

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2821

By: Sullivan and Roan of the  
House

and

Corn and Lamb of the Senate

7  
8  
9  
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to Oklahoma State Bureau of Narcotics  
12 and Dangerous Drugs Control; amending 63 O.S. 2001,  
13 Sections 2-103, as last amended by Section 51,  
14 Chapter 1, O.S.L. 2007, 2-106, 2-106.1, 2-110, 2-201,  
15 2-301, as amended by Section 3, Chapter 338, O.S.L.  
16 2003, 2-306, 2-307, Section 2, Chapter 288, O.S.L.  
17 2002, as amended by Section 4, Chapter 133, O.S.L.  
18 2003 and 2-511 (63 O.S. Supp. 2007, Sections 2-103,  
19 2-301 and 2-333), which relate to the Uniform  
20 Controlled Dangerous Substances Act; modifying  
21 appointment power and duties of the Director of the  
22 Oklahoma State Bureau of Narcotics and Dangerous  
23 Drugs Control; updating agency designation;  
24 authorizing the sale, donation or transfer of certain  
property received by the Bureau; exempting property  
from certain provisions of the Oklahoma Surplus  
Property Act; allowing certain Bureau attorneys to  
carry weapons; prohibiting attorneys from being  
eligible to participate in certain retirement system;  
deleting employee classification status provisions;  
authorizing establishment of employee performance  
recognition program; authorizing expenditure of funds  
for certain purposes; providing monetary limitations  
for recognition awards; authorizing establishment of  
employee benefit program; authorizing expenditure of  
funds for distribution of certain materials; deleting  
references to Commissioner; expanding scope of

1 recoverable damages to include certain entities;  
2 authorizing certain funds be used for drug education  
3 programs; amending 63 O.S. 2001, Section 683.6, as  
4 amended by Section 7, Chapter 329, O.S.L. 2003 (63  
5 O.S. Supp. 2007, Section 683.6), which relates to the  
6 Oklahoma Emergency Management Act of 2003; modifying  
7 membership of the Emergency Management Advisory  
8 Council; providing for codification; and declaring an  
9 emergency.

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

11 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-103, as  
12 last amended by Section 51, Chapter 1, O.S.L. 2007 (63 O.S. Supp.  
13 2007, Section 2-103), is amended to read as follows:

14 Section 2-103. A. The Director shall be appointed by the  
15 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
16 Commission. The Director of Narcotics and Dangerous Drugs Control  
17 on January 1, 1984, shall be initially appointed as Director. The  
18 succeeding Director shall, at the time of the appointment, have a  
19 Bachelor's Degree from an accredited college or university and at  
20 least five (5) years' experience in drug law enforcement. The  
21 Director may appoint necessary assistants, agents, and other  
22 personnel to perform the work of the office and may prescribe their  
23 titles and duties and fix their compensation, other than the  
24 salaries established in subsection A of Section 2-103a of this  
title, pursuant to Merit System rules. The Director may appoint  
employees to the positions of Public Information/Education Officer,

1 Training Officer, Program Administrator, Grants Administrator,  
2 Criminal Analysts, Legal Secretary, and Typist Clerk/Spanish  
3 Transcriptionists. Said positions shall be unclassified and exempt  
4 from the rules and procedures of the Office of Personnel Management,  
5 except leave regulations. The office of the Director shall be  
6 located at a suitable place in Oklahoma City, Oklahoma.

7 B. 1. Agents appointed by the Director shall have the powers  
8 of peace officers generally; provided, the Director may appoint  
9 special agents, who shall be unclassified employees of the state, to  
10 meet specific investigatory need. Special agents shall not be  
11 required to meet the age and educational requirements as specified  
12 in this section.

13 2. Agents appointed on and after November 1, 1998, shall be at  
14 least twenty-one (21) years of age and shall have a Bachelor's  
15 Degree from an accredited college or university.

16 3. Each entering agent, with the exception of special agents,  
17 shall be required to serve one (1) year in a probationary status as  
18 a prerequisite to being placed on permanent status.

