by the high schools and ~~area vocational-technical~~ technology center schools under the jurisdiction of the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

SECTION 140. AMENDATORY 70 O.S. 1991, Section 2254, is amended to read as follows:

Section 2254. Educational programs in practical nursing, cosmetology and other skill-type programs requiring the completion of a certain number of clock hours of training for licensing shall be the responsibility of the ~~area vocational-technical~~ technology center schools under the jurisdiction of the State Board.

SECTION 141. AMENDATORY 70 O.S. 1991, Section 2268, is amended to read as follows:

Section 2268. If it is determined that Title X - Part B of the Federal Aid Law known as P.L. 92-318 is principally for occupational education offered at postsecondary institutions (those fitting the definition of junior colleges, postsecondary technical institutes, etc.), then the State Regents' functioning as the designated state agency for administering federal funds received for occupational education programs shall, by contract arrangement with the State Board, share certain of the federal funds as appropriate for allocation by the State Board for supplemental support of programs operated by institutions under the jurisdiction of the Board (the ~~area vocational-technical~~ technology center schools); and the State Board shall be accountable for administration of the funds so shared with it by the State Regents in accordance with appropriate federal laws and regulations, provided that the number of education programs offered and the number of students enrolled in them shall be taken

into consideration in arriving at appropriate division of the state's allotment of funds to be shared with the State Board.

SECTION 142. AMENDATORY 70 O.S. 1991, Section 2271, is amended to read as follows:

Section 2271. The leadership in developing arrangements for understanding and cooperative action between these two agencies of state government, the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education and the Oklahoma State Regents for Higher Education, should be an example for other agencies of state government for cooperation and teamwork when responsibilities of a common nature fall within the bounds of their respective jurisdictions; and the Legislature, by this expression, commends this display of cooperation by these two boards as example for the challenge and guidance of other agencies of state government accordingly.

SECTION 143. AMENDATORY 70 O.S. 1991, Section 2272, is amended to read as follows:

Section 2272. Duly authorized copies of this resolution shall be sent to the Director and each member of the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, the Chancellor and each member of the Oklahoma State Regents for Higher Education, and the head of each state agency, department, board and commission.

SECTION 144. AMENDATORY Section 2, Chapter 353, O.S.L. 1992, as last amended by Section 12, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 2602), is amended to read as follows:

Section 2602. There is hereby created the Oklahoma Higher Learning Access Program. The purpose of the program is to provide an award to students who meet the criteria set forth in the Oklahoma Higher Learning Access Act, Section 2601 et seq. of this title, and who are pursuing studies in this state leading to an associate or baccalaureate degree or who are pursuing studies in a postsecondary vocational-technical program or course offered pursuant to a duly

approved cooperative agreement between ~~an area vocational-technical~~
a technology center school and an institution of The Oklahoma State
System of Higher Education, and who are in good academic standing in
the institution of higher education or ~~vocational-technical~~
technology center school in which enrolled, to relieve them of the
burden of paying resident tuition at institutions of The Oklahoma
State System of Higher Education, to relieve them of the burden of
paying tuition for enrollment in postsecondary programs of the ~~area~~
~~vocational-technical~~ technology center districts, or to relieve them
of some portion of the burden of paying such fees or tuition,
pursuant to the provisions of this act, as may be required of
enrollees at private institutions of higher education which are
accredited pursuant to Section 4103 of ~~Title 70 of the Oklahoma~~
~~Statutes~~ this title. The further purpose of this program is to
establish and maintain a variety of support services whereby a
broader range of the general student population of this state will
be prepared for success in postsecondary endeavors.

SECTION 145. AMENDATORY Section 3, Chapter 353, O.S.L.
1992, as last amended by Section 13, Chapter 232, O.S.L. 2000 (70
O.S. Supp. 2000, Section 2603), is amended to read as follows:

Section 2603. A. To be eligible to participate in the Oklahoma
Higher Learning Access Program and to qualify for an award which
includes payment of an amount equivalent to resident tuition or
other tuition pursuant to Section 2604 of this title for the first
semester or other academic unit of postsecondary enrollment, a
student shall:

1. Be a resident of this state;
2. Have a record of satisfactory compliance with agreements
executed pursuant to Section 2605 of this title;
3. Have graduated within the previous three (3) years from a
high school accredited by the State Board of Education, or the
Oklahoma School of Science and Mathematics with a minimum 2.5

cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve;

4. Have completed the curricular requirements for admission to an institution within The Oklahoma State System of Higher Education and one additional unit or set of competencies in a course that meets college admission requirements; provided the curriculum requirements shall include two units or sets of competencies in foreign or non-English language or technology courses that meet the college admission requirements and one unit or set of competencies of a fine arts course. Students shall also have attained a 2.5 grade point average in the core curriculum courses; provided that students who attended a high school which did not offer all the core curriculum courses shall be allowed to satisfy this requirement by participating in a program approved by the State Regents for remediation of high school curricular deficiencies;

5. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution, or, if attending a private institution, have satisfied admission standards as determined by the private institution; provided, no student participating in the Oklahoma Higher Learning Access Program shall be admitted into an institution of higher education by special admission standards;

6. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered pursuant to a duly approved cooperative agreement between ~~an area vocational-technical~~ a technology center school and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title; and

7. Have established financial need during the eighth-grade year, ninth-grade year or tenth-grade year according to the standards and provisions promulgated by the Oklahoma State Regents for Higher Education; a student who satisfies the financial need criteria upon initial participation in the Oklahoma Higher Learning Access Program during the eighth, ninth, or tenth grade shall not later be denied participation in the Oklahoma Higher Learning Access Program on grounds that the student does not meet the financial need criteria.

B. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

1. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education; and

2. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education.

C. The Oklahoma State Regents for Higher Education and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall promulgate rules relating to maintenance of eligibility under this act by a student.

D. It is the intent of the Legislature that students in the ninth grade for the 1992-93 school year who are determined to be eligible Oklahoma Higher Learning Access students pursuant to this act shall be the first students eligible for benefits from the Oklahoma Higher Learning Access Trust Fund.

E. The Oklahoma State Regents for Higher Education are authorized to study, develop and propose criteria for determining students' award eligibility based upon the completion of seven (7) semesters of high school coursework.

SECTION 146. AMENDATORY Section 4, Chapter 353, O.S.L. 1992, as last amended by Section 14, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 2604), is amended to read as follows:

Section 2604. A. Subject to the availability of funds, an amount equivalent to the resident tuition for which an eligible Oklahoma Higher Learning Access Program student is obligated at an institution of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund.

B. Subject to the availability of funds, for each eligible Oklahoma Higher Learning Access Program student enrolled at a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, the Oklahoma State Regents for Higher Education shall award from the Oklahoma Higher Learning Access Trust Fund an amount equivalent to the amount of resident tuition for which the student would be eligible if the student were enrolled in a comparable program at a comparable institution of The Oklahoma State System of Higher Education. Comparability shall be determined by the State Regents.

C. Subject to the availability of funds, an amount equivalent to the tuition for any eligible Oklahoma Higher Learning Access Program student enrolled in a public postsecondary vocational-technical program or course for the purpose set forth in Section 2602 of this title shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Provided, such allocation shall not exceed the amount a student would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education.

D. An award allowed by this section shall not be allowed for courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program or taken more than five (5) years after the student's first semester of

postsecondary enrollment. The Oklahoma State Regents for Higher Education may award the Oklahoma Higher Learning Access Program benefits for courses of postsecondary units taken more than five (5) years after the student's first semester of postsecondary enrollment only in hardship circumstances; provided, however, no Oklahoma Higher Learning Access Program participant may receive benefits beyond a cumulative time period of five (5) years. The Oklahoma State Regents for Higher Education may establish a maximum limit on the number of courses or other postsecondary units to which Oklahoma Higher Learning Access Program benefits will apply. An award for eligible Oklahoma Higher Learning Access Program students enrolled in cooperative programs pursuant to agreements between ~~area~~ vocational-technical technology center schools and institutions of The Oklahoma State System of Higher Education shall be satisfied for both vocational-technical and college work in which enrolled pursuant to such cooperative program.

E. Benefits awarded under the Oklahoma Higher Learning Access Program shall be awarded to all eligible applicants without any limitation on the number of awards in any year other than the amount of funds available for the program and the number of eligible applicants. Subject to the provisions of subsection F of this section, if funds are not sufficient to provide awards for all eligible applicants, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. Provided, the Oklahoma State Regents for Higher Education shall take into consideration other grants and scholarships received by an eligible applicant when making awards.

F. The Oklahoma State Regents for Higher Education may, at the time an award is made on behalf of an Oklahoma Higher Learning Access Program student, set aside in the Oklahoma Higher Learning Access Trust Fund funds for the full commitment made to such Higher Learning Access Program student. For all academic years, students

who have previously received awards under the provisions of the Oklahoma Higher Learning Access Act, Section 2601 et seq. of this title, and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to this program shall be given an absolute priority for continued financial support by the Oklahoma Higher Learning Access Program superior to any students who are applying for such benefits for the first time.

SECTION 147. AMENDATORY Section 38, Chapter 320, O.S.L. 1999, as amended by Section 17, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 2611), is amended to read as follows:

Section 2611. There is hereby created the Oklahoma Tuition Scholarship Program. The purpose of the program is to provide to students who meet the criteria set forth in the Oklahoma Tuition Scholarship Act, who have graduated from high school with a standard diploma, and who are intending to pursue studies at an institution of higher education in The Oklahoma State System of Higher Education or a private institution of higher learning leading to an associate or baccalaureate degree, or are pursuing studies in a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between ~~an area vocational-technical~~ a technology center school and an institution of The Oklahoma State System of Higher Education, a scholarship in an amount equivalent to the resident tuition for the first two (2) years of enrollment at an institution in The Oklahoma State System of Higher Education paid for by the state.

SECTION 148. AMENDATORY Section 39, Chapter 320, O.S.L. 1999, as amended by Section 18, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 2612), is amended to read as follows:

Section 2612. A. To be eligible to participate in the Oklahoma Tuition Scholarship Program and qualify for a scholarship pursuant to Section 2613 of this title, a student shall:

1. Be a resident of this state for a minimum of two (2) calendar years immediately prior to high school graduation. Provided, a student who is a dependent of a member of the armed services stationed in Oklahoma shall be eligible as a resident of the state for purposes of this section as long as the member is stationed in the state in full-time military service and under military orders;

2. Have graduated within the previous three (3) years from a high school accredited by the State Board of Education or the Oklahoma School of Science and Mathematics and have been awarded a standard diploma as provided for in Section 11-103.6 of this title;

3. Have a graduate ranking in the top fifteen percent (15%) of the student's high school class and have earned not less than a 3.25 grade-point average on a 4.0 scale;

4. Have attained a score of 26 or higher on the American College Test;

5. Meet the income eligibility level, which is the student's parent(s) income from taxable and nontaxable sources which shall not be more than Seventy Thousand Dollars (\$70,000.00) per year;

6. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution or, if attending a private institution of higher learning located within the state and accredited pursuant to Section 4103 of this title or a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between ~~an area vocational-technical~~ a technology center school and an institution of The Oklahoma State System of Higher Education, have satisfied the admission standards for that private institution or vocational-technical program;

7. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program or course offered

pursuant to a duly approved cooperative agreement between ~~an area vocational-technical~~ a technology center school and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title;

8. Have made application for state and federal tuition aid programs; and

9. Not have been adjudicated as a delinquent for an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense or convicted as an adult of an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense.

B. Payment of scholarships shall begin for eligible students enrolling in a higher learning program who graduate from high school during the 2002-2003 school year and shall continue for eligible students graduating thereafter.

C. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

1. Maintain a minimum 2.75 cumulative grade point average on a 4.0 scale;

2. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education; and

3. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education.

D. The Oklahoma State Regents for Higher Education shall promulgate rules relating to maintenance of eligibility under the Oklahoma Tuition Scholarship Program by a student.

SECTION 149. AMENDATORY Section 40, Chapter 320, O.S.L. 1999, as amended by Section 19, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 2613), is amended to read as follows:

Section 2613. A. Subject to the availability of funds, a scholarship in an amount equivalent to the resident tuition which a student who is eligible under the Oklahoma Tuition Scholarship Act is obligated to pay at an institution in The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Tuition Scholarship Trust Fund.

B. Subject to the availability of funds, for students enrolled in a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, the Oklahoma State Regents shall award, from the Oklahoma Tuition Scholarship Trust Fund, a scholarship in an amount equivalent to the amount of resident tuition for which the student would be eligible if the student were enrolled in a comparable program at a comparable institution of The Oklahoma State System of Higher Education. Comparability shall be determined by the State Regents.

C. Subject to the availability of funds, a scholarship in an amount equivalent to the tuition for eligible students enrolled in a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between ~~an area vocational-technical~~ a technology center school and an institution of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Tuition Scholarship Trust Fund. Provided such allocation shall not exceed the amount a student would have received for payment of two (2) years of resident tuition for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education.

D. The maximum limit on the number of courses or other postsecondary units for which a scholarship shall be awarded as provided for by this section shall not exceed sixty (60) credit hours, with not more than thirty (30) credit hours in any one year.

E. No benefits shall be awarded under the Oklahoma Tuition Scholarship Program for remedial courses.

F. Benefits awarded under the Oklahoma Tuition Scholarship Program shall be awarded to all eligible applicants without any limitation on the number of awards in any year other than the amount of funds available for the Program and the number of eligible applicants. If funds are not sufficient to provide awards for all eligible applicants, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. The State Regents shall take into consideration other grants and scholarships received by an eligible applicant when making awards. If an eligible applicant receives state or federal tuition aid which pays for all or part of the resident tuition obligation of the applicant, the State Regents shall adjust the award to cover only an amount equivalent to the remaining unpaid portion.

