

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 2195

By: Duncan of the House

4 and

5 Lerblance and Williamson of  
6 the Senate

7 AS INTRODUCED

8 An Act relating to duplicate sections; amending,  
9 merging, consolidating, and repealing duplicate  
10 sections; amending 3A O.S. 2001, Section 200.1, as  
11 last amended by Section 1, Chapter 274, O.S.L. 2006  
12 (3A O.S. Supp. 2006, Section 200.1); repealing 3A  
13 O.S. 2001, Section 200.1, as last amended by Section  
14 1, Chapter 177, O.S.L. 2006 (3A O.S. Supp. 2006,  
15 Section 200.1); amending 10 O.S. 2001, Section 7003-  
16 3.7, as amended by Section 3, Chapter 205, O.S.L.  
17 2006 (10 O.S. Supp. 2006, Section 7003-3.7);  
18 repealing 10 O.S. 2001, Section 7003-3.7, as amended  
19 by Section 1, Chapter 136, O.S.L. 2006 (10 O.S. Supp.  
20 2006, Section 7003-3.7); amending 10 O.S. 2001,  
21 Section 7302-3.1, as amended by Section 5, Chapter  
22 320, O.S.L. 2006 (10 O.S. Supp. 2006, Section 7302-  
23 3.1); repealing 10 O.S. 2001, Section 7302-3.1, as  
24 amended by Section 2, Chapter 124, O.S.L. 2006 (10  
O.S. Supp. 2006, Section 7302-3.1); amending 10 O.S.  
2001, Section 7302-6.3, as amended by Section 16,  
Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2006, Section  
7302-6.3); repealing 10 O.S. 2001, Section 7302-6.3,  
as amended by Section 4, Chapter 124, O.S.L. 2006 (10  
O.S. Supp. 2006, Section 7302-6.3); amending 10 O.S.  
2001, Section 7306-2.2, as amended by Section 2,  
Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2006, Section  
7306-2.2); repealing 10 O.S. 2001, Section 7306-2.2,  
as amended by Section 1, Chapter 285, O.S.L. 2006 (10  
O.S. Supp. 2006, Section 7306-2.2); amending 10 O.S.  
2001, Section 7306-2.5, as amended by Section 4,  
Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2006, Section  
7306-2.5); repealing 10 O.S. 2001, Section 7306-2.5,  
as amended by Section 2, Chapter 285, O.S.L. 2006 (10  
O.S. Supp. 2006, Section 7306-2.5); repealing 10 O.S.

1 2001, Section 7306-2.10, as amended by Section 1,  
2 Chapter 239, O.S.L. 2006 (10 O.S. Supp. 2006, Section  
3 7306-2.10); amending 11 O.S. 2001, Section 28-102, as  
4 last amended by Section 4, Chapter 61, O.S.L. 2006  
5 (11 O.S. Supp. 2006, Section 28-102); repealing 11  
6 O.S. 2001, Section 28-102, as last amended by Section  
7 2, Chapter 38, O.S.L. 2006 (11 O.S. Supp. 2006,  
8 Section 28-102); amending 22 O.S. 2001, Section 991a,  
9 as last amended by Section 1, Chapter 294, O.S.L.  
10 2006 (22 O.S. Supp. 2006, Section 991a); repealing 22  
11 O.S. 2001, Section 991a, as last amended by Section  
12 6, Chapter 284, O.S.L. 2006 (22 O.S. Supp. 2006,  
13 Section 991a); amending 28 O.S. 2001, Section 153, as  
14 last amended by Section 2, Chapter 195, O.S.L. 2006  
15 (28 O.S. Supp. 2006, Section 153); repealing 28 O.S.  
16 2001, Section 153, as last amended by Section 6,  
17 Chapter 61, O.S.L. 2006 (28 O.S. Supp. 2006, Section  
18 153); amending 36 O.S. 2001, Section 1204, as last  
19 amended by Section 1, Chapter 180, O.S.L. 2006 (36  
20 O.S. Supp. 2006, Section 1204); repealing 36 O.S.  
21 2001, Section 1204, as last amended by Section 43,  
22 Chapter 264, O.S.L. 2006 (36 O.S. Supp. 2006, Section  
23 1204); repealing 36 O.S. 2001, Section 2813, as  
24 amended by Section 58, Chapter 264, O.S.L. 2006 (36  
O.S. Supp. 2006, Section 2813); amending 43 O.S.  
2001, Section 112, as last amended by Section 1,  
Chapter 127, O.S.L. 2006 (43 O.S. Supp. 2006, Section  
112); repealing 43 O.S. 2001, Section 112, as last  
amended by Section 1, Chapter 74, O.S.L. 2006 (43  
O.S. Supp. 2006, Section 112); amending 43 O.S. 2001,  
Section 118, as last amended by Section 2, Chapter  
127, O.S.L. 2006 (43 O.S. Supp. 2006, Section 118);  
repealing 43 O.S. 2001, Section 118, as last amended  
by Section 2, Chapter 74, O.S.L. 2006 (43 O.S. Supp.  
2006, Section 118); amending Section 4, Chapter 457,  
O.S.L. 2005, as amended by Section 2, Chapter 294,  
O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-105.3);  
repealing Section 4, Chapter 457, O.S.L. 2005, as  
amended by Section 10, Chapter 311, O.S.L. 2006 (47  
O.S. Supp. 2006, Section 6-105.3); amending 47 O.S.  
2001, Section 156, as last amended by Section 1,  
Chapter 213, O.S.L. 2006 (47 O.S. Supp. 2006, Section  
156); repealing 47 O.S. 2001, Section 156, as last  
amended by Section 22, Chapter 211, O.S.L. 2006 (47  
O.S. Supp. 2006, Section 156); amending Section 11,  
Chapter 504, O.S.L. 2004, as last amended by Section  
5, Chapter 272, O.S.L. 2006 (47 O.S. Supp. 2006,

1 Section 1135.2); repealing Section 11, Chapter 504,  
2 O.S.L. 2004, as last amended by Section 1, Chapter  
3 275, O.S.L. 2006 (47 O.S. Supp. 2006, Section  
4 1135.2); repealing Section 11, Chapter 504, O.S.L.  
5 2004, as last amended by Section 23, Chapter 311,  
6 O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.2);  
7 repealing Section 11, Chapter 504, O.S.L. 2004, as  
8 last amended by Section 22, Chapter 44, 2nd  
9 Extraordinary Session, O.S.L. 2006 (47 O.S. Supp.  
10 2006, Section 1135.2); amending Section 12, Chapter  
11 504, O.S.L. 2004, as last amended by Section 24,  
12 Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Section  
13 1135.3); repealing Section 12, Chapter 504, O.S.L.  
14 2004, as last amended by Section 2, Chapter 275,  
15 O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.3);  
16 amending 47 O.S. 2001, Section 1151, as last amended  
17 by Section 26, Chapter 311, O.S.L. 2006 (47 O.S.  
18 Supp. 2006, Section 1151); repealing 47 O.S. 2001,  
19 Section 1151, as last amended by Section 9, Chapter  
20 238, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1151);  
21 amending 57 O.S. 2001, Section 549.1, as last amended  
22 by Section 1, Chapter 267, O.S.L. 2006 (57 O.S. Supp.  
23 2006, Section 549.1); repealing 57 O.S. 2001, Section  
24 549.1, as last amended by Section 9, Chapter 294,  
O.S.L. 2006 (57 O.S. Supp. 2006, Section 549.1);  
amending 57 O.S. 2001, Section 583, as last amended  
by Section 8, Chapter 284, O.S.L. 2006 (57 O.S. Supp.  
2006, Section 583); repealing 57 O.S. 2001, Section  
583, as last amended by Section 12, Chapter 294,  
O.S.L. 2006 (57 O.S. Supp. 2006, Section 583);  
repealing Section 1, Chapter 223, O.S.L. 2003, as  
amended by Section 13, Chapter 294, O.S.L. 2006 (57  
O.S. Supp. 2006, Section 590); repealing 59 O.S.  
2001, Section 328.3, as last amended by Section 1,  
Chapter 21, O.S.L. 2006 (59 O.S. Supp. 2006, Section  
328.3); amending 60 O.S. 2001, Section 180.1, as last  
amended by Section 2, Chapter 325, O.S.L. 2006 (60  
O.S. Supp. 2006, Section 180.1); repealing 60 O.S.  
2001, Section 180.1, as last amended by Section 6,  
Chapter 314, O.S.L. 2006 (60 O.S. Supp. 2006, Section  
180.1); amending 62 O.S. 2001, Section 275.1, as last  
amended by Section 4, Chapter 233, O.S.L. 2006 (62  
O.S. Supp. 2006, Section 275.1); repealing 62 O.S.  
2001, Section 275.1, as last amended by Section 1,  
Chapter 20, O.S.L. 2006 (62 O.S. Supp. 2006, Section  
275.1); amending 63 O.S. 2001, Section 1-2503, as  
last amended by Section 1, Chapter 171, O.S.L. 2006

(63 O.S. Supp. 2006, Section 1-2503); repealing 63 O.S. 2001, Section 1-2503, as last amended by Section 1, Chapter 155, O.S.L. 2006 (63 O.S. Supp. 2006, Section 1-2503); amending 63 O.S. 2001, Section 2-103, as last amended by Section 5, Chapter 79, 2nd Extraordinary Session, O.S.L. 2006 (63 O.S. Supp. 2006, Section 2-103); repealing 63 O.S. 2001, Section 2-103, as last amended by Section 7, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (63 O.S. Supp. 2006, Section 2-103); repealing 63 O.S. 2001, Section 91, as amended by Section 1, Chapter 54, O.S.L. 2006 (63 O.S. Supp. 2006, Section 91); repealing 63 O.S. 2001, Section 4021, as last amended by Section 48, Chapter 16, O.S.L. 2006 (63 O.S. Supp. 2006, Section 4021); amending 68 O.S. 2001, Section 1004, as last amended by Section 1, Chapter 43, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2006, Section 1004); repealing 68 O.S. 2001, Section 1004, as last amended by Section 5, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2006, Section 1004); amending 68 O.S. 2001, Section 2358, as last amended by Section 21, Chapter 44, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358); repealing 68 O.S. 2001, Section 2358, as last amended by Section 1, Chapter 178, O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358); repealing 68 O.S. 2001, Section 2358, as last amended by Section 17, Chapter 272, O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358); repealing 68 O.S. 2001, Section 2358, as last amended by Section 5, Chapter 42, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358); amending 68 O.S. 2001, Section 3603, as last amended by Section 31, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3603); repealing 68 O.S. 2001, Section 3603, as last amended by Section 74, Chapter 16, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3603); amending 68 O.S. 2001, Section 3604, as last amended by Section 1, Chapter 282, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3604); repealing 68 O.S. 2001, Section 3604, as last amended by Section 32, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3604); amending 68 O.S. 2001, Section 3606, as last amended by Section 2, Chapter 282, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3606); repealing 68 O.S. 2001, Section 3606, as last amended by Section 33, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006, Section 3606); amending 68 O.S. 2001, Section 3904, as last

1 amended by Section 1, Chapter 256, O.S.L. 2006 (68  
2 O.S. Supp. 2006, Section 3904); repealing 68 O.S.  
3 2001, Section 3904, as last amended by Section 35,  
4 Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006, Section  
5 3904); amending 70 O.S. 2001, Section 6-194, as last  
6 amended by Section 3, Chapter 227, O.S.L. 2006 (70  
7 O.S. Supp. 2006, Section 6-194); repealing 70 O.S.  
8 2001, Section 6-194, as last amended by Section 1,  
9 Chapter 192, O.S.L. 2006 (70 O.S. Supp. 2006, Section  
10 6-194); repealing 70 O.S. 2001, Section 6-194, as  
11 last amended by Section 3, Chapter 278, O.S.L. 2006  
12 (70 O.S. Supp. 2006, Section 6-194); amending 70 O.S.  
13 2001, Section 17-108.1, as amended by Section 4,  
14 Chapter 46, 2nd Extraordinary Session, O.S.L. 2006  
15 (70 O.S. Supp. 2006, Section 17-108.1); repealing 70  
16 O.S. 2001, Section 17-108.1, as amended by Section  
17 32, Chapter 46, 2nd Extraordinary Session, O.S.L.  
18 2006 (70 O.S. Supp. 2006, Section 17-108.1); amending  
19 70 O.S. 2001, Section 3311, as last amended by  
20 Section 1, Chapter 225, O.S.L. 2006 (70 O.S. Supp.  
21 2006, Section 3311); repealing 70 O.S. 2001, Section  
22 3311, as last amended by Section 1, Chapter 26,  
23 O.S.L. 2006 (70 O.S. Supp. 2006, Section 3311);  
24 repealing 70 O.S. 2001, Section 3311, as last amended  
by Section 2, Chapter 33, O.S.L. 2006 (70 O.S. Supp.  
2006, Section 3311); amending 74 O.S. 2001, Section  
85.12, as last amended by Section 17, Chapter 320,  
O.S.L. 2006 (74 O.S. Supp. 2006, Section 85.12);  
repealing 74 O.S. 2001, Section 85.12, as last  
amended by Section 1, Chapter 80, O.S.L. 2006 (74  
O.S. Supp. 2006, Section 85.12); amending 74 O.S.  
2001, Section 5060.4, as last amended by Section 2,  
Chapter 263, O.S.L. 2006 (74 O.S. Supp. 2006, Section  
5060.4); repealing 74 O.S. 2001, Section 5060.4, as  
last amended by Section 1, Chapter 297, O.S.L. 2006  
(74 O.S. Supp. 2006, Section 5060.4); providing an  
effective date; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 3A O.S. 2001, Section 200.1, as  
23 last amended by Section 1, Chapter 274, O.S.L. 2006 (3A O.S. Supp.  
24 2006, Section 200.1), is amended to read as follows:

1 Section 200.1 A. As used in the Oklahoma Horse Racing Act:

2 1. "Commission" means the Oklahoma Horse Racing Commission;

3 2. "Enclosure" means all buildings, structures and grounds  
4 utilized for the conduct of a race meeting and/or gaming at the race  
5 track and any additional areas designated by the Oklahoma Horse  
6 Racing Commission;

7 3. "Family" means husband, wife, and any dependent children;

8 4. "Financial interest" means an interest that could result in  
9 directly or indirectly receiving a pecuniary gain or sustaining a  
10 pecuniary loss as a result of ownership or interest in a business  
11 entity, or as a result of salary, gratuity, or other compensation or  
12 remuneration from any person;

13 5. "Horse racing" means any type of horse racing, including,  
14 but not limited to, Arabian, Appaloosa, Paint, Pinto, Quarter Horse,  
15 and Thoroughbred horse racing.

16 a. "Arabian horse racing" means the form of horse racing  
17 in which each participating horse is an Arabian horse  
18 registered with the Arabian Horse Club Registry of  
19 America and approved by the Arabian Horse Racing  
20 Association of America or any successor organization,  
21 mounted by a jockey, and engaged in races on the flat  
22 over a distance of not less than one-quarter (1/4)  
23 mile or more than four (4) miles.

- 1           b. "Appaloosa horse racing" means the form of horse  
2 racing in which each participating horse is an  
3 Appaloosa horse registered with the Appaloosa Horse  
4 Club or any successor organization and mounted by a  
5 jockey.
- 6           c. "Quarter Horse racing" means the form of horse racing  
7 where each participating horse is a Quarter Horse  
8 registered with the American Quarter Horse Association  
9 or any successor organization, mounted by a jockey,  
10 and engaged in a race on the flat.
- 11          d. "Paint horse racing" means the form of horse racing in  
12 which each participating horse is a Paint horse  
13 registered with the American Paint Horse Association  
14 or any successor organization and mounted by a jockey.
- 15          e. "Pinto horse racing" means the form of horse racing in  
16 which each participating horse is a Pinto horse  
17 registered with the Pinto Horse Association of  
18 America, Inc. or any successor organization and  
19 mounted by a jockey.
- 20          f. "Thoroughbred horse racing" means the form of horse  
21 racing in which each participating horse is a  
22 Thoroughbred horse registered with the Jockey Club or  
23 any successor organization, mounted by a jockey, and  
24 engaged in races on the flat.

1 "Horse racing" shall not mean the racing of a cloned horse  
2 regardless of whether any breed association has registered the  
3 horse;

4 6. "Minor" means any individual under eighteen (18) years of  
5 age;

6 7. "Minus pool" means a pari-mutuel pool in which, after  
7 deducting the take-out, not enough money remains in the pool to pay  
8 the legally prescribed minimum return to those placing winning  
9 wagers, and in which the organization licensee would be required to  
10 pay the remaining amount due;

11 8. "Occupation licensee" means any person who has obtained an  
12 occupation license;

13 9. "Organization licensee" means any person receiving an  
14 organization license;

15 10. "Pari-mutuel system of wagering" means a form of wagering  
16 on the outcome of horse races in which those who wager purchase  
17 wagers of various denominations on a horse or horses and all wagers  
18 for each race are pooled and held by the organization licensee for  
19 distribution. The pari-mutuel system of wagering uses an electric  
20 totalizator or similar equipment which automatically registers the  
21 wagers made on each horse;

22 11. "Pari-mutuel pool" means the total money wagered by  
23 individuals on any horse or horses in a particular horse race to  
24 win, place, or show and held by the organization licensee pursuant

1 to the pari-mutuel system of wagering. There is a separate pari-  
2 mutuel pool for win, for place, for show, and for each multiple  
3 combination of betting approved by the Oklahoma Horse Racing  
4 Commission;

5 12. "Person" means any individual, partnership, corporation, or  
6 other association or entity; and

7 13. "Race meeting" means the entire period of time not to  
8 exceed twenty (20) calendar days separating any race days for which  
9 an organization license has been granted to a person by the  
10 Commission to hold horse races at which the pari-mutuel system of  
11 wagering is conducted, to hold non-pari-mutuel horse races or to  
12 conduct accredited work or training races.

13 B. The Commission may define by rule or regulation any term  
14 which is not defined in the Oklahoma Horse Racing Act.

15 SECTION 2. REPEALER 3A O.S. 2001, Section 200.1, as last  
16 amended by Section 1, Chapter 177, O.S.L. 2006 (3A O.S. Supp. 2006,  
17 Section 200.1), is hereby repealed.

18 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7003-3.7, as  
19 amended by Section 3, Chapter 205, O.S.L. 2006 (10 O.S. Supp. 2006,  
20 Section 7003-3.7), is amended to read as follows:

21 Section 7003-3.7

22 A. 1. a. If the parents, legal guardian or custodian of the  
23 child requests an attorney and is found to be without  
24 sufficient financial means, counsel shall be appointed

1 by the court if a petition has been filed alleging  
2 that the child is a deprived child or if termination  
3 of parental rights is a possible remedy; provided that  
4 the court may appoint counsel without such request, if  
5 it deems representation by counsel necessary to  
6 protect the interest of the parents, legal guardian or  
7 custodian.

8 b. The court shall not be required to appoint an attorney  
9 for any person other than for the parents, legal  
10 guardian or custodian of the child pursuant to the  
11 provisions of this paragraph.

12 2. a. Whenever a petition is filed pursuant to the  
13 provisions of this part, the court shall appoint a  
14 separate attorney, who shall not be a district  
15 attorney, regardless of any attempted waiver by the  
16 parent, legal guardian or custodian of the child of  
17 the right of the child to be represented by counsel.  
18 The parent, legal guardian or custodian shall not  
19 select the child's attorney. If financially capable,  
20 the parent, legal guardian or custodian shall  
21 reimburse the Court Fund for the services of a court-  
22 appointed attorney for the child.

23 b. The attorney appointed for the child shall make  
24 arrangements to meet with the child as soon as

1 possible after receiving notification of the  
2 appointment. Except for good cause shown, the  
3 attorney shall meet with the child not less than  
4 twenty-four (24) hours prior to any hearing in such  
5 proceeding. The attorney may speak with the child  
6 over the telephone if a personal visit is not possible  
7 due to exigent circumstances. If a meaningful  
8 attorney-client relationship between the child and the  
9 attorney is prohibited due to age or disability of the  
10 child, the attorney shall contact the custodian or  
11 caretaker of the child prior to the hearing.

12 c. The attorney shall be given access to all reports,  
13 records and other information relevant to the case and  
14 to any reports of examination of the child's parents,  
15 legal guardian or custodian made pursuant to this  
16 section. The attorney shall represent the child and  
17 any expressed interests of the child. The attorney  
18 shall make such further inquiry as the attorney deems  
19 necessary to ascertain the facts, to interview  
20 witnesses, examine and cross-examine witnesses, make  
21 recommendations to the court and participate further  
22 in the proceedings to the degree appropriate for  
23 adequately representing the interests of the child.  
24

1           3. The attorney shall be allowed a reasonable fee for such  
2 services as determined by the court, as authorized by law.

3           B. 1. Whenever a petition is filed alleging that a child is a  
4 deprived child, the court may appoint a guardian ad litem for the  
5 child at any time subsequent to the filing of the petition or for  
6 any other action related to the child.

7           2. The court shall appoint a guardian ad litem upon the request  
8 of the child, the attorney of the child, the Department of Human  
9 Services, a licensed child-placing agency, or any other party to the  
10 action.

11           3. A guardian ad litem shall not be a district attorney, an  
12 employee of the office of the district attorney, the child's  
13 attorney, an employee of the court, an employee of a juvenile  
14 bureau, or an employee of any public agency having duties or  
15 responsibilities towards the child.

