

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1580

By: Askins of the House

and

Fisher of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public funds; amending 20 O.S. 2001, Sections 1313.2, as amended by Section 5, Chapter 22, O.S.L. 2002, 1313.3, as amended by Section 6, Chapter 22, O.S.L. 2002 and 1313.4 (20 O.S. Supp. 2002, Sections 1313.2 and 1313.3), which relate to penalty assessments; clarifying status of certain fee; modifying procedure for deposit of certain monies; adding certain duties to court clerks; modifying procedures for payment of certain fees; amending 60 O.S. 2001, Sections 656, 658, 661, 662, 663, 667, 668, as amended by Section 1, Chapter 95, O.S.L. 2002, 674 and 674.2 (60 O.S. Supp. 2002, Section 668), which relate to the Uniform Unclaimed Property Act; adding requirement that holders of certain abandoned property make annual reports and remittances; clarifying certain reporting requirements; modifying certain notice requirements for notices published by the State Treasurer; modifying content of notice; modifying procedures; requiring certain filings; deleting requirement for mailing of certain notices; requiring certain electronic access; specifying certain duties of the State Treasurer; authorizing certain refunds; modifying certain time periods for retaining certain property; requiring the State Treasurer to provide electronic access to certain information; clarifying aggregate reporting requirement; modifying certain service charges; modifying requirements for paying over property by the State Treasurer; amending 62 O.S. 2001, Section 89.2, which relates to investments by the State Treasurer; modifying time period in which competitive bids must be done to select a custodial bank; amending Sections 2, 3 and 6, Chapter 287, O.S.L. 2002 (62 O.S. Supp. 2002, Sections 91.2, 91.3 and 91.6), which relate to the Oklahoma Rural and Affordable Housing Linked Deposit Act; modifying purpose of the act; modifying definition; modifying time frame for loans to be made pursuant to the act; amending 62 O.S. 2001, Sections 275.1, 275.2 and 275.8, which relate to records of certain warrants; clarifying when certain warrants may be destroyed; specifying procedures concerning furnishing of originals or copies of warrants by the State Treasurer; amending 63 O.S. 2001, Section 2-503.2,

which relates to the Uniform Controlled Dangerous Substances Act; modifying procedure for deposit of certain monies; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 1313.2, as amended by Section 5, Chapter 22, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1313.2), is amended to read as follows:

Section 1313.2 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment;

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty; and

3. "DNA" means Deoxyribonucleic acid.

B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay Seven Dollars (\$7.00) as a separate penalty assessment ~~and One Hundred Fifty Dollars (\$150.00) as a Laboratory Analysis Fee if applicable pursuant to subsection C of this section, and One Hundred Fifty Dollars (\$150.00) as a DNA fee if applicable pursuant to subsection C of this section,~~ which assessment ~~and fee~~ shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

C. 1. Any person convicted of any misdemeanor or felony offense shall pay a Laboratory Analysis Fee in the amount of One Hundred Fifty Dollars (\$150.00) for each offense if forensic science or laboratory services are rendered or administered by the Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the

Office of the Chief Medical Examiner or by any municipality or county in connection with the case. This fee shall be in addition to and not a substitution for any and all fines and penalties otherwise provided for by law for this offense.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars (\$150.00) as collected, for every conviction as described in this subsection. The court clerk shall remit the monies in the fund on a monthly basis directly either to:

- a. the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation,
- b. the Office of the Chief Medical Examiner who shall deposit the monies into the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund provided for in Section 954 of Title 63 of the Oklahoma Statutes for services rendered or administered by the Toxicology Laboratory of the Office of the Chief Medical Examiner, or
- c. the appropriate municipality or county for services rendered or administered by a municipality or county.

3. The monies from the Laboratory Analysis Fee Fund deposited into the OSBI Revolving Fund shall be used for the following:

- a. providing criminalistic laboratory services,
- b. the purchase and maintenance of equipment for use by the laboratory in performing analysis,
- c. education, training, and scientific development of Oklahoma State Bureau of Investigation personnel, and

d. the destruction of seized property and chemicals as prescribed in Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

D. Upon conviction or bond forfeiture, the court shall collect the penalty assessment provided for in subsection B of this section and deposit it in an account created for that purpose. Except as otherwise provided in subsection E of this section, monies shall be forwarded ~~quarterly~~ monthly by the court clerk to the ~~State Treasurer~~ Council on Law Enforcement Education and Training. ~~Deposits~~ Beginning July 1, 2003, deposits shall be due ~~July 15~~ on the fifteenth day of each month for the preceding ~~quarter ending June 30, October 15 for the preceding quarter ending September 30,~~ January 15 for the preceding quarter ending December 31, and April 15 for the preceding quarter ending March 31 calendar month. There shall be a penalty imposed for failure to make timely deposits; provided, the Council on Law Enforcement ~~and~~ and Education and Training, in its discretion, may waive all or part of the penalty. Such penalty shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the penalty reaches one hundred percent (100%) of the principal amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by the ~~State Treasurer~~ Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the C.L.E.E.T. Fund and ten percent (10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, fifty-two and ninety-two one hundredths percent (52.92%) of the monies received by the ~~State Treasurer~~ Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the C.L.E.E.T. Fund, five and eighty-five one hundredths percent (5.85%) shall be deposited in the General Revenue Fund and forty-one and twenty-three one hundredths percent (41.23%) shall be deposited in the C.L.E.E.T.

~~Training Center Revolving~~ Fund created pursuant to subsection F of this section. Along with the deposits required by this subsection each court shall also submit a report stating the total amount of funds collected and the total number of penalty assessments imposed during the preceding quarter. The report may be made on computerized or manual disposition reports.