SECTION 150. AMENDATORY 70 O.S. 1991, Section 3311.4, as amended by Section 2, Chapter 230, O.S.L. 1998 (70 O.S. Supp. 2000, Section 3311.4), is amended to read as follows:

Section 3311.4 A. Beginning January 1, 1991, and annually thereafter, every active full-time peace officer, certified by the Council on Law Enforcement Education and Training pursuant to Section 3311 of this title, shall attend and complete a minimum of sixteen (16) hours of continuing law enforcement training accredited or provided by the Council. The Council shall promulgate rules to enforce the provisions of this section and shall enter into contracts and agreements for the payment of classroom space, training, food, and lodging expenses as may be necessary for law enforcement officers attending such training in accordance with subsection B of Section 3311 of this title. Such training and seminars shall be conducted in all areas of this state at ~~vocational-technical~~ technology center schools, institutions of higher education, or other approved sites.

B. Every inactive full-time peace officer, certified by the Council, shall be exempt from these requirements during the inactive

status. Upon re-entry to full-time active status, the peace officer shall be required to comply with paragraph A of this section. If a certified peace officer has been inactive for five (5) or more years, the officer must complete forty (40) hours of refresher training as prescribed by the Council, within one (1) year of employment.

C. Any active full-time certified peace officer, who fails to meet the annual training requirements specified in this section, shall be subject to having the certification of the peace officer suspended, after having been given written notice of noncompliance and a reasonable time, as defined by the Council, to comply with the provisions of this section. A peace officer shall not be employed in the capacity of a peace officer during any period of suspension. The suspension period shall be for a period of time until the officer files a statement attesting to full compliance with the provisions of this section. Any officer whose certification is suspended pursuant to this section may request a hearing with the Council. Said hearings shall be governed by the Administrative Procedures Act except that the affected officer has the burden to show the Council why the Council should not have the certification of the officer suspended.

SECTION 151. AMENDATORY Section 6, Chapter 353, O.S.L. 1992 (70 O.S. Supp. 2000, Section 3953.1), is amended to read as follows:

Section 3953.1 A. There is hereby created a trust fund to be known as the "Oklahoma Higher Learning Access Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of said Trust Fund.

B. The State Regents shall utilize said Trust Fund to implement the provisions of Sections ~~4~~ 2601 through ~~4~~ 2604 of this ~~act~~ title.

C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents

for Higher Education for the Trust Fund and any monies or assets contributed to the Trust Fund from any other source, public or private.

D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in Sections ~~±~~ 2601 through ~~4~~ 2604 of this ~~act~~ title. The State Regents may also utilize the Trust Fund principal for the purposes provided in Sections ~~±~~ 2601 through ~~4~~ 2604 of this ~~act~~ title. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the Trust Fund and of the Oklahoma Higher Learning Access Program established by this act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma Higher Learning Access Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of this title, to private institutions, and to the appropriate ~~vocational-technical~~ area technology center school district to cover general enrollment fees or tuition for eligible students pursuant to this Act. Allocations from the Trust Fund may be made only for the purpose of covering the general enrollment fees or tuition of eligible students. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education or ~~vocational-technical institution~~ technology center school.

SECTION 152. AMENDATORY Section 41, Chapter 320, O.S.L. 1999, as amended by Section 20, Chapter 232, O.S.L. 2000 (70 O.S. Supp. 2000, Section 3953.2), is amended to read as follows:

Section 3953.2 A. There is hereby created a trust fund to be known as the "Oklahoma Tuition Scholarship Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustee of the Trust Fund.

B. The State Regents shall utilize the Trust Fund to implement the provisions of the Oklahoma Tuition Scholarship Act.

C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund and any monies or assets contributed to the Trust Fund from any other source, public or private.

D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in the Oklahoma Tuition Scholarship Act. The State Regents may also utilize the Trust Fund principal for purposes provided in the Oklahoma Tuition Scholarship Act. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses. Expenses incurred by the State Regents in the administration of the Trust Fund and the Oklahoma Tuition Scholarship Program established by the act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The State Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma Tuition Scholarship Trust Fund to the appropriate institutional Education and General Operations Revolving Funds, as established in Section 3901 of ~~Title 70 of the Oklahoma Statutes~~ this title, to private institutions of higher learning, and to the appropriate ~~vocational-technical~~ technology center school to cover resident tuition or other tuition for eligible students pursuant to the Oklahoma Tuition Scholarship Act. Allocations from the Trust Fund may be made only for the purpose of

covering the resident tuition or other tuition of eligible students by making scholarship awards in an amount equivalent to two (2) years of resident tuition to eligible students. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education or ~~vocational-technical institution~~ technology center school.

SECTION 153. AMENDATORY 70 O.S. 1991, Section 4406, is amended to read as follows:

Section 4406. The governing board of any public junior college shall have the power and authority to enter into cooperative agreements with any ~~area vocational-technical~~ technology center school for the joint use of facilities and personnel, joint courses of study and educational programs and other cooperative efforts to the mutual benefit of each school and the public.

SECTION 154. AMENDATORY 70 O.S. 1991, Section 4410, is amended to read as follows:

Section 4410. Any community maintaining a community junior college as provided by ~~Chapter 100, O.S.L. 1967 (70 O.S. Supp. 1967,~~ Sections 4401 - 4409) of this title, in which courses in vocational and/or technical education are to be offered, and meeting the published standards and criteria prescribed by law and/or the State Board ~~for Vocational~~ of Career and Technology Education for establishing ~~an area~~ a technology center school district may, by resolution adopted by the Board of Trustees of the college, become ~~an area~~ a technology center school district; and laws applicable to other ~~area~~ technology center school districts, including laws authorizing tax levies and laws pertaining to eligibility for participation in federal funds, shall be applicable to such district, except that in lieu of a board of education its governing board shall be the Board of Trustees of the community junior college; provided that the provision above shall also be applicable

to all community and municipal junior colleges now in existence in Oklahoma.

SECTION 155. AMENDATORY 70 O.S. 1991, Section 4411, is amended to read as follows:

Section 4411. It is further provided that a two-year college which is a part of The Oklahoma State System of Higher Education may become ~~an area~~ a technology center school district for the purpose of providing postsecondary vocational and/or technical education programs and services within an area to be geographically defined by the Oklahoma State Regents for Higher Education. Two-year state colleges thus designated as ~~area vocational-technical~~ technology center districts by resolution of the State Regents for Higher Education shall be eligible to receive federal funds for vocational-technical education. Exclusive management and control of higher education institutions now vested by law in the governing boards and the State Regents for Higher Education shall remain unchanged by present provisions. The college ~~area vocational-technical~~ technology center districts which receive federal vocational education funds from the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall comply with the standards and rules established by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education that are applicable to programs federally funded. The funds derived from local taxing authority as granted heretofore to community college boards shall not be construed to accrue to said boards of regents for state two-year colleges.

SECTION 156. AMENDATORY 70 O.S. 1991, Section 4419, as amended by Section 1, Chapter 40, O.S.L. 1992 (70 O.S. Supp. 2000, Section 4419), is amended to read as follows:

Section 4419. A. All of the territory comprising the County of Tulsa, and all of the territory in adjacent counties comprising a portion of school districts partially located in Tulsa County shall

be ~~an area~~ a technology center school district ~~for vocational and/or technical schools~~ to be known as the Tulsa County ~~Area Vocational-Technical~~ Technology Center School District. Territory that is in an existing ~~area vocational-technical~~ technology center school district shall be exempt from consideration. Provided, nothing in this section shall prohibit the annexation of territory in adjacent counties by the Tulsa County ~~Area Vocational-Technical~~ Technology Center School District in accordance with rules ~~and regulations~~ prescribed by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education. Provided, further, any such annexation shall be approved by the Tulsa County ~~Area Vocational-Technical~~ Technology Center School Board of Education prior to such annexation election. The Tulsa County ~~Area Vocational-Technical~~ Technology Center School District shall have a board of education consisting of seven (7) members having the same powers and duties as boards of education of other ~~area~~ technology center school districts. The members shall be elected in the same manner as boards of education of other ~~area~~ technology center school districts except as otherwise provided in this title. The terms of office of members shall be staggered so that the term of office of only one member shall expire each year. The offices shall be numbered. The Tulsa County ~~Area Vocational-Technical~~ Technology Center School Board of Education shall divide the territory of the district into seven board districts in the same manner as required by independent school districts. One member of the board of education shall be elected to represent each board district. Beginning January 1, 1993, the following provisions and the provisions of Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall control as to election of the members of the Tulsa County ~~Area Vocational-Technical~~ Technology Center School Board of Education:

1. There shall be held a nomination election in which the electors of each board district in which a term is expiring or in which a vacancy exists shall select two (2) nominees from among the candidates for board member to represent the board district;

2. If, in the nominating election, one candidate has a majority of all votes cast, then that candidate shall be elected to represent the board district and a general election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the nominees for the board district in the general election; and

3. At the general election, all of the electors of the board district shall select one of the two nominees as the member of the board of education representing the board district.

B. Except as otherwise provided in this section, the election of the governing board and the operation of the Tulsa County ~~Area Vocational-Technical~~ Technology Center School District shall be in accordance with rules ~~and regulations~~ established by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education as provided for in Section 9B, Article X, Oklahoma Constitution.

C. It is hereby provided that not more than three (3) mills on the dollar valuation of the taxable property in the district shall be voted on or thereafter be levied annually under Section 9B, Article X, Oklahoma Constitution, and the district shall not become indebted for more than three percent (3%) of the net valuation of taxable property within the district for capital improvements for secondary and adult vocational and technical education purposes. Only programs in secondary and adult vocational and technical education shall be offered by the district.

D. Programs in post-secondary vocational and ~~or~~ technical education shall not be offered or conducted by the Tulsa County ~~Area~~ Technology Center School District; provided, however, that nothing in this section shall be construed as prohibiting the establishment

of an authorization to conduct such post-secondary vocational and/or technical programs by legislative enactment creating or establishing such programs within the limits of Section 9B, Article X of the Oklahoma Constitution.

SECTION 157. AMENDATORY 70 O.S. 1991, Section 4420, as amended by Section 9, Chapter 276, O.S.L. 1996 (70 O.S. Supp. 2000, Section 4420), is amended to read as follows:

Section 4420. A. The territory comprising the County of Tulsa shall be ~~an area~~ a technology center school district for vocational and/or technical schools to be known as the Tulsa Community College Area Technology Center School District; and all laws applicable to other ~~area~~ technology center school districts shall apply to it, except as hereinafter provided. The Board of Regents of the Tulsa Community College shall serve as the governing board of education of the district. Programs in postsecondary vocational and/or technical and/or adult education shall be offered by the district, subject only to the authority herein granted to the Tulsa County Area Vocational-Technical Technology Center School District Board which shall serve as a funding board for said Tulsa Community College Area Technology Center School District. The funding board composed of the elected members of the Tulsa County ~~Area Vocational-Technical~~ Technology Center School District shall have the sole authority to resolve and determine the submission of a proposed millage or capital improvement bond issue to a vote of the electorate. Provided however, that in the event of a favorable action on any such question submitted resulting in a levy for the support of programs to be offered by the Tulsa Community College ~~Area~~ Technology Center School District, then and in that event the funds so voted and derived from such levy shall be under the direct supervision and control of the governing board of said Tulsa Community College ~~Area~~ Technology Center School District. All funds expended for operations or capital improvements are subject to

approval by Tulsa County ~~Area Vocational-Technical~~ Technology Center School District Board, and approved by the State Board of ~~Vocational-Technical~~ Career and Technology Education. Submitted plans or reports must be approved within thirty (30) days. All such approved plans must expend funds according to rules and procedures prescribed by the State Regents for Higher Education.

B. Not more than two (2) mills on the dollar valuation of the taxable property in the district may be voted on and thereafter be levied annually under Section 9B, Article X, Oklahoma Constitution, for postsecondary vocational and~~or~~ technical education purposes in the district. Proceeds of such levies shall be made a part of the educational and general operating budget of the Tulsa Community College and shall be allotted, budgeted and expended for supplemental support of the postsecondary vocational and~~or~~ technical and~~or~~ adult education programs offered by the college in accordance with rules made by the Oklahoma State Regents for Higher Education; provided, however, that the State Regents shall not take into consideration this local ad valorem tax revenue for supplemental support of the district technical education program when allocating state-appropriated funds for support of the basic community college program.

C. The district may become indebted for not more than two percent (2%) of the net valuation of taxable property within the district for capital improvements to provide supplemental accommodations for postsecondary vocational and technical education programs offered at the Tulsa Community College, when such indebtedness is approved by a majority of the electors of the ~~area~~ technology center school district voting on the question in an election called for such purpose. Bonds in pursuance thereof shall be issued in the same manner as bonds issued by boards of education of other ~~area~~ technology center school districts, and the proceeds of such bonds shall be used for facilities approved by the Oklahoma

State Regents for Higher Education and shall be allocated, expended and accounted for in accordance with rules of the State Regents.