16           4. The guardian ad litem shall be appointed to objectively  
17 advocate on behalf of the child and act as an officer of the court  
18 to investigate all matters concerning the best interests of the  
19 child. In addition to other duties required by the court and as  
20 specified by the court, a guardian ad litem shall have the following  
21 responsibilities:

- 22           a. review documents, reports, records and other  
23                information relevant to the case, meet with and  
24                observe the child in appropriate settings, and

1 interview parents, foster parents, health care  
2 providers, child protective services workers and any  
3 other person with knowledge relevant to the case,

4 b. advocate for the child's best interests by  
5 participating in the case, attending any hearings in  
6 the matter and advocating for appropriate services for  
7 the child when necessary,

8 c. maintain the confidentiality of information related to  
9 a case as required by Article 7 of the Oklahoma  
10 Children's Code,

11 d. monitor the child's best interests throughout any  
12 judicial proceeding, and

13 e. present written reports on the child's best interests  
14 that include conclusions and recommendations and the  
15 facts upon which they are based.

16 5. The guardian ad litem shall be given access to the court  
17 files and agency files and access to all documents, reports, records  
18 and other information relevant to the case and to any records and  
19 reports of examination of the child's parent or other custodian,  
20 made pursuant to the laws relating to child abuse and neglect  
21 including reports generated by service providers.

22 6. On or before December 31, 2007, the Administrative Director  
23 of the Courts shall develop a standard operating manual for  
24 guardians ad litem which shall include, but not be limited to, legal

1 obligations and responsibilities, information concerning child  
2 abuse, child development, domestic abuse, sexual abuse, and parent  
3 and child behavioral health and management including best practices.  
4 After publication of the manual, all guardians ad litem shall  
5 certify to the court in which he or she is appointed as a guardian  
6 ad litem that the manual has been read and all provisions contained  
7 therein are understood. The guardian ad litem shall also certify  
8 that he or she agrees to follow the best practices described within  
9 the standard operating manual. The Administrative Director of the  
10 Courts shall provide public access to the standard operating manual  
11 and shall periodically review and revise the manual as deemed  
12 necessary.

13 C. 1. Whenever a court-appointed special advocate program is  
14 available to the court to serve as a guardian ad litem, priority  
15 shall be given to appointment of the court-appointed special  
16 advocate to serve as guardian ad litem for the child regardless of  
17 whether a guardian ad litem has been requested pursuant to the  
18 provisions of this subsection.

19 2. A Court-Appointed Special Advocate Program shall be made  
20 available to each judicial district.

21 3. For purposes of the Oklahoma Children's Code, the terms  
22 "court-appointed special advocate" and "guardian ad litem" shall  
23 have the same function. In like manner, a court-appointed special  
24 advocate, except as specifically otherwise provided by law or by the

1 court, shall have the same power, duties and responsibilities as  
2 assigned to a guardian ad litem by law and shall have such other  
3 qualifications, duties and responsibilities as may be prescribed by  
4 rule by the Supreme Court.

5 4. A court-appointed special advocate shall serve without  
6 compensation.

7 5. No court-appointed special advocate shall be assigned a case  
8 before:

9 a. completing a training program in compliance with  
10 nationally documented Court-Appointed Special Advocate  
11 standards. Documentation of training shall be  
12 submitted annually by local Court-Appointed Special  
13 Advocate Programs to the Oklahoma Court-Appointed  
14 Special Advocate Association, and

15 b. being approved by the local Court-Appointed Special  
16 Advocate Program, which will include appropriate  
17 criminal background checks.

18 D. 1. Any person participating in a judicial proceeding as a  
19 court-appointed special advocate shall be presumed prima facie to be  
20 acting in good faith and in so doing shall be immune from any civil  
21 liability that otherwise might be incurred or imposed.

22 2. Any person serving in a management position of a court-  
23 appointed special advocate organization, including a member of the  
24 Board of Directors acting in good faith, shall be immune from any

1 civil liability or any vicarious liability for the negligence of any  
2 court-appointed special advocate organization advocates, managers,  
3 or directors.

4 E. The provisions of this section shall not apply to adoption  
5 proceedings and actions to terminate parental rights which do not  
6 involve a petition for deprived status of the child. Such  
7 proceedings and actions shall be governed by the Oklahoma Adoption  
8 Code.

9 SECTION 4. REPEALER 10 O.S. 2001, Section 7003-3.7, as  
10 amended by Section 1, Chapter 136, O.S.L. 2006 (10 O.S. Supp. 2006,  
11 Section 7003-3.7), is hereby repealed.

12 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7302-3.1, as  
13 amended by Section 5, Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2006,  
14 Section 7302-3.1), is amended to read as follows:

15 Section 7302-3.1 A. Effective July 1, 2006, in addition to  
16 other responsibilities specified by law, the Office of Juvenile  
17 Affairs shall:

18 1. Be the state planning and coordinating agency for statewide  
19 juvenile justice and delinquency prevention services; provided, it  
20 shall give full consideration to any recommendations of the Oklahoma  
21 Association of Youth Services regarding community-based facilities,  
22 programs or services;

23 2. Provide court intake, probation and parole for delinquent  
24 children; and

1           3. Collect and disseminate information and engage in juvenile  
2 justice or delinquency prevention activities relating to the  
3 provisions of the Oklahoma Juvenile Code.

4           B. The Office of Juvenile Affairs shall include the following:

5           1. The Office of Advocate Defender;

6           2. The Office of the Parole Board which shall consist of the  
7 Parole Review and Hearing Board; and

8           3. Such other offices prescribed by the Executive Director of  
9 the Office of Juvenile Affairs or by law.

10          C. 1. Effective July 1, 2006, the following programs are  
11 established within the Office of Juvenile Affairs:

12           a. programs for community intervention and diversion  
13 projects to prevent juvenile delinquency,

14           b. state programs for children who are potentially  
15 delinquent and/or who are adjudicated delinquent,

16           c. programs for community disciplinary projects,

17           d. programs of juvenile crime restitution,

18           e. the Serious and Habitual Juvenile Offender Program,

19           f. regimented juvenile training programs,

20           g. the Delinquency and Youth Gang Intervention and  
21 Deterrence Act, and

22           h. such other programs prescribed by the Executive  
23 Director of the Office of Juvenile Affairs or by law.  
24

1           2. Beginning July 1, 1995, the Office of Juvenile Affairs, in  
2 cooperation with the courts, shall develop programs which can be  
3 used directly by the Office of Juvenile Affairs or can be used in  
4 communities with the assistance of the Office of Juvenile Affairs to  
5 divert juveniles at risk of becoming delinquent from the formal  
6 court process. Such programs shall include, but not be limited to:

7           a. alternative diversion programs for first-time  
8 offenders as defined by Section 7303-4.6 of this  
9 title,

10          b. teen court programs, subject to the requirements and  
11 procedures provided in Section 7303-4.6 of this title,  
12 and

13          c. teen substance abuse schools. A teen substance abuse  
14 school shall include any program approved by the court  
15 that provides educational, motivational and behavior  
16 modification instruction for juveniles who have  
17 chemical dependency problems.

18          D. Beginning July 1, 1995, the Office of Juvenile Affairs, in  
19 its role as coordinator for delinquency prevention services, shall,  
20 after full consideration of any recommendation of the Oklahoma  
21 Association of Youth Services:

22           1. Establish guidelines for juvenile delinquency prevention and  
23 diversion programs for use in community-based programs, including  
24 but not limited to:

- a. counseling programs,
- b. recreational programs,
- c. job skills workshops,
- d. community public improvement projects,
- e. mediation programs,
- f. programs to improve relationships between juveniles and law enforcement personnel,
- g. diagnostic evaluation services,
- h. substance abuse prevention programs,
- i. independent living skills and self-sufficiency planning programs, and
- j. case management services; and

2. Provide that personnel shall be available in each county of the state to assist local communities in developing and implementing community programs to prevent delinquency and to divert juveniles who have committed delinquent acts from committing further delinquent or criminal acts. The Office of Juvenile Affairs shall provide this service in each county either directly or by contract.

E. 1. On July 1, 2006, the following programs or divisions, which were transferred from the Department of Human Services to the Department of Juvenile Justice on July 1, 1995, shall be transferred, along with funding allocations, from the Department of Juvenile Justice to the Office of Juvenile Affairs:

- a. the Residential Services Unit of the Office of Juvenile Justice and all staff for the Unit,
- b. the Quality Assurance Monitoring Unit of the Office of Juvenile Justice and all staff for the Unit,
- c. the Contract Management/Youth Services Unit of the Office of Juvenile Justice and all staff for the Unit,
- d. the Psychological Unit of the Office of Juvenile Justice and all staff for the Unit,
- e. the Juvenile Services Unit and all field and supervisory staff for the Unit,
- f. all institutional staff for institutions transferred from the Department of Human Services to the Office of Juvenile Affairs,
- g. all staff assigned to the community residential programs of the Office of Juvenile Justice,
- h. the Management Services Unit of the Office of Juvenile Justice,
- i. the Programs Unit of the Office of Juvenile Justice,
- j. all staff of the business office of the Office of Juvenile Justice,
- k. the Planning and Information Unit of the Office of Juvenile Justice,

1           1.    all staff of the Office of Juvenile Justice assigned  
2                   to serve as the liaison to the Federal Court Monitor  
3                   of the Office of Juvenile Justice,

4           m.    the Parole Review and Hearing Board within the Office  
5                   of the General Counsel of the Department of Human  
6                   Services and all members of the Board and support  
7                   staff for the Board, and

8           n.    the Division Administrator for the Office of Juvenile  
9                   Justice and administrative staff for the Division  
10                  Administrator.

11           2.    The Office of Juvenile Affairs and the Department of Human  
12                  Services may enter into an agreement for the transfer of personnel  
13                  on July 1, 1995, from the Department of Human Services to the Office  
14                  of Juvenile Affairs. No selected employee shall be transferred to  
15                  the Office of Juvenile Affairs, except on the freely given written  
16                  consent of the employee.

17           3.    The classified and unclassified employees who are  
18                  transferred pursuant to paragraph 1 or 2 of this subsection from the  
19                  Department of Human Services to the Office of Juvenile Affairs on  
20                  July 1, 1995, shall be subject to the following provisions:

21           a.    classified employees shall remain subject to the  
22                   provisions of the Merit System of Personnel  
23                   Administration as provided in the Oklahoma Personnel  
24                   Act except that such employees shall be exempt from

1 the provisions of the Merit System pertaining to  
2 classification until October 1, 1995. Effective  
3 October 1, 1995, such employees shall be given status  
4 in the class to which the position occupied by the  
5 employee on October 1, 1995, is allocated by the  
6 Office of Personnel Management. The salary of such an  
7 employee shall not be reduced as a result of such  
8 position allocation, and if the employee's salary is  
9 below the minimum rate of pay for the class to which  
10 the position occupied by the employee on October 1,  
11 1995, is allocated, the employee's salary shall be  
12 adjusted up to the minimum rate of pay; provided, if  
13 such allocation is a promotion, the minimum rate shall  
14 be determined as provided in 530:10-7-14 of the  
15 Oklahoma Administrative Code,

- 16 b. unclassified employees shall remain in the  
17 unclassified service and shall serve at the pleasure  
18 of the Executive Director. Effective October 1, 1995,  
19 such employees who occupy positions that are subject  
20 to the Merit System of Personnel Administration shall  
21 become classified and subject to the provisions of the  
22 Merit System of Personnel Administration pursuant to  
23 Section 840-4.1 of Title 74 of the Oklahoma Statutes.  
24 Unclassified employees who, on October 1, 1995, occupy

1 positions that remain in the unclassified service  
2 pursuant to law, shall remain in the unclassified  
3 service and shall continue to serve at the pleasure of  
4 the Executive Director,

5 c. all employees who are transferred to the Office of  
6 Juvenile Affairs shall retain leave, sick and annual  
7 time earned and any retirement and longevity benefits  
8 which have accrued during their tenure with the agency  
9 from which transferred. The salaries of employees who  
10 are transferred shall not be reduced as a direct and  
11 immediate result of the transfer. The transfer of  
12 personnel among the state agencies shall be  
13 coordinated with the Office of Personnel Management,  
14 and

15 d. if the Office of Juvenile Affairs should implement a  
16 reduction in force, all employees transferred from the  
17 Department of Human Services to the Office of Juvenile  
18 Affairs on July 1, 1995, shall be credited for the  
19 time they were employed by the Department of Human  
20 Services. The Office of Juvenile Affairs may enter  
21 into a contract for professional services for any  
22 contract that was in effect at the time of the posting  
23 of the reduction in force with a person who has been  
24

1                   separated from service with the Office of Juvenile  
2                   Affairs as a result of the reduction in force.

3           F.   Effective July 1, 1995, custody, care and supervision of  
4 juveniles adjudicated to be delinquent or in need of supervision and  
5 any monies and funds received on behalf of such juveniles are hereby  
6 transferred from the Department of Human Services to the Office of  
7 Juvenile Affairs.  Records in the custody of the Department of Human  
8 Services on the transfer date relating to delinquent juveniles and  
9 juveniles in need of supervision shall be transferred to the  
10 Department of Juvenile Justice.  Effective July 1, 2006, records in  
11 the custody of the Department of Juvenile Justice relating to  
12 delinquent juveniles and juveniles in need of supervision shall be  
13 transferred to the Office of Juvenile Affairs.

14           G.   Effective July 1, 1995, all powers, duties, records,  
15 property, assets, monies and funds of the Office of Juvenile Justice  
16 shall be transferred to the Office of Juvenile Affairs.  Effective  
17 July 1, 1995, liabilities of the Office of Juvenile Justice shall be  
18 transferred to the Office of Juvenile Affairs as provided for in the  
19 appropriation process of the Legislature.  Any additional  
20 administrative support or costs incurred by the Office of Juvenile  
21 Affairs as a result of the transfer required by this section shall  
22 be borne by the Office of Juvenile Affairs.

1 H. The Office of Juvenile Justice shall be abolished by the  
2 Commission for Human Services after such transfer has been  
3 completed.

4 I. The Director of State Finance is hereby directed to  
5 coordinate the transfer of assets, funds, allotments, purchase  
6 orders, liabilities, outstanding financial obligations or  
7 encumbrances provided for in this section. The Department of  
8 Central Services is hereby directed to coordinate the transfer of  
9 property and records provided for in this section.

10 SECTION 6. REPEALER 10 O.S. 2001, Section 7302-3.1, as  
11 amended by Section 2, Chapter 124, O.S.L. 2006 (10 O.S. Supp. 2006,  
12 Section 7302-3.1), is hereby repealed.

13 SECTION 7. AMENDATORY 10 O.S. 2001, Section 7302-6.3, as  
14 amended by Section 16, Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2006,  
15 Section 7302-6.3), is amended to read as follows:

16 Section 7302-6.3 A. The Board of Juvenile Affairs shall  
17 promulgate written rules, outline policies and procedures governing  
18 the operation of those facilities operated by or through contract  
19 with the Office of Juvenile Affairs wherein juveniles may be housed.  
20 Said policies and procedures shall include, but not be limited to,  
21 standards of cleanliness, temperature and lighting, availability of  
22 medical and dental care, provision of food, furnishings, clothing  
23 and toilet articles, supervision, appropriate and permissible use of  
24 restriction and confinement, procedures for enforcing rules of

1 conduct consistent with due process of law and visitation  
2 privileges.

3 B. The policies prescribed shall, at a minimum, ensure that:

4 1. A child shall not be punished by physical force, deprivation  
5 of nutritious meals, deprivation of family visits or solitary  
6 confinement;

7 2. A child shall have the opportunity to participate in  
8 physical exercise each day;

9 3. A child shall be allowed daily access to showers and the  
10 child's own clothing or individualized clothing which is clean.

11 When a child is participating in an outdoor adventure program that  
12 takes the child away from the permanent facility, the child shall be  
13 provided with the opportunity to wash with soap and water daily;

14 4. A child shall have constant access to writing materials and  
15 may send mail without limitation, censorship or prior reading, and  
16 may receive mail without prior reading, except that mail may be  
17 opened in the presence of the child, without being read, to inspect  
18 for contraband, as defined by Section 21 of Title 57 of the Oklahoma  
19 Statutes or as otherwise defined by rules promulgated by the Board  
20 of Juvenile Affairs, or to inspect for material harmful to minors,  
21 as defined by Section 1040.75 of Title 21 of the Oklahoma Statutes.

22 Provided that, when based on legitimate facility interests of order  
23 and security as determined by the facility superintendent, mail  
24 addressed to a child or sent by a child may be read, censored, or

1 rejected, except that mail addressed to a child from the attorney of  
2 the child or sent by the child to the attorney of said child shall  
3 not be opened, censored, or withheld in any way. The child shall be  
4 notified when incoming or outgoing mail is withheld in part or in  
5 full;

6 5. A child shall have reasonable opportunity to communicate and  
7 to visit with the child's family on a regular basis and to  
8 communicate with persons in the community;

9 6. A child shall have immediate access to medical care as  
10 needed and shall receive necessary psychological and psychiatric  
11 services;

12 7. A child in the custody or care of the Office of Juvenile  
13 Affairs shall be provided access to education including teaching,  
14 educational materials and books, provided, that such policies shall  
15 provide emphasis upon basic literacy skills, including but not  
16 limited to curricula requirements stressing reading, writing,  
17 mathematics, science, vocational-technical education, and other  
18 courses of instruction designed to assure that such children will be  
19 capable of being assimilated into society as productive adults  
20 capable of self-support and full participation;

21 8. A child shall have reasonable access to an attorney upon  
22 request;

23 9. A child shall be afforded a grievance procedure, including  
24 an appeal procedure;

1 10. A child's mental health needs and mental well-being will be  
2 met, protected and served through provision of guidance, counseling  
3 and treatment programs, staffed by competent, professionally  
4 qualified persons, serving under the supervision of licensed  
5 psychologists, psychiatrists or licensed clinical social workers as  
6 defined by the regulations of the State Board of Licensed Social  
7 Workers; and

8 11. Upon leaving the custody of the Office of Juvenile Affairs,  
9 a child shall be afforded a copy of the literacy progress section of  
10 the individualized service plan developed for the child for  
11 continued use at the next school placement of the child.

12 C. Any contract or agreement between the Office of Juvenile  
13 Affairs and the Department of Mental Health and Substance Abuse  
14 Services for the care and treatment of children in the custody of  
15 the Office of Juvenile Affairs shall provide that the Department of  
16 Mental Health and Substance Abuse Services shall comply with the  
17 provisions of subsections A and B of this section and the provisions  
18 of Section 7302-6.4 of this title.

19 SECTION 8. REPEALER 10 O.S. 2001, Section 7302-6.3, as  
20 amended by Section 4, Chapter 124, O.S.L. 2006 (10 O.S. Supp. 2006,  
21 Section 7302-6.3), is hereby repealed.

22 SECTION 9. AMENDATORY 10 O.S. 2001, Section 7306-2.2, as  
23 amended by Section 2, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2006,  
24 Section 7306-2.2), is amended to read as follows:

1 Section 7306-2.2 A. For the purposes of the Youthful Offender  
2 Act:

3 1. "Youthful offender" means a person:

4 a. thirteen (13), or fourteen (14), ~~fifteen (15), sixteen~~  
5 ~~(16) or seventeen (17)~~ years of age who is charged  
6 with murder in the first degree and certified as a  
7 youthful offender as provided by Section 7306-2.5 of  
8 this title,

9 b. fifteen (15), sixteen (16), or seventeen (17) years of  
10 age and charged with a crime listed in subsection A of  
11 Section 7306-2.6 of this title, and

12 c. sixteen (16) or seventeen (17) years of age and  
13 charged with a crime listed in subsection B of Section  
14 7306-2.6 of this title,

15 if the offense was committed on or after January 1, 1998;

16 2. "Sentenced as a youthful offender" means the imposition of a  
17 court order making disposition of a youthful offender as provided by  
18 Section 7306-2.9 of this title which shall constitute an adult  
19 criminal sentence if the youthful offender is transferred to the  
20 custody or supervision of the Department of Corrections pursuant to  
21 paragraph 5 of subsection F of Section 7306-2.10 of this title; and

22 3. "Next friend" means an individual or executive of an  
23 organization who has assumed a parental role without formal legal  
24

1 proceedings, but to all objective observers is readily identified as  
2 custodian or guardian in fact.

3 B. It is the purpose of the Youthful Offender Act to better  
4 ensure the public safety by holding youths accountable for the  
5 commission of serious crimes, while affording courts methods of  
6 rehabilitation for those youths the courts determine, at their  
7 discretion, may be amenable to such methods. It is the further  
8 purpose of the Youthful Offender Act to allow those youthful  
9 offenders whom the courts find to be amenable to rehabilitation by  
10 the methods prescribed in the Youthful Offender Act to be placed in  
11 the custody or under the supervision of the Office of Juvenile  
12 Affairs for the purpose of accessing the rehabilitative programs  
13 provided by that Office and thereby, upon good conduct and  
14 successful completion of such programs, avoid conviction for a  
15 crime.

16 SECTION 10. REPEALER 10 O.S. 2001, Section 7306-2.2, as  
17 amended by Section 1, Chapter 285, O.S.L. 2006 (10 O.S. Supp. 2006,  
18 Section 7306-2.2), is hereby repealed.

19 SECTION 11. AMENDATORY 10 O.S. 2001, Section 7306-2.5,  
20 as amended by Section 4, Chapter 286, O.S.L. 2006 (10 O.S. Supp.  
21 2006, Section 7306-2.5), is amended to read as follows:

22 Section 7306-2.5 A. Any person thirteen (13) or fourteen  
23 (14), ~~fifteen (15), sixteen (16) or seventeen (17)~~ years of age who  
24 is charged with murder in the first degree shall be held accountable

1 for the act as if the person were an adult; provided, the person may  
2 be certified as a youthful offender or a juvenile as provided by  
3 this section, unless the person is subject to the provisions of  
4 subsection F of Section 7306-2.4 of this title.