E. Any municipality or county having a basic law enforcement academy approved by the Council on Law Enforcement Education and Training pursuant to the criteria developed by the Council for training law enforcement officers shall retain from monies collected pursuant to this section, Two Dollars (\$2.00) from each penalty assessment. These monies shall be deposited into an account for the sole use of the municipality or county in implementing its law enforcement training functions. Not more than seven percent (7%) of ~~such~~ the monies shall be used for court and prosecution training. The court clerk of any such municipality or county shall furnish to the ~~State Treasury~~ Council on Law Enforcement Education and Training the report required by subsection D of this section.

F. There is hereby created in the State Treasury a fund for the Council on Law Enforcement Education and Training to be designated the "C.L.E.E.T. Fund". The fund shall be subject to legislative appropriation and shall consist of any monies received from fees and receipts collected pursuant to the Oklahoma Open Records Act, reimbursements for parts used in the repair of weapons of law enforcement officers attending the basic academies, gifts, bequests, contributions, tuition, fees, devises, and the assessments levied pursuant to the fund pursuant to law.

G. 1. Any person convicted of violating Section 7115 of Title 10 of the Oklahoma Statutes or Section 645, subsection B of Section 649, Section 650, 650.2, 650.4, 650.5, 650.6, 650.7, 650.8, 651, 652, 701.7, 701.8, 711, 716, 741, 759, 798, 799, 800, 801, 832, 885, 888, 891, subsection B of Section 1021, Section 1021.2, 1021.3,

1087, 1088, 1114, 1115, 1116, 1123, 1173, 1192, 1192.1, 1431 or 1435 of Title 21 of the Oklahoma Statutes shall pay a DNA fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be collected if the person has a valid DNA sample in the OSBI DNA Offender Database at the time of sentencing.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars (\$150.00) as collected, for every conviction as described in this subsection. The court clerk shall remit the monies in said fund on a monthly basis directly to the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation.

3. The monies from the DNA sample fee deposited into the OSBI Revolving Fund shall be used for creating, staffing, and maintaining the OSBI DNA Laboratory and OSBI DNA Offender Database.

H. It shall be the responsibility of the court clerk to account for and ensure the correctness and accuracy of payments made to the state agencies identified in Sections 1313.2 through 1313.4 of this title. Payments made directly to an agency by the court clerk as a result of different types of assessments and fees pursuant to Sections 1313.2 through 1313.4 of this title shall be made monthly to each state agency.

SECTION 2. AMENDATORY 20 O.S. 2001, Section 1313.3, as amended by Section 6, Chapter 22, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1313.3), is amended to read as follows:

Section 1313.3 A. In addition to the penalty assessment and fees imposed by ~~Section~~ Sections 1313.2 and 1313.4 of this title, any person convicted of any offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such offense, shall be ordered by

the court to pay a fingerprinting fee in the amount of Three Dollars (\$3.00) for each offense for the A.F.I.S. Fund ~~in the State Treasury created by Section 150.25 of Title 74 of the Oklahoma Statutes.~~ The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for ~~such~~ the offense. The fee shall be collected at the same time ~~and in the same manner~~ as the penalty assessment and fees provided for in Section 1313.2 of this title. ~~The court clerk shall deposit the fee collected pursuant to this section in the account provided for in subsection D of Section 1313.2 of this title and shall forward the amounts imposed by this section and Section 1313.2 of this title as a lump sum in one check or draft. The deposits required by this section shall be included in the total amount of money disclosed in the report required by Section 1313.2 of this title, but it shall not be required that the fee be listed as a separate item. Two Dollars and seventy cents (\$2.70) of each penalty assessment fee received pursuant to this section by the State Treasurer shall be deposited in~~ paid directly to the A.F.I.S. Fund and the balance shall be deposited in the General Revenue Fund by the court clerk. The payments shall be made to the appropriate fund by the court clerk on a monthly basis as set forth by subsection H of Section 1313.2 of this title.

B. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence; and

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty.

SECTION 3. AMENDATORY 20 O.S. 2001, Section 1313.4, is amended to read as follows:

Section 1313.4 A. In addition to the penalty assessments and fees imposed by Sections 1313.2 and 1313.3 of ~~Title 20 of the~~

~~Oklahoma Statutes~~ this title, any person convicted of any offense, including traffic offenses, but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration, or any person forfeiting any bond when charged with ~~such~~ any offense, shall be ordered by the court to pay a Forensic Science Improvement Assessment in the amount of Five Dollars (\$5.00) for each offense. The assessment shall be in addition to, and not in substitution for, any and all fines and penalties otherwise provided by law for the offense. The assessment shall be collected at the time and in the manner as the fees provided in Sections 1313.2 and 1313.3 of ~~Title 20 of the Oklahoma Statutes~~ this title. Each municipal court clerk is authorized to retain five percent (5%) of the assessment collected by ~~such~~ each municipal court clerk pursuant to the provisions of this section. All court clerks shall send the assessments collected to the Oklahoma State Bureau of Investigation for deposit into the assessment collected pursuant to the provisions of this section in the Forensic Science Improvement Revolving Fund created by Section 150.35 of Title 74 of the Oklahoma Statutes less any amount authorized to be retained. The deposits of funds collected pursuant to the provisions of this section shall be due and payable as required in subsection ~~D~~ H of Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~, including any penalty required to be paid for ~~failure of the court clerk to make timely deposits. Provided, the Oklahoma State Bureau of Investigation, in its discretion, may waive all or part of the penalty~~ this title. Any funds deposited as required by this section shall be listed as a separate item from other deposits made pursuant to Sections 1313.2 and 1313.3 of ~~Title 20 of the Oklahoma Statutes~~. ~~Beginning at the earliest possible date each assessment collected shall be listed as a separate item~~ this title.