SECTION 158. AMENDATORY 70 O.S. 1991, Section 4420.1, is amended to read as follows:

Section 4420.1 A. Any county contiguous with a county that is entirely included in a college ~~area vocational-technical~~ technology center school district, upon adoption of a resolution by the board of regents of any institution of The Oklahoma State System of Higher Education whose main campus is located within such contiguous county, shall become a college ~~area vocational-technical~~ technology center school district and be governed by the members of said board of regents, sitting as a board of education. The laws applicable to ~~area vocational-technical~~ technology center school districts, including laws authorizing submission of tax levies pursuant to Section 9B of Article X of the Oklahoma Constitution which may be in addition to established levies of districts overlapping with said district, and the laws pertaining to expenditure of funds and eligibility for participation in federal funds, shall be applicable to such district. Not more than five (5) mills on the dollar valuation of the taxable property in the district may be voted on and thereafter be levied pursuant to subsection A of Section 9B of Article X of the Oklahoma Constitution. Not more than five (5) mills on the dollar valuation of the taxable property in the district may be voted on and thereafter be levied pursuant to subsection B of Section 9B of Article X of the Oklahoma Constitution. Funds received pursuant to ad valorem levies shall not be used for state purposes but shall be used for postsecondary vocational and/or technical and adult education purposes in the district.

B. The Oklahoma State Regents for Higher Education shall not take the ad valorem tax revenue of the district into consideration when allocating state-appropriated funds to the institution.

SECTION 159. AMENDATORY 70 O.S. 1991, Section 4420.2, is amended to read as follows:

Section 4420.2 ~~College area vocational-technical~~ technology center school districts authorized by Sections 4410, 4411, 4420, and 4420.1 of ~~Title 70 of the Oklahoma Statutes~~ this title shall not be eligible to receive any state funds appropriated by the Legislature to the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education. Nothing provided in this section shall be construed as prohibiting contracts and cooperative agreements between college ~~area vocational-technical~~ technology center districts and ~~area vocational-technical~~ technology center school districts or prohibiting contracts or agreements between or among ~~area vocational-technical~~ technology center schools or the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education and institutions of The Oklahoma State System for Higher Education or their governing boards of regents or trustees or the Oklahoma State Regents for Higher Education.

SECTION 160. AMENDATORY 70 O.S. 1991, Section 4421, is amended to read as follows:

Section 4421. Nothing herein contained shall be construed to authorize or prohibit the separate establishment of ~~an area a~~ a technology center district for vocational and/or technical secondary and adult education programs within the allowable remaining fiscal limits as authorized by Section 9B, Article X of the Oklahoma Constitution.

SECTION 161. AMENDATORY 70 O.S. 1991, Section 4714, is amended to read as follows:

Section 4714. A. If funds are available in the Funds for Excellence Fund, created pursuant to Section ~~47~~ 4713 of this ~~act~~ title, the State Regents for Higher Education shall develop and conduct a series of grant competitions for the various institutions

of higher education within The Oklahoma State System of Higher Education.

B. The State Regents for Higher Education shall devise the rules and procedures to be used in the grant competition within the following broad outlines set forth by the Legislature:

1. The State Regents for Higher Education shall set forth the theme of the competition. The general theme shall always relate to improving some aspect of higher education, however the specific theme could include, but not be limited to, any one or combination of the following:

- a. Improving general or core curricular studies for undergraduates. Projects, for example, could involve a revision by the College Arts and Sciences of course requirements with special emphasis on interdisciplinary approaches, or those integrating geography with core requirements,
- b. Strengthening core arts and sciences curricular requirements for preprofessional students,
- c. Effectively applying assessment in student admission, placement, retention, advancement and graduation,
- d. Strengthening the economic development outreach activities of higher education institutions,
- e. Strengthening academic alliances between high schools and higher education institutions, and
- f. Improving academic cooperation between two-year colleges and ~~area vocational-technical~~ technology center schools;

2. Each institution of higher education interested in participating in the competition shall conduct an internal competition, with internal peer review, to select three proposals. These three proposals shall be submitted to the State Regents for Higher Education and shall compete against the top three proposals

from all other participating institutions of higher education. All projects offered must be collaborative efforts by departments or colleges. Projects offered by individuals shall not be considered; and

3. The State Regents for Higher Education shall conduct an external peer review of the top three proposals submitted by each institution and may select one or more for funding.

C. Funding shall be from the Funds for Excellence Fund, created pursuant to Section ~~47~~ 4713 of this ~~act~~ title.

SECTION 162. AMENDATORY 70 O.S. 1991, Section 5001, is amended to read as follows:

Section 5001. A. The Oklahoma State Regents for Higher Education and the State Board of ~~Vocational Career and Technical~~ Technology Education shall jointly create a Post-secondary Oversight Council. Appointment of members of the first Council shall be completed not later than November 1, 1985.

B. Appointments and terminations of appointment shall be filed with the Secretary of State with notice to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Members resigning shall do so by joint letter to the appointing boards with copies to the President Pro Tempore and the Speaker.

C. The Post-secondary Oversight Council shall consist of seven (7) members who shall serve at the mutual pleasure of the two appointing boards. Appointees shall be persons who are not professional educators, employees of the State of Oklahoma, elected officials, or members of the appointing boards but whose experience and background suggest understanding of Oklahoma's economy and the mix of educational opportunities necessary for a vigorous future economy. Members shall receive no compensation, but shall be reimbursed in accordance with the State Travel Reimbursement Act, Sections 500.1 et seq. of Title 74 of the Oklahoma Statutes, for

travel expenses incurred in carrying out their duties as members of the Council.

D. The Council shall meet as frequently as performance of its duties requires but not fewer than four (4) times each year. The Council shall choose a ~~Chairman~~ Chair, Vice ~~Chairman~~ Chair, and Secretary. No officer shall serve in the same position for more than two (2) consecutive years. The Council may further organize itself and issue such rules as are necessary for the conduct of its work. The Council shall have no employees and shall receive no funds. Clerical assistance, meeting space, and other administrative support shall be provided by the State Regents and the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education upon request of the Council or any of its officers.

E. Members of the Council shall have access to all public facilities in Oklahoma at which post-secondary courses or programs of education are offered and shall have access to all personnel, offices, papers, documents, and other records which pertain thereto. The primary duty of the Council shall be performance of continuing review of post-secondary programs and courses for the purpose of recommending changes which may be expected to free resources for better uses, particularly through elimination of course and program duplication and through joint use of facilities and instructional personnel. All recommendations of the Council shall be written and shall be furnished to the Oklahoma State Regents for Higher Education, the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. An annual report and summary of recommendations, which may include comments by the Council concerning responses or actions taken, if any, by the State Regents or the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, shall be provided to the President Pro Tempore

and the Speaker not later than the tenth legislative day of each session of the Legislature.

F. Nothing in this section shall be construed as preventing or discouraging the solicitation or direct receipt by the Council or any member of the Council of any information, allegations, or suggestions concerning its work.

SECTION 163. AMENDATORY Section 3, Chapter 296, O.S.L. 2000 (70 O.S. Supp. 2000, Section 8005), is amended to read as follows:

Section 8005. A. The Adult Literacy Services Advisory Committee shall be composed of fifteen (15) members:

1. The Governor shall appoint two members who are executives of business or industry;

2. The Speaker of the House of Representatives shall appoint one member to serve as cochair of the Committee who is a member of the House of Representatives and one member who is a volunteer of a local literacy program;

3. The President Pro Tempore of the Senate shall appoint one member to serve as cochair of the Committee who is a member of the Senate and one member who is a volunteer of a local literacy program;

4. The State Superintendent of Public Instruction shall appoint two members who work with a local adult basic education program and one member who is employed in the Lifelong Learning Section of the State Department of Education;

5. The Director of the Oklahoma Department of Libraries shall appoint one member who is employed in the Literacy Resource Office of the Department of Libraries;

6. The Executive Director of the Oklahoma Educational Television Authority shall appoint one member;

7. The Director of the Center for the Study of Literacy at Northeastern State University shall appoint one member;

8. The Director of the ~~State~~ Oklahoma Department of ~~Vocational Career and Technical Technology~~ Education shall appoint one member who is employed by the ~~State~~ Oklahoma Department of ~~Vocational Career and Technical Technology~~ Education and who works in adult education;

9. The Director of the Oklahoma Department of Human Services shall appoint one member who is employed by the Department and is knowledgeable about adult literacy and education needs; and

10. One member who serves as President of the Oklahoma Literacy Coalition, Incorporated.

B. The Committee cochairs shall convene an organizational meeting no later than August 31, 2000, at which time the Committee may adopt rules governing its operation and elect other officers to serve the Committee. The presence of seven members of the Committee shall constitute a quorum.

C. Appointed members shall serve at the pleasure of the appointing authority.

D. Nonlegislative members of the Committee shall be reimbursed by the appointing authority for travel expenses incurred in the performance of their duties pursuant to the State Travel Reimbursement Act.

E. Legislative members of the Committee shall be reimbursed by their appointing authorities for necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes.

SECTION 164. AMENDATORY 72 O.S. 1991, Section 302, is amended to read as follows:

Section 302. From and after July 1, 1974, any Oklahoma veteran, or the child of any Oklahoma veteran who is missing in action or a prisoner of war, shall be entitled to attend any state-supported ~~vocational and technical education institution~~ technology center school in the State of Oklahoma operating under the State Board of

~~Vocational~~ Career and ~~Technical~~ Technology Education without the payment of tuition. Provided, further, that Oklahoma State University School of Technical Training at Okmulgee, Oklahoma, shall be excluded from the provisions of this act.

SECTION 165. AMENDATORY 72 O.S. 1991, Section 303, is amended to read as follows:

Section 303. In order for a veteran to qualify for the benefits provided in this act, the applicant must:

1. Have an honorable discharge from the armed forces of the United States of America;
2. Have served a minimum of eighteen (18) consecutive months' active duty between the dates of August 10, 1964, and December 31, 1976, or shall have been discharged with a service-connected disability;
3. Be able to establish that he or she was a bona fide resident of the State of Oklahoma at the time of entry into the military service;
4. Accept the benefits of free tuition within fifteen (15) years following his discharge or release from the armed forces; and
5. Satisfy the entrance and eligibility requirements imposed by the ~~institution of vocational and technical education~~ technology center school.

SECTION 166. AMENDATORY 72 O.S. 1991, Section 305, is amended to read as follows:

Section 305. A. To qualify for the benefits of free tuition the descendant of a serviceman must:

1. Prove his relationship to the missing or captured parent; and
2. Satisfy the entrance and eligibility requirements imposed by the ~~institution of vocational and technical education~~ technology center school.

B. Free tuition shall not exceed a period of more than thirty-six (36) months for qualified descendants; however, tuition shall be available only while the parent of the descendant is missing in action or a prisoner of war or until the descendant reaches the age of twenty-three (23) years, whichever is the shorter period of time.

SECTION 167. AMENDATORY 72 O.S. 1991, Section 306, is amended to read as follows:

Section 306. In the event that any ~~institution~~ technology center school is being seriously handicapped in its ability to provide an education or training for all of its students as a result of a disproportionate amount of tuition-free students, then the administrative officer of such ~~institution~~ school shall certify as to the handicapped condition to the State Board of ~~Vocational~~ Career and Technical Technology Education who shall be permitted to establish a quota system for the institution. A schedule of guidelines and priorities shall be established for taking students, as well as limiting the number of tuition-free students who may enroll. The excess number of applicants may enroll in some other state-supported ~~institution of vocational and technical education~~ technology center school which has not reached a critical level of tuition-free students.

SECTION 168. AMENDATORY Section 1, Chapter 372, O.S.L. 1998, as last amended by Section 1, Chapter 7, 1st Extraordinary Session, O.S.L. 2000 (73 O.S. Supp. 2000, Section 301), is amended to read as follows:

Section 301. A. The Oklahoma Capitol Improvement Authority is authorized to acquire real property, together with improvements located thereon, and personal property, to construct buildings and other improvements to real property and to provide funding for repairs, refurbishments and improvements to real and personal

property and for funding for the following capital projects in the following amounts:

1. Capital projects at institutions of higher education which are part of The Oklahoma State System of Higher Education in a total amount not to exceed Forty-five Million Dollars (\$45,000,000.00) with debt retirement payments to be made by the Oklahoma State Regents for Higher Education;

2. Construction of a History Center for the Oklahoma Historical Society in a total amount not to exceed Thirty-two Million Dollars (\$32,000,000.00) with debt retirement payments to be made by the Oklahoma Historical Society. Of such total amount, the sum of Four Million One Hundred Thousand Dollars (\$4,100,000.00) shall be transferred to the Capital Improvement Revolving Fund as reimbursement for improvements and renovations to the property made in preparation for the construction of the History Center;

3. Renovation of the Wiley Post Historical Building for occupancy by appellate courts in a total amount not to exceed Ten Million Dollars (\$10,000,000.00) with debt retirement payments to be made by the Oklahoma Supreme Court;

4. Land acquisition, demolition, landscaping, environmental remediation and other costs associated with the Lincoln Boulevard Renaissance Project in a total amount not to exceed Thirteen Million Eight Hundred Thousand Dollars (\$13,800,000.00) with debt retirement payments to be made by the Department of Central Services;

5. Construction of a new building for the J.D. McCarty Center for Children with Developmental Disabilities in a total amount not to exceed Ten Million Three Hundred Thousand Dollars (\$10,300,000.00) with debt retirement payments to be made by the J.D. McCarty Center for Children with Developmental Disabilities;

6. Funding for capital costs of a Technology Incubator Program for the University Hospitals Authority in a total amount not to

exceed Two Million Dollars (\$2,000,000.00) with debt retirement payments to be made by the University Hospitals Authority;

7. Funding for capital costs for the Native American Cultural and Educational Authority of Oklahoma in a total amount not to exceed Five Million Dollars (\$5,000,000.00) with debt retirement payments to be made by the Native American Cultural and Educational Authority of Oklahoma;