19 C. Agents appointed pursuant to the provisions of this section  
20 shall have the responsibility of investigating alleged violations  
21 and shall have the authority to arrest those suspected of having  
22 violated the provisions of the Uniform Controlled Dangerous  
23 Substances Act.

24

1 D. A commissioned employee of the Oklahoma State Bureau of  
2 Narcotics and Dangerous Drugs Control shall be entitled to receive  
3 upon retirement by reason of length of service, the continued  
4 custody and possession of the sidearm and badge carried by such  
5 employee immediately prior to retirement.

6 E. A commissioned employee of the Bureau may be entitled to  
7 receive, upon retirement by reason of disability, the continued  
8 custody and possession of the sidearm and badge carried by such  
9 employee immediately prior to retirement upon written approval of  
10 the Director.

11 F. Custody and possession of the sidearm and badge of a  
12 commissioned employee killed in the line of duty may be awarded by  
13 the Director to the spouse or next of kin of the deceased employee.

14 G. Custody and possession of the sidearm and badge of a  
15 commissioned employee who dies while employed at the Oklahoma State  
16 Bureau of Narcotics and Dangerous Drugs Control may be awarded by  
17 the Director to the spouse or next of kin of the deceased employee.

18 H. Any Director appointed on or after July 1, 2003, shall be  
19 eligible to participate in either the Oklahoma Public Employees  
20 Retirement System or in the Oklahoma Law Enforcement Retirement  
21 System and shall make an irrevocable election in writing to  
22 participate in one of the two retirement systems.

23 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-106, is  
24 amended to read as follows:

1 Section 2-106. A. The Director shall, in addition to other  
2 powers and duties vested in him:

3 1. Cooperate with federal and other state agencies in  
4 discharging his responsibilities concerning traffic in narcotics and  
5 dangerous substances and in suppressing the abuse of dangerous  
6 substances;

7 2. Arrange for the exchange of information between governmental  
8 officials concerning the use and abuse of dangerous substances;

9 3. Coordinate and cooperate in training programs on dangerous  
10 substances law enforcement at the local and state levels;

11 4. Cooperate with the Oklahoma State Bureau of Narcotics and  
12 Dangerous Drugs Control by establishing a centralized unit which  
13 will accept, catalogue, file and collect statistics, including  
14 records of drug dependent persons and other dangerous substance law  
15 offenders within the state, and make such information available for  
16 federal, state and local law enforcement purposes; and may collect  
17 and furnish statistics for other appropriate purposes; and

18 5. Coordinate and cooperate in programs of eradication aimed at  
19 destroying wild or illicit growth of plant species from which  
20 controlled dangerous substances may be extracted.

21 B. Results, information and evidence received from the Oklahoma  
22 State Bureau of Narcotics and Dangerous Drugs Control relating to  
23 the regulatory functions of this act, including results of  
24 inspections conducted by that agency, may be relied upon and acted

1 upon by the Director in conformance with his regulatory functions  
2 under this act.

3 C. The Director is further authorized and directed to:

4 1. Coordinate and cooperate in educational programs designed to  
5 prevent and deter misuse and abuse of controlled dangerous  
6 substances;

7 2. Promote better recognition of the problems of misuse and  
8 abuse of controlled dangerous substances within the regulated  
9 industry and among interested groups and organizations;

10 3. Assist the regulated industry, interested groups and  
11 organizations in contributing to the reduction of misuse and abuse  
12 of controlled dangerous substances;

13 4. Consult with interested groups and organizations to aid them  
14 in solving administrative and organizational problems;

15 5. Assist in evaluating procedures, projects, techniques and  
16 controls conducted or proposed as part of educational programs on  
17 misuse and abuse of controlled dangerous substances;

18 6. Disseminate the results of research on misuse and abuse of  
19 controlled dangerous substances to promote a better public  
20 understanding of what problems exist and what can be done to combat  
21 them; and

22 7. Assist in the education and training of state and local law  
23 enforcement officials in their efforts to control misuse and abuse  
24 of controlled dangerous substances-;

1 8. Conduct an annual seminar to be attended by selected law  
2 enforcement officers in order to teach new techniques and advances  
3 in the investigation of violations of the Uniform Controlled  
4 Dangerous Substances Act<sup>7</sup>; and

5 9. Supervise and direct agents appointed in the performance of  
6 their function of enforcement of the provisions of this act.