B. As used in this section, "convicted" and "court" shall have the same meaning as defined by Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title.

SECTION 4. AMENDATORY 60 O.S. 2001, Section 656, is amended to read as follows:

Section 656. ~~(a)~~ A. Intangible property and any income or increment derived therefrom held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner, within seven (7) years after it has become payable or distributable, has increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary.

~~(b)~~ B. Holders of presumed abandoned intangible property shall annually report and remit all proceeds accrued to date, including the current balance held by the holder. When and if any part of the proceeds has been held for the statutory abandonment period or longer, the holder must report and remit all interest, additions, and increments accrued to the account of the owner. Any additional amounts accruing to an owner of the same intangible property presumed abandoned previously reported will be reported and remitted on an annual basis, including the additional amounts from the "as of date" of the previous report year through the "as of date" of the current report year.

Holders of mineral interest proceeds are not required to report or remit current balances that have not been held for the statutory abandonment period.

C. Funds in an individual retirement account or a retirement plan for self-employed individuals or similar account or plan established under the Internal Revenue laws of the United States are not payable or distributable within the meaning of subsection (a) of

this section unless, under the terms of the account or plan, distribution of all or part of the funds would then be mandatory.

~~(e)~~ D. For the purpose of this section, a person who holds property as an agent for a business association is deemed to hold the property in a fiduciary capacity for that business association alone, unless the agreement between ~~him~~ the person and the business association provides otherwise.

~~(d)~~ E. For the purposes of this act, a person who is deemed to hold property in a fiduciary capacity for a business association alone is the holder of the property only insofar as the interest of the business association in the property is concerned, and the business association is the holder of the property insofar as the interest of any other person in the property is concerned.

SECTION 5. AMENDATORY 60 O.S. 2001, Section 658, is amended to read as follows:

Section 658. ~~(a)~~ A. Except as otherwise provided by this act, all intangible personal property, including income or increment derived from the property, less any lawful charges, that is held, issued, or owing in the ordinary course of a holder's business and has remained unclaimed by the owner for more than five (5) years after becoming payable or distributable is presumed abandoned.

~~(b)~~ B. Holders of presumed abandoned intangible property shall report annually and remit all proceeds accrued to date, including the current balance held by the holder. When and if any part of the proceeds has been held for the statutory abandonment period or longer, the holder must report and remit all interest, additions, and increments accrued to the account of the owner. Any additional amounts accruing to an owner of the same intangible property presumed abandoned previously reported will be reported and remitted on an annual basis, including additional amounts from the "as of date" of the previous report year through the "as of date" of the current report year. Holders of mineral interest proceeds are not

required to report or remit current balances that have not been held for the statutory abandonment period.

C. Property is payable or distributable for the purposes of this act notwithstanding the owner's failure to demand the property or to present an instrument or document required to receive payment of the property.

SECTION 6. AMENDATORY 60 O.S. 2001, Section 661, is amended to read as follows:

Section 661. A. A person holding property, tangible or intangible, presumed abandoned and subject to custody as unclaimed property under the Uniform Unclaimed Property Act shall report to the State Treasurer concerning the property as provided in this section.

B. The report must be verified and must include:

1. The name, if known, and last-known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of Fifty Dollars (\$50.00) or more presumed abandoned under the Uniform Unclaimed Property Act;

2. In the case of unclaimed funds of Fifty Dollars (\$50.00) or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last-known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

3. In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible personal property, a description of the property and the place where it is held, which may be inspected by the State Treasurer, and any amounts, including offsets for drilling costs and rent, owing to the holder;

4. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under Fifty Dollars (\$50.00) each must be reported in the aggregate, except property which is one of a

recurring number of continuous payments, including, but not limited to, royalties, annuities, dividends, distributions, and other sums presumed abandoned pursuant to subsection D of Section 655 of this title, all of which shall be reported in the same manner as property with a value of Fifty Dollars (\$50.00) or more; and

5. The date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property; and

6. In the case of a cashier's check, if known, the names and last-known addresses of the payee(s), the payor(s) and the purchaser(s).

C. If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or if the name of the holder has changed ~~his or her name~~ while holding the property, the holder shall file with the report all known names and addresses of each previous holder of the property.

D. The report must be filed before November 1 of each year for property reportable as of the preceding September 1, but the report of any life insurance company must be filed before May 1 of each year for property reportable as of the preceding March 1. The State Treasurer may postpone the reporting date upon written request by any person required to file a report.

E. Not more than one hundred twenty (120) days before filing the report required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under the Uniform Unclaimed Property Act shall send written notice to the apparent owner at the owner's last-known address informing the owner that the holder is in possession of property subject to the Uniform Unclaimed Property Act if:

1. The holder has in ~~its~~ the records of the holder an address for the apparent owner which the holder's records do not disclose to be inaccurate;

2. The claim of the apparent owner is not barred by the statute of limitations; and

3. The property has a value of Fifty Dollars (\$50.00) or more, or the property has a value of less than Fifty Dollars (\$50.00) reportable pursuant to paragraph 4 of subsection B of this section.

The holder is not required to send written notice to the owner if the holder has previously attempted to communicate with the owner, or otherwise exercised due diligence to ascertain the whereabouts of the owner. The mailing of notice by first-class mail to the last-known address of the owner by the holder shall constitute compliance with this subsection and, if done, no further act on the part of the holder shall be necessary.

F. Reports filed by a holder shall remain confidential except for that information required to be subject to public inspection pursuant to the Uniform Unclaimed Property Act.