8. Funding for capital costs for systemwide equipment for the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education in a total amount not to exceed Five Million Dollars (\$5,000,000.00) with debt retirement payments to be made by the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education;

9. Capital projects for the Oklahoma School for the Deaf in a total amount not to exceed Six Million Seven Hundred Fifty Thousand Dollars (\$6,750,000.00) with debt retirement payments to be made by the State Department of Rehabilitation Services;

10. Capital projects for the Oklahoma School for the Blind in a total amount not to exceed Six Million Seven Hundred Fifty Thousand Dollars (\$6,750,000.00) with debt retirement payments to be made by the State Department of Rehabilitation Services;

11. Construction of a new Veterans Center in Lawton, Oklahoma, in a total amount not to exceed Twelve Million Dollars (\$12,000,000.00) with debt retirement payments to be made by the Oklahoma Department of Veterans Affairs;

12. Capital costs for financial management information systems in a total amount not to exceed One Million Dollars (\$1,000,000.00) with debt retirement payments to be made by the Office of State Finance;

13. Funding for the purchase of computer hardware and software for the Central Purchasing Division of the Department of Central Services in a total amount not to exceed Two Million Dollars

(\$2,000,000.00) with debt retirement payments to be made by the Department of Central Services;

14. Funding for implementation of the Boll Weevil Eradication Act in a total amount not to exceed Three Million Dollars

(\$3,000,000.00) with debt retirement payments to be made by the State Department of Agriculture;

15. Funding for construction and other capital costs at Quartz Mountain Lodge and Arts and Conference Center in a total amount not to exceed Three Million Five Hundred Thousand Dollars

(\$3,500,000.00) with debt retirement payments to be made by the Oklahoma Tourism and Recreation Department. Of such total amount appropriated pursuant to this section, the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) shall be transferred to the Capital Improvement Revolving Fund as reimbursement for the construction and other capital costs at the Quartz Mountain Lodge and Arts and Conference Center; and

16. The following capital projects to be funded by the obligations authorized herein in the amounts to be allocated and expended by the following entities and in the following amounts:

- a. the Oklahoma Aeronautics and Space Commission \$2,990,000.00
- b. the State Department of Agriculture \$5,044,194.00
- c. the Oklahoma State Bureau of Investigation \$300,000.00
- d. the Oklahoma Capitol Complex and Centennial Commission \$5,470,101.00
- e. the Department of Central Services \$975,000.00
- f. the Oklahoma Department of Commerce \$1,250,000.00
- g. the Oklahoma Conservation Commission \$100,000.00
- h. the Oklahoma Department of Corrections \$260,101.00
- i. the State Department of Education \$700,000.00

j.	the Oklahoma Educational Television Authority	\$250,000.00
k.	the Grand River Dam Authority	\$220,000.00
l.	the State Department of Health	\$735,000.00
m.	the Oklahoma State Regents for Higher Education	\$30,617,909.00
n.	the Oklahoma Historical Society	\$10,456,303.00
o.	the Oklahoma House of Representatives	\$46,434.00
p.	the Department of Human Services	\$2,010,101.00
q.	the J.D. McCarty Center for Children with Developmental Disabilities	\$485,101.00
r.	the Office of Juvenile Affairs	\$1,227,601.00
s.	the Oklahoma Department of Mental Health and Substance Abuse Services	\$2,075,000.00
t.	the Oklahoma Military Department	\$5,700,101.00
u.	the Department of Public Safety	\$1,194,000.00
v.	the Oklahoma Department of Tourism and Recreation	\$10,565,005.00
w.	the Oklahoma Department of Transportation	\$5,241,412.00
x.	the Oklahoma Department of Veterans Affairs	\$1,450,000.00
y.	the Oklahoma Department of Career and Technology Education	\$13,845,303.00
z.	the Oklahoma Water Resources Board	\$1,850,000.00
aa.	the Oklahoma Department of Wildlife Conservation	\$608,000.00
bb.	the Department of Central Services	<u>\$51,833,333.00</u>
	GRAND TOTAL	\$157,499,999.00

The funds allocated in subparagraph bb of this paragraph shall be spent for capital projects which are important to the furtherance of state functions, as directed by the Governor.

B. The Authority may hold title to the real and personal property and improvements until such time as any obligations issued for this purpose are retired or defeated and may lease the real property and improvements to the agencies indicated herein. Upon final redemption or defeasance of the obligations created pursuant to this section, title to the real and personal property and improvements shall be transferred from the Oklahoma Capitol Improvement Authority, to the agencies indicated herein.

C. For the purpose of paying the costs for acquisition and construction of the real property and improvements and personal property and making the repairs, refurbishments, and improvements to real and personal property, and providing funding for the projects authorized in subsection A of this section, and for the purpose authorized in subsection D of this section, the Authority is hereby authorized to borrow monies on the credit of the income and revenues to be derived from the leasing of such real and personal property and improvements and, in anticipation of the collection of such income and revenues, to issue negotiable obligations in a total amount not to exceed Three Hundred Twenty-five Million Dollars (\$325,000,000.00) whether issued in one or more series. The Department of Central Services is authorized and directed to expend funds from the Capital Improvement Revolving Fund in amounts sufficient to make required payments pursuant to such obligations during the fiscal year ending June 30, 1999. For subsequent fiscal years, it is the intent of the Legislature to appropriate to the indicated state agencies sufficient monies to make rental payments for the purposes of retiring the obligations created pursuant to this section. Provided, the Authority shall not issue any obligations pursuant to this section for the purpose of providing funding for the projects authorized in paragraph 16 of subsection A of this section prior to January 1, 2001. For the fiscal year ending June 30, 2002, and thereafter, it is the intent of the

Legislature to appropriate to the agencies administering the projects sufficient monies to make rental payments for the purpose of retiring the obligations created pursuant to this section.

D. To the extent funds are available from the proceeds of the borrowing authorized by subsection C of this section, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs related to the projects authorized in subsection A of this section.

E. The Authority may issue obligations in one or more series and in conjunction with other issues of the Authority. The Authority is authorized to hire bond counsel, financial consultants, and such other professionals as it may deem necessary to provide for the efficient sale of the obligations and may utilize a portion of the proceeds of any borrowing to create such reserves as may be deemed necessary and to pay costs associated with the issuance and administration of such obligations.

F. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than thirty (30) years from the first principal maturity date.

G. Any interest earnings on funds or accounts created for the purposes of this section may be utilized as partial payment of the annual debt service or for the purposes directed by the Authority.

H. The obligations issued under this section, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to

taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

I. The Authority may direct the investment of all monies in any funds or accounts created in connection with the offering of the obligations authorized under this section. Such investments shall be made in a manner consistent with the investment guidelines of the State Treasurer. The Authority may place additional restrictions on the investment of such monies if necessary to enhance the marketability of the obligations.

J. Insofar as they are not in conflict with the provisions of this section, the provisions of Section 151 et seq. of this title shall apply to this section.

K. To the extent that the provisions of paragraph 3 of subsection K of Section 85.4 of Title 74 of the Oklahoma Statutes would otherwise be applicable, such provisions shall be inapplicable to assets acquired, for ownership or for use, through the proceeds from the obligations authorized by paragraph 16 of subsection A of this section.

L. The Legislature finds that several functions of state government are properly performed through the delivery of state services by use of political subdivisions. In order to facilitate the delivery of essential state services and in furtherance of state governmental functions by the construction, acquisition or improvement of assets which may be located within the corporate limits of a municipality of the State of Oklahoma or which may be located in unincorporated areas of the state and subject to the jurisdiction of a board of county commissioners, but which nonetheless serve an important function of state government, the State of Oklahoma finds that the use of the proceeds from the issuance of obligations pursuant to this section effectuates the performance of essential state governmental functions, including, but not limited to:

1. Fire protection services;
2. Roads, bridges and highways located either partially within or completely within the corporate limits of a municipality or in an unincorporated area of the state;
3. Historic preservation;
4. Recreational facilities;
5. Air transportation infrastructure;
6. Facilities for the housing and care of the elderly;
7. Juvenile delinquency prevention and treatment facilities;
8. Agricultural and horticultural event facilities;
9. Health care facilities, including, but not limited to facilities the primary purpose of which is the treatment or prevention of communicable diseases or illness;
10. Promotion of tourism;
11. Promotion of economic development and business site selection; and
12. Public safety.

M. Notwithstanding any other provision of law to the contrary, each and every agency, board, commission, department or other entity of state government as identified in paragraph 16 of subsection A of this section shall have the authority to acquire or to transfer such property, whether real or personal, tangible or intangible, as may be required to fully fund the projects and to acquire or improve the assets for which the proceeds from the obligations authorized by this section are available.

SECTION 169. AMENDATORY 74 O.S. 1991, Section 18 1, as last amended by Section 30, Chapter 1, O.S.L. 1995 (74 O.S. Supp. 2000, Section 18 1), is amended to read as follows:

Section 18 1. The Office of the Attorney General may levy and collect a reasonable fee from the Department of Consumer Credit, the Office of Personnel Management, the Teachers' Retirement System of Oklahoma, the Oklahoma Public Employees Retirement System, the

Oklahoma Development Finance Authority, the Oklahoma Industrial Finance Authority, the Oklahoma Student Loan Authority, the Department of Mental Health and Substance Abuse Services, the Oklahoma Health Care Authority, the Board of Regents of Oklahoma Colleges, the Oklahoma State Regents for Higher Education, the ~~State~~ Oklahoma Department of ~~Vocational Career~~ and ~~Technical~~ Technology Education, the Oklahoma Department of Veterans Affairs, the State Fire Marshal Commission, the Commission on Children and Youth, the State Department of Agriculture, the Oklahoma Human Rights Commission, the Oklahoma Law Enforcement Retirement System, the Oklahoma Police Pension and Retirement System, the Oklahoma Tourism and Recreation Department, and the Department of Rehabilitation Services for the purpose of providing legal services requested by such entities. All fees collected in accordance with the provisions of this section shall be deposited in the Attorney General's Revolving Fund created pursuant to Section 20 of this title.

SECTION 170. AMENDATORY 74 O.S. 1991, Section 85.12, as last amended by Section 23, Chapter 6, O.S.L. 2000 (74 O.S. Supp. 2000, Section 85.12), is amended to read as follows:

Section 85.12 A. The provisions of this section shall not be construed to affect any law relating to fiscal or accounting procedure except as they may be directly in conflict herewith; and all claims, warrants, and bonds shall be examined, inspected, and approved as now provided by law.

B. Except as otherwise provided by this section, the acquisitions specified in this subsection shall be made in compliance with Section 85.39 of this title but are not subject to other provisions of the Oklahoma Central Purchasing Act:

1. Food and other products produced by state institutions and agencies;

2. The printing or duplication of publications or forms of whatsoever kind or character by state agencies if the work is

performed upon their own equipment by their own employees. Pursuant to this paragraph, the state agency may only use equipment owned or leased by the agency and may only utilize that equipment for printing services required by the agency in performing duties imposed upon the agency or functions authorized to be performed by the agency. Any use of the equipment by the agency pursuant to an agreement or contract with any other entity resulting in delivery of intermediate or finished products to the entity purchasing or using the products shall be subject to the provisions of the Oklahoma Central Purchasing Act;

3. Department of Transportation and Transportation Commission contractual services or right-of-way purchases; contracts awarded pursuant to bids let by the Transportation Commission for the maintenance or construction of streets, roads, highways, bridges, underpasses, or any other transportation facilities under the control of the Department of Transportation, the acquisitions of equipment or materials accruing to the Department of Transportation required in Federal-Aid contracts; and contracts for public service type announcements initiated by the Department of Transportation; but not contractual services for advertising or public relations or employment services;

4. Utility services where rates therefor are regulated by a state or federal regulatory commission, or by municipal ordinance, or by an Indian Tribal Council for use by the Department of Corrections only;

5. Acquisitions by the University Hospitals Authority. The Authority shall develop standards for the acquisition of products and services and may elect to utilize the Purchasing Division. The standards shall foster economy and short response time and shall include appropriate safeguards and record-keeping requirements to ensure appropriate competition and economical and efficient purchasing;

6. Contracts for custom harvesting by the Department of Corrections for the Department or its institutions;

7. Contracts with private prison contractors which are subject to the contracting procedures of Section 561 of Title 57 of the Oklahoma Statutes;

8. Acquisitions by the Oklahoma Municipal Power Authority;

9. Acquisitions by the Grand River Dam Authority;

10. Acquisitions by rural water, sewer, gas, or solid waste management districts created pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act;

11. Acquisitions by the Oklahoma Ordnance Works Authority, the Northeast Oklahoma Public Facilities Authority, or the Midwestern Oklahoma Development Authority;

12. Contracts entered into by the Oklahoma Industrial Finance Authority for the services of an appraiser or for acquisition of insurance when the Authority's Board of Directors determines that an emergency exists, and contracts for the services of legal counsel when approved by the Attorney General;

13. Expenditure of monies appropriated to the State Board of Education for Local and State Supported Financial Support of Public Schools, except monies allocated therefrom for the Administrative and Support Functions of the State Department of Education;

14. Expenditure of monies appropriated to the State Department of Rehabilitation Services for educational programs or educational materials for the Oklahoma School for the Blind and the Oklahoma School for the Deaf;

15. Contracts entered into by the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education for the development, revision, or updating of vocational curriculum materials, and contracts entered into by the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education for training

and supportive services that address the needs of new or expanding industries;

16. Contracts entered into by the Oklahoma Center for the Advancement of Science and Technology for professional services;