7 D. The Director is further authorized and directed to:

8 1. Encourage research on misuse and abuse of controlled  
9 dangerous substances;

10 2. Cooperate in establishing methods to assess accurately the  
11 effects of controlled dangerous substances and to identify and  
12 characterize controlled dangerous substances with potential for  
13 abuse;

14 3. Cooperate in making studies and in undertaking programs of  
15 research to:

16 a. develop new or improved approaches, techniques,  
17 systems, equipment and devices to strengthen the  
18 enforcement of this act<sup>7</sup>;

19 b. determine patterns of misuse and abuse of controlled  
20 dangerous substances and the social effects thereof<sup>7</sup>;  
21 and

22 c. improve methods for preventing, predicting,  
23 understanding and dealing with the misuse and abuse of  
24 controlled dangerous substances.

1 E. The Director may enter into contracts with public agencies,  
2 institutions of higher education and private organizations or  
3 individuals for the purpose of conducting research, demonstrations  
4 or special projects which bear directly on misuse and abuse of  
5 controlled dangerous substances.

6 F. The Director may enter into contracts for educational and  
7 research activities without performance bonds.

8 G. The Director may authorize persons engaged in research or  
9 scientific activities on the use and effects of dangerous substances  
10 to withhold the names and other identifying characteristics of  
11 persons who are the subjects of such research. Persons who obtain  
12 this authorization may not be compelled in any state civil,  
13 criminal, administrative, legislative or other proceeding to  
14 identify the subjects of research for which such authorization was  
15 obtained.

16 H. The Director may authorize the lawful possession,  
17 distribution and use of controlled dangerous substances by persons  
18 engaged in research or scientific activities; authorization for  
19 possession of controlled dangerous substances may be extended to  
20 persons engaged in a program of drug education or persons in the  
21 performance of an official duty. Persons who obtain this  
22 authorization shall be exempt from state prosecution for possession,  
23 distribution or use of dangerous substances to the extent authorized  
24 by the Director.

1 I. The Director is authorized to accept gifts, bequests,  
2 devises, contributions and grants, public or private, including  
3 federal funds or funds from any other source for use in furthering  
4 the purpose of the office of the Director.

5 J. The Director is authorized to purchase or sell real  
6 property, together with appurtenances, in the name of the Oklahoma  
7 State Bureau of Narcotics and Dangerous Drugs Control upon approval  
8 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
9 Control Commission.

10 K. The Director shall be in charge of all monies appropriated  
11 for or deposited to the credit of the office of the Director and is  
12 authorized to approve claims and payrolls as provided in Section  
13 41.26 of Title 62 of the Oklahoma Statutes.

14 ~~K.~~ L. The Director shall have the authority of a peace officer  
15 and is authorized to commission assistants of his office as peace  
16 officers.

17 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-106.1, is  
18 amended to read as follows:

19 Section 2-106.1 The Oklahoma State Bureau of Narcotics and  
20 Dangerous Drugs Control is hereby authorized to lease the seaplane  
21 owned by said Bureau. Said lease shall not be subject to the  
22 provisions of Section 85.5 of Title 74 of the Oklahoma Statutes and  
23 shall not have to be approved by the ~~Office~~ Department of ~~Public~~  
24 ~~Affairs~~ Central Services.

1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2-106.2 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
5 Control, pursuant to rules promulgated by the Oklahoma State Bureau  
6 of Narcotics and Dangerous Drugs Control Commission, is hereby  
7 authorized to:

8 1. Make available for sale used vehicles, used equipment and  
9 forfeited property to any federal, state, county, or municipal  
10 agency, trust authority or public school district;

11 2. Sell at public auction any used vehicles, used equipment and  
12 any property forfeited to the Bureau; and

13 3. Donate or transfer title to any surplus property as defined  
14 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property  
15 forfeited to the Bureau, to any law enforcement agency of any  
16 political subdivision of the State of Oklahoma. The use of such  
17 donated equipment shall be limited to valid and authorized law  
18 enforcement efforts by the receiving agency.