SECTION 7. AMENDATORY 60 O.S. 2001, Section 662, is amended to read as follows:

Section 662. A. The State Treasurer shall cause notice to be published not later than March 1, ~~or in the case of property reported by life insurance companies, September 1,~~ of the year following the report required by Section 661 of this title at least once each week for two (2) consecutive weeks in a legal newspaper of general circulation in the county in this state in which is located the last-known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice must be published in the county ~~in~~ within this state which is the principal place of business of the holder of the abandoned property ~~has his or her principal place of business within this state,~~ or in a newspaper which the State Treasurer believes most

likely to be seen by the owner of the property or by heirs of the owner.

B. The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property", and contain:

1. The names in alphabetical order and last-known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection A of this section;

2. A statement that information concerning the property and the name and last-known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the State Treasurer; and

3. A statement that ~~if proof of claim is not presented by the owner to the holder and the right of the owner to receive the property is not established to the satisfaction of the holder before April 20, or, in the case of property reported by life insurance companies, before October 20, the property will be placed not later than May 1, or in the case of property reported by life insurance companies, not later than November 1,~~ in the custody of the State Treasurer and all ~~further~~ claims must ~~thereafter~~ be directed to the State Treasurer.

C. The State Treasurer is not required to publish in the notice any items of less than Fifty Dollars (\$50.00) unless the State Treasurer considers their publication to be in the public interest.

D. ~~Not later than March 1, or in the case of property reported by life insurance companies, not later than September 1, of the year immediately following the report required by Section 661 of this title, the State Treasurer shall mail a notice to each person whose last-known address is listed in the report and who appears to be entitled to property of the value of Fifty Dollars (\$50.00) or more presumed abandoned under the Uniform Unclaimed Property Act and any beneficiary of a life or endowment insurance policy or annuity contract for whom the State Treasurer has a last-known address. The~~

~~State Treasurer is hereby authorized to obtain information as necessary from the Oklahoma Tax Commission to determine the last-known address of any such person.~~

~~E. The mailed notice must contain:~~

~~1. A statement that, according to a report filed with the State Treasurer, property is being held to which the addressee appears entitled;~~

~~2. The name and last-known address of the person holding the property and any necessary information regarding the changes of name and last-known address of the holder; and~~

~~3. A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the State Treasurer and all further claims must be directed to the State Treasurer.~~

The State Treasurer shall provide electronic access to the new names and last-known addresses of all persons reported to the State Treasurer as owners of unclaimed property on an Internet web site. The State Treasurer shall take reasonable steps to publicize the existence of this web site and shall publish an advertisement no less than once each calendar quarter in a legal newspaper of general circulation in each county of this state.

SECTION 8. AMENDATORY 60 O.S. 2001, Section 663, is amended to read as follows:

Section 663. A. Except as otherwise provided in ~~subsections subsection B and C~~ of this section, a person who is required to file a report under Section 661 of this title, ~~within six (6) months after the final date for filing the report as required by Section 661 of this title,~~ shall at the same time pay or deliver to the State Treasurer all abandoned property required to be reported after first deducting therefrom expenses incurred in the mailing of notices required by subsection E of Section 661 of this title and

any offsets as provided by law. Any ~~such~~ person who, pursuant to a statutory requirement, filed a bond or bonds pertaining to ~~such~~ abandoned property with the State Treasurer may also deduct an amount equivalent to that part of the bond premium attributable to ~~such~~ abandoned property. Any funds or property subject to aggregate reporting shall be delivered at the same time as the report.

~~B. If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered, or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the State Treasurer, and the property will no longer be presumed abandoned. In that case the holder shall file with the State Treasurer a verified written explanation of the proof of claim or of the error in the presumption of abandonment.~~

~~C.~~ Abandoned property that consists of any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions, or other sums payable as a result of the interest, may be retained by the holder or paid or delivered to the State Treasurer at the option of the holder.

C. A holder may file a written explanation of an error in the presumption of abandonment of any previously reported and paid or delivered property. If the property has not been claimed by the owner and the State Treasurer is satisfied an error has been made, a refund of the payment or delivery of the property shall be made to the holder.

D. The holder of an ownership interest under Section 655 of this title shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the State Treasurer. Upon delivery of a duplicate certificate to the State Treasurer, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or

delivering the duplicate certificate is relieved of liability as provided in Section 664 of this title to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the State Treasurer, for losses or damages resulting to any person by the issuance and delivery to the State Treasurer of the duplicate certificate.

SECTION 9. AMENDATORY 60 O.S. 2001, Section 667, is amended to read as follows:

Section 667. A. Except as provided in subsections C and D of this section, the State Treasurer, within three (3) years after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever city in the state affords in the judgment of the State Treasurer the most favorable market for the property involved. The State Treasurer may decline the highest bid and reoffer the property for sale if in the judgment of the State Treasurer the bid is insufficient. If in the judgment of the State Treasurer the probable cost of sale exceeds the value of the property, it need not be offered for sale. Any sale held under this section must be preceded by a single publication of notice, at least three (3) weeks in advance of sale in a legal newspaper of general circulation in the county where the property is to be sold, the county of residence of the holder and the county of the last-known address of the owner.

B. Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by another method the State Treasurer considers advisable.

C. Unless the State Treasurer considers it to be in the best interest of the state to do otherwise, all securities, other than those presumed abandoned under Section 655 of this title, delivered

to the State Treasurer must be held for at least one (1) year before the State Treasurer may sell them.