5 B. Any person fifteen (15), sixteen (16) or seventeen (17)  
6 years of age who is charged with murder in the first degree at that  
7 time shall be held accountable for his or her act as if the person  
8 was an adult and shall not be subject to the provisions of the  
9 Youthful Offender Act or the provisions of the Juvenile Code for  
10 certification as a juvenile. The person shall have all the  
11 statutory rights and protections of an adult accused of a crime.  
12 All proceedings shall be as for a criminal action and the provisions  
13 of Title 22 of the Oklahoma Statutes shall apply. A person having  
14 been convicted as an adult pursuant to this paragraph shall be tried  
15 as an adult for every subsequent offense.

16 C. 1. Upon the filing of an adult criminal information against  
17 such accused person, a warrant shall be issued which shall set forth  
18 the rights of the accused person, and the rights of the parents,  
19 guardian or next friend of the accused person to be present at the  
20 preliminary hearing, to have an attorney present and to make  
21 application for certification of such accused person as a youthful  
22 offender to the district court for the purpose of prosecution as a  
23 youthful offender.

24

1           2. The warrant shall be personally served together with a  
2 certified copy of the information on the accused person and on a  
3 custodial parent, guardian or next friend of the accused person.  
4 The court may inquire of the accused as to the whereabouts of his or  
5 her parents, guardian, or next friend in order to avoid unnecessary  
6 delay in the proceedings.

7           3. When personal service of a custodial parent, guardian or  
8 next friend of the accused person cannot be effected, service may be  
9 made by certified mail to such person's last-known address,  
10 requesting a return receipt from the addressee only. If delivery is  
11 refused, notice may be given by mailing the warrant and a copy of  
12 the information on the accused person by regular first-class mail to  
13 the address where the person to be notified refused delivery of the  
14 notice sent by certified mail. Where the address of a custodial  
15 parent, guardian or next friend is not known, or if the mailed  
16 warrant and copy of the information on the accused person is  
17 returned for any reason other than refusal of the addressee to  
18 accept delivery, after a thorough search of all reasonably available  
19 sources to ascertain the whereabouts of a custodial parent, guardian  
20 or next friend has been conducted, the court may order that notice  
21 of the hearing be given by publication one time in a newspaper of  
22 general circulation in the county. In addition, the court may order  
23 other means of service of notice that the court deems advisable or  
24 in the interests of justice.

1 4. Before service by publication is ordered, the court shall  
2 conduct an inquiry to determine whether a thorough search has been  
3 made of all reasonably available sources to ascertain the  
4 whereabouts of any party for whom notice by publication is sought.

5 ~~C.~~ D. 1. The accused person shall file any motions for  
6 certification as a youthful offender or a juvenile before the start  
7 of the criminal preliminary hearing. If both a motion for  
8 certification as a youthful offender and a motion for certification  
9 as a juvenile are filed, they shall both be heard at the same time.  
10 No motion for certification as a youthful offender or certification  
11 as a juvenile may be filed after the time specified in this  
12 subsection. Upon the filing of such motion, the complete juvenile  
13 record of the accused shall be made available to the district  
14 attorney and the accused person.

15 2. The court shall commence a preliminary hearing within ninety  
16 (90) days of the filing of the information, pursuant to Section 258  
17 of Title 22 of the Oklahoma Statutes, to determine whether the crime  
18 was committed and whether there is probable cause to believe the  
19 accused person committed a crime. If the preliminary hearing is not  
20 commenced within ninety (90) days of the date the accused person is  
21 charged, the district court shall hold a hearing to determine the  
22 reasons for delay utilizing the procedure set out in Section 812.2  
23 of Title 22 of the Oklahoma Statutes, to ensure the preliminary  
24 hearing is expedited. If the whereabouts of the accused are unknown

1 at the time of the filing of the information or if the accused is a  
2 fugitive, the State of Oklahoma shall make reasonable efforts to  
3 locate the accused in order to commence the proceedings. An accused  
4 who flees the jurisdiction of the court or purposely avoids  
5 apprehension for the charges, waives the right to have the  
6 preliminary hearing commenced within ninety (90) days of the filing  
7 of the information. An accused who fails to cooperate with  
8 providing information in locating the parents of the accused,  
9 guardian, or next friend for purpose of notice waives the right to  
10 have the preliminary hearing commence within ninety (90) days of the  
11 filing of the information.

12 3. At the conclusion of the state's case at the criminal  
13 preliminary hearing, the state and the accused person may offer  
14 evidence to support or oppose the motions for certification as a  
15 youthful offender or an alleged juvenile delinquent.

16 ~~D.~~ E. The court shall rule on any motions for certification as  
17 a youthful offender or an alleged juvenile delinquent before ruling  
18 on whether to bind the accused over for trial. When ruling on a  
19 motion for certification as a youthful offender or juvenile, the  
20 court shall give consideration to the following guidelines with  
21 greatest weight to be given to paragraphs 1, 2 and 3:

22 1. Whether the alleged offense was committed in an aggressive,  
23 violent, premeditated or willful manner;

24

1           2. Whether the offense was against persons, and, if personal  
2 injury resulted, the degree of personal injury;

3           3. The record and past history of the accused person, including  
4 previous contacts with law enforcement agencies and juvenile or  
5 criminal courts, prior periods of probation and commitments to  
6 juvenile institutions;

7           4. The sophistication and maturity of the accused person and  
8 the capability of distinguishing right from wrong as determined by  
9 consideration of the person's psychological evaluation, home,  
10 environmental situation, emotional attitude and pattern of living;

11           5. The prospects for adequate protection of the public if the  
12 accused person is processed through the youthful offender system or  
13 the juvenile system;

14           6. The reasonable likelihood of rehabilitation of the accused  
15 person if such person is found to have committed the alleged  
16 offense, by the use of procedures and facilities currently available  
17 to the juvenile court; and

18           7. Whether the offense occurred while the accused person was  
19 escaping or on escape status from an institution for youthful  
20 offenders or delinquent children.

21           The court, in its decision on a motion for certification as a  
22 youthful offender or juvenile, shall detail findings of fact and  
23 conclusions of law to each of the above considerations, and shall  
24

1 state that the court has considered each of the guidelines in  
2 reaching its decision.

3 ~~E.~~ F. The order certifying a person as a youthful offender or  
4 an alleged juvenile delinquent or denying the request for  
5 certification as either a youthful offender or an alleged juvenile  
6 delinquent shall be a final order, appealable to the Court of  
7 Criminal Appeals when entered.

8 ~~F.~~ G. An order certifying the accused person as a youthful  
9 offender or an alleged juvenile delinquent shall not be reviewable  
10 by the trial court.

11 ~~G.~~ H. If the accused person is prosecuted as an adult and is  
12 subsequently convicted of the alleged offense or against whom the  
13 imposition of judgment and sentencing has been deferred, the person  
14 may be incarcerated with the adult population and shall be  
15 prosecuted as an adult in all subsequent criminal proceedings.

16 SECTION 12. REPEALER 10 O.S. 2001, Section 7306-2.5, as  
17 amended by Section 2, Chapter 285, O.S.L. 2006 (10 O.S. Supp. 2006,  
18 Section 7306-2.5), is hereby repealed.

19 SECTION 13. REPEALER 10 O.S. 2001, Section 7306-2.10, as  
20 amended by Section 1, Chapter 239, O.S.L. 2006 (10 O.S. Supp. 2006,  
21 Section 7306-2.10), is hereby repealed.

22 SECTION 14. AMENDATORY 11 O.S. 2001, Section 28-102, as  
23 last amended by Section 4, Chapter 61, O.S.L. 2006 (11 O.S. Supp.  
24 2006, Section 28-102), is amended to read as follows:

1 Section 28-102. A. The municipal criminal courts of record  
2 shall have original jurisdiction to hear and determine all  
3 prosecutions when a violation of any of the ordinances of the city  
4 where the court is established is charged, as provided by Article  
5 VII, Section 1 of the Oklahoma Constitution.

6 B. ~~Except in~~ In cases when the penalty provided for the  
7 violation of an ordinance is a fine in the amount of ~~Two Hundred~~  
8 ~~Dollars (\$200.00) or less~~ more than Five Hundred Dollars (\$500.00),  
9 excluding court costs, or by imprisonment, or by both such fine and  
10 imprisonment, all persons charged before such municipal criminal  
11 court of record shall be entitled to a trial by jury, unless waived  
12 by the defendant. Judgment and sentence imposed by the judge shall  
13 be as effective as if the same had been rendered and imposed by a  
14 jury.

15 C. The maximum punishment that may be levied in any municipal  
16 criminal court of record is a fine not exceeding One Thousand Two  
17 Hundred Dollars (\$1,200.00) and costs, an imprisonment not to exceed  
18 six (6) months, or both such fine and imprisonment. Provided, the  
19 maximum punishment that may be levied in any municipal criminal  
20 court of record for violations of municipal traffic ordinances not  
21 including ordinances relating to driving a motor vehicle under the  
22 influence of alcohol or drugs is a fine not exceeding One Thousand  
23 Two Hundred Fifty Dollars (\$1,250.00) and costs, an imprisonment not  
24 to exceed ninety (90) days, or both such fine and imprisonment. If

1 a fine exceeding Seven Hundred Fifty Dollars (\$750.00) is imposed  
2 for an alcohol-related or drug-related traffic offense, the amount  
3 in excess of Seven Hundred Fifty Dollars (\$750.00) shall be used to  
4 defray costs for enforcement of laws relating to juvenile access to  
5 alcohol, other laws relating to alcohol and other intoxicating  
6 substances, and traffic-related offenses involving alcohol or other  
7 intoxicating substances. Provided, further that any municipal  
8 criminal court of record may levy a fine not to exceed One Thousand  
9 Dollars (\$1,000.00) and costs, an imprisonment not to exceed six (6)  
10 months, or both such fine and imprisonment for violations of  
11 municipal ordinances regulating the pretreatment of wastewater and  
12 regulating stormwater discharges. Provided, further, that for  
13 violations of municipal ordinances relating to prostitution,  
14 including but not limited to engaging in prostitution or soliciting  
15 or procuring prostitution, any municipal criminal court of record in  
16 cities with more than two hundred thousand (200,000) in population  
17 may levy an imprisonment not to exceed six (6) months, and fines as  
18 follows: a fine not to exceed Two Thousand Five Hundred Dollars  
19 (\$2,500.00) upon the first conviction for violation of any such  
20 ordinances, a fine of not more than Five Thousand Dollars  
21 (\$5,000.00) upon the second conviction for violation of any of such  
22 ordinances, and a fine of not more than Seven Thousand Five Hundred  
23 Dollars (\$7,500.00) upon the third or subsequent convictions for  
24 violation of any of such ordinances, or both such fine and

1 imprisonment, as well as a term of community service of not less  
2 than forty (40) nor more than eighty (80) hours. If imprisonment is  
3 available for the offense, then that person charged shall have a  
4 right to a jury trial.

5 D. A defendant who has been in jeopardy for the same or any  
6 lesser included offense in the municipal criminal court of record or  
7 district court shall not be prosecuted in any other court for the  
8 same or a lesser included offense.

9 SECTION 15. REPEALER 11 O.S. 2001, Section 28-102, as  
10 last amended by Section 2, Chapter 38, O.S.L. 2006 (11 O.S. Supp.  
11 2006, Section 28-102), is hereby repealed.

12 SECTION 16. AMENDATORY 22 O.S. 2001, Section 991a, as  
13 last amended by Section 1, Chapter 294, O.S.L. 2006 (22 O.S. Supp.  
14 2006, Section 991a), is amended to read as follows:

15 Section 991a. A. Except as otherwise provided in the Elderly  
16 and Incapacitated Victim's Protection Program, when a defendant is  
17 convicted of a crime and no death sentence is imposed, the court  
18 shall either:

19 1. Suspend the execution of sentence in whole or in part, with  
20 or without probation. The court, in addition, may order the  
21 convicted defendant at the time of sentencing or at any time during  
22 the suspended sentence to do one or more of the following:

23 a. to provide restitution to the victim as provided by  
24 Section 991f et seq. of this title or according to a

1 schedule of payments established by the sentencing  
2 court, together with interest upon any pecuniary sum  
3 at the rate of twelve percent (12%) per annum, if the  
4 defendant agrees to pay such restitution or, in the  
5 opinion of the court, if the defendant is able to pay  
6 such restitution without imposing manifest hardship on  
7 the defendant or the immediate family and if the  
8 extent of the damage to the victim is determinable  
9 with reasonable certainty,

10 b. to reimburse any state agency for amounts paid by the  
11 state agency for hospital and medical expenses  
12 incurred by the victim or victims, as a result of the  
13 criminal act for which such person was convicted,  
14 which reimbursement shall be made directly to the  
15 state agency, with interest accruing thereon at the  
16 rate of twelve percent (12%) per annum,

17 c. to engage in a term of community service without  
18 compensation, according to a schedule consistent with  
19 the employment and family responsibilities of the  
20 person convicted,

21 d. to pay a reasonable sum into any trust fund,  
22 established pursuant to the provisions of Sections 176  
23 through 180.4 of Title 60 of the Oklahoma Statutes,  
24 and which provides restitution payments by convicted

1 defendants to victims of crimes committed within this  
2 state wherein such victim has incurred a financial  
3 loss,

4 e. to confinement in the county jail for a period not to  
5 exceed six (6) months,

6 f. to confinement as provided by law together with a term  
7 of post-imprisonment community supervision for not  
8 less than three (3) years of the total term allowed by  
9 law for imprisonment, with or without restitution;  
10 provided, however, the authority of this provision is  
11 limited to Section 7115 of Title 10 of the Oklahoma  
12 Statutes when the offense involved sexual abuse or  
13 sexual exploitation; Sections 681, 741 and 843.1 of  
14 Title 21 of the Oklahoma Statutes when the offense  
15 involved sexual abuse or sexual exploitation; and  
16 Sections 865 et seq., 885, 886, 888, 891, 1021,  
17 1021.2, 1021.3, 1040.13a, 1087 and 1088 of Title 21 of  
18 the Oklahoma Statutes,

19 g. to repay the reward or part of the reward paid by a  
20 certified local crimestoppers program and the Oklahoma  
21 Reward System. In determining whether the defendant  
22 shall repay the reward or part of the reward, the  
23 court shall consider the ability of the defendant to  
24 make the payment, the financial hardship on the

1 defendant to make the required payment, and the  
2 importance of the information to the prosecution of  
3 the defendant as provided by the arresting officer or  
4 the district attorney with due regard for the  
5 confidentiality of the records of the certified local  
6 crimestoppers program and the Oklahoma Reward System.  
7 The court shall assess this repayment against the  
8 defendant as a cost of prosecution. "Certified local  
9 crimestoppers program" means a crimestoppers program  
10 certified by the Office of the Attorney General  
11 pursuant to Section 991g of this title. The "Oklahoma  
12 Reward System" means the reward program established by  
13 Section 150.18 of Title 74 of the Oklahoma Statutes,  
14 h. to reimburse the Oklahoma State Bureau of  
15 Investigation for costs incurred by that agency during  
16 its investigation of the crime for which the defendant  
17 pleaded guilty, nolo contendere or was convicted,  
18 including compensation for laboratory, technical, or  
19 investigation services performed by the Bureau if, in  
20 the opinion of the court, the defendant is able to pay  
21 without imposing manifest hardship on the defendant,  
22 and if the costs incurred by the Bureau during the  
23 investigation of the defendant's case may be  
24 determined with reasonable certainty,

- 1 i. to reimburse the Oklahoma State Bureau of  
2 Investigation and any authorized law enforcement  
3 agency for all costs incurred by that agency for  
4 cleaning up an illegal drug laboratory site for which  
5 the defendant pleaded guilty, nolo contendere or was  
6 convicted. The court clerk shall collect the amount  
7 and may retain five percent (5%) of such monies to be  
8 deposited in the Court Clerk Revolving Fund to cover  
9 administrative costs and shall remit the remainder to  
10 the Oklahoma State Bureau of Investigation to be  
11 deposited in the OSBI Revolving Fund established by  
12 Section 150.19a of Title 74 of the Oklahoma Statutes  
13 or to the general fund wherein the other law  
14 enforcement agency is located,
- 15 j. to pay a reasonable sum to the Crime Victims  
16 Compensation Board, created by Section 142.2 et seq.  
17 of Title 21 of the Oklahoma Statutes, for the benefit  
18 of crime victims,
- 19 k. to reimburse the court fund for amounts paid to court-  
20 appointed attorneys for representing the defendant in  
21 the case in which the person is being sentenced,
- 22 l. to participate in an assessment and evaluation by an  
23 assessment agency or assessment personnel certified by  
24 the Department of Mental Health and Substance Abuse

1 Services pursuant to Section 3-460 of Title 43A of the  
2 Oklahoma Statutes and, as determined by the  
3 assessment, participate in an alcohol and drug  
4 substance abuse course or treatment program or both,  
5 pursuant to Sections 3-452 and 3-453 of Title 43A of  
6 the Oklahoma Statutes, or as ordered by the court,  
7 m. to be placed in a victims impact panel program or  
8 victim/offender reconciliation program and payment of  
9 a fee to the program of not less than Fifteen Dollars  
10 (\$15.00) nor more than Fifty Dollars (\$50.00) as set  
11 by the governing authority of the program to offset  
12 the cost of participation by the defendant. Provided,  
13 each victim/offender reconciliation program shall be  
14 required to obtain a written consent form voluntarily  
15 signed by the victim and defendant that specifies the  
16 methods to be used to resolve the issues, the  
17 obligations and rights of each person, and the  
18 confidentiality of the proceedings. Volunteer  
19 mediators and employees of a victim/offender  
20 reconciliation program shall be immune from liability  
21 and have rights of confidentiality as provided in  
22 Section 1805 of Title 12 of the Oklahoma Statutes,  
23 n. to install, at the expense of the defendant, an  
24 ignition interlock device approved by the Board of

1 Tests for Alcohol and Drug Influence. The device  
2 shall be installed upon every motor vehicle operated  
3 by the defendant, and the court shall require that a  
4 notation of this restriction be affixed to the  
5 defendant's driver license. The restriction shall  
6 remain on the driver license not exceeding two (2)  
7 years to be determined by the court. The restriction  
8 may be modified or removed only by order of the court  
9 and notice of any modification order shall be given to  
10 the Department of Public Safety. Upon the expiration  
11 of the period for the restriction, the Department of  
12 Public Safety shall remove the restriction without  
13 further court order. Failure to comply with the order  
14 to install an ignition interlock device or operating  
15 any vehicle without a device during the period of  
16 restriction shall be a violation of the sentence and  
17 may be punished as deemed proper by the sentencing  
18 court. As used in this paragraph, "ignition interlock  
19 device" means a device that, without tampering or  
20 intervention by another person, would prevent the  
21 defendant from operating a motor vehicle if the  
22 defendant has a blood or breath alcohol concentration  
23 of two-hundredths (0.02) or greater,  
24

1           o.    to be confined by electronic monitoring administered  
2                    and supervised by the Department of Corrections or a  
3                    community sentence provider, and payment of a  
4                    monitoring fee to the supervising authority, not to  
5                    exceed Three Hundred Dollars (\$300.00) per month. Any  
6                    fees collected pursuant to this paragraph shall be  
7                    deposited with the appropriate supervising authority.  
8                    Any willful violation of an order of the court for the  
9                    payment of the monitoring fee shall be a violation of  
10                   the sentence and may be punished as deemed proper by  
11                   the sentencing court. As used in this paragraph,  
12                   "electronic monitoring" means confinement of the  
13                   defendant within a specified location or locations  
14                   with supervision by means of an electronic device  
15                   approved by the Department of Corrections which is  
16                   designed to detect if the defendant is in the court-  
17                   ordered location at the required times and which  
18                   records violations for investigation by a qualified  
19                   supervisory agency or person,

20           p.    to perform one or more courses of treatment, education  
21                    or rehabilitation for any conditions, behaviors,  
22                    deficiencies or disorders which may contribute to  
23                    criminal conduct, including but not limited to alcohol  
24                    and substance abuse, mental health, emotional health,

1 physical health, propensity for violence, antisocial  
2 behavior, personality or attitudes, deviant sexual  
3 behavior, child development, parenting assistance, job  
4 skills, vocational-technical skills, domestic  
5 relations, literacy, education, or any other  
6 identifiable deficiency which may be treated  
7 appropriately in the community and for which a  
8 certified provider or a program recognized by the  
9 court as having significant positive impact exists in  
10 the community. Any treatment, education or  
11 rehabilitation provider required to be certified  
12 pursuant to law or rule shall be certified by the  
13 appropriate state agency or a national organization,  
14 q. to submit to periodic testing for alcohol,  
15 intoxicating substance, or controlled dangerous  
16 substances by a qualified laboratory,  
17 r. to pay a fee, costs for treatment, education,  
18 supervision, participation in a program, or any  
19 combination thereof as determined by the court, based  
20 upon the defendant's ability to pay the fees or costs,  
21 s. to be supervised by a Department of Corrections  
22 employee, a private supervision provider, or other  
23 person designated by the court,  
24

- 1 t. to obtain positive behavior modeling by a trained  
2 mentor,
- 3 u. to serve a term of confinement in a restrictive  
4 housing facility available in the community,
- 5 v. to serve a term of confinement in the county jail at  
6 night or during weekends pursuant to Section 991a-2 of  
7 this title or for work release,
- 8 w. to obtain employment or participate in employment-  
9 related activities,
- 10 x. to participate in mandatory day reporting to  
11 facilities or persons for services, payments, duties  
12 or person-to-person contacts as specified by the  
13 court,
- 14 y. to pay day fines not to exceed fifty percent (50%) of  
15 the net wages earned. For purposes of this paragraph,  
16 "day fine" means the offender is ordered to pay an  
17 amount calculated as a percentage of net daily wages  
18 earned. The day fine shall be paid to the local  
19 community sentencing system as reparation to the  
20 community. Day fines shall be used to support the  
21 local system,
- 22 z. to submit to blood or saliva testing as required by  
23 subsection I of this section,  
24