17. Contracts entered into by the Oklahoma Department of Commerce pursuant to the provisions of Section 5066.4 of this title;

18. Acquisitions made by the Oklahoma Historical Society from monies used to administer the White Hair Memorial;

19. Acquisitions available to an agency through a General Services Administration (GSA) contract or other federal contract if the acquisition is on current statewide contract and the terms of the GSA or other federal contract, as determined by the State Purchasing Director, are more favorable to the agency than the terms of a statewide contract for the same products;

20. Contracts for managed health care services entered into by the state entity designated by law or the Department of Human Services, as specified in paragraph 1 of subsection A of Section 1010.3 of Title 56 of the Oklahoma Statutes;

21. Acquisitions by the Forestry Service of the State Department of Agriculture as authorized by the federal General Services Administration through a General Services Administration contract or other federal contract if the acquisitions are not on current statewide contract or the terms of the federal contract are more favorable to the agency than the terms of a statewide contract for the same products;

22. Acquisitions of clothing for clients of the Department of Human Services and acquisitions of food for group homes operated by the Department of Human Services;

23. Acquisitions by the Oklahoma Energy Resources Board;

24. Acquisitions of clothing for juveniles in the custody of the Office of Juvenile Affairs and acquisitions of food for group homes operated by the Office of Juvenile Affairs;

25. State contracts for flexible benefits plans pursuant to the Oklahoma State Employees Benefits Act, Section 1361 et seq. of this title;

26. Acquisitions by the Department of Securities to investigate, initiate, or pursue administrative, civil, or criminal proceedings involving potential violations of the acts under the Department's jurisdiction;

27. Acquisitions by the Native America Cultural and Educational Authority and acquisitions by the Oklahoma Department of Commerce to assist the Native American Cultural and Educational Authority pursuant to Section 5017 of this title;

28. Acquisitions for resale in and through canteens operated pursuant to Section 537 of Title 57 of the Oklahoma Statutes;

29. Acquisitions by the Oklahoma Boll Weevil Eradication Organization for employment and personnel services, and for acquiring sprayers, blowers, traps, and attractants related to the eradication of boll weevils in this state or as part of a national or regional boll weevil eradication program; and

30. Contracts entered into by the Oklahoma Indigent Defense System for expert services pursuant to the provisions of subsection D of Section 1355.4 of Title 22 of the Oklahoma Statutes.

C. Any state agency, common school, municipality, rural fire protection district, or county officer may, unless acting pursuant to a contract with the state that specifies otherwise, make use of statewide contracts and the services of the Purchasing Division and the State Purchasing Director. Any political subdivision or rural fire protection district may designate the State Purchasing Director as its agent for any acquisition from a statewide contract or otherwise available to the state.

D. The State Purchasing Director shall make periodic audits of the purchasing procedures of the Oklahoma Ordnance Works Authority, the Northeast Oklahoma Public Facilities Authority, the University

Hospitals Authority, and the Midwestern Oklahoma Development Authority to ensure that the procedures are being followed.

SECTION 171. AMENDATORY 74 O.S. 1991, Section 130.12, as amended by Section 5, Chapter 379, O.S.L. 1994 (74 O.S. Supp. 2000, Section 130.12), is amended to read as follows:

Section 130.12 It is the intent of the Oklahoma Legislature that the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education develop curriculum for the training of technicians for the installation and conversion of engines to be fueled by alternative fuels as the technologies are developed. It is further the intent of the Oklahoma Legislature that Oklahoma State University/Okmulgee develop curriculum for the training of technicians for the installation, service, modification, repair or renovation of fill stations.

SECTION 172. AMENDATORY 74 O.S. 1991, Section 130.14, as last amended by Section 6, Chapter 160, O.S.L. 1998 (74 O.S. Supp. 2000, Section 130.14), is amended to read as follows:

Section 130.14 A. There is hereby established the Committee of Alternative Fuels Technician Examiners which shall consist of eight (8) members. All members of the Committee shall be residents of this state.

B. Five voting members of the Committee shall be appointed by the Director of the Department of Central Services as follows:

1. Beginning September 1, 1994, three members shall be alternative fuels technicians selected from a list of names submitted by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education, with at least one member being an alternative fuels equipment technician and at least one member being an alternative fuels compression technician;

2. One member shall be a person involved in compressed natural gas technology in an oil and/or gas industry; and

3. One member shall be a person involved in liquefied petroleum gas technology in an oil and/or gas industry.

C. Beginning November 1, 1998, two additional voting members shall be appointed by the Director of the Department of Central Services, one of whom shall be selected from a list of names submitted by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education and shall be an electric vehicle technician, and one of whom shall be a person involved in manufacturing, conversion, or research in the electric vehicle industry.

D. All members shall each have at least two (2) years of active experience in alternative fuels technology. The terms of the voting members initially appointed to the Committee shall be staggered as follows:

1. One alternative fuels technician shall be appointed for a term of two (2) years;

2. One alternative fuels technician shall be appointed for a term of three (3) years;

3. One alternative fuels technician shall be appointed for a term of four (4) years;

4. One person involved in compressed natural gas technology in an oil and/or gas industry shall be appointed for a term of three (3) years;

5. One person involved in liquefied petroleum gas technology in an oil and/or gas industry shall be appointed for a term of four (4) years;

6. One electric vehicle technician shall be appointed for a term of (2) years; and

7. One person involved in manufacturing, conversion, or research in the electric vehicle industry shall be appointed for a term of three (3) years.

Thereafter, each voting member of the Committee shall be appointed for a term of five (5) years, or until their successors are appointed and qualified.

The nonvoting member shall be designated by the Director of the Department of Central Services to serve as Program Administrator and Recording Secretary to the Committee. It is the intent of the Legislature that the person acting as the Program Administrator and Recording Secretary to the Committee as of the effective date of this act be transferred to the Department of Central Services to continue in his or her capacity.

E. Vacancies which may occur in the membership of the Committee shall be filled by appointment of the Director of the Department of Central Services. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member such person succeeds was appointed and until a successor has been appointed and has qualified. Members of the Committee may be removed from office by the Director of the Department of Central Services for cause in the manner provided by law for the removal of officers not subject to impeachment.

F. The Committee shall assist and advise the Department of Central Services on all matters relating to the formulation of rules and standards in accordance with the Alternative Fuels Technician Certification Act. The Committee shall administer the examinations of applicants for certification as alternative fuels equipment technicians, alternative fuels compression technicians, and electric vehicle technicians provided that such examinations shall be in accordance with the provisions of the Alternative Fuels Technician Certification Act.

G. All members of the Committee shall be reimbursed for expenses incurred while in the performance of their duties in accordance with the State Travel Reimbursement Act.

H. A majority of the total membership of the Committee shall constitute a quorum for the transaction of business.

SECTION 173. AMENDATORY 74 O.S. 1991, Section 213, as last amended by Section 1, Chapter 324, O.S.L. 1999 (74 O.S. Supp. 2000, Section 213), is amended to read as follows:

Section 213. A. It shall be the duty of the State Auditor and Inspector to examine and report upon the books and financial accounts of the public, educational, charitable, penal and reformatory institutions belonging to the state; to prescribe and enforce correct methods of keeping financial accounts of the state institutions and instruct the proper officers thereof in the performance of their duties concerning the same; to examine the books and accounts of all public institutions under the control of the state at least once each year. Any officer of such public, educational, charitable, penal and reformatory institutions who shall refuse or willfully neglect to comply with such direction of the State Auditor and Inspector within a reasonable time shall be guilty of a misdemeanor.

B. Each board of regents of institutions in The Oklahoma State System of Higher Education shall require a quality control review of the internal audit function required pursuant to subsection D of Section 3909 of Title 70 of the Oklahoma Statutes for each institution under its governance at least once every three (3) years. This review shall be in accordance with the "Quality Assurance Review Manual for Internal Auditing" developed by the Institute of Internal Auditors or any successor organization thereto. A copy of the report on the quality control review shall be filed with the State Auditor and Inspector.

C. The State Auditor and Inspector shall perform a special audit on common school districts and ~~area vocational-technical~~ technology center districts upon receiving a written request to do so by any of the following: the Governor, Attorney General,

President Pro Tempore of the Senate, Speaker of the House of Representatives, State Board of Education, or the ~~vocational-technical~~ technology center school district board. The State Auditor and Inspector shall perform a special audit on any institution of higher education within The Oklahoma State System of Higher Education whenever the State Auditor and Inspector deems it appropriate or upon receiving a written request to do so by any of the following: the Governor, the Attorney General, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the governing board of the institution of higher education, or the president of the institution of higher education. The special audit shall include, but not necessarily be limited to, a compliance audit. The special audit shall be conducted according to the American Institute of Certified Public Accountants' "Statements on Auditing Standards". Such audits shall be designed to review items for management's compliance with statutes, rules, policies and internal control procedures or other items applicable to each entity. The costs of any such audit shall be borne by the audited entity and may be defrayed, in whole or in part, by any federal funds available for that purpose.

D. The State Auditor and Inspector shall perform a special audit without notice on the office of any district attorney or on any division of the Department of Corrections upon receiving a written request to do so by any of the following: the Governor, the Attorney General, or joint request of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The State Auditor and Inspector shall perform a special audit without notice on any penal institution, corrections program, contract for service or prison bed space provided to the Department of Corrections, or any program administered by a district attorney's office or staff of such office whenever the State Auditor and Inspector deems it appropriate or upon receiving a written request

to do so by any of the following: the Governor, the Attorney General, or joint request of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The special audit shall include, but not necessarily be limited to, a compliance audit. Such audits shall be designed to review items for compliance with statutes, rules, policies and internal control procedures or other items applicable to each entity. The costs of any such audit shall be paid by the state agency and may be defrayed, in whole or in part, by any federal funds available for that purpose through any audited program.

SECTION 174. AMENDATORY 74 O.S. 1991, Section 227.8, as amended by Section 2, Chapter 317, O.S.L. 1993 (74 O.S. Supp. 2000, Section 227.8), is amended to read as follows:

Section 227.8 Notwithstanding the provisions of any other law, any state agency, board, commission, city or town, common school, ~~vocational-technical~~ technology center school, county, institution of higher education, public trust or political subdivision of the state may enter into agreements with the State Auditor and Inspector to perform audits, investigative or consultant services and the entity shall pay the State Auditor and Inspector for the services. Payments made by such entity shall be deposited in the State Treasury to the credit of the State Auditor and Inspector Revolving Fund created by Section 227.9 of this title. Expenses incurred in auditing such books and accounts, including compensation of necessary personnel, including consultants, or causing the books and accounts to be audited, shall be paid by the entity in the same manner as now provided by law for other disbursements.

SECTION 175. AMENDATORY 74 O.S. 1991, Section 805.2, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 3, Chapter 314, O.S.L. 1998 (74 O.S. Supp. 2000, Section 840-2.18), is amended to read as follows:

Section 840-2.18 A. A longevity pay plan is hereby adopted. This plan applies to all state classified, unclassified, and exempt employees, excluding members of boards and commissions, institutions under the administrative authority of the State Regents for Higher Education, employees of public school districts, and elected officials. The plan shall also apply to those employees of the Oklahoma School for the Blind and the Oklahoma School for the Deaf who qualify for longevity pay in accordance with subsection D of Section 1419 of Title 10 of the Oklahoma Statutes.

B. The Oklahoma Conservation Commission is hereby authorized to establish a longevity pay program for employees of the conservation districts employed under Section 3-3-103 of Title 27A of the Oklahoma Statutes. Such longevity pay program shall be consistent with the longevity pay program for state employees authorized under this title and payments shall be made in a manner consistent with procedures for reimbursement to conservation districts.

C. To be eligible for longevity pay, employees must have been continuously employed in the classified or unclassified service of the state for a minimum of two (2) years in full-time status or in part-time status working more than one thousand (1,000) hours a year.

For purposes of this section, a break in service of thirty (30) calendar days or less shall not be considered an interruption of continuous service; a break in service of more than thirty (30) calendar days shall mark an end to continuous service. The legislative session employees who have worked for two (2) years or more in part-time status and are eligible for state retirement benefits, but do not receive other longevity payments, shall be eligible and shall be considered to have been continuously employed for purposes of calculating longevity payments, notwithstanding the provisions of subsection E of this section.

D. 1. Longevity pay for the first twenty (20) years of service shall be determined pursuant to the following schedule:

Years of Service	Annual Longevity Payment
At least 2	
years but less than 4 years	\$250.00
At least 4	
years but less than 6 years	\$426.00
At least 6	
years but less than 8 years	\$626.00
At least 8	
years but less than 10 year	\$850.00
At least 10	
years but less than 12 years	\$1,062.00
At least 12	
years but less than 14 years	\$1,250.00
At least 14	
years but less than 16 years	\$1,500.00
At least 16	
years but less than 18 years	\$1,688.00
At least 18	
years but less than 20 years	\$1,900.00
At least 20 years	\$2,000.00

2. For each additional two (2) years of service after the first twenty (20) years an additional Two Hundred Dollars (\$200.00) shall be added to the amount stated above for twenty (20) years of service.

The total amount of the annual longevity payment made to an employee by any and all state agencies in any year shall not exceed the amount shown on the table corresponding to that employee's years of service with the state, except as otherwise provided by Sections 840-2.27D and 840-2.28 of this title. Further, no employee shall receive duplicating longevity payments for the same periods of

service with any and all agencies, except as otherwise provided by Sections 840-2.27D and 840-2.28 of this title.