D. Unless the State Treasurer considers it to be in the best interest of the state to do otherwise, all securities presumed abandoned under Section 655 of this title and delivered to the State Treasurer must be held for at least ~~two (2) years~~ one (1) year before the State Treasurer may sell them. If the State Treasurer sells any securities delivered pursuant to Section 655 of this title before the expiration of the ~~two-year~~ one-year period, any person making a claim pursuant to the Uniform Unclaimed Property Act is entitled to either the proceeds of the sale of the securities or other market value of the securities at the time the claim is made, whichever amount is greater, less any deduction for fees pursuant to Section 668 of this title. A person making a claim under the Uniform Unclaimed Property Act after the expiration of this period is entitled to receive either the securities delivered to the State Treasurer by the holder, if they still remain in the hands of the State Treasurer, or the proceeds received from sale, less any amounts deducted pursuant to Section 668 of this title, but no person has any claim under this section against the state, the holder, any transfer agent, registrar, or other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the State Treasurer.

E. The purchaser at any sale conducted by the State Treasurer pursuant to the Uniform Unclaimed Property Act takes the property, free of all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Treasurer shall execute all documents necessary to complete the transfer of ownership.

SECTION 10. AMENDATORY 60 O.S. 2001, Section 668, as amended by Section 1, Chapter 95, O.S.L. 2002 (60 O.S. Supp. 2002, Section 668), is amended to read as follows:

Section 668. A. There is hereby created in the State Treasury the "Unclaimed Property Fund", the principal of which shall constitute a trust fund for persons claiming any interest in any property delivered to the state under the Uniform Unclaimed Property Act and may be invested as hereinafter provided and shall not be expended except as provided in the Uniform Unclaimed Property Act. All funds received under the Uniform Unclaimed Property Act, including the proceeds from the sale of abandoned property under Section 667 of this title, shall forthwith be deposited by the State Treasurer in the Unclaimed Property Fund, herein created, except that the State Treasurer may before making any deposit to the fund deduct:

1. All costs in connection with the sale of abandoned property;
2. All costs of mailing and publication in connection with any abandoned property including the cost of custody services for unclaimed securities;
3. Reasonable service charges not to exceed ~~one percent (1%)~~ four percent (4%) of the monies accruing to the state under the Uniform Unclaimed Property Act, which may be used to defray the administrative costs of the unclaimed property program or to acquire computer hardware and software to be used exclusively to help administer the unclaimed property program; and
4. An amount equal to fifteen percent (15%) of the funds accruing to the state pursuant to a contract with the State Treasurer providing information leading to the delivery of unclaimed property held by an out-of-state holder to the State Treasurer, ~~which shall~~ to be deposited in the Unclaimed Property Clearinghouse Fund.

B. Before making a deposit to the Unclaimed Property Fund, the State Treasurer shall record the name and last-known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last-known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

SECTION 11. AMENDATORY 60 O.S. 2001, Section 674, is amended to read as follows:

Section 674. A. A person, excluding another state, claiming an interest in any property delivered to the State Treasurer may file a claim on a form prescribed by the State Treasurer and verified by the claimant. The date of filing of a claim shall be the date it is received by the State Treasurer with all supporting documentation from the claimant. Any information submitted by a claimant which is required to be submitted to the State Treasurer to establish a claim may be kept confidential by the State Treasurer if it contains personal financial information of the claimant, social security numbers, birth certificates or similar documents related to the parentage of an individual, or any other document which is confidential by statute if in the custody of another public agency or person.

B. The State Treasurer shall consider each claim within ninety (90) days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the

address to which notices are to be sent or the address of the claimant.

C. If a claim is allowed, the State Treasurer shall pay over or deliver to the claimant the property or the amount the State Treasurer actually received or the net proceeds if it has been sold by the State Treasurer, together with any additional amount required by Section 665 of this title. If the claim is for property presumed abandoned under Section 655 of this title which was sold by the State Treasurer within ~~two (2) years~~ one (1) year after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater.

SECTION 12. AMENDATORY 60 O.S. 2001, Section 674.2, is amended to read as follows:

Section 674.2 If any person claims an interest in any property delivered to the State Treasurer in which the owner of the property is determined to be deceased, the State Treasurer shall not pay over or deliver to the claimant property as provided in Section 651 et seq. of this title, unless the claimant provides the following items:

1. A certified copy of letters of administration or letters testamentary from the probate of the estate of the decedent naming the claimant as the personal representative of the estate of the decedent;

2. A certified copy of the decree of distribution from the probate of the estate of the decedent determining the claimant to be entitled to receive such property through the estate of the decedent; ~~or~~

3. If the owner of the property executed an inter vivos trust which provided for the disposition of the property of the owner, a properly verified copy of the trust instrument which shows the

claimant is the trustee or beneficiary of the trust or otherwise entitled to the property reported; or

4. If the value of the property is Ten Thousand Dollars (\$10,000.00) or less, a signed affidavit executed by the claimant stating that the claimant is entitled to receive such property, the reason the claimant is entitled to receive such property, that there has been no probate of the estate of the deceased owner, that no ~~such~~ probate is contemplated and that claimant will indemnify the state for any loss, including attorney fees, should another claimant assert a prior right to the property.

The State Treasurer may require other reasonable documentation, in addition to the above items, to determine the validity of the claim.

