

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 814

By: Smith of the Senate

and

Toure of the House

AS INTRODUCED

An Act relating to duplicate sections; amending, merging, consolidating and repealing duplicate sections; amending 2 O.S. 1991, Section 1762, as last amended by Section 101 of Enrolled House Bill No. 1378 of the 1st Session of the 48th Oklahoma Legislature, 11 O.S. 1991, Section 50-101, as last amended by Section 1 of Enrolled Senate Bill No. 626 of the 1st Session of the 48th Oklahoma Legislature, 11 O.S. 1991, Section 50-112, as last amended by Section 4 of Enrolled Senate Bill No. 626 of the 1st Session of the 48th Oklahoma Legislature, 47 O.S. 1991, Section 6-115, as last amended by Section 2 of Enrolled House Bill No. 1131 of the 1st Session of the 48th Oklahoma Legislature, 47 O.S. 1991, Section 156, as last amended by Section 1 of Enrolled Senate Bill No. 80 of the 1st Session of the 48th Oklahoma Legislature, 51 O.S. 1991, Section 6, as last amended by Section 39 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, Section 1, Chapter 165, O.S.L. 1996 (57 O.S. Supp. 2000, Section 549.2), as amended by Section 44 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, Section 3, Chapter 115, O.S.L. 2000 (63 O.S. Supp. 2000, Section 2843), as amended by Section 1 of Enrolled House Bill No. 1691 of the 1st Session of the 48th Oklahoma Legislature, 70 O.S. 1991, Section 5-110.1, as last amended by Section 1 of Enrolled House Bill No. 1044 of the 1st Session of the 48th Oklahoma Legislature, 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 2000, Section 840-5.5), and as last amended by Section 13 of Enrolled House Bill No. 1231 of the 1st Session of the 48th Oklahoma Legislature, Section 1, Chapter 157, O.S.L. 1997 (74 O.S. Supp. 2000, Section 1811.5A), as amended by Section 1 of Enrolled House Bill No. 1041 of the 1st Session of the 48th Oklahoma Legislature, 82 O.S. 1991, Section 1324.16, as last amended by Section 2 of Enrolled Senate Bill No. 617 of the 1st Session of the 48th Oklahoma Legislature, which are duplicate sections; repealing 2 O.S. 1991, Section 1762, as last amended by Section 1 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, 11 O.S. 1991, Section 50-101, as last amended by Section 1 of Enrolled Senate Bill No. 669 of the 1st Session of the 48th Oklahoma Legislature, 11 O.S. 1991, Section 50-112, as last amended by

Section 1 of Enrolled Senate Bill No. 411 of the 1st Session of the 48th Oklahoma Legislature, 47 O.S. 1991, Section 156, as last amended by Section 1 of Enrolled House Bill No. 1289 of the 1st Session of the 48th Oklahoma Legislature, 47 O.S. 1991, Section 6-115, as last amended by Section 23 of Enrolled House Bill No. 1965 of the 1st Session of the 48th Oklahoma Legislature, 51 O.S. 1991, Section 6, as last amended by Section 1 of Enrolled Senate Bill No. 620 of the 1st Session of the 48th Oklahoma Legislature, Section 1, Chapter 165, O.S.L. 1996 (57 O.S. Supp. 2000, Section 549.2), as amended by Section 1 of Enrolled House bill No. 1023 of the 1st Session of the 48th Oklahoma Legislature, Section 3, Chapter 115, O.S.L. 2000 (63 O.S. Supp. 2000, Section 2843), as amended by Section 3 of Enrolled House Bill No. 1152 of the 1st Session of the 48th Oklahoma Legislature, 70 O.S. 1991, Section 5-110.1, as last amended by Section 71 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, 70 O.S. 1991, Section 18-108, as last amended by Section 64 of Enrolled House Bill No. 1965 of the 1st Session of the 48th Oklahoma Legislature, 74 O.S. 1991, Section 130.12, as last amended by Section 170 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 2000, Section 840-5.5), and as last amended by Section 53 of Enrolled House Bill No. 1965 of the 1st Session of the 48th Oklahoma Legislature, 74 O.S. 1991, Section 1306, as last amended by Section 1 of Enrolled Senate Bill No. 633 of the 1st Session of the 48th Oklahoma Legislature, Section 1, Chapter 157, O.S.L. 1997 (74 O.S. Supp. 2000, Section 1811.5A), as amended by Section 1 of Enrolled Senate Bill No. 704 of the 1st Session of the 48th Oklahoma Legislature, 82 O.S. 1991, Section 1324.16, as last amended by Section 180 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, which are duplicate sections; providing effective dates; and declaring an emergency.