E. To determine years of service, cumulative periods of full-time employment or part-time employment working more than one hundred fifty (150) hours per month with the state excluding service as specified in subsection A of this section are applicable. Part-time employment, working one hundred fifty (150) hours per month or less for the state, excluding service as specified in subsection A of this section, shall be counted only if:

1. The period of employment was continuous for at least five (5) months; and

2. The person worked more than two-fifths (2/5) time.

Other employment shall not be counted as service for purposes of longevity payments. Further, no period of employment with the state, whether with one or more than one agency, shall be counted as more than full-time service.

F. Years of service under the administrative authority of the State Regents for Higher Education or the administrative authority of the Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education of any employee who is now employed in a job classification which is eligible for longevity pay shall be included in years of service for purposes of determining longevity pay.

G. Years of service shall be certified through the current employing agency by the appointing authority on a form approved by the Office of Personnel Management. Said form shall be filed with the Office of Personnel Management by the current employing agency within sixty (60) calendar days before an employee becomes eligible for longevity payments and thereafter whenever the employee's anniversary date is changed.

H. Eligible employees, in full-time status or in part-time status working more than one hundred fifty (150) hours per month, shall receive one (1) lump-sum annual payment, in the amount

provided on the preceding schedule, during the month following the anniversary date of the employee's most recent enter-on-duty day with the state. Eligible part-time employees who work one hundred fifty (150) hours per month or less shall receive one (1) lump-sum annual payment, based on the formula in subsection L of this section, during the month following the anniversary date of the employee's most recent enter-on-duty day with the state. To receive longevity pay an employee must be in pay status on or after his or her anniversary date.

Eligible employees who would not otherwise receive annual longevity payments because their employment includes regular periods of leave without pay in excess of thirty (30) calendar days shall receive one (1) lump-sum annual payment, based on the formula in subsection L of this section, during:

1. The month of August if the employee is in pay status on July 1; or
2. During the month following the employee's first return to duty that fiscal year if the employee is not in pay status on July 1.

Except as otherwise provided by Sections 7 and 12 of this act, employees terminated as a result of a reduction-in-force or retiring from state employment shall receive upon said termination or retirement the proportionate share of any longevity payment which may have accrued as of the date of termination or retirement. Provided further that, the proportionate share of any longevity payment which may have accrued as of the date of death of an employee shall be made to the surviving spouse of the employee or if there is no surviving spouse to the estate of the employee.

I. Periods of leave without pay taken in accordance with Section 840-2.21 of this title shall be counted as service. Other periods of nonpaid leave status in excess of thirty (30) calendar days shall not mark a break in service; however, they shall:

1. Not be used in calculating total months of service for longevity pay purposes; and

2. Extend the anniversary date for longevity pay by the total period of time on nonpaid leave status except as provided in subsection H of this section for employees whose conditions of employment include regular periods of leave without pay.

J. Employees currently receiving longevity pay who work for the judicial branch of state government or who work for the Oklahoma Department of Vocational Career and Technical Technology Education shall not be eligible for the longevity pay plan provided for in this section.

K. A break in service with the state in excess of thirty (30) days but which does not exceed two (2) years which was caused by a reduction-in-force shall be treated as if it were a period of nonpaid leave status as provided for in subsection I of this section for the purpose of calculating total months of service for longevity pay. This subsection shall only apply to state employees laid off after June 30, 1982.

L. Eligible part-time employees working less than one hundred fifty (150) hours per month and other eligible employees with regular annual periods of leave without pay of more than thirty (30) calendar days will receive a prorated share of the "Annual Longevity Payment" authorized in subsection D of this section. The prorated amount of payment will be based on actual hours worked in the immediately preceding twelve (12) months.

M. An employee shall not be entitled to retroactive longevity payments as a result of amendments to this section unless specifically authorized by law.

N. The Administrator of the Office of Personnel Management is authorized to promulgate such Longevity Pay Plan Rules as he or she finds necessary to carry out the provisions of this section.

O. The University Hospitals Authority Model Personnel System shall be exempt from the provisions of this section, except as provided by Section 7 of this act.

P. As of the effective date of this act, years of service with a city-county health department for employees who left a city-county health department for employment with the Department of Environmental Quality or the State Department of Agriculture between July 1, 1993 and July 1, 1998, and who are now employed in a job classification that is eligible for longevity pay pursuant to this section, shall be included in years of service for purposes of determining longevity pay subsequent to the effective date of this act.

SECTION 176. AMENDATORY Section 5, Chapter 287, O.S.L. 1997, as amended by Section 5, Chapter 410, O.S.L. 1999 (74 O.S. Supp. 2000, Section 840-2.27B), is amended to read as follows:

Section 840-2.27B As used in Sections 840-2.27B through 840-2.27G of this title:

1. "Affected job family levels" means those containing affected positions;

2. "Affected employees" means classified and unclassified employees in affected positions;

3. "Affected positions" means positions being abolished or positions which are subject to displacement action;

4. "Agency" means any office, department, board, commission, or institution of all branches of state government, except for institutions within The Oklahoma State System of Higher Education;

5. "Displacement" or "displace" means the process of an employee accepting an offer of employment to an occupied or funded vacant position;

6. "Displacement limit" means any area within an agency in which displacement may not occur. These areas may include, but are

not limited to, job families, units, and geographic areas within an agency;

7. "Displacement opportunity" means the circumstances under which an occupied or funded vacant position is subject to displacement by an affected employee;

8. "Displacement privilege" means the privilege an affected employee has to utilize a displacement opportunity;

9. "Educational institution" means an institution within The Oklahoma State System of Higher Education, a facility under the management or control of the Oklahoma ~~State~~ Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education, or a licensed private educational institution in the State of Oklahoma;

10. "Limited-term unclassified employee" means an unclassified affected employee in an employment status in the state service whose employment status is temporary or time-limited and does not make an employee eligible for participation in a state retirement system;

11. "Personnel transaction" means the record of the separation as a result of a reduction-in-force of a classified affected employee from an agency, or the record of the transfer or demotion of a classified affected employee;

12. "Reduction-in-force" means abolition of positions in an agency or part of an agency and the corresponding nondisciplinary removal of affected employees from such positions through separation from employment or through displacement to other positions. Reduction-in-force may also include reorganizations;

13. "Severance benefits" means employee benefits provided by the State Government Reduction-in-Force and Severance Benefits Act to affected employees separated through a reduction-in-force; and

14. "Years of service" means current and prior service which is creditable for the Longevity Pay Plan. An affected employee shall not be required to have been continuously employed for two (2) years

to be given credit for either current or prior service pursuant to the State Government Reduction-in-Force and Severance Benefits Act.

SECTION 177. AMENDATORY 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 9, Chapter 336, O.S.L. 2000 (74 O.S. Supp. 2000, Section 840-5.5), is amended to read as follows:

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

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

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

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

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

5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education;

6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor. These appointments and authorizations shall terminate on the first day of the regular legislative session immediately following the appointment, if not terminated earlier. However, nothing in this paragraph shall prevent the reauthorization

and reappointment of any such person. Any such appointment shall be funded from the budget of the appointing authority;

7. Election officials and employees;

8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period and seasonal employees employed pursuant to Section 1806.1 of this title who work less than one thousand two hundred (1,200) hours in any twelve-month period. This category of employees may include persons employed on an intermittent, provisional, seasonal, temporary or emergency basis;

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

- a. two administrative aides to the Commissioner, and
- b. the Governor's representative of the Oklahoma Highway Safety Office who shall be appointed by the Governor;

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

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

- a. an institution of higher learning within The Oklahoma State System of Higher Education,
- b. an institution of higher learning qualified to become coordinated with The Oklahoma State System of Higher Education. For purposes of this section, a student shall be considered a regularly enrolled student if the student is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses,

provided, however, the student shall only be required to be enrolled in a minimum of six (6) hours of accredited undergraduate courses during the summer, or

- c. high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

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

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

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

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

- a. Administrative aides, and executive secretaries to the Commissioners,
- 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;

19. Employees of the Oklahoma Development Finance Authority;

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

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

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

- a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel

Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,

- b. positions requiring certification by the State Department of Education, and
- c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in subsection B of this section;

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

- a. the Carl Albert Internship Program Coordinator, and
- b. one Administrative Assistant;

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

- a. two Deputy Commissioners,
- b. Executive Secretary to the Commissioner,
- c. Chief of Staff, and
- d. two Administrative Assistants;

25. The State Bond Advisor and his employees;

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

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

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

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

29. Officers and employees of the University Hospitals Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes and members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma

Statutes or as otherwise provided for in Section 3213.2 of Title 63 of the Oklahoma Statutes;

30. Alcoholic Beverage Laws Enforcement Commission employees occupying the three Administrative Service Assistant positions;

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

- a. two special investigators,
- b. one information representative,
- c. one federally funded physical evidence technician,
- d. four federally funded laboratory analysts,
- e. one Data Base Administrator,
- f. two Data Processing Branch Managers,
- g. four Senior Data Processing Applications Specialists,
- h. a total of three positions from the following classes:
Senior Data Processing Systems Specialists, Data Processing Applications Specialists, or Data Processing Systems Specialists,
- i. one Senior Computer Services Technician, or Computer Services Technician,
- j. one Senior Computer Services Coordinator, or Computer Services Coordinator, and
- k. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;

32. The Department of Transportation, the following positions:

- a. Director of the Oklahoma Aeronautics and Space Commission,
- b. four Department of Transportation Assistant Director positions,
- c. eight field division engineer positions, and
- d. one pilot position;

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

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division, and
- c. one Administrative Assistant;

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

- a. two Narcotics Agent positions, provided, authorization for such positions shall be terminated when federal support for the positions by the Gang Intelligence/Enforcement Program is discontinued,
- b. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection, and
- c. one fiscal officer;

35. The Oklahoma Military Department of the State of Oklahoma is authorized such unclassified employees within full-time employee limitations to work in any of the Department of Defense directed youth programs, the State of Oklahoma Juvenile Justice youth programs, those persons reimbursed from Armory Board or Billeting Fund accounts, and skilled trade positions;

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

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

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

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

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

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

- a. Physical Therapists,
- b. Physical Therapist Assistants,
- c. Occupational Therapists,
- d. Certified Occupational Therapist Aides, and
- e. Speech Pathologists;

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

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

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. Agricultural Marketing Coordinator III,

- c. temporary fire suppression personnel, regardless of the number of hours worked, who are employed by the State Department of Agriculture during the period of October 1 through May 31 in any fiscal year; provided, however, notwithstanding the provisions of any other section of law, the hours worked by such employees shall not entitle such employees to any benefits received by full-time employees,
- d. one Administrator for Human Resources,
- e. one Director of Administrative Services,
- f. one Water Quality Consumer Complaint Coordinator,
- g. one hydrologist position,
- h. Public Information Office Director,
- i. Market Development Services Director,
- j. Legal Services Director,
- k. Animal Industry Services Director,
- l. Water Quality Services Director,
- m. Forestry Services Director,
- n. Plant Industry and Consumer Services Director, and
- o. one Grants Administrator position;

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

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

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

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

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

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

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

1. Licensed medical doctors, osteopathic physicians, dentists, and psychologists;
2. Certified public accountants;
3. Licensed attorneys;
4. Licensed veterinarians; and
5. Licensed pharmacists.

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

SECTION 178. AMENDATORY 74 O.S. 1991, Section 1303, as last amended by Section 1, Chapter 339, O.S.L. 1999 (74 O.S. Supp. 2000, Section 1303), is amended to read as follows:

Section 1303. For the purposes of and as used in the State and Education Employees Group Insurance Act:

1. "Board" means the State and Education Employees Group Insurance Board as created by the State and Education Employees Group Insurance Act;
2. "Employee" means those state employees, education employees and other eligible employees participating in the State and Education Employees Group Insurance Act;
3. "Education Employee" means those employees other than adjunct professors employed by a state institution of higher education, in the service of an education entity who are members or are or will be eligible to become members of the Teachers' Retirement System of Oklahoma and who receive compensation for such service after the education entity begins to participate in the

State and Education Employees Group Insurance Act and visiting faculty who are not eligible for membership in the Teachers' Retirement System of Oklahoma;

4. "Adjunct Professor" means a person employed by an institution of higher education who is attached in a subordinate or temporary capacity to the faculty or staff, and who is contracted to instruct in a given specific discipline;

5. "Visiting Faculty" means a person employed by an institution of higher education who is not eligible for academic rank or tenure, other than an adjunct professor, and who is contracted to instruct in a given specific discipline generally not to exceed one (1) academic year;

6. "Education Entity" means a school district, ~~an area vocational-technical~~ a technology center school district, or an institution comprising The Oklahoma State System of Higher Education;

7. "State Employee" means and includes each officer or employee in the service of the State of Oklahoma who, after January 1, 1966, received compensation for service rendered to the State of Oklahoma on a warrant issued pursuant to a payroll certified by a department or by an elected or duly appointed officer of the state or who receives payment for the performance of personal services on a warrant issued pursuant to a payroll certified by a department and drawn by the State Treasurer against appropriations made by the Legislature from any state fund or against trust funds held by the State Treasurer, who is employed in a position normally requiring actual performance of duty during not less than one thousand (1,000) hours per year, and whose employment is not seasonal or temporary, except that a person elected by popular vote will be considered an employee during the person's tenure in office; provided, however, that employees who are otherwise eligible who are on approved leave without pay shall be eligible to continue coverage during such leave

not to exceed twenty-four (24) months, as provided in the Merit Rules for Employment published by the Office of Personnel Management, from the date the employee goes on such leave provided the employee pays the full premiums due or persons who are drawing disability benefits under Section 1331 et seq. of this title or meet each and every requirement of the State Employees Disability Program shall be eligible to continue coverage provided the person pays the full premiums due;