- 1           aa.    to repair or restore property damaged by the  
2                    defendant's conduct, if the court determines the  
3                    defendant possesses sufficient skill to repair or  
4                    restore the property and the victim consents to the  
5                    repairing or restoring of the property,
- 6           bb.    to restore damaged property in kind or payment of out-  
7                    of-pocket expenses to the victim, if the court is able  
8                    to determine the actual out-of-pocket expenses  
9                    suffered by the victim,
- 10          cc.    to attend a victim-offender reconciliation program if  
11                    the victim agrees to participate and the offender is  
12                    deemed appropriate for participation,
- 13          dd.    in the case of a person convicted of prostitution  
14                    pursuant to Section 1029 of Title 21 of the Oklahoma  
15                    Statutes, require such person to receive counseling  
16                    for the behavior which may have caused such person to  
17                    engage in prostitution activities. Such person may be  
18                    required to receive counseling in areas including but  
19                    not limited to alcohol and substance abuse, sexual  
20                    behavior problems, or domestic abuse or child abuse  
21                    problems,
- 22          ee.    in the case of a sex offender sentenced after November  
23                    1, 1989, and required by law to register pursuant to  
24                    the Sex Offender Registration Act, the court shall

1 require the person to comply with sex offender  
2 specific rules and conditions of supervision  
3 established by the Department of Corrections and  
4 require the person to participate in a treatment  
5 program designed for the treatment of sex offenders  
6 during the period of time while the offender is  
7 subject to supervision by the Department of  
8 Corrections. The treatment program shall include  
9 polygraph examinations specifically designed for use  
10 with sex offenders for purposes of supervision and  
11 treatment compliance, and shall be administered not  
12 less than each six (6) months during the period of  
13 supervision. The examination shall be administered by  
14 a certified licensed polygraph examiner. The  
15 treatment program must be approved by the Department  
16 of Corrections or the Department of Mental Health and  
17 Substance Abuse Services. Such treatment shall be at  
18 the expense of the defendant based on the defendant's  
19 ability to pay,

20 ff. in addition to other sentencing powers of the court,  
21 the court in the case of a defendant being sentenced  
22 for a felony conviction for a violation of Section 2-  
23 402 of Title 63 of the Oklahoma Statutes which  
24 involves marijuana may require the person to

1 participate in a drug court program, if available. If  
2 a drug court program is not available, the defendant  
3 may be required to participate in a community  
4 sanctions program, if available,

5 gg. in the case of a person convicted of any false or  
6 bogus check violation, as defined in Section 1541.4 of  
7 Title 21 of the Oklahoma Statutes, impose a bogus  
8 check fee to be paid to the district attorney. The  
9 fee shall be equal to the amount assessed as court  
10 costs plus Twenty-five Dollars (\$25.00) for each check  
11 upon filing of the case in district court. This money  
12 shall be deposited in the Bogus Check Restitution  
13 Program Fund as established in subsection B of Section  
14 114 of this title. Additionally, the court may  
15 require the offender to pay restitution and bogus  
16 check fees on any other bogus check or checks that  
17 have been submitted to the District Attorney Bogus  
18 Check Restitution Program, and

19 hh. any other provision specifically ordered by the court.

20 However, any such order for restitution, community service,  
21 payment to a certified local crimestoppers program, payment to the  
22 Oklahoma Reward System, or confinement in the county jail, or a  
23 combination thereof, shall be made in conjunction with probation and  
24 shall be made a condition of the suspended sentence;

1           2. Impose a fine prescribed by law for the offense, with or  
2 without probation or commitment and with or without restitution or  
3 service as provided for in this section, Section 991a-4.1 of this  
4 title or Section 227 of Title 57 of the Oklahoma Statutes;

5           3. Commit such person for confinement provided for by law with  
6 or without restitution as provided for in this section;

7           4. Order the defendant to reimburse the Oklahoma State Bureau  
8 of Investigation for costs incurred by that agency during its  
9 investigation of the crime for which the defendant pleaded guilty,  
10 nolo contendere or was convicted, including compensation for  
11 laboratory, technical, or investigation services performed by the  
12 Bureau if, in the opinion of the court, the defendant is able to pay  
13 without imposing manifest hardship on the defendant, and if the  
14 costs incurred by the Bureau during the investigation of the  
15 defendant's case may be determined with reasonable certainty;

16           5. Order the defendant to reimburse the Oklahoma State Bureau  
17 of Investigation for all costs incurred by that agency for cleaning  
18 up an illegal drug laboratory site for which the defendant pleaded  
19 guilty, nolo contendere or was convicted. The court clerk shall  
20 collect the amount and may retain five percent (5%) of such monies  
21 to be deposited in the Court Clerk Revolving Fund to cover  
22 administrative costs and shall remit the remainder to the Oklahoma  
23 State Bureau of Investigation to be deposited in the OSBI Revolving  
24

1 Fund established by Section 150.19a of Title 74 of the Oklahoma  
2 Statutes;

3 6. In the case of nonviolent felony offenses, sentence such  
4 person to the Community Service Sentencing Program;

5 7. In addition to the other sentencing powers of the court, in  
6 the case of a person convicted of operating or being in control of a  
7 motor vehicle while the person was under the influence of alcohol,  
8 other intoxicating substance, or a combination of alcohol or another  
9 intoxicating substance, or convicted of operating a motor vehicle  
10 while the ability of the person to operate such vehicle was impaired  
11 due to the consumption of alcohol, require such person:

12 a. to participate in an alcohol and drug assessment and  
13 evaluation by an assessment agency or assessment  
14 personnel certified by the Department of Mental Health  
15 and Substance Abuse Services pursuant to Section 3-460  
16 of Title 43A of the Oklahoma Statutes and, as  
17 determined by the assessment, participate in an  
18 alcohol and drug substance abuse course or treatment  
19 program or both, pursuant to Sections 3-452 and 3-453  
20 of Title 43A of the Oklahoma Statutes,

21 b. to attend a victims impact panel program, if such a  
22 program is offered in the county where the judgment is  
23 rendered, and to pay a fee, not less than Fifteen  
24 Dollars (\$15.00) nor more than Fifty Dollars (\$50.00)

1 as set by the governing authority of the program and  
2 approved by the court, to the program to offset the  
3 cost of participation by the defendant, if in the  
4 opinion of the court the defendant has the ability to  
5 pay such fee,

6 c. to both participate in the alcohol and drug substance  
7 abuse course or treatment program, pursuant to  
8 subparagraph a of this paragraph and attend a victims  
9 impact panel program, pursuant to subparagraph b of  
10 this paragraph,

11 d. to install, at the expense of the person, an ignition  
12 interlock device approved by the Board of Tests for  
13 Alcohol and Drug Influence, upon every motor vehicle  
14 operated by such person and to require that a notation  
15 of this restriction be affixed to the person's driver  
16 license at the time of reinstatement of the license.  
17 The restriction shall remain on the driver license for  
18 such period as the court shall determine. The  
19 restriction may be modified or removed by order of the  
20 court and notice of the order shall be given to the  
21 Department of Public Safety. Upon the expiration of  
22 the period for the restriction, the Department of  
23 Public Safety shall remove the restriction without  
24 further court order. Failure to comply with the order

1 to install an ignition interlock device or operating  
2 any vehicle without such device during the period of  
3 restriction shall be a violation of the sentence and  
4 may be punished as deemed proper by the sentencing  
5 court, or

6 e. beginning January 1, 1993, to submit to electronically  
7 monitored home detention administered and supervised  
8 by the Department of Corrections, and to pay to the  
9 Department a monitoring fee, not to exceed Seventy-  
10 five Dollars (\$75.00) a month, to the Department of  
11 Corrections, if in the opinion of the court the  
12 defendant has the ability to pay such fee. Any fees  
13 collected pursuant to this subparagraph shall be  
14 deposited in the Department of Corrections Revolving  
15 Fund. Any order by the court for the payment of the  
16 monitoring fee, if willfully disobeyed, may be  
17 enforced as an indirect contempt of court;

18 8. In addition to the other sentencing powers of the court, in  
19 the case of a person convicted of prostitution pursuant to Section  
20 1029 of Title 21 of the Oklahoma Statutes, require such person to  
21 receive counseling for the behavior which may have caused such  
22 person to engage in prostitution activities. Such person may be  
23 required to receive counseling in areas including but not limited to  
24

1 alcohol and substance abuse, sexual behavior problems, or domestic  
2 abuse or child abuse problems;

3 9. In addition to the other sentencing powers of the court, in  
4 the case of a person convicted of any crime related to domestic  
5 abuse, as defined in Section 60.1 of this title, the court may  
6 require the defendant to undergo the treatment or participate in the  
7 counseling services necessary to bring about the cessation of  
8 domestic abuse against the victim. The defendant may be required to  
9 pay all or part of the cost of the treatment or counseling services;

10 10. In addition to the other sentencing powers of the court,  
11 the court, in the case of a sex offender sentenced after November 1,  
12 1989, and required by law to register pursuant to the Sex Offenders  
13 Registration Act, shall require the person to participate in a  
14 treatment program designed specifically for the treatment of sex  
15 offenders, if available. The treatment program will include  
16 polygraph examinations specifically designed for use with sex  
17 offenders for the purpose of supervision and treatment compliance,  
18 provided the examination is administered by a certified licensed  
19 polygraph examiner. The treatment program must be approved by the  
20 Department of Corrections or the Department of Mental Health and  
21 Substance Abuse Services. Such treatment shall be at the expense of  
22 the defendant based on the defendant's ability to pay;

23 11. In addition to the other sentencing powers of the court,  
24 the court, in the case of a person convicted of child abuse or

1 neglect, as defined in Section 7102 of Title 10 of the Oklahoma  
2 Statutes, may require the person to undergo treatment or to  
3 participate in counseling services. The defendant may be required  
4 to pay all or part of the cost of the treatment or counseling  
5 services;

6 12. In addition to the other sentencing powers of the court,  
7 the court, in the case of a person convicted of cruelty to animals  
8 pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may  
9 require the person to pay restitution to animal facilities for  
10 medical care and any boarding costs of victimized animals; or

11 13. In addition to the other sentencing powers of the court, ~~in~~  
12 ~~the case of a~~ sex offender who is habitual or aggravated ~~sex~~  
13 ~~offender~~ as defined by Section 584 of Title 57 of the Oklahoma  
14 Statutes, and who is required to register as a sex offender pursuant  
15 to the Oklahoma Sex Offenders Registration Act, ~~the court~~ shall  
16 ~~order the habitual or aggravated sex offender~~ be supervised by the  
17 Department of Corrections for the duration of the registration  
18 period and shall be assigned to a global position monitoring device  
19 by the Department of Corrections for the duration of the  
20 registration period. ~~The Department of Corrections shall be~~  
21 ~~responsible for monitoring the global position monitoring device.~~  
22 The cost of such monitoring device shall be reimbursed by the  
23 offender.

24

1 B. Notwithstanding any other provision of law, any person who  
2 is found guilty of a violation of any provision of Section 761 or  
3 11-902 of Title 47 of the Oklahoma Statutes or any person pleading  
4 guilty or nolo contendere for a violation of any provision of such  
5 sections shall be ordered to participate in, prior to sentencing, an  
6 alcohol and drug assessment and evaluation by an assessment agency  
7 or assessment personnel certified by the Department of Mental Health  
8 and Substance Abuse Services for the purpose of evaluating the  
9 receptivity to treatment and prognosis of the person. The court  
10 shall order the person to reimburse the agency or assessor for the  
11 evaluation. The fee shall be the amount provided in subsection C of  
12 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation  
13 shall be conducted at a certified assessment agency, the office of a  
14 certified assessor or at another location as ordered by the court.  
15 The agency or assessor shall, within seventy-two (72) hours from the  
16 time the person is assessed, submit a written report to the court  
17 for the purpose of assisting the court in its final sentencing  
18 determination. No person, agency or facility operating an alcohol  
19 and drug substance abuse evaluation program certified by the  
20 Department of Mental Health and Substance Abuse Services shall  
21 solicit or refer any person evaluated pursuant to this subsection  
22 for any treatment program or alcohol and drug substance abuse  
23 service in which such person, agency or facility has a vested  
24 interest; however, this provision shall not be construed to prohibit

1 the court from ordering participation in or any person from  
2 voluntarily utilizing a treatment program or alcohol and drug  
3 substance abuse service offered by such person, agency or facility.  
4 If a person is sentenced to the custody of the Department of  
5 Corrections and the court has received a written evaluation report  
6 pursuant to this subsection, the report shall be furnished to the  
7 Department of Corrections with the judgment and sentence. Any  
8 evaluation report submitted to the court pursuant to this subsection  
9 shall be handled in a manner which will keep such report  
10 confidential from the general public's review. Nothing contained in  
11 this subsection shall be construed to prohibit the court from  
12 ordering judgment and sentence in the event the defendant fails or  
13 refuses to comply with an order of the court to obtain the  
14 evaluation required by this subsection.

15 C. When sentencing a person convicted of a crime, the court  
16 shall first consider a program of restitution for the victim, as  
17 well as imposition of a fine or incarceration of the offender. The  
18 provisions of paragraph 1 of subsection A of this section shall not  
19 apply to defendants being sentenced upon their third or subsequent  
20 to their third conviction of a felony or, beginning January 1, 1993,  
21 to defendants being sentenced for their second or subsequent felony  
22 conviction for violation of Section 11-902 of Title 47 of the  
23 Oklahoma Statutes, except as otherwise provided in this subsection.  
24 In the case of a person being sentenced for their second or

1 subsequent felony conviction for violation of Section 11-902 of  
2 Title 47 of the Oklahoma Statutes, the court may sentence the person  
3 pursuant to the provisions of paragraph 1 of subsection A of this  
4 section if the court orders the person to submit to electronically  
5 monitored home detention administered and supervised by the  
6 Department of Corrections pursuant to subparagraph e of paragraph 7  
7 of subsection A of this section. Provided, the court may waive  
8 these prohibitions upon written application of the district  
9 attorney. Both the application and the waiver shall be made part of  
10 the record of the case.

11 D. When sentencing a person convicted of a crime, the judge  
12 shall consider any victim impact statements if submitted to the  
13 jury, or the judge in the event a jury is waived.

14 E. Probation, for purposes of subsection A of this section, is  
15 a procedure by which a defendant found guilty of a crime, whether  
16 upon a verdict or plea of guilty or upon a plea of nolo contendere,  
17 is released by the court subject to conditions imposed by the court  
18 and subject to the supervision of the Department of Corrections.  
19 Such supervision shall be initiated upon an order of probation from  
20 the court, and shall not exceed two (2) years, except as otherwise  
21 provided by law. In the case of a person convicted of a sex  
22 offense, supervision shall begin immediately upon release from  
23 incarceration and shall not be limited to two (2) years. Provided  
24 further, any supervision provided for in this section may be

1 extended for a period not to exceed the expiration of the maximum  
2 term or terms of the sentence upon a determination by the Division  
3 of Probation and Parole of the Department of Corrections that the  
4 best interests of the public and the release will be served by an  
5 extended period of supervision.

6 F. The Department of Corrections, or such other agency as the  
7 court may designate, shall be responsible for the monitoring and  
8 administration of the restitution and service programs provided for  
9 by subparagraphs a, c, and d of paragraph 1 of subsection A of this  
10 section, and shall ensure that restitution payments are forwarded to  
11 the victim and that service assignments are properly performed.

12 G. 1. The Department of Corrections is hereby authorized,  
13 subject to funds available through appropriation by the Legislature,  
14 to contract with counties for the administration of county Community  
15 Service Sentencing Programs.

16 2. Any offender eligible to participate in the Program pursuant  
17 to this act shall be eligible to participate in a county Program;  
18 provided, participation in county-funded Programs shall not be  
19 limited to offenders who would otherwise be sentenced to confinement  
20 with the Department of Corrections.

21 3. The Department shall establish criteria and specifications  
22 for contracts with counties for such Programs. A county may apply  
23 to the Department for a contract for a county-funded Program for a  
24 specific period of time. The Department shall be responsible for

1 ensuring that any contracting county complies in full with  
2 specifications and requirements of the contract. The contract shall  
3 set appropriate compensation to the county for services to the  
4 Department.

5 4. The Department is hereby authorized to provide technical  
6 assistance to any county in establishing a Program, regardless of  
7 whether the county enters into a contract pursuant to this  
8 subsection. Technical assistance shall include appropriate  
9 staffing, development of community resources, sponsorship,  
10 supervision and any other requirements.

11 5. The Department shall annually make a report to the Governor,  
12 the President Pro Tempore of the Senate and the Speaker of the House  
13 on the number of such Programs, the number of participating  
14 offenders, the success rates of each Program according to criteria  
15 established by the Department and the costs of each Program.

16 H. As used in this section:

17 1. "Ignition interlock device" means a device that, without  
18 tampering or intervention by another person, would prevent the  
19 defendant from operating a motor vehicle if the defendant has a  
20 blood or breath alcohol concentration of two-hundredths (0.02) or  
21 greater; and

22 2. "Electronically monitored home detention" means  
23 incarceration of the defendant within a specified location or  
24 locations with monitoring by means of a device approved by the

1 Department of Corrections that detects if the person leaves the  
2 confines of any specified location.

3 I. A person convicted of a felony offense or receiving any form  
4 of probation for an offense in which registration is required  
5 pursuant to the Sex Offenders Registration Act shall submit to  
6 deoxyribonucleic acid DNA testing for law enforcement identification  
7 purposes in accordance with Section 150.27 of Title 74 of the  
8 Oklahoma Statutes and the rules promulgated by the Oklahoma State  
9 Bureau of Investigation for the OSBI Combined DNA Index System  
10 (CODIS) Database. Any defendant sentenced to probation shall be  
11 required to submit to testing within thirty (30) days of sentencing  
12 either to the Department of Corrections or to the county sheriff as  
13 directed by the court. Defendants who are sentenced to a term of  
14 incarceration shall submit to testing in accordance with Section  
15 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who  
16 enter the custody of the Department of Corrections or to the county  
17 sheriff, for those defendants sentenced to incarceration in a county  
18 jail. Convicted individuals who have previously submitted to DNA  
19 testing under this section and for whom a valid sample is on file in  
20 the OSBI Combined DNA Index System (CODIS) Database at the time of  
21 sentencing shall not be required to submit to additional testing.  
22 Except as required by the Sex Offenders Registration Act, a deferred  
23 judgment does not require submission to deoxyribonucleic acid  
24 testing.

1 Any person who is incarcerated in the custody of the Department  
2 of Corrections after July 1, 1996, and who has not been released  
3 before the effective date of this act, shall provide a blood or  
4 saliva sample prior to release. Every person convicted of a felony  
5 offense after the effective date of this act whose sentence does not  
6 include a term of confinement with the Department of Corrections  
7 shall submit a blood or saliva sample. Those felons sentenced to  
8 unsupervised probation or otherwise not supervised by the Department  
9 of Corrections shall submit for blood or saliva testing to the  
10 sheriff of the sentencing county.

11 J. Samples of blood or saliva for DNA testing required by  
12 subsection I of this section shall be taken by employees or  
13 contractors of the Department of Corrections or the county sheriff  
14 or employees or contractors of the sheriff's office. The  
15 individuals shall be properly trained to collect blood or saliva  
16 samples. Persons collecting blood or saliva for DNA testing  
17 pursuant to this section shall be immune from civil liabilities  
18 arising from this activity. The Department of Corrections and the  
19 county sheriff shall ensure the collection of samples are mailed to  
20 the Oklahoma State Bureau of Investigation within ten (10) days of  
21 the time the subject appears for testing or within ten (10) days of  
22 the date the subject comes into physical custody to serve a term of  
23 incarceration. The Department and the sheriff's office shall use  
24 sample kits provided by the OSBI and procedures promulgated by the

1 OSBI. Persons subject to DNA testing who are not received at the  
2 Lexington Assessment and Reception Center shall be required to pay a  
3 fee of Fifteen Dollars (\$15.00) to the agency collecting the sample  
4 for submission to the OSBI Combined DNA Index System (CODIS)  
5 Database. Any fees collected by the Department of Corrections or  
6 the county sheriff pursuant to this subsection shall be deposited in  
7 the Department of Corrections revolving account or the sheriff's  
8 service fee account.

9 K. When sentencing a person who has been convicted of a crime  
10 that would subject that person to the provisions of the Sex  
11 Offenders Registration Act, neither the court nor the district  
12 attorney shall be allowed to waive or exempt such person from the  
13 registration requirements of the Sex Offenders Registration Act.

14 SECTION 17. REPEALER 22 O.S. 2001, Section 991a, as last  
15 amended by Section 6, Chapter 284, O.S.L. 2006 (22 O.S. Supp. 2006,  
16 Section 991a), is hereby repealed.