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

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

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

1. "Agricultural domestic corporation" means any domestic corporation formed or licensed pursuant to the Oklahoma General

Corporation Act or a limited domestic liability company formed or licensed pursuant to the Oklahoma Limited Liability Company Act and 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;

2. "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 program;

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

4. "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;

5. "An at-risk farm or ranch business" shall be one that 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%);

6. "Eligible agricultural business" means any person engaged in producing, processing, or marketing alternative agricultural products or an at-risk farm or ranch business, within the State of Oklahoma in operation that 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; and

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

- a. is 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.

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

Section 50-101. As used in this article:

1. "System" means the Oklahoma Police Pension and Retirement System and all predecessor municipal Police Pension and Retirement Systems;
2. "Article" means Article 50 of this title;
3. "State Board" means the Oklahoma Police Pension and Retirement Board;
4. "Local board" means the local police pension and retirement boards;
5. "Fund" means the Oklahoma Police Pension and Retirement Fund;
6. "Officer" means any duly appointed and sworn full-time officer of the regular police department of a municipality whose duties are to preserve the public peace, protect life and property, prevent crime, serve warrants, enforce all laws and municipal ordinances of this state, and any political subdivision thereof, and who is authorized to bear arms in the execution of such duties;

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

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

9. "Credited service" means the period of service used to determine the eligibility for and the amount of benefits payable to a member. Credited service shall consist of the period during which the member participated in the System or the predecessor municipal systems as an active employee in an eligible membership classification, plus any service prior to the establishment of the

predecessor municipal systems which was credited under the predecessor municipal systems or credited service granted by the State Board;

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

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

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

13. "Beneficiary" means a member's surviving spouse or any surviving children, including biological and adopted children, at the time of the member's death. The surviving spouse must have been married to the member for the thirty (30) continuous months immediately preceding the member's death, provided a surviving

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

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

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

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

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

- a. Gross salary shall not include payment for accumulated sick and annual leave upon termination of employment or any uniform allowances. Provided, for purposes of determining the normal disability benefit, final average salary shall be based on the member's total

service if less than thirty (30) months. Gross salary shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986, as amended, and any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986, as amended. Effective January 1, 1988, gross salary shall include any amount of elective salary reduction under Section 125 of the Internal Revenue Code of 1986, as amended. Only salary on which required contributions have been made may be used in computing the final average salary.

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

this section, a "Noneligible Member" is any member who first became a member during a plan year commencing on or after July 1, 1996.

- c. For plan years beginning on or after July 1, 1996, any reference in the System to the annual compensation limit under Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, shall mean the OBRA '93 annual compensation limit set forth in this provision.
- d. If compensation for any prior determination period is taken into account in determining a Noneligible Member's benefits accruing in the current plan year, the compensation for that prior determination period is subject to the OBRA '93 annual compensation limit in effect for that prior determination period. For this purpose, for determination periods beginning before the first day of the first plan year beginning on or after July 1, 1996, the OBRA '93 annual compensation limit is One Hundred Fifty Thousand Dollars (\$150,000.00).
- e. Effective July 1, 1989, through June 30, 1997, in determining the compensation of a member for purposes of this limitation, the rules of Section 414(q)(6) of the Internal Revenue Code of 1986, as amended, shall apply, except in applying such rules, the term "family" shall include only the spouse of the member and any lineal descendants of the member who have not attained age nineteen (19) before the close of the year. If, as a result of the application of such rules, the adjusted annual compensation limitation is exceeded, then the limitation shall be prorated among the affected individuals in proportion to each such

individual's compensation as determined under this section prior to the application of this limitation;

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

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

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

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

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

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

Section 50-112. A. All persons employed as officers or any person hired by a participating municipality who is undergoing police training to become a permanent police officer of the

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

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

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

receiving distributions from the System while employed as police chief.

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

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

Section 6-115. Every driver license shall be issued for a period of no more than four (4) years. The expiration date of an initial license shall be four (4) years from the last day of the month of issuance or four (4) years from the last day of the birth month of the applicant immediately preceding the date of issuance, if requested by the applicant. The expiration date of renewal license shall be four (4) years from the last day of the month of expiration of the previous license or four (4) years from the last day of the birth month of the licensee immediately preceding the expiration date of the previous license, if requested by the licensee. Every such driver license shall be renewable upon application, furnishing both primary and secondary proofs of identity, and payment of the required fee. All applicants for renewals of driver licenses who have proven collision records or apparent physical defects may be required to take an examination as specified by the Commissioner of Public Safety. The Department of

Public Safety shall promulgate rules prescribing forms of primary and secondary identification acceptable for the renewal of an Oklahoma driver license.