19 B. Any property subject to this section shall be exempted from  
20 the provisions set forth in Section 62.3 of Title 74 of the Oklahoma  
21 Statutes.

22 SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-110, is  
23 amended to read as follows:

24

1 Section 2-110. The Director of the Oklahoma State Bureau of  
2 Narcotics and Dangerous Drugs Control may employ attorneys, who  
3 shall be unclassified employees of the state, or contract with  
4 attorneys, as needed. These attorneys may advise the Director, the  
5 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
6 Commission and Bureau personnel on all legal matters and shall  
7 appear for and represent the Director, the Commission and Bureau  
8 personnel in all administrative hearings and all litigation or other  
9 proceedings which may arise in the discharge of their duties. At  
10 the request of the Oklahoma State Bureau of Narcotics and Dangerous  
11 Drugs Control Commission, such attorney shall assist the district  
12 attorney in prosecuting charges of violators of the Uniform  
13 Controlled Dangerous Substances Act or any felony relating to or  
14 arising from a violation of the Uniform Controlled Dangerous  
15 Substances Act. Provided, if Attorneys for the Bureau who have been  
16 certified by the Council on Law Enforcement Education and Training  
17 to carry a concealed weapon or have been issued a concealed handgun  
18 license pursuant to the provisions of the Oklahoma Self-Defense Act  
19 shall be allowed to carry weapons pursuant to paragraph 3 of  
20 subsection A of Section 1272 of Title 21 of the Oklahoma Statutes.  
21 These attorneys, pursuant to this provision, shall not be considered  
22 eligible to participate in the Oklahoma Law Enforcement Retirement  
23 System. If a conflict of interest would be created by such attorney  
24 representing the Director, the Commission or Bureau personnel,

1 additional counsel may be hired upon approval of the Oklahoma State  
2 Bureau of Narcotics and Dangerous Drugs Control Commission. ~~Any~~  
3 ~~classified employee who is serving in an attorney position which is~~  
4 ~~subject to the Merit System of Personnel Administration on the~~  
5 ~~effective date of this act shall have the option of retaining such~~  
6 ~~classified status. An incumbent who chooses to remain in the~~  
7 ~~classified service shall be subject to all provisions and conditions~~  
8 ~~of the Merit System of Personnel Administration. An incumbent who~~  
9 ~~chooses to change status from classified to unclassified shall so~~  
10 ~~indicate in writing. All future appointees to such positions shall~~  
11 ~~be in the unclassified service.~~

12 SECTION 6. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 2-111 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
16 Control is authorized to establish an employee performance  
17 recognition program that encourages outstanding job performance and  
18 productivity within the Bureau. The Bureau is authorized to expend  
19 funds for:

20 1. The purchase of recognition awards to be presented to  
21 members of work units or individual employees having exceptional job  
22 performance records or other significant contributions to the  
23 operation of the Bureau;

24

1           2. The purchase of recognition awards to be presented to  
2 nonemployees of the Bureau in recognition of exemplary service or  
3 assistance to the Bureau and law enforcement; and

4           3. A formal ceremony or banquet where the awards may be  
5 presented.

6           B. Recognition awards may consist of distinctive wearing  
7 apparel, service pins, plaques, writing pens, or other distinguished  
8 awards of a value not exceeding One Hundred Fifty Dollars (\$150.00)  
9 per award to recognize the achievement of the work unit or  
10 individual employee. In addition to recognition awards, the Bureau  
11 may establish an employee benefit program not exceeding Five  
12 Thousand Dollars (\$5,000.00) each fiscal year for cash awards to  
13 recognize outstanding performance in the workplace by Bureau  
14 employees.