17 SECTION 18. AMENDATORY 28 O.S. 2001, Section 153, as  
18 last amended by Section 2, Chapter 195, O.S.L. 2006 (28 O.S. Supp.  
19 2006, Section 153), is amended to read as follows:

20 Section 153. A. The clerks of the courts shall collect as  
21 costs in every criminal case for each offense of which the defendant  
22 is convicted, irrespective of whether or not the sentence is  
23 deferred, the following flat charges and no more, except for  
24 standing and parking violations and for charges otherwise provided

1 for by law, which fee shall cover docketing of the case, filing of  
2 all papers, issuance of process, warrants, orders, and other  
3 services to the date of judgment:

- 4 1. For each defendant convicted of  
5 exceeding the speed limit by at least  
6 one (1) mile per hour but not more  
7 than ten (10) miles per hour, whether  
8 charged individually or conjointly  
9 with others.....\$77.00
- 10 2. For each defendant convicted of a  
11 misdemeanor traffic violation other  
12 than an offense provided for in  
13 paragraph 1 or 5 of this subsection,  
14 whether charged individually or  
15 conjointly with others.....\$98.00
- 16 3. For each defendant convicted of a  
17 misdemeanor, other than for driving  
18 under the influence of alcohol or  
19 other intoxicating substance or an  
20 offense provided for in paragraph 1 or  
21 2 of this subsection, whether charged  
22 individually or conjointly with others.....\$93.00
- 23 4. For each defendant convicted of a  
24 felony, other than for driving under

1 the influence of alcohol or other  
2 intoxicating substance, whether  
3 charged individually or conjointly  
4 with others.....\$103.00

5 5. For each defendant convicted of the  
6 misdemeanor of driving under the  
7 influence of alcohol or other  
8 intoxicating substance, whether charged  
9 individually or conjointly with others..... ~~\$383.00~~  
10 \$433.00

11 6. For each defendant convicted of the  
12 felony of driving under the influence  
13 of alcohol or other intoxicating  
14 substance, whether charged  
15 individually or conjointly with others.....~~\$383.00~~  
16 \$433.00

17 7. For the services of a court reporter at  
18 each preliminary hearing and trial  
19 held in the case.....\$20.00

20 8. For each time a jury is requested..... \$30.00

21 9. A sheriff's fee for serving or  
22 endeavoring to serve each writ,  
23 warrant, order, process, command, or  
24

1 notice or pursuing any fugitive from  
2 justice

- 3 a. within the county..... \$50.00, or  
4 mileage as  
5 established by the  
6 Oklahoma Statutes,  
7 whichever is  
8 greater, or
- 9 b. outside of the county..... \$50.00, or  
10 actual, necessary  
11 expenses, whichever  
12 is greater

13 10. For the services of a language interpreter, other than an  
14 interpreter appointed pursuant to the provisions of the Oklahoma  
15 Interpreter for the Deaf Act, at each hearing held in the case, the  
16 actual cost of the interpreter.

17 B. In addition to the amount collected pursuant to paragraphs 2  
18 through 6 of subsection A of this section, the sum of Six Dollars  
19 (\$6.00) shall be assessed and credited to the Law Library Fund  
20 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
21 Statutes.

22 C. In addition to the amount collected pursuant to subsection A  
23 of this section, the sum of Ten Dollars (\$10.00) shall be assessed  
24 and collected in every traffic case for each offense other than for

1 driving under the influence of alcohol or other intoxicating  
2 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and  
3 collected in every misdemeanor case for each offense; the sum of  
4 Fifteen Dollars (\$15.00) shall be assessed and collected in every  
5 misdemeanor case for each offense for driving under the influence of  
6 alcohol or other intoxicating substance; the sum of Twenty-five  
7 Dollars (\$25.00) shall be assessed and collected in every felony  
8 case for each offense; and the sum of Twenty-five Dollars (\$25.00)  
9 shall be assessed and collected in every felony case for each  
10 offense for driving under the influence of alcohol or other  
11 intoxicating substance.

12 D. In addition to the amounts collected pursuant to subsections  
13 A and B of this section, the sum of Ten Dollars (\$10.00) shall be  
14 assessed and credited to the Oklahoma Court Information System  
15 Revolving Fund created pursuant to Section 1315 of Title 20 of the  
16 Oklahoma Statutes.

17 E. In addition to the amount collected pursuant to paragraphs 1  
18 through 6 of subsection A of this section, the sum of Ten Dollars  
19 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee  
20 Account in the county in which the conviction occurred for the  
21 purpose of enhancing existing or providing additional courthouse  
22 security.

23 F. Prior to conviction, parties in criminal cases shall not be  
24 required to pay, advance, or post security for the services of a

1 language interpreter or for the issuance or service of process to  
2 obtain compulsory attendance of witnesses.

3 G. The fees collected pursuant to this section shall be  
4 deposited into the court fund, except the following:

5 1. A court clerk issuing a misdemeanor warrant is entitled to  
6 ten percent (10%) of the sheriff's service fee, provided for in  
7 paragraph 9 of subsection A of this section, collected on a warrant  
8 referred to the contractor for the misdemeanor warrant notification  
9 program governed by Sections 514.4 and 514.5 of Title 19 of the  
10 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
11 issuing Court Clerk's Revolving Fund, created pursuant to Section  
12 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
13 the warrant with the balance of the sheriff's service fee to be  
14 deposited into the Sheriff's Service Fee Account, created pursuant  
15 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
16 Statutes, of the sheriff in the county in which service is made or  
17 attempted. Otherwise, the sheriff's service fee, when collected,  
18 shall be deposited in its entirety into the Sheriff's Service Fee  
19 Account of the sheriff in the county in which service is made or  
20 attempted;

21 2. The sheriff's fee provided for in Section 153.2 of this  
22 title;

23 3. The witness fees paid by the district attorney pursuant to  
24 the provisions of Section 82 of this title which, if collected by

1 the court clerk, shall be transferred to the district attorney's  
2 office in the county where witness attendance was required. Fees  
3 transferred pursuant to this paragraph shall be deposited in the  
4 district attorney's maintenance and operating expense account;

5 4. The fees provided for in subsection C of this section shall  
6 be forwarded to the District Attorneys Council Revolving Fund to  
7 defray the costs of prosecution; and

8 5. The following amounts of the fees provided for in paragraphs  
9 2, 3, 5 and 6 of subsection A of this section, when collected, shall  
10 be deposited in the Trauma Care Assistance Revolving Fund, created  
11 pursuant to the provisions of Section ~~1-2522~~ 1-2530.9 of Title 63 of  
12 the Oklahoma Statutes:

13 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee  
14 provided for in paragraph 2 of subsection A of this  
15 section,

16 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee  
17 provided for in paragraph 3 of subsection A of this  
18 section,

19 c. One Hundred Dollars (\$100.00) of the ~~Three-Hundred-~~  
20 ~~Eighty-three-Dollar~~ Four-Hundred-Thirty-three-Dollar  
21 fee provided for in paragraph 5 of subsection A of  
22 this section, and

23 d. One Hundred Dollars (\$100.00) of the ~~Three-Hundred-~~  
24 ~~Eighty-three-Dollar~~ Four-Hundred-Thirty-three-Dollar

1 fee provided for in paragraph 6 of subsection A of  
2 this section.

3 H. Costs required to be collected pursuant to this section  
4 shall not be dismissed or waived; provided, if the court determines  
5 that a person needing the services of a language interpreter is  
6 indigent, the court may waive all or part of the costs or require  
7 the payment of costs in installments.

8 I. As used in this section, "convicted" means any final  
9 adjudication of guilt, whether pursuant to a plea of guilty or nolo  
10 contendere or otherwise, and any deferred judgment or suspended  
11 sentence.

12 J. A court clerk may accept in payment for any fee, fine, or  
13 cost for violation of any traffic law a nationally recognized credit  
14 card or debit card issued to the applicant. The court clerk shall  
15 publicly post and collect a fee for the acceptance of the nationally  
16 recognized credit or debit card. The court fee shall be set by the  
17 Supreme Court of Oklahoma each time a fee schedule is promulgated by  
18 the Supreme Court of Oklahoma, not to exceed five percent (5%) of  
19 the amount of the payment. Any other costs or maintenance fees  
20 accrued for accepting or using credit or debit cards may be paid  
21 from the court fund. For purposes of this paragraph, "nationally  
22 recognized credit card" means any instrument or device, whether  
23 known as a credit card, credit plate, charge plate, or by any other  
24 name, issued with or without fee by an issuer for the use of the

1 cardholder in obtaining goods, services, or anything else of value  
2 and which is accepted by over one thousand (1,000) merchants in this  
3 state. "Debit card" means an identification card or device issued  
4 to a person by a business organization which permits such person to  
5 obtain access to or activate a consumer banking electronic facility.  
6 The court clerk shall determine which nationally recognized credit  
7 cards will be accepted as payment for fees; provided, the court  
8 clerk must ensure that no loss of state revenue will occur by the  
9 use of such cards.

10 K. Upon receipt of payment of fines and costs for offenses  
11 charged prior to July 1, 1992, the court clerk shall apportion and  
12 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

13 SECTION 19. REPEALER 28 O.S. 2001, Section 153, as last  
14 amended by Section 6, Chapter 61, O.S.L. 2006 (28 O.S. Supp. 2006,  
15 Section 153), is hereby repealed.

16 SECTION 20. AMENDATORY 36 O.S. 2001, Section 1204, as  
17 last amended by Section 1, Chapter 180, O.S.L. 2006 (36 O.S. Supp.  
18 2006, Section 1204), is amended to read as follows:

19 Section 1204. The following are hereby defined as unfair  
20 methods of competition and unfair and deceptive acts or practices in  
21 the business of insurance:

22 1. Misrepresentations and false advertising of policy  
23 contracts. Making, issuing, circulating, or causing to be made,  
24 issued or circulated, any estimate, illustration, circular or

1 statement misrepresenting the terms of any policy issued or to be  
2 issued or the benefits or advantages promised thereby or the  
3 dividends or share of the surplus to be received thereon, or making  
4 any false or misleading statement as to the dividends or share of  
5 surplus previously paid on similar policies, or making any  
6 misleading representation or any misrepresentation as to the  
7 financial condition of any insurer, or as to the legal reserve  
8 system upon which any life insurer operates, or using any name or  
9 title of any policy or class of policies misrepresenting the true  
10 nature thereof, or making any misrepresentation to any policyholder  
11 insured in any company for the purpose of inducing or tending to  
12 induce such policyholder to lapse, forfeit, or surrender his  
13 insurance.

14 2. False information and advertising generally. Making,  
15 publishing, disseminating, circulating, or placing before the  
16 public, or causing, directly or indirectly, to be made, published,  
17 disseminated, circulated, or placed before the public, in a  
18 newspaper, magazine, or other publication, or in the form of a  
19 notice, circular, pamphlet, letter or poster, or over any radio or  
20 television station, or in any other way an advertisement,  
21 announcement or statement containing any assertion, representation  
22 or statement with respect to the business of insurance or with  
23 respect to any person in the conduct of his insurance business which  
24 is untrue, deceptive or misleading. No insurance company shall

1 issue, or cause to be issued, any policy of insurance of any type or  
2 description upon life, or property, real or personal, whenever such  
3 policy of insurance is to be furnished or delivered to the purchaser  
4 or bailee of any property, real or personal, as an inducement to  
5 purchase or bail said property, real or personal, and no other  
6 person shall advertise, offer or give free insurance, insurance  
7 without cost or for less than the approved or customary rate, in  
8 connection with the sale or bailment of real or personal property,  
9 except as provided in subsection B, Section 4101 of Article 41  
10 (Group Life Insurance and Group Annuity Contracts). No person that  
11 is not an insurer shall assume or use any name which deceptively  
12 infers or suggests that it is an insurer.

13 3. Defamation. Making, publishing, disseminating, or  
14 circulating, directly or indirectly, or aiding, abetting or  
15 encouraging the making, publishing, disseminating or circulating of  
16 any oral or written statement or any pamphlet, circular, article or  
17 literature which is false, or maliciously critical of or derogatory  
18 to the financial condition of an insurer, and which is calculated to  
19 injure any person engaged in the business of insurance.

20 4. Boycott, coercion and intimidation. Entering into any  
21 agreement to commit, or by any concerted action committing, any act  
22 of boycott, coercion or intimidation resulting in or tending to  
23 result in unreasonable restraint of, or monopoly in, the business of  
24 insurance.

1           5. False financial statements. Filing with any supervisory or  
2 other public official, or making, publishing, disseminating,  
3 circulating or delivering to any person, or placing before the  
4 public or causing directly or indirectly, to be made, published,  
5 disseminated, circulated, delivered to any person or placed before  
6 the public, any false statement of financial condition of an insurer  
7 with intent to deceive.

8           Making any false entry in any book, report or statement of any  
9 insurer with intent to deceive any agent or examiner lawfully  
10 appointed to examine into its condition or into any of its affairs,  
11 or any public official to whom such insurer is required by law to  
12 report, or who has authority by law to examine into its condition or  
13 into any of its affairs, or, with like intent, willfully omitting to  
14 make a true entry of any material fact pertaining to the business of  
15 such insurer in any book, report or statement of such insurer.

16           6. Stock operations and advisory board contracts. Issuing or  
17 delivering or permitting agents, officers, or employees to issue or  
18 deliver agency company stock or other capital stock, or benefit  
19 certificates or shares in any common-law corporation, or securities  
20 or any special or advisory board contracts or other contracts of any  
21 kind promising returns and profits as an inducement to insurance.

22           7. Unfair discrimination. (a) Making or permitting any unfair  
23 discrimination between individuals of the same class and equal  
24 expectation of life in the rates charged for any contract of life

1 insurance or of life annuity or in the dividends or other benefits  
2 payable thereon, or in any other of the terms and conditions of such  
3 contract.

4 (b) Making or permitting any unfair discrimination between  
5 individuals of the same class and of essentially the same hazard in  
6 the amount of premium, policy fees, or rates charged for any policy  
7 or contract of accident or health insurance or in the benefits  
8 payable thereunder, or in any of the terms or conditions of such  
9 contract, or in any other manner whatever.

10 (c) As to kinds of insurance other than life and accident and  
11 health, no person shall make or permit any unfair discrimination in  
12 favor of particular persons, or between insureds or subjects of  
13 insurance having substantially like insuring, risk, and exposure  
14 factors, or expense elements, in the terms or conditions of any  
15 insurance contract, or in the rate or amount of premium charged  
16 therefor. This subsection shall not apply as to any premium rate in  
17 effect pursuant to Article 9 of the Oklahoma Insurance Code.

18 8. Rebates. (a) Except as otherwise expressly provided by  
19 law, knowingly permitting or offering to make or making any contract  
20 of insurance or agreement as to such contract other than as plainly  
21 expressed in the contract issued thereon; or paying or allowing, or  
22 giving or offering to pay, allow or give, directly or indirectly, as  
23 inducement to any contract of insurance, any rebate of premiums  
24 payable on the contract, or any special favor or advantage in the

1 dividends or other benefits thereon, or any valuable consideration  
2 or inducement whatever not specified in the contract; except in  
3 accordance with an applicable rate filing, rating plan or rating  
4 system ~~filed with and approved by the Board or~~ filed with and  
5 approved by the Insurance Commissioner; or giving or selling or  
6 purchasing or offering to give, sell, or purchase as inducement to  
7 such insurance, or in connection therewith, any stocks, bonds or  
8 other securities of any company, or any dividends or profits accrued  
9 thereon, or anything of value whatsoever not specified in the  
10 contract or receiving or accepting as inducement to contracts of  
11 insurance, any rebate of premium payable on the contract, or any  
12 special favor or advantage in the dividends or other benefit to  
13 accrue thereon, or any valuable consideration or inducement not  
14 specified in the contract.

15 (b) Nothing in subsection 7 or paragraph (a) of this subsection  
16 shall be construed as including within the definition of  
17 discrimination or rebates any of the following practices:

18 (1) In the case of any contract of life insurance or life  
19 annuity, paying bonuses to policyholders or otherwise abating their  
20 premiums in whole or in part out of surplus accumulated from  
21 nonparticipating insurance, provided, that any such bonuses or  
22 abatement of premiums shall be fair and equitable to policyholders  
23 and for the best interest of the company and its policyholders;

24

1 (2) In the case of life or accident and health insurance  
2 policies issued on the industrial debit or weekly premium plan,  
3 making allowance to policyholders who have continuously for a  
4 specified period made premium payments directly to an office of the  
5 insurer in an amount which fairly represents the saving in  
6 collection expense;

7 (3) Making a readjustment of the rate of premium for a policy  
8 based on the loss or expense experience thereunder, at the end of  
9 the first or any subsequent policy year of insurance thereunder,  
10 which may be made retroactive only for such policy year;

11 (4) In the case of life insurance companies, allowing its bona  
12 fide employees to receive a commission on the premiums paid by them  
13 on policies on their own lives;

14 (5) Issuing life or accident and health policies on a salary  
15 saving or payroll deduction plan at a reduced rate commensurate with  
16 the savings made by the use of such plan; and

17 (6) Paying commissions or other compensation to duly licensed  
18 agents or brokers, or allowing or returning to participating  
19 policyholders, members or subscribers, dividends, savings or  
20 unabsorbed premium deposits.

21 (c) As used in this section, the word "insurance" includes  
22 suretyship and the word "policy" includes bond.

23 9. Coercion prohibited. Requiring as a condition precedent to  
24 the purchase of, or the lending of money upon the security of, real

1 or personal property, that any insurance covering such property, or  
2 liability arising from the ownership, maintenance or use thereof, be  
3 procured by or on behalf of the vendee or by the borrower in  
4 connection with such purchase or loan through any particular person  
5 or agent or in any particular insurer, or requiring the payment of a  
6 reasonable fee as a condition precedent to the replacement of  
7 insurance coverage on mortgaged property at the anniversary date of  
8 the policy; provided, however, that this provision shall not prevent  
9 the exercise by any such vendor or lender of the right to approve or  
10 disapprove any insurer selected to underwrite the insurance; but any  
11 disapproval of any insurer shall be on reasonable grounds.

12 10. Inducements. No insurer, agent, broker, solicitor, or  
13 other person shall, as an inducement to insurance or in connection  
14 with any insurance transaction, provide in any policy for or offer,  
15 sell, buy, or offer or promise to buy, sell, give, promise, or allow  
16 to the insured or prospective insured or to any other person in his  
17 behalf in any manner whatsoever:

18 (a) Any employment.

19 (b) Any shares of stock or other securities issued or at any  
20 time to be issued or any interest therein or rights thereto.

21 (c) Any advisory board contract, or any similar contract,  
22 agreement or understanding, offering, providing for, or promising  
23 any special profits.

24

1 (d) Any prizes, goods, wares, merchandise, or tangible property  
2 of an aggregate value in excess of Twenty-five Dollars (\$25.00).

3 (e) Any special favor, advantage or other benefit in the  
4 payment, method of payment or credit for payment of the premium  
5 through the use of credit cards, credit card facilities, credit card  
6 lists, or wholesale or retail credit accounts of another person.

7 The provisions of this paragraph shall not apply to individual  
8 policies insuring against loss resulting from bodily injury or death  
9 by accident as defined by Article 44 of the Oklahoma Insurance Code.

10 11. Premature disposal of premium notes prohibited. No insurer  
11 or agent thereof shall hypothecate, sell, or dispose of a promissory  
12 note received in payment of any part of a premium on a policy of  
13 insurance applied for prior to the delivery of the policy.

14 12. Fraudulent statement in application; penalty. Any  
15 insurance agent, examining physician, or other person who knowingly  
16 or willfully makes a false or fraudulent statement or representation  
17 in or relative to an application for insurance, or who makes any  
18 such statement to obtain a fee, commission, money, or benefit shall  
19 be guilty of a misdemeanor.

20 13. Deceptive use of financial institution's name in  
21 notification or solicitation. Verbally or by any other means  
22 notifying or soliciting any person in a manner that:

23 (a) mentions the name of an unrelated and unaffiliated  
24 financial institution,

- 1 (b) mentions an insurance product or the possible lack of  
2 insurance coverage,
- 3 (c) does not mention the actual or trade name of the  
4 insurance agency or company on whose behalf the  
5 notification or solicitation is provided, and
- 6 (d) thereby creates an impression or implication,  
7 including by omission, that the financial institution  
8 or a financial-institution-authorized entity is or may  
9 be the one making the notification or solicitation.

10 Nothing in this paragraph shall be interpreted to prohibit the  
11 reference to or use of the name of a financial institution made  
12 pursuant to a contractual agreement between the insurer and the  
13 financial institution.

14 SECTION 21. REPEALER 36 O.S. 2001, Section 1204, as last  
15 amended by Section 43, Chapter 264, O.S.L. 2006 (36 O.S. Supp. 2006,  
16 Section 1204), is hereby repealed.

17 SECTION 22. REPEALER 36 O.S. 2001, Section 2813, as  
18 amended by Section 58, Chapter 264, O.S.L. 2006 (36 O.S. Supp. 2006,  
19 Section 2813), is hereby repealed.

20 SECTION 23. AMENDATORY 43 O.S. 2001, Section 112, as  
21 last amended by Section 1, Chapter 127, O.S.L. 2006 (43 O.S. Supp.  
22 2006, Section 112), is amended to read as follows:

23 Section 112. A. A petition or cross-petition for a divorce,  
24 legal separation, or annulment must state whether or not the parties

1 have minor children of the marriage. If there are minor children of  
2 the marriage, the court:

3 1. Shall make provision for guardianship, custody, medical  
4 care, support and education of the children;

5 2. Unless not in the best interests of the children, may  
6 provide for the visitation of the noncustodial parent with any of  
7 the children of the noncustodial parent; and

8 3. May modify or change any order whenever circumstances render  
9 the change proper either before or after final judgment in the  
10 action; provided, that the amount of the periodic child support  
11 payment shall not be modified retroactively or payment of all or a  
12 portion of the past due amount waived, except by mutual agreement of  
13 the obligor and obligee, or if the obligee has assigned child  
14 support rights to the Department of Human Services or other entity,  
15 by agreement of the Department or other entity. Unless the parties  
16 agree to the contrary, a completed child support computation form  
17 provided for in Section 120 of this title shall be required to be  
18 filed with the child support order.