SECTION 13. AMENDATORY 62 O.S. 2001, Section 89.2, is amended to read as follows:

Section 89.2 A. The State Treasurer is directed to invest the maximum amount of funds under ~~his or her~~ control of the State Treasurer consistent with good business practices; provided that the Treasurer shall keep eighty percent (80%) or more of the money under ~~his or her~~ control of the State Treasurer invested during each fiscal year based on the average daily balances during the fiscal year. Except as otherwise provided for by law, ~~such~~ the investments shall earn not less than the rate for comparable maturities on United States Treasury obligations. Except as otherwise provided for by law, the State Treasurer may purchase and invest only in:

1. Obligations of the United States Government, its agencies and instrumentalities;

2. Collateralized or insured certificates of deposit and other evidences of deposit at banks, savings banks, savings and loan associations and credit unions located in this state;

3. Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings bank, a savings and loan association

or a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed ten percent (10%) of the cash available for investment which may be invested pursuant to this section. Not more than one-half (1/2) of the ten percent (10%) limit shall be invested in any one financial institution specified in this paragraph;

4. Prime banker's acceptances which are eligible for purchase by the Federal Reserve System and which do not exceed two hundred seventy (270) days' maturity. Purchases of prime banker's acceptances shall not exceed ten percent (10%) of the cash available for investment which may be invested pursuant to this section. Not more than three-fourths (3/4) of the ten percent (10%) limit shall be invested in any one commercial bank pursuant to this paragraph;

5. Prime commercial paper which shall not have a maturity that exceeds one hundred eighty (180) days nor represent more than ten percent (10%) of the outstanding paper of an issuing corporation. Purchases of prime commercial paper shall not exceed seven and one-half percent (7 1/2%) of the cash available for investment which may be invested pursuant to this section;

6. Investment grade obligations of state and local governments, including obligations of Oklahoma state public trusts which possess the highest rating from at least one nationally recognized rating agency acceptable to the State Treasurer. Purchases of investment grade obligations of state and local governments shall not exceed ten percent (10%) of the cash available for investment which may be invested pursuant to this section;

7. Repurchase agreements, provided that such agreements are included within the written investment policy required by subsection D of this section that have underlying collateral consisting of those items and those restrictions specified in paragraphs 1 through 6 of this subsection; and

8. Money market funds regulated by the Securities and Exchange Commission and which investments consist of those items and those restrictions specified in paragraphs 1 through 7 of this subsection.

B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

C. The State Treasurer shall appoint an investment officer who shall perform duties related to the investment of state funds in the Office of the State Treasurer. The investment officer shall not perform or supervise any accounting functions, data processing functions or duties related to the documentation or settlement of investment transactions.

D. Investments of public funds by the State Treasurer shall be made in accordance with written policies developed by the State Treasurer. The written investment policies shall address:

1. Liquidity;
2. Diversification;
3. Safety of principal;
4. Yield;
5. Maturity and quality; and
6. Capability of investment management.

The State Treasurer shall place primary emphasis on safety and liquidity in the investment of public funds. To the extent practicable taking into account the need to use sound investment judgment, the written investment policies shall include provision for utilization of a system of competitive bidding in the investment of state funds. ~~Such system~~ The written investment policies shall be designed to maximize yield within each class of investment instrument, consistent with the safety of the funds invested.

E. The State Treasurer shall select one custodial bank to settle transactions involving the investment of state funds under the control of the State Treasurer. The State Treasurer shall review the performance of the custodial bank at least once every year. The State Treasurer shall require a written competitive bid every ~~three (3)~~ five (5) years. The custodial bank shall have a minimum of Five Hundred Million Dollars (\$500,000,000.00) in assets to be eligible for selection. Any out-of-state custodial bank shall have a service agent in the State of Oklahoma so that service of summons or legal notice may be had on such designated agent as is now or may hereafter be provided by law. In order to be eligible for selection, the custodial bank shall allow electronic access to all transaction and portfolio reports maintained by the custodial bank involving the investment of state funds under control of the State Treasurer. ~~Such~~ The access shall be given to both the State Treasurer and to the Cash Management and Investment Oversight Commission. The requirement for electronic access shall be incorporated into any contract between the State Treasurer and the custodial bank. Neither the State Treasurer nor the custodial bank shall permit any of the funds under the control of the State Treasurer or any of the documents, instruments, securities or other evidence of a right to be paid money to be located in any place other than within a jurisdiction or territory under the control or regulatory power of the United States Government.

F. The investment policy shall specify the general philosophy, policies and procedures to be followed in the investment of state monies by the State Treasurer. The investment policy shall include, but not be limited to, the following:

1. Policy objectives;
2. Performance measure objectives;
3. Authority for investment program;
4. Possible use of an investment advisory committee;

5. Reporting and documentation of investments;
6. Authorized investment instruments;
7. Diversification of investment risk;
8. Maturity limitations;
9. Selections of financial institutions;
10. Interest controls;
11. Safekeeping of investments;
12. Investment ethics; and
13. Formal adoption of policy.

G. The State Treasurer shall provide weekly reports of all investments made by the State Treasurer for that week to the Executive Review Committee of the Cash Management and Investment Oversight Commission, and list any commissions, fees or payments made for services regarding such investments. The reports required by this subsection shall be delivered to the Committee within three (3) business days of the end of the applicable week, and the Committee shall communicate any facts or information it deems appropriate to the Cash Management and Investment Oversight Commission and shall also prepare all reports necessary for the quarterly meeting of the Commission.

H. Not later than July 1 of each year, the State Treasurer shall forward a copy of the written investment policy to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Attorney General, the Bank Commissioner, and the Director of State Finance. In addition, the State Treasurer shall maintain one copy of the investment policy in the office of the State Treasurer for public inspection during regular business hours. Copies of any modifications to the investment policy shall be forwarded to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, and each member of the Cash Management and Investment Oversight Commission.

SECTION 14. AMENDATORY Section 2, Chapter 287, O.S.L. 2002 (62 O.S. Supp. 2002, Section 91.2), is amended to read as follows:

Section 91.2 A. Oklahoma's rural areas suffer from a lack of interim financing for builder-developers of housing in rural areas, inadequate profit incentives for builder-developers, economy of scale problems which work against economics of developing projects consistent with local market needs, and lack of available interim financing from local lenders to fund land acquisition, site development, or construction of housing in rural areas.