8. "Carrier" means the State of Oklahoma or a state designated Health Maintenance Organization (HMO). Such HMO shall be a federally qualified Health Maintenance Organization under 42 U.S.C., Section 300e et seq.;

9. "Health Insurance Plan" means a self-insured plan by the State of Oklahoma for the purpose of paying the cost of hospital and medical care up to the maximum coverage provided by said plan or prepaid medical plan(s) offered to employees as an alternative to the state-administered plan by federally qualified HMOs which have contracted with the state;

10. "Life Insurance Plan" means a self-insured plan for the purpose of paying death and dismemberment benefits up to the maximum coverage provided by the plan;

11. "Dental Benefits Plan" means a plan by the State of Oklahoma for the purpose of paying the cost of dental care up to the maximum coverage provided by the plan; whenever the term "Dental Insurance Plan" or a term of like import appears in the State and Education Employees Group Insurance Act, the term shall mean "Dental Benefits Plan";

12. "Other insurance" means any type of coverage other than basic hospital and medical benefits, major medical benefits, comprehensive benefits, life insurance benefits or dental insurance benefits, which the Board may be directed to offer;

13. "Dependent" means an employee's spouse or any unmarried child (1) under the age of nineteen (19) years, regardless of residence, provided that the employee is primarily responsible for their support, including (a) an adopted child and (b) a stepchild or child who lives with the employee in a regular parent-child relationship, or (2) under the age of twenty-five (25) and who is dependent upon the employee for support who is enrolled as a full-time student at an accredited secondary school, college, university, or institution of higher learning accredited by the State Department of Education, State Board of ~~Vocational Career and Technical~~ Technology Education, Oklahoma State Regents for Higher Education, or the Oklahoma Board of Private Vocational Schools, and (3) regardless of age who is incapable of self-support because of mental or physical incapacity that existed prior to reaching the age of nineteen (19) years;

14. "Comprehensive benefits" means benefits which reimburse the expense of hospital room and board, other hospital services, certain outpatient expenses, maternity benefits, surgical expense, including obstetrical care, in-hospital medical care expense, diagnostic radiological and laboratory benefits, physicians' services provided by house and office calls, treatments administered in physicians' office, prescription drugs, psychiatric services, Christian Science practitioners' services, Christian Science nurses' services, optometric medical services for injury or illness of the eye, home health care, home nursing service, hospice care, and such other benefits as may be determined by the Board. Such benefits shall be provided on a copayment or coinsurance basis, the insured to pay a proportion of the cost of such benefits, and may be subject to a deductible that applies to all or part of the benefits as determined by the Board; and

15. "Life insurance coverage" shall include a maximum amount of basic life insurance or benefit with or without a double indemnity

provision and an amount of accidental death and dismemberment insurance or benefit per employee other than education employees to be provided by the State of Oklahoma, and the employee other than an education employee shall have the option to purchase additional life insurance or benefits on the employee's life up to the amount provided by the plan. Such basic life insurance benefits, with or without double indemnity, and accidental death and dismemberment benefits shall not exclude coverage for death or dismemberment resulting from war, insurrection or riot. The Board may also extend dependent life insurance in an amount to be determined by the Board to each insured employee other than an education employee who elects to insure the employee's eligible dependents. Premiums for the dependent life insurance shall be paid wholly by the employee other than an education employee.

SECTION 179. AMENDATORY Section 3, Chapter 400, O.S.L. 1992, as last amended by Section 5, Chapter 255, O.S.L. 1999 (74 O.S. Supp. 2000, Section 1363), is amended to read as follows:

Section 1363. The following words and phrases as used in this act, unless a different meaning is clearly required by the context, shall have the following meanings:

1. "Authority" means the Oklahoma Health Care Authority;
2. "Basic plan" means the plan that provides the least amount of benefits each participant is required to purchase pursuant to the provisions of the plan. The basic plan shall include only health, dental, disability and life benefits;
3. "Benefit" means any of the benefits which may be purchased or is required to be purchased under the plan;
4. "Benefit plan" means the specific terms and conditions regarding a benefit which may be purchased under the plan, including the terms and conditions of any separate plan document, group insurance policy or administrative services contract entered into by the Council;

5. "Benefit price" means the number of flexible benefit dollars needed to purchase a benefit under the plan;

6. "Board" means the State and Education Employees Group Insurance Board, as created by the State and Education Employees Group Insurance Act;

7. "Code" means the Internal Revenue Code of 1986, as amended, from time to time;

8. "Compensation" means the remuneration directly paid to a participating employee by a participating employer exclusive of overtime pay, and longevity pay, calculated prior to and without regard to adjustments arising out of an employee's participation in the plan authorized pursuant to this act, or amounts deferred under the tax sheltered income deferral plans as authorized by Section 1701 et seq. of this title;

9. "Council" means the Oklahoma State Employees Benefits Council, as created by this act;

10. "Default benefit" means any benefit a participant who fails to make a proper election under the plan shall be deemed to have purchased;

11. "Dependent" means a participant's spouse or any of his or her dependents as defined in Code Section 152 and regulations promulgated thereunder;

12. "Flexible benefit allowance" means the annual amounts credited by the participating employer for each participant for the purchase of benefits under the plan;

13. "Flexible benefit dollars" means the sum of the flexible benefit allowance and pay conversion dollars allocated by a participant pursuant to provisions of the plan;

14. "Participant" means any officer or employee of a participating employer who is a member of the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System or the Uniform Retirement System for Justices and

Judges, any officer or employee of a participating employer, whose employment is not seasonal or temporary and whose employment requires at least one thousand (1,000) hours of work per year and whose salary and wage is equal to or greater than the hourly wage for state employees as provided in Section 284 of this title, and any employee of a participating employer who is a member of the Teachers' Retirement System of Oklahoma;

15. "Participating employer" means any state agency, board, commission, department, institution, authority, officer, bureau, council, office or other entity created by the Oklahoma Constitution or statute that is a participating employer of the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System or the Uniform Retirement System for Justices and Judges, but shall not include any county, county hospital, city or town, conservation district, any private or public trust in which a county, city or town participates and is the primary beneficiary, any school district or ~~vocational-technical~~ technology center school district, or political subdivision of the state, but shall include the State Department of Education, the Oklahoma Department of Wildlife Conservation, the Oklahoma Employment Security Commission, the Teachers' Retirement System of Oklahoma and the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education. Provided the term "participating employer" shall also mean the State Regents for Higher Education or any institution under the authority of the State Regents for Higher Education upon agreement between the State Regents for Higher Education or the appropriate governing board of an institution under the authority of the State Regents for Higher Education and the Council;

16. "Pay conversion dollars" means amounts by which a participant elects to reduce his compensation to purchase benefits under the plan;

17. "Plan" means the flexible benefits plan authorized pursuant to the State Employees Flexible Benefits Act as modified by the provisions of this act;

18. "Plan year" means for the plan year beginning July 1, 2001, the six-month period commencing on July 1 and ending on the following December 31. The next plan year shall begin January 1, 2002. It shall mean the twelve-month period commencing on January 1 and ending on the following December 31;

19. "Salary Adjustment Agreement" means a written agreement between a participant and participating employer whereby the employer agrees to adjust the salary of the participant by a stated amount or an amount equal to the cost of benefits selected under the plan and the participating employer agrees to contribute such amount to cover certain costs of the benefits selected by the participant to the Council; and

20. "Termination" means the termination of a participant's employment as an employee of a participating employer, whether by reasons of discharge, voluntary termination, retirement, death or reduction-in-force.

SECTION 180. AMENDATORY Section 6, Chapter 230, O.S.L. 1992 (74 O.S. Supp. 2000, Section 5060.26), is amended to read as follows:

Section 5060.26 A. A private, not-for-profit corporation may be organized pursuant to the provisions of Title 18 of the Oklahoma Statutes and the provisions of this act to develop the Industrial Extension System in Oklahoma, with a special emphasis on minority business enterprises. Such corporation, upon certification by Oklahoma Futures, shall be known as and may exercise all of the powers of OAME.

B. In addition to the provisions and requirements of Title 18 of the Oklahoma Statutes, the certificate of incorporation and the

bylaws of OAME must be certified by Oklahoma Futures and the certificate of incorporation shall:

1. Designate the name of the corporation as the Oklahoma Alliance for Manufacturing Excellence, Inc.;

2. Provide that the exclusive purposes of OAME are public purposes to assist small and medium-sized manufacturing firms, with a special emphasis on minority business enterprises, to gain the ability, through education, technology transfer, and otherwise, to compete successfully at progressively higher levels of value-added in the national and international economy;

3. Provide for the following three classes of membership in OAME which shall have representation on the Board of Directors of OAME:

- a. one class composed of small and medium-sized manufacturing firms located in Oklahoma, and the certificate of incorporation shall provide for the qualifications for membership in such class,
- b. one class composed of large corporations, and the certificate of incorporation shall provide for the qualifications for membership in such class, and
- c. one class composed of state entities, including, but not limited to, the Oklahoma Center for the Advancement of Science and Technology, the Oklahoma Department of Commerce, the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education, and the Oklahoma State Regents for Higher Education;

4. Provide for classes of associate membership which shall not have representation on the Board of Directors of OAME, except as provided in paragraph 5 of this subsection;

5. Provide that the Board of Directors of OAME shall consist of five representatives of members who shall be individuals elected at

the first annual meeting of OAME by members of the class composed of small and medium-sized manufacturing firms, and four representatives of members who shall be individuals elected at the first annual meeting of OAME by members of the class composed of large corporations. The Board of Directors also shall include the President of the Oklahoma Center for the Advancement of Science and Technology, the Executive Director of the Oklahoma Department of Commerce, the Director of the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education and the Chancellor of Higher Education as ex officio members. The bylaws of OAME may provide for designees who may serve in the place of any of the directors and the terms under which any such designation will be made. The Board of Directors shall have the power to elect, from time to time, persons to serve as directors who are associate members or are not affiliated with any entity or firm which qualifies for membership in OAME, provided that no more than three (3) of such persons shall serve on the Board of Directors at any time;

6. Have the authority to set membership dues in an amount to be determined by the Board of Directors. No participating state entity shall pay membership dues;

7. Provide for all powers necessary or appropriate to carry out and effectuate its corporate purposes, including, but not limited to, the following:

- a. to maintain an office at such place or places as it may designate,
- b. to make and execute contracts with any individual, corporation, association or any other entity and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this act,

- c. to receive funds from any source to carry out the purposes of this act, including, but not limited to, gifts or grants from any department, agency or instrumentality of the United States or of the state for any purpose consistent with the provisions of this act,
- d. to acquire or sell, convey, lease, exchange, transfer or otherwise dispose of its property or any interest therein,
- e. to develop plans and policies to assist small and medium-sized manufacturing companies in Oklahoma,
- f. to enter into contracts to provide assistance to small and medium-sized manufacturing companies, including, but not limited to, the following categories:
 - (1) technology,
 - (2) human resources development,
 - (3) market planning,
 - (4) finance, and
 - (5) inter-firm collaboration,
- g. to assist other organizations providing general business assistance to small and medium-sized manufacturing enterprises,
- h. to establish manufacturing quality and standards certification programs, setting minimum standards and issuing certification to companies meeting such standards,
- i. to develop and distribute information about manufacturing modernization and assistance that is available to support efforts to improve the abilities of small and medium-sized firms to produce and market higher value-added products,

- j. to establish a system to evaluate the effectiveness and efficiency of services provided to small and medium-sized manufacturing firms,
- k. to establish and operate, directly or under contract, an information system designed to access resources that will assist the firms to become more productive,
- l. establish a training program for individuals working on behalf of small and medium-sized manufacturing firms, and
- m. to establish special educational and informational programs for its members.

SECTION 181. AMENDATORY 82 O.S. 1991, Section 1324.16, as last amended by Section 6, Chapter 404, O.S.L. 1997 (82 O.S. Supp. 2000, Section 1324.16), is amended to read as follows:

Section 1324.16 A. Except as otherwise provided by law:

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

2. At the annual meeting of each year after the year of the election of the original board members, elections shall be held to elect directors to fill any position on the board, the term of office of which has expired, and any director so elected shall hold office for a term of three (3) years and until his or her successor is elected and has qualified; and

3. For the purpose of election of board members and for such other purposes as the bylaws may prescribe, annual meetings of participating members shall be held by each district each year following the year of incorporation of such district. The board of

directors shall cause notice of the time and place of each annual meeting and the purpose thereof to be given to each of its participating members. Each participating member shall be entitled to a single vote, regardless of the number of benefit units to which the member has subscribed.

B. 1. A requirement for qualification to serve as a board member for a rural water district or a nonprofit rural water corporation shall be a written pledge that upon election such board member shall attend a minimum of six (6) hours of workshop training to be offered periodically on a regional basis within twelve (12) months following election of such board member, and to be organized by the Oklahoma Water Resources Board in cooperation with the Oklahoma Rural Water Association with the purpose of study and instruction in areas of district financing, law, and the ethics, duties and responsibilities of district board members. Such requirement shall not apply to any board member who has had at least one (1) year of experience prior to the date of the board election as a member of the district board or nonprofit rural water corporation to which membership is sought.

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

3. To avoid members having to interfere with their jobs or employment, such training sessions may be divided into three-hour segments, and insofar as possible be scheduled for evening sessions. ~~Vocational-technical~~ Technology center school facilities, college facilities or other public facilities may be utilized in all parts of the state for convenience of the members. Such workshops must be offered within seventy-five (75) miles of the members' residences.