19 The social security numbers of both parents and the child shall  
20 be included on the child support order summary form provided for in  
21 Section 120 of this title, which shall be submitted to the Central  
22 Case Registry as provided for in Section 112A of this title with all  
23 child support or paternity orders.

24

1 B. In any action in which there are minor unmarried children in  
2 awarding or modifying the custody of the child or in appointing a  
3 general guardian for the child, the court shall be guided by the  
4 provisions of Section 21.1 of Title 10 of the Oklahoma Statutes and  
5 shall consider what appears to be in the best interests of the  
6 child.

7 C. 1. When it is in the best interests of a minor unmarried  
8 child, the court shall:

9 a. assure children of frequent and continuing contact  
10 with both parents after the parents have separated or  
11 dissolved their marriage, and

12 b. encourage parents to share the rights and  
13 responsibilities of child rearing in order to effect  
14 this policy.

15 2. There shall be neither a legal preference nor a presumption  
16 for or against joint legal custody, joint physical custody, or sole  
17 custody.

18 3. When in the best interests of the child, custody shall be  
19 awarded in a way which assures the frequent and continuing contact  
20 of the child with both parents. When awarding custody to either  
21 parent, the court:

22 a. shall consider, among other facts, which parent is  
23 more likely to allow the child or children frequent  
24

1 and continuing contact with the noncustodial parent,  
2 and

3 b. shall not prefer a parent as a custodian of the child  
4 because of the gender of that parent.

5 4. In any action, there shall be neither a legal preference or  
6 a presumption for or against private or public school or home-  
7 schooling in awarding the custody of a child, or in appointing a  
8 general guardian for the child.

9 5. In making an order for custody, the court shall require  
10 compliance with Section 8 of this act.

11 D. 1. Except for good cause shown, a pattern of failure to  
12 allow court-ordered visitation may be determined to be contrary to  
13 the best interests of the child and as such may be grounds for  
14 modification of the child custody order.

15 2. For any action brought pursuant to the provisions of this  
16 section which the court determines to be contrary to the best  
17 interests of the child, the prevailing party shall be entitled to  
18 recover court costs, attorney fees and any other reasonable costs  
19 and expenses incurred with the action.

20 E. Except as otherwise provided by Section 112.1A of this  
21 title, any child shall be entitled to support by the parents until  
22 the child reaches eighteen (18) years of age. If a ~~dependent child~~  
23 ~~is regularly and continuously attending high school, said child~~  
24 ~~shall be entitled to support by the parents through the age of~~

1 ~~eighteen (18) years. No hearing shall be required to extend such~~  
2 ~~support through the age of eighteen (18) if the child is regularly~~  
3 ~~and continuously attending high school~~ child is regularly enrolled  
4 in and attending high school, as set forth in Section 11-103.6 of  
5 Title 70 of the Oklahoma Statutes, other means of high school  
6 education, or an alternative high school education program as a  
7 full-time student, the child shall be entitled to support by the  
8 parents until the child graduates from high school or until the age  
9 of twenty (20) years, whichever occurs first. Full-time attendance  
10 shall include regularly scheduled breaks from the school year. No  
11 hearing or further order is required to extend support pursuant to  
12 this subsection after the child reaches the age of eighteen (18)  
13 years.

14 F. In any case in which provision is made for the custody or  
15 support of a minor child or enforcement of such order and before  
16 hearing the matter or signing any orders, the court shall inquire  
17 whether public assistance money or medical support has been provided  
18 by the Department of Human Services, hereafter referred to as the  
19 Department, for the benefit of each child. If public assistance  
20 money, medical support, or child support services under the state  
21 child support plan as provided in Section 237 of Title 56 of the  
22 Oklahoma Statutes have been provided for the benefit of the child,  
23 the Department shall be a necessary party for the adjudication of  
24 the debt due to the State of Oklahoma, as defined in Section 238 of

1 Title 56 of the Oklahoma Statutes, and for the adjudication of  
2 paternity, child support, and medical insurance coverage for the  
3 minor children in accordance with federal regulations. When an  
4 action is filed, the petitioner shall give the Department notice of  
5 the action according to Section 2004 of Title 12 of the Oklahoma  
6 Statutes. The Department shall not be required to intervene in the  
7 action to have standing to appear and participate in the action.  
8 When the Department is a necessary party to the action, any orders  
9 concerning paternity, child support, medical support, or the debt  
10 due to the State of Oklahoma shall be approved and signed by the  
11 Department.

12 G. In any case in which a child support order or custody order  
13 or both is entered, enforced or modified, the court may make a  
14 determination of the arrearages of child support.

15 SECTION 24. REPEALER 43 O.S. 2001, Section 112, as last  
16 amended by Section 1, Chapter 74, O.S.L. 2006 (43 O.S. Supp. 2006,  
17 Section 112), is hereby repealed.

18 SECTION 25. AMENDATORY 43 O.S. 2001, Section 118, as  
19 last amended by Section 2, Chapter 127, O.S.L. 2006 (43 O.S. Supp.  
20 2006, Section 118), is amended to read as follows:

21 Section 118. A. Except in those cases where parties  
22 represented by counsel have agreed to a different disposition, there  
23 shall be a rebuttable presumption in any judicial or administrative  
24 proceeding for the award of child support, that the amount of the

1 award which would result from the application of the following  
2 guidelines is the correct amount of child support to be awarded.

3 B. The district or administrative court may deviate from the  
4 amount of child support indicated by the child support guidelines if  
5 the amount of support so indicated is unjust, inequitable,  
6 unreasonable, or inappropriate under the circumstances, or not in  
7 the best interests of the child. If the district or administrative  
8 court deviates from the amount of child support indicated by the  
9 child support guidelines, the court shall make specific findings of  
10 fact supporting such action.

11 C. The court shall not take into account any stepchildren of  
12 such parent in making the determination, but in making such  
13 determination, the court may take into account the reasonable  
14 support obligations of either parent as to only natural, legal, or  
15 legally adopted minor children in the custody of the parent.

16 D. For purposes of this section and in determining child  
17 support, the noncustodial parent shall be designated the obligor and  
18 the custodial parent shall be designated the obligee.

19 E. The child support guidelines are as follows:

20 1. All child support shall be computed as a percentage of the  
21 combined gross income of both parents. The Child Support Guideline  
22 Schedule as provided in Section 119 of this title shall be used for  
23 such computation. The child support obligations of each parent  
24

1 shall be computed. The obligor's share shall be paid monthly to the  
2 obligee and shall be due on a specific date;

3 2. a. (1) "Gross income", subject to paragraph 3 of this  
4 subsection, includes earned and passive income  
5 from any source, except as excluded in this  
6 section.

7 (2) "Earned income" is defined as income received  
8 from labor, or the sale of goods or services and  
9 includes, but is not limited to, income from:

- 10 (a) salaries,
- 11 (b) wages,
- 12 (c) commissions,
- 13 (d) bonuses, and
- 14 (e) severance pay.

15 (3) "Passive income" is defined as all other income  
16 and includes, but is not limited to, income from:

- 17 (a) dividends,
- 18 (b) pensions,
- 19 (c) rent,
- 20 (d) interest income,
- 21 (e) trust income,
- 22 (f) annuities,
- 23 (g) social security benefits,
- 24 (h) workers' compensation benefits,

- (i) unemployment insurance benefits,
- (j) disability insurance benefits,
- (k) gifts,
- (l) prizes, and
- (m) royalties.

b. Specifically excluded from gross income are:

(1) actual child support received for children not before the court, and

(2) benefits received from means-tested public assistance programs including, but not limited to:

(a) Temporary Assistance for Needy Families (TANF),

(b) Supplemental Security Income (SSI),

(c) Food Stamps, and

(d) General Assistance and State Supplemental Payments for Aged, Blind and the Disabled;

3. a. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" is defined as gross receipts minus ordinary and necessary expenses required for self-employment or business operations.

- 1           b. Specifically excluded from ordinary and necessary  
2           expenses for purposes of this paragraph are amounts  
3           determined by the district or administrative court to  
4           be inappropriate for determining gross income for  
5           purposes of calculating child support.
- 6           c. The district or administrative court shall carefully  
7           review income and expenses from self-employment or  
8           operation of a business to determine an appropriate  
9           level of gross income available to the parent to  
10          satisfy a child support obligation.
- 11          d. The district or administrative court shall deduct from  
12          self-employment gross income an amount equal to the  
13          employer contribution for F.I.C.A. tax which an  
14          employer would withhold from an employee's earnings on  
15          an equivalent gross income amount. A determination of  
16          business income for tax purposes shall not control for  
17          purposes of determining a child support obligation.
- 18          e. Expense reimbursements or in-kind payments received by  
19          a parent in the course of employment, self-employment,  
20          or operation of a business shall be counted as income  
21          if they are significant and reduce personal living  
22          expenses. Such payments may include but are not  
23          limited to a company car, free housing, or reimbursed  
24          meals;

1       4.    a.    For purposes of computing gross income of the parents,  
2                   the district or administrative court shall include for  
3                   each parent, whichever is most equitable, either:

4                   (1)   all earned and passive monthly income,

5                   (2)   all passive income, and earned income equivalent  
6                   to a forty-hour work week plus such overtime and  
7                   supplemental income as the court deems equitable,

8                   (3)   the average of the gross monthly income for the  
9                   time actually employed during the previous three  
10                   (3) years, or

11                   (4)   the minimum wage paid for a forty-hour work week.

12        b.    If equitable, the district or administrative court may  
13                   instead impute as gross monthly income for either  
14                   parent the amount a person with comparable education,  
15                   training and experience could reasonably expect to  
16                   earn.

17        c.    If a parent is permanently physically or mentally  
18                   incapacitated, the child support obligation shall be  
19                   computed on the basis of actual monthly gross income;

20        5.    The amount of any preexisting district or administrative  
21                   court order for current child support for children not before the  
22                   court or for support alimony arising in a prior case shall be  
23                   deducted from gross income to the extent payment is actually made  
24                   under the order;

1           6. The amount of reasonable expenses of the parties  
2 attributable to debt service for preexisting, jointly acquired debt  
3 of the parents may be deducted from gross income to the extent  
4 payment of the debt is actually made. In any case where deduction  
5 for debt service is made, the district or administrative court may  
6 provide for prospective upward adjustments of support made possible  
7 by the reasonably anticipated reduction or elimination of any debt  
8 service;

9           7. The results of paragraphs 2, 3, 4, 5 and 6 of this  
10 subsection shall be denominated "adjusted gross income";

11           8. In cases in which one parent has sole custody, the adjusted  
12 monthly gross income of both parents shall be added together and the  
13 Child Support Guideline Schedule consulted for the total combined  
14 base monthly obligation for child support;

15           9. After the total combined child support is determined, the  
16 percentage share of each parent shall be allocated by computing the  
17 percentage contribution of each parent to the combined adjusted  
18 gross income and allocating that same percentage to the child  
19 support obligation to determine the base child support obligation of  
20 each parent;

21           10. a. In cases where shared parenting time has been ordered  
22 by a district court or agreed to by the parents, the  
23 base monthly obligation shall be adjusted. "Shared  
24 parenting time" means that each parent has physical

1 custody of the child or children overnight for more  
2 than one hundred twenty (120) nights each year.

3 b. An adjustment for shared parenting time shall be made  
4 to the base monthly child support obligation by the  
5 following formula: The total combined base monthly  
6 child support obligation shall be multiplied by one  
7 and one-half (1 1/2). The result shall be designated  
8 the adjusted combined child support obligation.

9 c. To determine each parent's adjusted child support  
10 obligation, the adjusted combined child support  
11 obligation shall be divided between the parents in  
12 proportion to their respective adjusted gross incomes.

13 d. (1) The percentage of time a child spends with each  
14 parent shall be calculated by determining the  
15 number of nights the child is in the physical  
16 custody of each parent and dividing that number  
17 by three hundred sixty-five (365).

18 (2) Each parent's share of the adjusted combined  
19 child support obligation shall then be multiplied  
20 by the percentage of time the child spends with  
21 the other parent to determine the base child  
22 support obligation owed to the other parent.

23 (3) The respective adjusted base child support  
24 obligations for each parent are then offset, with

1 the parent owing more base child support paying  
2 the difference between the two amounts to the  
3 other parent. The base child support obligation  
4 of the parent owing the lesser amount is then set  
5 at zero dollars.

6 e. The parent owing the greater amount of base child  
7 support shall pay the difference between the two  
8 amounts as a child support order. In no case shall  
9 the amount of child support ordered to be paid exceed  
10 the amount of child support which would otherwise be  
11 ordered to be paid if the parents did not participate  
12 in shared parenting time.

13 f. In no event shall the provisions of this paragraph be  
14 construed to authorize or allow the payment of child  
15 support by the custodial parent to the noncustodial  
16 parent;

17 11. a. The actual medical and dental insurance premium for  
18 the child shall be allocated between the parents in  
19 the same proportion as their adjusted gross income and  
20 shall be added to the base child support obligation.  
21 If the insurance policy covers a person other than the  
22 child before the court, only that portion of the  
23 premium attributed to the child before the court shall  
24

1 be allocated and added to the base child support  
2 obligation.

3 b. If the obligor pays the medical insurance premium, the  
4 obligor shall receive credit against the base child  
5 support obligation for the obligee's allocated share  
6 of the medical insurance premium.

7 c. If the obligee pays the medical insurance premium, the  
8 obligor shall pay the obligor's allocated share of the  
9 medical insurance premium to the obligee as part of  
10 the base child support obligation;

11 12. a. In cases of split custody, where each parent is  
12 awarded custody of at least one of their natural or  
13 legally adopted children, the child support obligation  
14 for each parent shall be calculated by application of  
15 the child support guidelines for each custodial  
16 arrangement. ~~The~~

17 b. In cases of joint custody, where the parents share  
18 physical and legal custody of at least one of their  
19 natural or legally adopted children, the child support  
20 obligation for each parent shall be calculated by  
21 applying the child support guidelines.

22 c. In all cases the parent with the larger child support  
23 obligation shall pay the difference between the two  
24

1 amounts to the parent with the smaller child support  
2 obligation;

3 13. a. The district or administrative court shall determine  
4 the "actual" child care expenses reasonably necessary  
5 to enable either or both parents to:

6 (1) be employed,

7 (2) seek employment, or

8 (3) attend school or training to enhance employment  
9 income.

10 b. When the obligee is participating in the Department of  
11 Human Services child care subsidy program as provided  
12 under Section 230.50 of Title 56 of the Oklahoma  
13 Statutes, the Child Care Eligibility/Rates Schedule  
14 established by the Department shall be used to  
15 determine the amount to be treated as actual child  
16 care costs incurred. When applying the schedule to  
17 determine the family share copayment amount, the  
18 obligor's share of the base monthly obligation for  
19 child support and the obligee's gross income shall be  
20 considered as the obligee's monthly income. The  
21 actual child care costs incurred shall be the family  
22 share copayment amount indicated on the schedule which  
23 shall be allocated and paid monthly in the same  
24 proportion as base child support. The Department of

1 Human Services shall promulgate rules, as necessary,  
2 to implement the provisions of this subparagraph.

3 c. The actual child care costs incurred for the purposes  
4 authorized by this paragraph shall be allocated and  
5 paid monthly in the same proportion as base child  
6 support.

7 d. The district or administrative court shall require the  
8 obligee to provide the obligor with timely  
9 documentation of any change in the amount of the child  
10 care costs. Upon request by the obligor, whose  
11 requests shall not exceed one each month, or upon  
12 order of the court, the obligee shall provide the  
13 documentation of the amount of incurred child care  
14 costs which are related to employment, employment  
15 search or education or training as authorized by this  
16 paragraph.

17 e. If the court determines that it will not cause  
18 detriment to the child or will not cause undue  
19 hardship to either parent, in lieu of payment of child  
20 care expenses incurred during employment, employment  
21 search, or while the obligee is attending school or  
22 training, the obligor may provide care for the child  
23 during that time;

24

1       14. Reasonable and necessary medical, dental, orthodontic,  
2 optometric, psychological, or any other physical or mental health  
3 expenses of the child incurred by either parent and not reimbursed  
4 by insurance may be allocated in the same proportion as the parents'  
5 adjusted gross income as separate items that are not added to the  
6 base child support obligation. If reimbursement is required, the  
7 parent who incurs the expense shall be reimbursed by the other  
8 parent within thirty (30) days of receipt of documentation of the  
9 expense;

10       15. Transportation expenses of a child between the homes of the  
11 parents may be divided between the parents in proportion to their  
12 adjusted gross income;

13       16. a. (1) Child support orders may be modified upon a  
14               material change in circumstances which includes,  
15               but is not limited to, an increase or decrease in  
16               income, changes in actual child care expenses,  
17               changes in medical or dental insurance, or when  
18               one of the children in the child support order  
19               reaches the age of majority or otherwise ceases to  
20               be entitled to support pursuant to the support  
21               order.

22               (2) Modification of the Child Support Guideline  
23               Schedule shall not alone be a material change in  
24

1 circumstances for child support orders in  
2 existence on November 1, 1999.

3 (3) Providing support for children born to or adopted  
4 by either parent after the entry of a child  
5 support order shall not alone be considered a  
6 material change in circumstances.

7 (4) An order of modification shall be effective upon  
8 the date the motion to modify was filed, unless  
9 the parties agree to the contrary or the court  
10 makes a specific finding of fact that the  
11 material change of circumstance did not occur  
12 until a later date.

13 b. (1) A child support order shall not be modified  
14 retroactively regardless of whether support was  
15 ordered in a temporary order, a decree of  
16 divorce, an order establishing paternity,  
17 modification of an order of support, or other  
18 action to establish or to enforce support.

19 (2) All final orders shall state whether past due  
20 support and interest has accrued pursuant to any  
21 temporary order and the amount due, if any;  
22 however, failure to state a past due amount shall  
23 not bar collection of that amount after entry of  
24 the final support order.

1 c. The amount of a child support order shall not be  
2 construed to be an amount per child unless specified  
3 by the district or administrative court in the order.  
4 A child reaching the age of majority or otherwise  
5 ceasing to be entitled to support pursuant to the  
6 support order shall constitute a material change in  
7 circumstances, but shall not automatically serve to  
8 modify the order;

9 17. a. When a child support order is entered or modified, the  
10 parents may agree or the district or administrative  
11 court may require a periodic exchange of information  
12 for an informal review and adjustment process.

13 b. When an existing child support order does not contain  
14 a provision which requires an informal review and  
15 adjustment process, either parent may request the  
16 other parent to provide the information necessary for  
17 the informal review and adjustment process.  
18 Information shall be provided to the requesting parent  
19 within forty-five (45) days of the request.

20 c. Requested information may include verification of  
21 income, proof and cost of children's medical  
22 insurance, and current and projected child care costs.  
23 If shared parenting time has been awarded by the  
24

1 court, documentation of past and prospective overnight  
2 visits shall be exchanged.

3 d. Exchange of requested information may occur once a  
4 year or less often, by regular mail.

5 e. (1) If the parents agree to a modification of a child  
6 support order, their agreement shall be in  
7 writing using standard modification forms and the  
8 child support computation form provided for in  
9 Section 120 of this title.

10 (2) The standard modification forms and the standard  
11 child support computation form shall be submitted  
12 to the district or administrative court. The  
13 court shall review the modification forms to  
14 confirm that the child support obligation  
15 complies with the child support guidelines and  
16 that all necessary parties pursuant to Section  
17 112 of this title have been notified. If the  
18 court approves the modification forms, they shall  
19 be filed with the court.

20 f. If the district court refuses to consider the parents'  
21 agreed modification order or the parents do not agree  
22 to a modification of the child support order, a parent  
23 may request a modification through the Department of  
24 Human Services Child Support Enforcement Division,

1 hereinafter referred to as the "Department", when the  
2 child support services are being provided under the  
3 state child support plan as provided in Section 237 of  
4 Title 56 of the Oklahoma Statutes. If the parent does  
5 not have an open case with the Department, the parent  
6 shall make application for services and complete a  
7 request for review;

8 18. Child support orders may include such provisions as the  
9 district or administrative court deems appropriate to assure that  
10 the child support payments to the custodial parent are used for the  
11 support of the child;

12 19. The district or administrative court shall require and  
13 enforce a complete disclosure of assets by both parents on a  
14 financial affidavit form prescribed by the Administrative Office of  
15 the Courts;

16 20. Child support orders issued for prior-born children of the  
17 payor may not be modified for the purpose of providing support for  
18 later-born children;

19 21. The court, to the extent reasonably possible, shall make  
20 provision in an order for prospective adjustment of support to  
21 address any foreseen changes including, but not limited to, changes  
22 in medical insurance, child care expenses, medical expenses, and  
23 extraordinary costs;

1        22. The social security numbers of both parents and the  
2 children who are the subject of a paternity or child support order  
3 shall be included in the support order summary form provided for in  
4 Section 120 of this title; and

5        23. A completed support order summary form shall be presented  
6 to the judge with all paternity and child support orders, and no  
7 such order shall be signed by the judge without presentation of the  
8 form.

9        SECTION 26.        REPEALER        43 O.S. 2001, Section 118, as last  
10 amended by Section 2, Chapter 74, O.S.L. 2006 (43 O.S. Supp. 2006,  
11 Section 118), is hereby repealed.