15           C. To better educate and foster relations as to the Bureau and  
16 its mission towards drug reduction, the Bureau may expend funds not  
17 exceeding Ten Thousand Dollars (\$10,000.00) each fiscal year for the  
18 purpose of distributing educational, demand-reduction and  
19 commemorative materials bearing the seal of the Oklahoma State  
20 Bureau of Narcotics and Dangerous Drugs Control to nonemployees.  
21 Donated items, federal grant money and seizure funds shall not count  
22 toward this amount.

23           SECTION 7.           AMENDATORY           63 O.S. 2001, Section 2-201, is  
24 amended to read as follows:

1 Section 2-201. A. The ~~Commissioner~~ Director shall administer  
2 the provisions of this act except as otherwise provided.

3 B. The Board of Pharmacy by rule may classify new products  
4 determined to have a potential for abuse as controlled dangerous  
5 substances after notice and hearing; provided that such rule shall  
6 be submitted to the next regular session of the Legislature, and  
7 such rule shall remain in force and effect unless a concurrent  
8 resolution of disapproval is passed. Hearings shall be conducted by  
9 the Board of Pharmacy or such officers, agents or employees as the  
10 Board of Pharmacy may designate for the purpose. The Board of  
11 Pharmacy shall give appropriate notice of the proposed  
12 classification and of the time and place for a hearing. The rule so  
13 promulgated shall become effective on a date fixed by the Board of  
14 Pharmacy. Such rule may be amended or repealed in the same manner  
15 as provided for its adoption. Proceedings pursuant to this  
16 subsection shall be governed by the Administrative Procedures Act.  
17 A new substance controlled pursuant to this subsection shall be  
18 subject to the same regulatory provisions of this act applicable to  
19 the Schedule of substances to which it is classified.

20 C. The ~~Commissioner~~ Director may recommend to the Legislature  
21 the addition, deletion or rescheduling of a substance.

22 D. In considering whether to make a recommendation or issue an  
23 order under this section, the ~~Commissioner~~ Director or the Board of  
24 Pharmacy, as the case may be, shall consider the following:

- 1 1. Its actual or relative potential for abuse;
- 2 2. Scientific evidence of its pharmacological effect, if known;
- 3 3. State of current scientific knowledge regarding the
- 4 substance;
- 5 4. Its history and current pattern of abuse;
- 6 5. The scope, duration, and significance of abuse;
- 7 6. What, if any, risk there is to the public health;
- 8 7. Its psychic or physiological dependence liability; and
- 9 8. Whether the substance is an immediate precursor or principal
- 10 compound of a substance already controlled under this article.

11 E. Substances which are precursors of a controlled precursor  
12 shall not be subject to control solely because they are precursors  
13 of the controlled precursor.

14 F. In addition to the filing requirements of the Administrative  
15 Procedures Act, copies of orders issued under this section shall,  
16 during the time the Legislature is not in session, be filed with the  
17 ~~Chairman~~ Chair and ~~Vice-Chairman~~ Vice-chair of the State Legislative  
18 Council's Judiciary Committee.

19 G. The Board of Pharmacy shall exclude any nonnarcotic  
20 substance from a schedule if such substance may, under the Federal  
21 Food, Drug and Cosmetic Act and the law of this state, be lawfully  
22 sold over the counter without a prescription.

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1 SECTION 8. AMENDATORY 63 O.S. 2001, Section 2-301, as  
2 amended by Section 3, Chapter 338, O.S.L. 2003 (63 O.S. Supp. 2007,  
3 Section 2-301), is amended to read as follows:

4 Section 2-301. A. The ~~Commissioner~~ Director is authorized to  
5 promulgate rules and regulations relating to the registration and  
6 control of the manufacture, distribution, dispensing, prescribing,  
7 administering or use for scientific purposes of controlled dangerous  
8 substances within this state. All proceedings before the ~~office of~~  
9 ~~Commissioner~~ Director shall be governed by the Administrative  
10 Procedures Act.

11 B. The ~~Commissioner~~ Director shall promulgate rules relating to  
12 the training, certification and registration of animal control  
13 officers for the purpose of authorizing such individuals to  
14 purchase, possess and administer controlled dangerous substances for  
15 animal control within this state and operating under the parameters  
16 of Sections 501 through 508 of Title 4 of the Oklahoma Statutes. In  
17 promulgating such rules, the ~~Commissioner~~ Director shall cooperate  
18 with any federal, state or local entity with jurisdiction over the  
19 euthanasia of animals.