C. Should any pledging board member fail to attend the workshop training as required in subsection B of this section, he or she shall be deemed ineligible to serve as a board member commencing at

the next regularly scheduled meeting of the board following the twelve-month period. The remaining board members shall select from the membership, as provided by the district or corporation bylaws, another qualified member to fill the vacancy and that person shall pledge to attend the workshop training provided for in this section. The appointed member shall only serve until the next regularly scheduled election of board members and an election shall be held to fill the unexpired term of the vacated position.

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

SECTION 182. AMENDATORY 85 O.S. 1991, Section 16, as last amended by Section 7, Chapter 361, O.S.L. 1997 (85 O.S. Supp. 2000, Section 16), is amended to read as follows:

Section 16. A. An employee who has suffered an accidental injury or occupational disease covered by the Workers' Compensation Act shall be entitled to prompt and reasonable physical rehabilitation services. When, as a result of the injury, the employee is unable to perform the same occupational duties he was performing prior to the injury, he shall be entitled to such vocational rehabilitation services provided by ~~an area vocational-technical~~ a technology center school, a public vocational skills center or public secondary school offering vocational-technical education courses, or a member institution of The Oklahoma State System of Higher Education, which shall include retraining and job placement so as to restore him to gainful employment. No person shall be adjudicated to be permanently and totally disabled unless

first having been evaluated as to the practicability of restoration to gainful employment through vocational rehabilitation services or training. If an employee claiming permanent total disability status unreasonably refuses to be evaluated or to accept vocational rehabilitation services or training, permanent total disability benefits shall not be awarded during the period of such refusal, and the employee shall be limited to permanent partial disability benefits only. The Administrator shall promulgate rules governing notice to an injured employee of the right to receive vocational rehabilitation. If rehabilitation services are not voluntarily offered by the employer and accepted by the employee, the judge of the Court may on his own motion, or if requested by a party may, after affording all parties an opportunity to be heard, refer the employee to a qualified physician or facility for evaluation of the practicability of, need for and kind of rehabilitation services or training necessary and appropriate in order to restore the employee to gainful employment. The cost of the evaluation shall be paid by the employer. Following the evaluation, if the employee refuses the services or training ordered by the court, or fails to complete in good faith the vocational rehabilitation training ordered by the court, then the cost of the evaluation and services or training rendered may, in the discretion of the court, be deducted from any award of benefits to the employee which remains unpaid by the employer. Upon receipt of such report, and after affording all parties an opportunity to be heard, the Court shall order that any rehabilitation services or training, recommended in the report, or such other rehabilitation services or training as the Court may deem necessary, provided the employee elects to receive such services, shall be provided at the expense of the employer. Except as otherwise provided in this subsection, refusal to accept rehabilitation services by the employee shall in no way diminish any benefits allowable to an employee.

B. Vocational rehabilitation services or training shall not extend for a period of more than fifty-two (52) weeks. This period may be extended for an additional fifty-two (52) weeks or portion thereof by special order of the Court, after affording the interested parties an opportunity to be heard. A request for vocational rehabilitation services or training may be filed with the Administrator by an interested party at any time after the date of injury but not later than sixty (60) days from the date of the final determination that permanent partial disability benefits are payable to the employee.

C. Where rehabilitation requires residence at or near the facility or institution which is away from the employee's customary residence, reasonable cost of his board, lodging, travel, tuition, books and necessary equipment in training shall be paid for by the insurer in addition to weekly compensation benefits to which the employee is otherwise entitled under the Workers' Compensation Act.

D. During the period when an employee is actively participating in a retraining or job placement program for purposes of evaluating permanent total disability status, the employee shall be entitled to receive benefits at the same rate as the employee's temporary total disability benefits computed pursuant to Section 22 of this title. No attorney fees shall be awarded or deducted from such benefits received during this period. All tuition related to vocational rehabilitation services shall be paid by the employer or the employer's insurer on a periodic basis directly to the facility providing the vocational rehabilitation services or training to the employee.

SECTION 183. AMENDATORY 85 O.S. 1991, Section 173, as last amended by Section 10, Chapter 248, O.S.L. 2000 (85 O.S. Supp. 2000, Section 173), is amended to read as follows:

Section 173. There is hereby created, for the purposes herein declared, a Multiple Injury Trust Fund, formerly known as the Special Indemnity Fund, to be derived from the following sources:

A. 1. Beginning July 1, 2000, and until such time as the Board of Managers of the State Insurance Fund, pursuant to an independent actuarial audit, has certified that there are sufficient funds to satisfy all outstanding obligations of the Multiple Injury Trust Fund, each mutual or interinsurance association, stock company, the State Insurance Fund, or other insurance carrier writing workers' compensation insurance in this state shall pay to the Oklahoma Tax Commission a sum equal to two percent (2%) of the total gross direct premiums written for workers' compensation on risks located in this state. The Oklahoma Tax Commission shall assess and collect from employers carrying their own risk, including group self-insurance associations, a temporary assessment at the rate of four percent (4%) of the total compensation for permanent total disability awards, permanent partial disability awards and death benefits paid out during each quarter of the calendar year by the employers and group self-insurance associations.

2. All monies received from premium and loss assessments shall be paid to the Multiple Injury Trust Fund. Insurance carriers shall pay the temporary premium assessments to the Oklahoma Tax Commission at the same time and in the same manner as premium taxes are paid. Self-insurers and group self-insurance associations shall pay the temporary loss assessment on the fifteenth day of the month following the close of each quarter of the calendar year. The State Insurance Fund shall pay the temporary premium assessment not later than the fifteenth day of the month following the close of each quarter of the calendar year. Assessments against insurance carriers and the State Insurance Fund, shall not be considered in determining whether any rate is excessive. Insurance carriers and

the State Insurance Fund shall not separately state the amount of the assessment on any invoice or billing statement.

B. The Multiple Injury Trust Fund is hereby authorized to receive and expend monies appropriated by the Legislature.

C. It shall be the duty of the Oklahoma Tax Commission to collect the payments provided for herein. The Oklahoma Tax Commission is hereby authorized to bring an action for the recovery of any delinquent or unpaid payments required in this section. The Oklahoma Tax Commission may also enforce payments by proceeding in accordance with the provisions of Section 42 of this title.

D. The Oklahoma Tax Commission shall on or before the first day of April of each year find and determine the amount of money held as of March 1 of that year by the State Treasurer for the benefit of the Multiple Injury Trust Fund and shall on or before the first day of October of each year find and determine the amount of money held as of September 1 of that year by the State Treasurer for the benefit of the Multiple Injury Trust Fund. Promptly after making each determination, the Oklahoma Tax Commission shall advise the State Insurance Fund and the Administrator in writing of its findings and determination in the foregoing particulars.

E. Eighty percent (80%) of all sums held by the State Treasurer to the credit of the Multiple Injury Trust Fund may by order of the Commissioner of the State Insurance Fund, with the approval of the Board of Managers of the State Insurance Fund, be invested in or loaned on the pledge of any of the securities in which a state bank may invest the monies deposited therein by the State Treasurer; or may be deposited in state or national banks or trust companies upon insured time deposit bearing interest at a rate no less than currently being paid upon insured savings accounts in said institutions. "Insured" as used in this section shall mean insurance as provided by an agency of the federal government. All such securities or evidence of indebtedness shall be placed in the

hands of the State Treasurer, who shall be the custodian thereof, who shall collect the principal and interest when due, and pay the same into the Multiple Injury Trust Fund. The State Treasurer shall pay by vouchers drawn on the Multiple Injury Trust Fund for the making of such investments, when signed by the Commissioner and approved by the Board of Managers of the State Insurance Fund, upon delivery of such securities or evidence of indebtedness to the State Treasurer. The Commissioner may, upon like approval of the Board of Managers of the State Insurance Fund, sell any of such securities, the proceeds thereof to be paid over to the State Treasurer for the Multiple Injury Trust Fund.

F. The refund provisions of Sections 227 through 229 of Title 68 of the Oklahoma Statutes shall be applicable to any payments made to the Multiple Injury Trust Fund. Refunds shall be paid from and out of the Multiple Injury Trust Fund.

G. The Oklahoma Tax Commission shall pay, monthly, to the State Treasurer all monies collected under the provisions of this section to be credited as follows: By the tenth day of each month, the Workers' Compensation Court Administrator shall provide to the Oklahoma Tax Commission the amount of all awards made by the Court, or any payments in lieu thereof, for compensable injuries for permanent total disability or permanent partial disability which employers or insurance carriers made during the previous month. An amount equal to eight-tenths of one percent (.8%) of the amount of these awards and payments in lieu thereof shall be deducted from the temporary assessment collected pursuant to this section during the previous month divided and paid to the following agencies: fifty percent (50%) to the Oklahoma Department of Labor, twenty-five percent (25%) to the Office of the Attorney General and twenty-five percent (25%) to the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and Technical Technology Education. The remaining amount of monies collected by the Oklahoma Tax Commission under the provisions of

this section shall be paid to the Multiple Injury Trust Fund. Monies received by the Department of Labor under this section shall be used for safety consultation and the regulation of the safety of public employees through the Occupational Safety and Health Act of 1970. Monies received by the Office of the Attorney General shall be deposited to the credit of the Attorney General's Workers' Compensation Fraud Unit Revolving Fund created pursuant to Section 19.2 of Title 74 of the Oklahoma Statutes. Monies received by the ~~State~~ Oklahoma Department of ~~Vocational~~ Career and ~~Technical~~ Technology Education shall supplement other funding to the Department for purposes of implementing the provisions of subsection B of Section 414 of Title 40 of the Oklahoma Statutes. The State Treasurer shall pay out of the Multiple Injury Trust Fund only upon the order and direction of the Court of this state acting under the provisions hereof.

SECTION 184. AMENDATORY Section 9B of Article X of the Oklahoma Constitution, as last amended by Section 7, Chapter 232, O.S.L. 1994, is amended to read as follows:

Section 9B. A. ~~Area~~ Technology center school districts for ~~vocational and technical~~ technology center schools may be established and a levy of not to exceed five (5) mills on the dollar valuation of the taxable property in any ~~area~~ technology center school district so established may be made annually, for the district, when the levy is approved by a majority of the electors of the ~~area~~ technology center school district, voting on the question at an election called for that purpose. The levy shall be in addition to all other levies authorized by this Constitution, and when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the ~~area~~ technology center school district, voting on the question at an election called for that purpose. Any ~~area~~ technology center school district so established shall be considered as a school district for the

purposes of Sections 10 and 26 of this Article. The administrative control and direction of the ~~area~~ technology center school district shall be vested in a school board which shall be constituted and empowered as provided for by law for school boards of independent school districts. Provisions of other subsections of this section notwithstanding, in any case where a college ~~area vocational-technical~~ technology center school district recognized pursuant to Section 4423 of Title 70 of the Oklahoma Statutes and established by vote of the people after December 31, 1968, overlaps and includes territory which is included within the district of ~~an area vocational-technical~~ a technology center school established as prescribed by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education pursuant to Section 14-108 of Title 70 of the Oklahoma Statutes, only the levies made by the college ~~area vocational-technical~~ technology center school district shall be applied to said overlap territory, and revenues from the overlap area collected pursuant to any incentive levy so made shall be apportioned one-half to the college ~~area vocational-technical~~ technology center school district making the levy and one-half to the overlapped ~~area vocational-technical~~ technology center school district. In any case where a college ~~area vocational-technical~~ technology center school district recognized pursuant to Section 4420.1 of Title 70 of the Oklahoma Statutes overlaps and includes territory which is included within the district of ~~an area vocational-technical~~ a technology center school established as prescribed by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education pursuant to Section 14-108 of Title 70 of the Oklahoma Statutes, said overlap territory shall be subject to all levies of both kinds of districts that are approved by a majority of the electors.

B. In addition to any other levies authorized by this section, ~~an area~~ a technology center school district may make a local

incentive levy for the benefit of the ~~area~~ technology center school district in an amount not to exceed five (5) mills on the dollar valuation of the taxable property in the ~~area~~ technology center school district when approved by a majority of those registered voters of the ~~area~~ technology center school district voting on the question at an election called for that purpose. Except as otherwise provided, this levy, when approved, shall be made each fiscal year thereafter until repealed by a majority of the electors of the ~~area~~ technology center school district voting on the question at an election called for that purpose. ~~An area~~ A technology center school district which has previously failed to approve a local incentive levy at two consecutive elections held between January 1, 1994 and May 31, 1994 may make a local incentive levy for the benefit of the ~~area~~ technology center school district only if approved by a majority of the registered voters of the ~~area~~ technology center school district voting on said question at such an election for each fiscal year. If a majority of voters approve the local incentive levy for three (3) consecutive years, the levy approved on the third year shall be made each fiscal year thereafter until repealed by a majority of the electors of the ~~area~~ technology center school district voting on the question at an election called for that purpose.

C. Upon the establishment of ~~area~~ technology center school districts, such districts are authorized to become indebted separate and apart from the indebtedness of any school district included in the ~~area~~ technology center school district up to five percent (5%) of the net valuation of taxable property within the ~~area~~ technology center school district for capital improvements, including purchasing sites and constructing, purchasing, improving, and equipping real property and buildings when the indebtedness is approved by a majority of the electors of the ~~area~~ technology center

school district voting on the question in an election called for that purpose.

D. Until otherwise provided for by law, ~~area~~ technology center school districts and the government thereof shall be established in accordance with criteria and procedures prescribed by the State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education.

E. The Legislature may alter, amend, delete, or add to the provisions of this section by law.

SECTION 185. This act shall become effective July 1, 2001.

SECTION 186. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

48-1-5718

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6/12/15