12        SECTION 27.        AMENDATORY        Section 4, Chapter 457, O.S.L.  
13 2005, as amended by Section 2, Chapter 294, O.S.L. 2006 (47 O.S.  
14 Supp. 2006, Section 6-105.3), is amended to read as follows:

15        Section 6-105.3 A. In addition to the licenses to operate  
16 motor vehicles, the Department of Public Safety may issue cards to  
17 Oklahoma residents for purposes of identification only. The  
18 identification cards shall be issued, renewed, replaced, canceled  
19 and denied in the same manner as driver licenses in this state. The  
20 application for an identification card by any person under the age  
21 of eighteen (18) shall be signed and verified by a custodial legal  
22 parent or legal guardian before a person authorized to administer  
23 oaths. Except as otherwise provided in this section, the  
24 identification cards shall be valid for a period of four (4) years

1 from the month of issuance; however, the identification cards issued  
2 to persons sixty-five (65) years of age or older shall be valid  
3 indefinitely from the month of issuance.

4 ~~B. The fee charged for the issuance or renewal of an~~  
5 ~~identification card which is not in computerized image format~~  
6 ~~pursuant to this section shall be Seven Dollars (\$7.00); however, no~~  
7 ~~person sixty five (65) years of age or older shall be charged a fee~~  
8 ~~for an identification card. The fees derived pursuant to this~~  
9 ~~subsection shall be apportioned as provided in Section 1104 of Title~~  
10 ~~47 of the Oklahoma Statutes.~~

11 ~~C.~~ C. The fee charged for the issuance ~~or~~, renewal, or replacement  
12 of an identification card ~~which is in computerized image format~~  
13 pursuant to this section shall be Ten Dollars (\$10.00); however, no  
14 person sixty-five (65) years of age or older shall be charged a fee  
15 for an identification card. Of each fee charged pursuant to the  
16 provisions of this subsection:

17 1. Seven Dollars (\$7.00) shall be apportioned as provided in  
18 Section 1104 of ~~Title 47 of the Oklahoma Statutes~~ this title; and

19 2. Three Dollars (\$3.00) shall be credited to the Department of  
20 Public Safety Computer Imaging System Revolving Fund to be used  
21 solely for the purpose of the administration and maintenance of the  
22 computerized imaging system of the Department.

23 ~~D.~~ C. The Oklahoma Tax Commission is hereby authorized to  
24 reimburse, from funds available to that agency, each motor license

1 agent issuing an identification card to a person sixty-five (65)  
2 years of age or older, an amount not to exceed One Dollar (\$1.00)  
3 for each card or driver license so issued. The Tax Commission shall  
4 develop procedures for claims for reimbursement.

5 ~~E.~~ D. When a person makes application for a new identification  
6 card, or makes application to renew an identification card, and the  
7 person has been convicted of, or received a deferred judgment for,  
8 any offense required to register pursuant to the Sex Offenders  
9 Registration Act, the identification card shall be valid for a  
10 period of one (1) year from the month of issuance, but may be  
11 renewed yearly during the time the person is registered on the Sex  
12 Offender Registry. The cost for such identification card shall be  
13 the same as for other identification cards and renewals.

14 SECTION 28. REPEALER Section 4, Chapter 457, O.S.L.  
15 2005, as amended by Section 10, Chapter 311, O.S.L. 2006 (47 O.S.  
16 Supp. 2006, Section 6-105.3), is hereby repealed.

17 SECTION 29. AMENDATORY 47 O.S. 2001, Section 156, as  
18 last amended by Section 1, Chapter 213, O.S.L. 2006 (47 O.S. Supp.  
19 2006, Section 156), is amended to read as follows:

20 Section 156. A. Unless otherwise provided for by law, no state  
21 board, commission, department, institution, official, or employee,  
22 except the following, shall purchase any passenger automobile or bus  
23 with public funds:

24 1. The Department of Public Safety;

- 1 2. The Department of Human Services;
- 2 3. The State Department of Rehabilitation Services;
- 3 4. The Department of Wildlife Conservation;
- 4 5. The Department of Corrections;
- 5 6. The State Department of Education;
- 6 7. The Oklahoma School of Science and Mathematics;
- 7 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
- 8 Control;
- 9 9. The Oklahoma State Bureau of Investigation;
- 10 10. The Transportation Commission;
- 11 11. The Oklahoma Department of Agriculture, Food, and Forestry;
- 12 12. The State Department of Health;
- 13 13. The Department of Mental Health and Substance Abuse
- 14 Services;
- 15 14. The J.D. McCarty Center for Children with Developmental
- 16 Disabilities;
- 17 15. The Military Department of the State of Oklahoma;
- 18 16. The Oklahoma Tourism and Recreation Department;
- 19 17. The Oklahoma Conservation Commission;
- 20 18. The Oklahoma Water Resources Board;
- 21 19. The Department of Mines;
- 22 20. The Office of Juvenile Affairs;
- 23 21. The Oklahoma Department of Veteran Affairs;
- 24 22. The Oklahoma Supreme Court; and

1        23. The District Attorneys Council and Oklahoma district  
2 attorneys, provided adequate funding exists; and

3        24. The Oklahoma Boll Weevil Eradication Organization.

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

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

15            a. the operation of intracampus buses or buses routed  
16 directly between portions of the campus of any  
17 institution not adjacent to each other, nor to  
18 prohibit the collection of fares from such students,  
19 faculty members, or employees of such institutions,  
20 sufficient in amount to cover the reasonable cost of  
21 such transportation, or

22            b. the Oklahoma School for the Blind or the Oklahoma  
23 School for the Deaf from entering into agreements with  
24 local public school districts pursuant to the

1 Interlocal Cooperation Act for the mutual use of the  
2 schools' and the districts' vehicles. Such use may  
3 include, but is not limited to, the transportation of  
4 students from local school districts with students  
5 from the Oklahoma School for the Blind or the Oklahoma  
6 School for the Deaf in vehicles owned by the Oklahoma  
7 School for the Blind or the Oklahoma School for the  
8 Deaf when traveling to school-related activities.

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

14 D. The use of station wagons, automobiles, and buses, other  
15 than as provided for in this section, shall be permitted only upon  
16 written request for such use by heads of departments of the  
17 institution, approved in writing by the president of said  
18 institution or by some administrative official of said institution  
19 authorized by the president to grant said approval. Such use shall  
20 be permitted only for official institutional business or activities  
21 connected therewith. Such use shall be subject to the provisions of  
22 Section 156.1 of this title forbidding personal use of such  
23 vehicles, and to the penalties therein declared.

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

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

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

18 SECTION 30. REPEALER 47 O.S. 2001, Section 156, as last  
19 amended by Section 22, Chapter 211, O.S.L. 2006 (47 O.S. Supp. 2006,  
20 Section 156), is hereby repealed.

21 SECTION 31. AMENDATORY Section 11, Chapter 504, O.S.L.  
22 2004, as last amended by Section 5, Chapter 272, O.S.L. 2006 (47  
23 O.S. Supp. 2006, Section 1135.2), is amended to read as follows:

24

1 Section 1135.2 A. The Oklahoma Tax Commission is hereby  
2 authorized to design and issue appropriate official special license  
3 plates to persons in recognition of their service or awards as  
4 provided by this section.

5 Special license plates shall not be transferred to any other  
6 person but shall be removed from the vehicle upon transfer of  
7 ownership and retained. The special license plate may then be used  
8 on another vehicle but only after such other vehicle has been  
9 registered for the current year.

10 Special license plates shall be renewed each year by the Tax  
11 Commission or a motor license agent. The Tax Commission shall  
12 annually notify by mail all persons issued special license plates.  
13 The notice shall contain all necessary information and shall contain  
14 instructions for the renewal procedure upon presentation to a motor  
15 license agent or the Tax Commission. The license plates shall be  
16 issued on a staggered system except for legislative plates and  
17 amateur radio operator license plates.

18 The Tax Commission is hereby directed to develop and implement a  
19 system whereby motor license agents are permitted to accept  
20 applications for special license plates authorized under this  
21 section. The motor license agent shall confirm the applicant's  
22 eligibility, if applicable, collect and deposit any amount  
23 specifically authorized by law, accept and process the necessary  
24 information directly into such system and generate a receipt

1 accordingly. For performance of these duties, motor license agents  
2 shall retain the fee provided in Section 1141.1 of this title for  
3 registration of a motor vehicle. The motor license agent fees for  
4 acceptance of applications and renewals shall be paid out of the  
5 Oklahoma Tax Commission Reimbursement Fund.

6 B. The special license plates provided by this section are as  
7 follows:

8 1. Prisoner of War License Plates - such plates shall be  
9 designed for honorably discharged or present members of the United  
10 States Armed Forces and civilians who were former prisoners of war  
11 held by a foreign country and who can provide proper certification  
12 of that status. Such persons may apply for a prisoner of war  
13 license plate for no more than two vehicles with each vehicle having  
14 a rated carrying capacity of one (1) ton or less. The surviving  
15 spouse of any deceased former prisoner of war, if the spouse has not  
16 since remarried, or if remarried, the remarriage is terminated by  
17 death, divorce, or annulment, may apply for a prisoner of war  
18 license plate for one vehicle with a rated carrying capacity of one  
19 (1) ton or less. The fee provided by this section for the special  
20 license plate authorized by this paragraph shall be in addition to  
21 all other registration fees provided by law, except the registration  
22 fees levied by Section 1132 of this title;

23 2. National Guard License Plates - such plates shall be  
24 designed for active or retired members of the Oklahoma National

1 Guard. Retirees who are eligible for such plates shall provide  
2 proof of eligibility upon initial application, but shall not be  
3 required to provide proof of eligibility annually;

4 3. Air National Guard License Plates - such plates shall be  
5 designed for active or retired members of the Oklahoma Air National  
6 Guard. Retirees who are eligible for such plates shall provide  
7 proof of eligibility upon initial application, but shall not be  
8 required to provide proof of eligibility annually;

9 4. United States Armed Forces - such plates shall be designed  
10 for active, retired, former or reserve members of the United States  
11 Armed Forces, and shall identify which branch of service, and carry  
12 the emblem and name of either the Army, Navy, Air Force, Marines or  
13 Coast Guard, according to the branch of service to which the member  
14 belongs or did belong. Former members who have been dishonorably  
15 discharged shall not be eligible for such plates. Persons applying  
16 for such license plate must show proof of present or past military  
17 service by presenting a valid Uniformed Services Identity Card or  
18 the United States Department of Defense Form (DD)214. Retired or  
19 former members who are eligible for such plates shall provide proof  
20 of eligibility upon initial application, but shall not be required  
21 to provide proof of eligibility annually;

22 5. Congressional Medal of Honor Recipient License Plates - such  
23 plates shall be designed for any resident of this state who has been  
24 awarded the Congressional Medal of Honor. Such persons may apply

1 for a Congressional Medal of Honor recipient license plate for each  
2 vehicle with a rated carrying capacity of one (1) ton or less.

3 There shall be no registration fee for the issuance of this plate;

4       6. Missing In Action License Plates - such plates shall be  
5 designed to honor members of the United States Armed Forces who are  
6 missing in action. The spouse of such missing person, if the spouse  
7 has not since remarried, or if remarried, the remarriage is  
8 terminated by death, divorce, or annulment, and each parent of the  
9 missing person may apply for a missing in action license plate upon  
10 presenting proper certification that the person is missing in action  
11 and that the person making the application is the qualifying spouse  
12 or the parent of the missing person. The qualifying spouse and each  
13 parent of the missing person may each apply for the missing in  
14 action license plate for each vehicle with a rated carrying capacity  
15 of one (1) ton or less;

16       7. Purple Heart Recipient License Plates - such plates shall be  
17 designed for any resident of this state presenting proper  
18 certification from the United States Department of Veterans Affairs  
19 or the Armed Forces of the United States certifying that such  
20 resident has been awarded the Purple Heart military decoration.  
21 Such persons may apply for a Purple Heart recipient license plate  
22 for vehicles having a rated carrying capacity of one (1) ton or  
23 less. The surviving spouse of any deceased veteran who has been  
24 awarded the Purple Heart military decoration, if such spouse has not

1 since remarried, or if remarried, the remarriage has been terminated  
2 by death, divorce or annulment, may apply for such plate for one  
3 vehicle with a rated carrying capacity of one (1) ton or less;

4 8. Pearl Harbor Survivor License Plates - such plates shall be  
5 designed for any resident of this state who can be verified by the  
6 United States Department of Veterans Affairs or the Armed Forces of  
7 the United States as being:

8 a. a member of the United States Armed Forces on December  
9 7, 1941,

10 b. stationed on December 7, 1941, during the hours of  
11 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor,  
12 the island of Oahu, or offshore at a distance not to  
13 exceed three (3) miles, and

14 c. a recipient of an honorable discharge from the United  
15 States Armed Forces.

16 Such person may apply for a Pearl Harbor Survivor license plate  
17 for each vehicle with a rated carrying capacity of one (1) ton or  
18 less;

19 9. Iwo Jima License Plates - such plates shall be designed for  
20 any resident of this state who can be verified by the United States  
21 Department of Veterans Affairs or the Armed Forces of the United  
22 States as being:

23 a. a member of the United States Armed Forces in February  
24 of 1945,

1           b.    stationed in February of 1945 on or in the immediate  
2                   vicinity of the island of Iwo Jima, and

3           c.    a recipient of an honorable discharge from the United  
4                   States Armed Forces.

5           Such person may apply for an Iwo Jima license plate for each  
6           vehicle with a rated carrying capacity of one (1) ton or less.

7           Such license plate shall have the legend "Oklahoma OK" and shall  
8           contain three letters and three numbers. Between the letters and  
9           numbers shall be a logo of the flag-raising at Iwo Jima. Below the  
10          letters, logo and numbers, the plate shall contain the words "FEB."  
11          at the left, "Iwo Jima" in the center and "1945" at the right. Such  
12          plates shall not be subject to the design requirements of any other  
13          license plates prescribed by law other than the space for the  
14          placement of the yearly decals for each succeeding year of  
15          registration after the initial issue;

16          10. D-Day Survivor License Plates - such plates shall be  
17          designed for any resident of this state who can be verified by the  
18          United States Department of Veterans Affairs or the Armed Forces of  
19          the United States as being:

20               a.    a member of the United States Armed Forces on June 6,  
21                        1944,

22               b.    a participant in the Allied invasion of the coast of  
23                        Normandy on June 6, 1944; provided, if such  
24                        participation cannot be verified by the United States

1 Department of Veterans Affairs or the Armed Forces of  
2 the United States, the Tax Commission may, in its  
3 discretion, accept evidence of such participation from  
4 the person applying for the license plate, and

5 c. a recipient of an honorable discharge from the United  
6 States Armed Forces.

7 Such person may apply for a D-Day Survivor license plate for  
8 each vehicle with a rated carrying capacity of one (1) ton or less;

9 11. Killed in Action License Plates - such plates shall be  
10 designed to honor members of the United States Armed Forces who were  
11 killed in action. The spouse of the deceased person, if the spouse  
12 has not remarried, or if remarried, the remarriage is terminated by  
13 death, divorce, or annulment, may apply for a killed in action  
14 license plate upon presenting proper certification that the person  
15 was killed in action and that the person making the application is  
16 the qualifying spouse of the deceased person. The qualifying spouse  
17 may apply for a killed in action license plate for no more than two  
18 vehicles with each vehicle with a rated carrying capacity of one (1)  
19 ton or less. The fee provided by this section for the special  
20 license plate authorized by this paragraph shall be in addition to  
21 all other registration fees provided by law, except the registration  
22 fees levied by Section 1132 of this title;

23 12. Gold Star Parents License Plates - such plates shall be  
24 designed to honor members of the United States Armed Forces who were

1 killed during a war. The parents of the deceased person may apply  
2 for a gold star license plate upon presenting proper certification  
3 that the person was killed during a war and that the person making  
4 the application is the parent of the deceased person. The parent  
5 may apply for a gold star parent license plate for no more than two  
6 vehicles with each vehicle having a rated carrying capacity of one  
7 (1) ton or less. The fee provided by this section for the special  
8 license plate authorized by this paragraph shall be in addition to  
9 all other registration fees provided by law, except the registration  
10 fees levied by Section 1132 of this title;

11 13. Military Decoration License Plates - such plates shall be  
12 designed for any resident of this state who has been awarded the  
13 Distinguished Service Medal, the Distinguished Service Cross, the  
14 Distinguished Flying Cross, the Bronze Star military decoration or  
15 the Silver Star military decoration. Such persons may apply for a  
16 military decoration license plate for each vehicle with a rated  
17 carrying capacity of one (1) ton or less;

18 14. Vietnam Veteran License Plates - such plates shall be  
19 designed for honorably discharged or present members of the United  
20 States Armed Forces who served in the Vietnam Conflict. Such  
21 persons may apply for a Vietnam veteran license plate for each  
22 vehicle with a rated carrying capacity of one (1) ton or less;

23 15. Police Officer License Plates - such plates shall be  
24 designed for any currently employed or retired municipal police

1 officer. Police officers may apply for police officer license  
2 plates for vehicles with a rated capacity of one (1) ton or less or  
3 for a motorcycle upon proof of employment by or retirement from a  
4 municipal police department by either an identification card or  
5 letter from the chief of the police department or the Oklahoma  
6 Police Pension and Retirement Board. Retirees who are eligible for  
7 such plates shall provide proof of eligibility upon initial  
8 application, but shall not be required to provide proof of  
9 eligibility annually. The license plates shall be designed in  
10 consultation with municipal police departments of this state;  
11 provided, the license plate for motorcycles may be of similar design  
12 to the license plate for motor vehicles or may be a new design in  
13 order to meet space requirements for a motorcycle license plate;

14 16. World War II Veteran License Plates - such plates shall be  
15 designed to honor honorably discharged former members of the United  
16 States Armed Forces who are residents of this state and who can be  
17 verified by the Oklahoma Military Department, the Department of  
18 Veterans Affairs or the Armed Forces of the United States as having  
19 served on federal active duty anytime during the period from  
20 September 16, 1940, to December 7, 1945. The former members may  
21 apply for a World War II Veteran license plate for vehicles with a  
22 rated carrying capacity of one (1) ton or less.

23 The license plate shall have the legend "Oklahoma" and shall  
24 contain, in the center of the plate, either the Thunderbird Insignia

1 of the 45th Infantry Division in the prescribed red and gold  
2 coloring or the emblem of the Army, Navy, Air Force, Marines or  
3 Coast Guard according to the branch of service to which the member  
4 belonged. For the purpose of license plate identification, the  
5 plate shall contain four digits, two digits at the left and two  
6 digits at the right of the insignia or emblem. Centered on the  
7 bottom of the license plate shall be the words "WORLD WAR II";

8 17. Korean War Veteran License Plates - such plates shall be  
9 designed to honor honorably discharged former members of the United  
10 States Armed Forces who are residents of this state and who can be  
11 verified by the Oklahoma Military Department, the Department of  
12 Veterans Affairs or the Armed Forces of the United States as having  
13 served on federal active duty anytime during the period from June  
14 27, 1950, to January 31, 1955, both dates inclusive. The former  
15 members may apply for a Korean War Veteran license plate for  
16 vehicles with a rated carrying capacity of one (1) ton or less.