20 SECTION 9. AMENDATORY 63 O.S. 2001, Section 2-306, is  
21 amended to read as follows:

22 Section 2-306. On the conviction of any person of the violation  
23 of any provision of this act, a certified copy of the judgment of  
24 conviction shall be sent by the clerk of the court to the

1 ~~Commissioner~~ Director and to the board or officer, if any, by whom  
2 the convicted defendant has been licensed or registered to practice  
3 his or her profession or to carry on his or her business.

4 SECTION 10. AMENDATORY 63 O.S. 2001, Section 2-307, is  
5 amended to read as follows:

6 Section 2-307. Persons registered to manufacture, distribute,  
7 or dispense controlled dangerous substances under this act shall  
8 keep records and maintain inventories in conformance with the  
9 record-keeping and inventory requirements of federal law and with  
10 the additional rules the ~~Commissioner~~ Director issues.

11 SECTION 11. AMENDATORY Section 2, Chapter 288, O.S.L.  
12 2002, as amended by Section 4, Chapter 133, O.S.L. 2003 (63 O.S.  
13 Supp. 2007, Section 2-333), is amended to read as follows:

14 Section 2-333. A. It shall be unlawful for any person to  
15 knowingly sell, transfer, distribute, or dispense any product  
16 containing ephedrine, pseudoephedrine or phenylpropanolamine, or  
17 their salts, isomers or salts of isomers if the person knows that  
18 the purchaser will use the product as a precursor to manufacture  
19 methamphetamine or another controlled illegal substance or if the  
20 person sells, transfers, distributes or dispenses the product with  
21 reckless disregard as to how the product will be used.

22 B. A violation of this section shall be a felony punishable by  
23 imprisonment in the State Penitentiary for a term of not more than  
24 ten (10) years.

1 C. Any person who sells, transfers, distributes, dispenses, or  
2 in any manner furnishes any product containing pseudoephedrine or  
3 phenylpropanolamine, or their salts, isomers, or salts of isomers in  
4 a negligent manner, with knowledge or reason to know that the  
5 product will be used as a precursor to manufacture methamphetamine  
6 or any other illegal controlled substance, or with reckless  
7 disregard as to how the product will be used, shall be liable for  
8 all damages, whether directly or indirectly caused by the sale,  
9 transfer, distribution, dispensation, or furnishing.

10 1. Such damages may include, but are not limited to, any and  
11 all costs of detecting, investigating, and cleaning up or  
12 remediating clandestine or other unlawfully operated or maintained  
13 laboratories where controlled dangerous substances are manufactured,  
14 any and all costs of prosecuting criminal cases arising from such  
15 manufacture, and any and all consequential and punitive damages  
16 otherwise allowed by law.

17 2. A civil action to recover damages against persons,  
18 corporations or other entities violating this subsection may be  
19 brought only by the Attorney General, the Director of the Oklahoma  
20 State Bureau of Narcotics and Dangerous Drugs Control or by any  
21 district attorney in whose jurisdiction such person may be shown to  
22 have committed such violation. Any funds recovered from such an  
23 action shall be used for payment or reimbursement of costs arising  
24 from investigating or prosecuting criminal or civil cases involving

1 the manufacture of controlled dangerous substances, for drug  
2 education programs, or for payment or reimbursement of remediating  
3 contaminated methamphetamine laboratory sites.

4 D. Violation of subsection A or C of this section shall be  
5 considered to affect at the same time an entire community or  
6 neighborhood, or any considerable number of persons, although the  
7 extent of the annoyance or damage inflicted upon the individuals may  
8 be unequal and is subject to the provisions of Section 2 of Title 50  
9 of the Oklahoma Statutes and Section 1397 of Title 12 of the  
10 Oklahoma Statutes.