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

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

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

2. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit:

- a. the operation of intracampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation, or
- b. the Oklahoma School for the Blind or the Oklahoma School for the Deaf from entering into agreements with public school districts pursuant to the Interlocal Cooperation Act for the mutual use of the schools' and the districts' vehicles. Such use may include, but is not limited to, the transportation of students from school districts with students from the Oklahoma School for the Blind or the Oklahoma School for the Deaf in vehicles owned by the Oklahoma School for the Blind or the Oklahoma School for the Deaf when traveling to school-related activities.

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

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the institution, approved in writing by the president of said

institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Sections 156.1 and 159.7 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

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

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

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

SECTION 6. AMENDATORY 51 O.S. 1991, Section 6, as last amended by Section 39 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, 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 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 7. AMENDATORY Section 1, Chapter 165, O.S.L. 1996 (57 O.S. Supp. 2000, Section 549.2), as amended by Section 44 of Enrolled House Bill No. 1214 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 549.2 A. 1. There is hereby created until July 1, ~~2001~~ 2007, 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 Oklahoma Department of Career and 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 8. AMENDATORY Section 3, Chapter 115, O.S.L.

2000 (63 O.S. Supp. 2000, Section 2843), as amended by Section 1 of Enrolled House Bill No. 1691 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

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

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

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

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

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

5. "Local exchange telephone company" means any company providing exchange telephone service to any service user in this state, and shall include any competitive local exchange carrier as defined in Section 139.102 of Title 17 of the Oklahoma Statutes;

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

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

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

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

- a. Association of Central Oklahoma Governments (ACOG),
- b. Association of South Central Oklahoma Governments (ASCOG),
- c. Central Oklahoma Economic Development District (COEDD),
- d. Eastern Oklahoma Economic Development District (EOEDD),
- e. Grand Gateway Economic Development Association (GGEDA),
- f. Indian Nations Council of Governments (INCOG),

- g. Kiamichi Economic Development District (KEDDO),
- h. Northern Oklahoma Development Association (NODA),
- i. Oklahoma Economic Development Association (OEDA),
- j. Southern Oklahoma Development Association (SODA), and
- k. South Western Oklahoma Development Authority (SWODA);

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

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

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

SECTION 9. AMENDATORY 70 O.S. 1991, Section 5-110.1, as last amended by Section 1 of Enrolled House Bill No. 1044 of the 1st Session of the 48th Oklahoma Legislature, 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 of five (5) years or more shall be required to attend a minimum of fifteen (15) hours of

continuing education, each member elected to a full four-year term of office shall be required to attend a minimum of twelve (12) hours of continuing education, and each member elected to a full three-year term of office shall be required to attend a minimum of nine (9) hours of continuing education, prior to the date set for filing for reelection to that respective board seat. The continuing education courses, workshops, seminars, conferences, and conventions which shall satisfy the continuing education requirement shall be approved jointly by the State Department of Education and the ~~State~~ Oklahoma Department of Career and 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, area technology centers 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 10. AMENDATORY 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 2000, Section 840-5.5), and as last amended by Section 13 of Enrolled House Bill No. 1231 of the 1st Session of the 48th Oklahoma Legislature, 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 Department of Vocational and Technical 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,
- b. the Governor's representative of the Oklahoma Highway Safety Office who shall be appointed by the Governor, and
- c. a maximum of seven positions for the purpose of administering the Oklahoma Police Corps Program, within full-time employee limitations of the Department, employed with federal funding that is continuing or indefinitely renewable. The authorization for such positions shall be terminated if the federal funding for positions is discontinued;

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,
- e. Employees of the Budget Division, and
- f. Employees of the Research Division;

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 or her 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 following positions:

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

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~~ Four 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, and
- p. Director of Laboratory Services;

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

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

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

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

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

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

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

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

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

SECTION 12. AMENDATORY 82 O.S. 1991, Section 1324.16, as last amended by Section 2 of Enrolled Senate Bill No. 617 of the 1st Session of the 48th Oklahoma Legislature, 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. Beginning July 1, 2001, all new and existing board members shall be required to obtain continuing education by attending a minimum of six (6) hours of workshop training every three (3) years.

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

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

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

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

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

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

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

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

SECTION 20. 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.

48-1-1634

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