B. It is the purpose of the Oklahoma Rural and Affordable Housing Linked Deposit Act to provide funding for eligible rural housing developers to build affordable housing in rural Oklahoma. It is the specific intent of the Legislature that any funding provided to eligible rural housing developers for the purpose of building affordable rural housing shall assist in the development of Oklahoma's rural areas in order to broaden Oklahoma's economic base.

C. The Oklahoma Rural and Affordable Housing Linked Deposit Act will meet rural housing needs by creating a revolving capacity of no more than Twenty-five Million Dollars (\$25,000,000.00) to enable eligible rural housing developers to finance land acquisition, site development, rehabilitation, and construction of single-family or multifamily housing units in rural areas. For purposes of determining whether this twenty-five-million-dollar maximum is met, the State Treasurer shall consider amounts approved for link deposit participation, whether or not a borrower has actually used the entire amount approved.

SECTION 15. AMENDATORY Section 3, Chapter 287, O.S.L. 2002 (62 O.S. Supp. 2002, Section 91.3), is amended to read as follows:

Section 91.3 As used in the Oklahoma Rural and Affordable Housing Linked Deposit Act:

1. "Eligible rural housing developer" means any individual, partnership, domestic limited liability company, or domestic corporation within the State of Oklahoma which is engaged in the construction, building or development of rural housing, as certified by a state agency or instrumentality selected by the State Treasurer to perform a certification process. ~~Such~~ The certification shall be designed to select developers who will meet new construction needs in designated, underserved rural target markets;

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

- a. is eligible to make commercial loans, and
- b. is a public depository of state funds, or
- c. is an institution of the farm credit system organized under the federal Farm Credit Act of 1971, 12 U.S.C., Section 2001, as amended;

3. "Rural housing" means any single-family or multifamily dwelling to be constructed or rehabilitated in rural areas of Oklahoma;

4. "Rural areas" means areas of the state outside of high population centers and already well-developed metropolitan areas, which are not adequately served by existing home builders and developers in meeting supply needs for adequate rural housing. The certifying agency shall be responsible to adopt guidelines to identify the specific rural areas which are not adequately served in meeting supply needs for adequate housing; provided, for purposes of this act, a "rural area" shall include a specific geographic area which meets the definition of an "opportunity zone" as ~~such~~ the term is defined in paragraph 2 of subsection G of Section 3604 of Title 68 of the Oklahoma Statutes;

5. "Rural housing 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;

6. "Rural housing linked deposit loan package" means the forms provided by the State Treasurer for the purpose of applying for a rural housing linked deposit; and

7. "Certifying agency" means the state agency or instrumentality selected by the State Treasurer to perform the certification process for rural housing developers, to develop guidelines required by this act, and to review individual rural housing linked deposit loan packages.

SECTION 16. AMENDATORY Section 6, Chapter 287, O.S.L. 2002 (62 O.S. Supp. 2002, Section 91.6), is amended to read as follows:

Section 91.6 A. The State Treasurer shall provide rural housing linked deposit loan packages upon request to the lending institutions eligible for participation in the Oklahoma Rural and Affordable Housing Linked Deposit Program.

B. The rural housing linked deposit loan package shall be completed by the developer before being forwarded to the lending institution for consideration.

C. 1. An eligible lending institution that desires to receive a rural housing linked deposit shall accept and review applications for loans from eligible rural housing developers. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible developer. No single linked deposit for an Oklahoma rural housing linked deposit loan shall exceed Two Million Dollars (\$2,000,000.00).

2. Only one linked deposit loan shall be made and be outstanding at any one time to any developer. However, the linked deposit loan may be renewed subject to the time limitations for

participation set forth in subsection C of Section 7 91.7 of this ~~act~~ title.

3. No loan shall be made to any officer or director of the lending institution making the loan.

4. No loan shall be made to any employee of the State Treasurer's office or to any officer, director or employee of the certifying agency, or to any entity in which such officer, director or employee maintains a controlling interest, or to an immediate family member of the employees, officers, or directors of the State Treasurer or the certifying agency.

5. No loan shall be made prior to July 1, ~~2003~~ 2004, and no deposit of funds shall be made in connection with a rural housing linked deposit loan prior to July 1, ~~2003~~ 2004.

D. An eligible rural housing developer shall certify on its loan application that the reduced rate loan will be used exclusively for the purposes outlined in Section ~~2~~ 91.2 of this ~~act~~ title.

E. In considering which eligible rural housing developers to include in the rural housing linked deposit loan package for reduced rate loans, the eligible lending institution shall give priority to the economic needs of the area in which the development to be financed is located and other factors ~~it~~ the eligible lending institution considers appropriate to determine the relative financial need of the developer.

F. 1. The eligible lending institution shall forward to the State Treasurer a rural housing linked deposit loan package, in the form and manner prescribed and approved by the State Treasurer. The package shall include information regarding the amount of the loan requested by each eligible developer and ~~such~~ any other information regarding each development the State Treasurer requires. The institution shall, for each development, certify the present borrowing rate applicable to similar borrowers for similar projects,

as well as the rate that would be charged to the applicant but for participation in the linked deposit program.

2. The institution and applicant shall certify that each applicant is an eligible rural housing developer.

3. Whoever knowingly makes a false statement concerning a linked deposit loan application shall be prohibited from participating in the linked deposit loan program.