11 SECTION 12. AMENDATORY 63 O.S. 2001, Section 2-511, is  
12 amended to read as follows:

13 Section 2-511. Judicial review of final determinations,  
14 findings, and conclusions of the ~~Commissioner~~ Director under this  
15 act shall be in the manner provided by the Administrative Procedures  
16 Act. A revocation or suspension of a registration based on the  
17 revocation or suspension of a professional or occupational license  
18 shall be final and conclusive where judicial review is available  
19 with respect to the revocation or suspension of the professional or  
20 occupational license.

21 SECTION 13. AMENDATORY 63 O.S. 2001, Section 683.6, as  
22 amended by Section 7, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2007,  
23 Section 683.6), is amended to read as follows:

24

1 Section 683.6 A. There is hereby created an Emergency  
2 Management Advisory Council. The members of the Council shall be  
3 composed of the Governor, who shall serve as chair of the Council,  
4 and the following department heads:

5 1. The Director of the Oklahoma Department of Emergency  
6 Management;

7 2. The Commissioner of Public Safety;

8 3. The Adjutant General;

9 4. The State Commissioner of Health;

10 5. The Commissioner of the State Oklahoma Department of  
11 Agriculture, Food, and Forestry;

12 6. The Director of the Department of Human Services;

13 7. The Director of the Department of Transportation;

14 8. The Director of the Oklahoma Water Resources Board;

15 9. The State Fire Marshal;

16 10. The Department of Environmental Quality; ~~and~~

17 11. The Oklahoma ~~Sheriff's~~ Sheriffs' Association; and

18 12. The Director of the Oklahoma State Bureau of Narcotics and  
19 Dangerous Drugs Control,

20 who shall serve without additional compensation.

21 B. The Council shall advise the Governor and the Director on  
22 all matters pertaining to emergency management.

23

24

1 C. 1. There is hereby created the State Hazard Mitigation  
2 Team, composed of the administrative heads of the following agencies  
3 or their designees:

- 4 a. Oklahoma Department of Emergency Management, who shall  
5 serve as the Team Coordinator,
- 6 b. Oklahoma Water Resources Board,
- 7 c. Oklahoma Climatological Survey,
- 8 d. Oklahoma Conservation Commission,
- 9 e. ~~Oklahoma~~ Corporation Commission,
- 10 f. Oklahoma Department of Commerce,
- 11 g. ~~Oklahoma~~ Department of Environmental Quality,
- 12 h. ~~Oklahoma~~ Department of Human Services,
- 13 i. ~~Oklahoma~~ State Department of Health,
- 14 j. ~~Oklahoma~~ Department of Transportation,
- 15 k. Oklahoma Department of Agriculture, Food, and Forestry  
16 or Secretary of the Oklahoma Department of  
17 Agriculture, Food, and Forestry,
- 18 l. ~~Oklahoma~~ Department of Wildlife Conservation,
- 19 m. Oklahoma Historical Society,
- 20 n. Oklahoma Insurance ~~Commission~~ Department,
- 21 o. Association of County Commissioners of Oklahoma,
- 22 p. Oklahoma Municipal League,
- 23 q. State Fire Marshal, and
- 24 r. ~~Oklahoma~~ Department of Labor.

1           2. Depending on the circumstances, the Team Coordinator may  
2 request participation of the heads of any other state agencies as  
3 deemed appropriate.

4           3. The Team Coordinator shall also request that a  
5 representative of the United States Army Corps of Engineers be  
6 appointed by the administrative head of the Tulsa District to  
7 participate on the Team.

8           4. The Team Coordinator shall also request a representative of  
9 the U.S. Department of Housing and Urban Development be appointed by  
10 the administrative head of the Oklahoma City office to participate  
11 on the team.

12           5. The State Hazard Mitigation Team will meet as determined by  
13 the Team Coordinator to review and recommend updates to the State  
14 Comprehensive All-hazard Mitigation Plan, and shall have those  
15 additional responsibilities as provided by the Team Coordinator,  
16 including, but not limited to, the review and recommendation for  
17 loan and grant application under the Oklahoma Flood Hazard  
18 Mitigation Program.

19           SECTION 14. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

23

24           51-2-11355           GRS           05/14/08