G. Upon receipt of a completed rural housing linked deposit loan package, the State Treasurer may review or audit the information contained in the completed rural housing linked deposit loan package. The State Treasurer shall forward the completed rural housing linked deposit loan package to the certifying agency for the purpose of review and possible certification. The certifying agency may charge an applicant a reasonable filing fee. A uniform fee may be established to cover its administrative costs of review. Any filing fee must be approved by the State Treasurer. The certifying agency shall review the linked deposit loan package to determine if the package satisfies the requirements of this act and guidelines adopted pursuant to this act. The certifying agency shall make a recommendation concerning the package within thirty (30) business days. The certifying agency shall return the package to the State Treasurer with a written recommendation of approval or rejection. If the certifying agency recommends rejection, the written recommendation shall include reasons for ~~said~~ the rejection. The certifying agency shall forward a copy of its rejection notice to the lending institution and the borrower. The State Treasurer shall keep a chronological list of applications forwarded by the certifying agency for approval or rejection.

SECTION 17. AMENDATORY 62 O.S. 2001, Section 275.1, is amended to read as follows:

Section 275.1 All warrants issued by the Oklahoma Public Welfare Commission and the State Treasurer, in payment of assistance

to the needy, aged persons, blind or dependent children, shall be microfilmed or duplicated in a manner acceptable to the Archives and Records Commission, by the Department of Human Services, provided further that the Department of Human Services is hereby authorized and directed to destroy said warrants, by burning, shredding, chemical process or any other method which will insure the complete destruction thereof, after microfilm or other copies are made thereof. Permanent microfilm or other copies of ~~said~~ the warrants shall be maintained by the Department of Human Services. In addition to a possible earlier destruction schedule for warrants that have been duplicated satisfactorily, any redeemed warrant may be destroyed seven (7) years after it is redeemed with the permission of the Archives and Records Commission.

SECTION 18. AMENDATORY 62 O.S. 2001, Section 275.2, is amended to read as follows:

Section 275.2 Warrant registers maintained by the State Treasurer, listing warrants issued in payment to the needy persons referred to in Section 275.1 of this title, shall be destroyed in the manner hereinabove provided by ~~said officers~~ the State Treasurer upon receipt of notice from the Department of Human Services that warrants listed thereon have been microfilmed or duplicated in a manner acceptable to the Archives and Records Commission or if the warrants have been destroyed with permission of the Archives and Records Commission.

SECTION 19. AMENDATORY 62 O.S. 2001, Section 275.8, is amended to read as follows:

Section 275.8 All state bonds, bond interest coupons and duplicates of receipts redeemed by the State Treasurer and delivered to the Director of State Finance as provided by Section 41.19 of this title shall be delivered by the Director of State Finance to the Archives and Records Commission to be retained in accordance with the provisions of Sections 305 through 317 of Title 67 of the

Oklahoma Statutes. All warrants redeemed by the State Treasurer, along with microfilm of the corresponding warrants or other duplicates of the warrants acceptable to the Archives and Records Commission, shall be delivered by the State Treasurer to the Archives and Records Commission to be retained in accordance with the provisions of Sections 305 through 317 of Title 67 of the Oklahoma Statutes. ~~Said~~ The microfilm or other duplication shall be in accordance with requirements established for such records by the Archives and Records Commission. In addition to a possible earlier destruction schedule for warrants that have been duplicated satisfactorily, any redeemed warrant may be destroyed seven (7) years after it is redeemed with the permission of the Archives and Records Commission. No state agency may require the State Treasurer to furnish an original warrant, state check, or state voucher to the state agency if the State Treasurer makes a duplicate available. If the State Treasurer is in possession of the original warrant, the original may be furnished in response to the following:

1. A subpoena;
2. A proper discovery request in a legal proceeding;
3. For investigative purposes of a law enforcement agency; or
4. For other good cause as determined by the State Treasurer.

SECTION 20. AMENDATORY 63 O.S. 2001, Section 2-503.2, is amended to read as follows:

Section 2-503.2 A. Every person convicted of a violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or the Trafficking In Illegal Drugs Act, Section 2-414 et seq. of this title, shall be assessed for each offense a sum of not less than One Hundred Dollars (\$100.00) nor more than Three Thousand Dollars (\$3,000.00). The assessment shall be mandatory and in addition to and not in lieu of any fines, restitution costs, other assessments, or forfeitures authorized or required by law for the offense. The assessment required by this

section shall not be subject to any order of suspension. The court shall order either a lump sum payment or establish a payment schedule. Failure of the offender to comply with the payment schedule shall be considered contempt of court. For purposes of collection, the assessment order shall not expire until paid in full, nor shall the assessment order be limited by the term of imprisonment prescribed by law for the offense, nor by any term of imprisonment imposed against the offender, whether suspended or actually served.

B. The assessment provided for in subsection A of this section shall be collected by the court clerk as provided for collection of fines and costs. When assessment payments are collected by the court clerk pursuant to court order, the funds shall be forwarded to the ~~State Treasurer for deposit to the~~ Department of Mental Health and Substance Abuse ~~Services'~~ Services for deposit into its Drug Abuse Education and Treatment Revolving Fund created by subsection C of Section 2-503.2 of this title.

C. There is hereby created in the State Treasury a revolving fund for the Department of Mental Health and Substance Abuse Services to be designated the "Drug Abuse Education and Treatment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of assessments collected pursuant to this section, grants, gifts and other money accruing to the benefit of ~~said~~ the fund and the Oklahoma Drug Court Act. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the Department of Mental Health and Substance Abuse Services for treatment and drug testing of indigent substance abusing offenders pursuant to the Oklahoma Drug Court Act and for substance abuse prevention and education. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

Monies expended from this fund shall not supplant other local, state, or federal funds.

SECTION 21. This act shall become effective July 1, 2003.

SECTION 22. 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.

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