17 The license plate shall have the legend "OKLAHOMA" and shall  
18 contain, in the center of the plate, either the Thunderbird Insignia  
19 of the 45th Infantry Division in the prescribed red and gold  
20 coloring or the emblem of the Army, Navy, Air Force, Marines or  
21 Coast Guard according to the branch of service to which the member  
22 belonged. For the purpose of license plate identification, the  
23 plate shall contain four digits, two digits at the left and two  
24

1 digits at the right of the insignia or emblem. Centered on the  
2 bottom of the license plate shall be the word "KOREA";

3 18. Municipal Official License Plates - such plates shall be  
4 designed for persons elected to a municipal office in this state and  
5 shall designate the name of the municipality and the district or  
6 ward in which the municipal official serves. The plates shall only  
7 be produced upon application;

8 19. Red Cross Volunteer License Plates - such plates shall be  
9 designed to honor American Red Cross volunteers and staff who are  
10 residents of this state. Such persons must present an  
11 identification card issued by the American Red Cross and bearing a  
12 photograph of the person. The license plate shall be designed with  
13 the assistance of the American Red Cross and shall have the legend  
14 "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the  
15 symbol of the American Red Cross and no more than three letters and  
16 three numbers shall be in the color Pantone 186C Red. Below the  
17 symbol and letters and numbers shall be the words "American Red  
18 Cross" in black. The plates shall not be subject to the design  
19 requirements of any other license plates prescribed by law other  
20 than the space for the placement of the yearly decals for each  
21 succeeding year of registration after the initial issue;

22 20. Veterans of Foreign Wars License Plates - such plates shall  
23 be designed to honor the veterans of foreign wars and issued to any  
24 resident of this state who is a member of a Veterans of Foreign Wars

1 organization in this state. Such persons may apply for Veterans of  
2 Foreign Wars license plates upon proof of membership in a Veterans  
3 of Foreign Wars organization. The license plate shall be designed  
4 in consultation with the Veterans of Foreign Wars organization;

5 21. Desert Storm License Plates - such plates shall be designed  
6 and issued to any honorably discharged or present member of the  
7 United States Armed Forces who served in the Persian Gulf Crisis and  
8 the Desert Storm operation. Such persons may apply for a Desert  
9 Storm license plate for each vehicle with a rated carrying capacity  
10 of one (1) ton or less;

11 22. Military Reserve Unit License Plates - such plates shall be  
12 designed and issued to any honorably discharged or present member of  
13 a reserve unit of the United States Armed Forces. Such persons may  
14 apply for a Military Reserve Unit license plate for each vehicle  
15 with a rated carrying capacity of one (1) ton or less;

16 23. Oklahoma City Bombing Victims and Survivors License Plates  
17 - such plates shall be designed and issued to any victim or survivor  
18 of the bombing attack on the Alfred P. Murrah Federal Building in  
19 downtown Oklahoma City on April 19, 1995;

20 24. Civil Air Patrol License Plates - such plates shall be  
21 designed and issued to any person who is a member of the Civil Air  
22 Patrol. Such persons may apply for a Civil Air Patrol license plate  
23 for each vehicle with a rated carrying capacity of one (1) ton or  
24

1 less upon proof of membership in the Civil Air Patrol. The license  
2 plate shall be designed in consultation with the Civil Air Patrol;

3 25. Ninety-Nines License Plates - such plates shall be designed  
4 and issued to members of the Ninety-Nines. Persons applying for  
5 such license plate must show proof of membership in the Ninety-  
6 Nines. The license plates shall be designed in consultation with  
7 the Ninety-Nines;

8 26. Combat Infantryman Badge License Plates - such plates shall  
9 be designed to honor recipients of the Combat Infantryman Badge.  
10 The plate shall have the legend "Oklahoma OK". Below the legend  
11 shall be the Combat Infantryman Badge and three numbers. Below the  
12 badge and the numbers shall be the words "Combat Infantryman Badge".  
13 Such persons may apply for a Combat Infantryman Badge license plate  
14 for each vehicle with a rated carrying capacity of one (1) ton or  
15 less;

16 27. Somalia Combat Veterans License Plates - such plates shall  
17 be designed and issued to any honorably discharged or present member  
18 of the United States Armed Forces who saw combat in the United  
19 Nations relief effort. Such persons may apply for a Somalia Combat  
20 Veteran license plate for each vehicle with a rated carrying  
21 capacity of one (1) ton or less;

22 28. Police Chaplain License Plates - such plates shall be  
23 designed and issued to members of the International Conference of  
24 Police Chaplains (ICPC) who have completed the ICPC requirements for

1 basic certification as a police chaplain. The license plates shall  
2 be designed in consultation with the ICPC;

3 29. Joint Service Commendation Medal License Plates - such  
4 plates shall be designed and issued to any resident of this state  
5 who has been awarded the Joint Service Commendation Medal by the  
6 United States Secretary of Defense;

7 30. Merchant Marine License Plates - such plates shall be  
8 designed, subject to criteria to be presented to the Tax Commission  
9 by the Oklahoma Department of Veterans Affairs, and issued to any  
10 person who during combat was a member of the Merchant Marines as  
11 certified by the Oklahoma Department of Veterans Affairs. Such  
12 license plate may be issued for each vehicle with a rated carrying  
13 capacity of one (1) ton or less;

14 31. Legislative License Plates - such plates shall be designed  
15 for persons elected to the Oklahoma Legislature and shall designate  
16 the house of the Legislature in which the legislator serves and the  
17 district number;

18 32. Disabled Veterans License Plates - such plates shall be  
19 designed for persons presenting proper certification from the United  
20 States Department of Veterans Affairs or the Armed Forces of the  
21 United States certifying such veteran has a service-connected  
22 disability rating of fifty percent (50%) or more, regardless which  
23 agency pays the disability benefits, or that such veteran has been  
24 awarded a vehicle by the United States government or receives a

1 grant from the United States Department of Veterans Affairs for the  
2 purchase of an automobile due to a service-connected disability  
3 rating or due to the loss of use of a limb or an eye. Such persons  
4 may apply to the Tax Commission for a disabled veterans license  
5 plate or to a motor license agent for a regular license plate for no  
6 more than two vehicles with each vehicle having a rated carrying  
7 capacity of one (1) ton or less. The surviving spouse of any  
8 deceased disabled veteran, if the spouse has not since remarried, or  
9 if remarried, the remarriage is terminated by death, divorce, or  
10 annulment, may apply for a disabled veterans license plate for one  
11 vehicle with a rated carrying capacity of one (1) ton or less. The  
12 fee provided by this section for the special license plate  
13 authorized by this paragraph shall be in addition to all other  
14 registration fees provided by law, except the registration fees  
15 levied by Section 1132 of this title. The total expense of this  
16 license plate shall not exceed Five Dollars (\$5.00).

17 If the person qualifies for a disabled veterans license plate  
18 and is also eligible for an insignia as a physically disabled person  
19 under the provisions of Section 15-112 of this title, the person  
20 shall be eligible to receive a disabled veterans license plate that  
21 also displays the international accessibility symbol, which is a  
22 stylized human figure in a wheelchair. Upon the death of the  
23 disabled veteran with a disabled veterans license plate with the  
24

1 international accessibility symbol, the plate shall be returned to  
2 the Tax Commission;

3 33. United States Air Force Association License Plates - such  
4 plates shall be designed for members of the United States Air Force  
5 Association. Persons applying for such license plate must show  
6 proof of membership in the Association. The license plates shall be  
7 designed in consultation with the Association;

8 34. Oklahoma Military Academy Alumni License Plates - such  
9 plates shall be designed and issued to any resident of this state  
10 who is an alumnus of the Oklahoma Military Academy. Such persons  
11 may apply for an Oklahoma Military Academy Alumnus license plate for  
12 each vehicle with a rated carrying capacity of one (1) ton or less.  
13 The license plates shall be designed in consultation with the  
14 Oklahoma Military Academy and shall contain the shield of the  
15 Academy;

16 35. Amateur Radio Operator License Plates - such plates shall  
17 be designed and issued to any person, holding a valid operator's  
18 license, technician class or better, issued by the Federal  
19 Communications Commission, and who is also the owner of a motor  
20 vehicle currently registered in Oklahoma, in which has been  
21 installed amateur mobile transmitting and receiving equipment.  
22 Eligible persons shall be entitled to two special vehicle  
23 identification plates as herein provided. Application for such  
24 identification plates shall be on a form prescribed by the Oklahoma

1 Tax Commission and the plates issued to such applicant shall have  
2 stamped thereon the word "Oklahoma" and bear the official call  
3 letters of the radio station assigned by the Federal Communications  
4 Commission to the individual amateur operator thereof. All  
5 applications for such plates must be made to the Oklahoma Tax  
6 Commission on or before the first day of October of any year for  
7 such plates for the following calendar year and must be accompanied  
8 by the fee required in this section together with a certificate, or  
9 such other evidence as the Tax Commission may require, of proof that  
10 applicant has a valid technician class or better amateur operator's  
11 license and proof of his ownership of a vehicle in which radio  
12 receiving and transmitting equipment is installed. Applicants shall  
13 only be entitled to one set of special identification plates in any  
14 one (1) year, and such calendar year shall be stamped thereon. The  
15 right to such special identification plates herein provided for  
16 shall continue until the amateur radio operator's license of the  
17 person to whom such plates are issued expires or is revoked;

18 36. American Legion License Plates - such plates shall be  
19 designed for members of the American Legion. Persons applying for  
20 such license plate must show proof of membership. The license  
21 plates shall be designed in consultation with the American Legion of  
22 Oklahoma;

23 37. Deputy Sheriff License Plates - such plates shall be  
24 designed for any currently employed or retired county sheriff or

1 deputy sheriff. County sheriffs or deputy sheriffs may apply for  
2 such plates for vehicles with a rated capacity of one (1) ton or  
3 less upon proof of employment by or retirement from a county  
4 sheriff's office by either an identification card or letter from the  
5 county sheriff or a government-sponsored retirement board from which  
6 the county sheriff or deputy sheriff may be receiving a pension.  
7 Retirees who are eligible for such plates shall provide proof of  
8 eligibility upon initial application, but shall not be required to  
9 provide proof of eligibility annually. The license plates shall be  
10 designed in consultation with the county sheriff offices of this  
11 state;

12 38. Surviving Spouse License Plates - such plates shall be  
13 designed for any resident of this state who is the surviving spouse  
14 of an honorably discharged veteran who died due to or as a  
15 consequence of a service-connected disability. Such surviving  
16 spouse may, if not since remarried, or if remarried, the remarriage  
17 is terminated by death, divorce or annulment, apply for a Surviving  
18 Spouse license plate for one vehicle with a rated carrying capacity  
19 of one (1) ton or less; ~~and~~

20 39. Gold Star Survivor License Plates - such plates shall be  
21 designed to honor the surviving spouses of qualified veterans. As  
22 used in this paragraph, "qualified veteran" shall mean:

23 a. any person honorably discharged from any branch of the  
24 United States Armed Forces or as a member of the

1 Oklahoma National Guard, who died as a direct result  
2 of the performance of duties for any branch of the  
3 United States Armed Forces or Oklahoma National Guard  
4 while on active military duty, or

- 5 b. any person honorably discharged from any branch of the  
6 United States Armed Forces or as a member of the  
7 Oklahoma National Guard, who died as a result of  
8 injury, illness or disease caused by the performance  
9 of such duties while on active duty, whether the death  
10 occurred while on active duty or after the honorable  
11 discharge of such person;

12 40. Korea Defense Service Medal License Plates - such plates  
13 shall be designed and issued to any resident of this state who has  
14 been awarded the Korea Defense Service Medal by the United States  
15 Secretary of Defense. Such persons may apply for a Korea Defense  
16 Service Medal license plate for each vehicle with a rated carrying  
17 capacity of one (1) ton or less; and

18 41. 180th Infantry License Plates - such plates shall be  
19 designed for members and prior members of the 180th Infantry.  
20 Persons applying for such license plate must obtain and provide  
21 proof of their membership from the 180th Infantry Association. The  
22 license plates shall be designed in consultation with the 180th  
23 Infantry.

1 C. Unless otherwise provided by this section, the fee for such  
2 plates shall be Eight Dollars (\$8.00) and shall be in addition to  
3 all other registration fees provided by the Oklahoma Vehicle License  
4 and Registration Act. Such fees shall be deposited in the Oklahoma  
5 Tax Commission Reimbursement Fund to be used for the administration  
6 of the Oklahoma Vehicle License and Registration Act.

7 SECTION 32. REPEALER Section 11, Chapter 504, O.S.L.  
8 2004, as last amended by Section 1, Chapter 275, O.S.L. 2006 (47  
9 O.S. Supp. 2006, Section 1135.2), is hereby repealed.

10 SECTION 33. REPEALER Section 11, Chapter 504, O.S.L.  
11 2004, as last amended by Section 23, Chapter 311, O.S.L. 2006 (47  
12 O.S. Supp. 2006, Section 1135.2), is hereby repealed.

13 SECTION 34. REPEALER Section 11, Chapter 504, O.S.L.  
14 2004, as last amended by Section 22, Chapter 44, 2nd Extraordinary  
15 Session, O.S.L. 2006 (47 O.S. Supp. 2006, Section 1135.2), is hereby  
16 repealed.

17 SECTION 35. AMENDATORY Section 12, Chapter 504, O.S.L.  
18 2004, as last amended by Section 24, Chapter 311, O.S.L. 2006 (47  
19 O.S. Supp. 2006, Section 1135.3), is amended to read as follows:

20 Section 1135.3 A. The Oklahoma Tax Commission is hereby  
21 authorized to design and issue appropriate official special license  
22 plates to persons wishing to demonstrate support, interest, or  
23 membership to or for an organization, occupation, cause or other  
24 subject as provided by this section.

1 Special license plates shall not be transferred to any other  
2 person but shall be removed from the vehicle upon transfer of  
3 ownership and retained. The special license plate may then be used  
4 on another vehicle but only after such other vehicle has been  
5 registered for the current year.

6 Special license plates shall be renewed each year by the Tax  
7 Commission or a motor license agent. The Tax Commission shall  
8 annually notify by mail all persons issued special license plates.  
9 The notice shall contain all necessary information and shall contain  
10 instructions for the renewal procedure upon presentation to a motor  
11 license agent or the Tax Commission. The license plates shall be  
12 issued on a staggered system.

13 The Tax Commission is hereby directed to develop and implement a  
14 system whereby motor license agents are permitted to accept  
15 applications for special license plates authorized under this  
16 section. The motor license agent shall confirm the applicant's  
17 eligibility, if applicable, collect and deposit any amount  
18 specifically authorized by law, accept and process the necessary  
19 information directly into such system and generate a receipt  
20 accordingly. For performance of these duties, motor license agents  
21 shall retain the fee provided in Section 1141.1 of this title for  
22 registration of a motor vehicle. The motor license agent fees for  
23 acceptance of applications and renewals shall be paid out of the  
24 Oklahoma Tax Commission Reimbursement Fund.

1 If fewer than one hundred of any type of special license plates  
2 authorized prior to January 1, 2004, are issued prior to January 1,  
3 2006, the Tax Commission shall discontinue issuance and renewal of  
4 that type of special license plate. Any such authorized special  
5 license plate registrant shall be allowed to display the license  
6 plate upon the designated vehicle until the registration expiration  
7 date. After such time the expired special license plate shall be  
8 removed from the vehicle.

9 ~~For~~ Except as otherwise provided in this section, for special  
10 license plates authorized on or after July 1, 2004, no special  
11 license plates shall be developed or issued by the Tax Commission  
12 until the Commission receives one hundred (100) prepaid applications  
13 therefor. The prepaid applications must be received by the Tax  
14 Commission within one hundred and eighty (180) days of the effective  
15 date of the authorization or the authority to issue shall be null  
16 and void. In the event one hundred (100) prepaid applications are  
17 not received by the Tax Commission within such prescribed time  
18 period any payment so received shall be refunded accordingly.

19 B. The special license plates provided by this section are as  
20 follows:

21 1. Round and Square Dance License Plates - such plates shall be  
22 designed and issued to any person wishing to demonstrate support for  
23 round and square dancing;

24

1           2. National Association for the Advancement of Colored People  
2 License Plates - such plates shall be designed, subject to the  
3 criteria to be presented to the Tax Commission by the NAACP, and  
4 issued to any person wishing to demonstrate support for the NAACP;

5           3. National Rifle Association License Plates - such plates  
6 shall be designed, subject to the criteria to be presented to the  
7 Tax Commission by the National Rifle Association, and issued to any  
8 person wishing to demonstrate support for the National Rifle  
9 Association;

10          4. Masonic Fraternity License Plates - such plates shall be  
11 designed and issued to any resident of this state who is a member of  
12 a Masonic Fraternity of Oklahoma. Such persons may apply for a  
13 Masonic Fraternity license plate for each vehicle with a rated  
14 carrying capacity of one (1) ton or less upon proof of a Masonic  
15 Fraternity membership or upon the presentment of an application for  
16 a Masonic Fraternity license plate authorized and approved by the  
17 Grand Lodge of Oklahoma. The license plates shall be designed in  
18 consultation with the Masonic Fraternities of Oklahoma and shall  
19 contain the Masonic emblem;

20          5. Shriner's Hospitals for Burned and Crippled Children License  
21 Plates - such plates shall be designed to demonstrate support for  
22 Shriner's Hospitals for Burned and Crippled Children and shall be  
23 issued to any resident of this state who is a member of a Shriner's  
24 Temple in Oklahoma. The license plate shall be designed in

1 consultation with the Shriner's Temples in Oklahoma and shall  
2 contain the Shriner's emblem;

3 6. Balloonists License Plate - such plates shall be designed  
4 and issued to any person wishing to demonstrate support for hot air  
5 ballooning in this state;

6 7. Order of the Eastern Star License Plates - such plates shall  
7 be designed and issued to any resident of this state who is a member  
8 of an Order of the Eastern Star. Such persons may apply for an  
9 Order of the Eastern Star license plate for each vehicle with a  
10 rated carrying capacity of one (1) ton or less upon proof of an  
11 Order of the Eastern Star membership or upon the presentment of an  
12 application for an Order of the Eastern Star license plate  
13 authorized and approved by the organization. The license plate  
14 shall be designed in consultation with the Order of the Eastern Star  
15 and shall contain the Order of the Eastern Star emblem;

16 8. Knights of Columbus License Plates - such plates shall be  
17 designed and issued to any resident of this state who is a member of  
18 the Knights of Columbus. Such persons may apply for a Knights of  
19 Columbus license plate for each vehicle with a rated carrying  
20 capacity of one (1) ton or less upon proof of a Knights of Columbus  
21 membership or upon the presentment of an application for a Knights  
22 of Columbus license plate authorized and approved by the  
23 organization. The license plate shall be designed in consultation  
24

1 with the Knights of Columbus and shall contain the Knights of  
2 Columbus emblem;

3 9. Jaycees License Plates - such plates shall be designed and  
4 issued to members of the Jaycees. Persons applying for such license  
5 plate must show proof of membership in the Jaycees. The license  
6 plates shall be designed in consultation with the Jaycees;

7 10. Ducks Unlimited License Plates - such plates shall be  
8 designed and issued to members of Ducks Unlimited. Persons applying  
9 for and renewing such license plates must show proof of tag  
10 membership in Ducks Unlimited. The license plates shall be designed  
11 in consultation with Ducks Unlimited;

12 11. Kiwanis International License Plates - such plates shall be  
13 designed and issued to members of Kiwanis International. Persons  
14 applying for such license plate must show proof of membership in  
15 Kiwanis International. The license plates shall be designed in  
16 consultation with Kiwanis International;

17 12. Certified Public Accountants License Plates - such plates  
18 shall be designed and issued to any resident of this state who is a  
19 Certified Public Accountant. Such persons may apply for a Certified  
20 Public Accountant license plate for each vehicle with a rated  
21 carrying capacity of one (1) ton or less upon proof of status as a  
22 Certified Public Accountant. The license plates shall be designed  
23 in consultation with the Oklahoma Society of Certified Public  
24 Accountants;

1 13. Civil Emergency Management License Plates - such plates  
2 shall be designed and issued to persons wishing to demonstrate  
3 support for the state civil emergency management system;

4 14. Civilian Conservation Corps License Plates - such plates  
5 shall be designed, subject to criteria to be presented to the Tax  
6 Commission, by the Civilian Conservation Corps Association, and  
7 issued to any person wishing to demonstrate support of the Civilian  
8 Conservation Corps;

9 15. Rotarian License Plates - such plates shall be designed and  
10 issued to any resident of this state who is a member of a Rotarian  
11 Club of Oklahoma. Such persons may apply for a Rotarian license  
12 plate for each vehicle with a rated carrying capacity of one (1) ton  
13 or less upon proof of a Rotarian Club membership or upon the  
14 presentment of an application for a Rotarian license plate  
15 authorized and approved by a Rotarian Club of Oklahoma. The license  
16 plates shall be designed in consultation with the five Rotarian  
17 District Governors and shall contain the Rotarian emblem;

18 16. Benevolent Protective Order of Elks - such plates shall be  
19 designed, subject to criteria to be presented to the Tax Commission,  
20 by the Benevolent Protective Order of Elks, and issued to any  
21 resident of this state who is a member of the Benevolent Protective  
22 Order of Elks;

23 17. Humane Society License Plates - such plates shall be  
24 designed and issued to any person wishing to demonstrate support for

1 the Humane Society of the United States. The plates shall be issued  
2 to any person in any combination of numbers and letters from one to  
3 a maximum of seven, as for personalized license plates. The plate  
4 shall contain the official Humane Society logo;

5 18. Oklahoma Mustang Club - such plates shall be designed,  
6 subject to criteria to be presented to the Tax Commission, by the  
7 Oklahoma Mustang Club, and issued to any resident of this state who  
8 is a member of the Oklahoma Mustang Club. Such persons may apply  
9 for an Oklahoma Mustang Club license plate upon presentment of proof  
10 of membership in the Oklahoma Mustang Club. The plates shall be  
11 issued to any person in any combination of numbers and letters from  
12 one to a maximum of seven, as for personalized license plates;

13 19. American Business Clubs (AMBUCS) License Plates - such  
14 plates shall be designed and issued to members of American Business  
15 Clubs. Persons applying for such license plate must show proof of  
16 membership in AMBUCS. The license plates shall be designed in  
17 consultation with American Business Clubs;

18 20. West Point 200th Anniversary License Plates - such plates  
19 shall be designed and issued to any person wishing to commemorate  
20 the Two Hundredth Anniversary of the founding of the United States  
21 Military Academy at West Point, New York. The license plates shall  
22 be designed in consultation with the West Point Society of Central  
23 Oklahoma;

24

1           21. Northern Cherokee Nation of the Old Louisiana Territory  
2 License Plate - such plates shall be designed and issued to persons  
3 wishing to demonstrate support or affiliation with the Northern  
4 Cherokee Nation of the Old Louisiana Territory;

5           22. Oklahoma Aquarium License Plate - such plates shall be  
6 designed and issued to persons wishing to demonstrate support for  
7 the Oklahoma Aquarium. The license plates shall be designed in  
8 consultation with the Oklahoma Aquarium;

9           23. The Pride of Broken Arrow License Plates - such plates  
10 shall be designed and issued to any person wishing to demonstrate  
11 support for The Pride of Broken Arrow marching band. The plates  
12 shall be designed in consultation with the Broken Arrow Public  
13 School System;

14           24. Fellowship of Christian Athletes License Plates - such  
15 plates shall be designed in consultation with the Fellowship of  
16 Christian Athletes and issued to members and supporters of the  
17 Fellowship of Christian Athletes;

18           25. Parrothead Club License Plates - such plates shall be  
19 designed and issued to members and supporters of the Parrothead  
20 Club. The license plate shall be issued to any person in any  
21 combination of numbers and letters from one to a maximum of seven as  
22 for personalized license plates;

23           26. Oklahoma Bicycling Coalition License Plates - such plates  
24 shall be designed and issued to any person who is a member of the

1 Oklahoma Bicycling Coalition. The license plates shall be designed  
2 in consultation with the Oklahoma Bicycling Coalition;

3 27. Electric Lineman License Plate - such plates shall be  
4 designed and issued to persons wishing to demonstrate support for  
5 Oklahoma's electric linemen. The license plates shall be designed  
6 in consultation with the Oklahoma Electric Superintendent's  
7 Association;

8 28. Alpha Kappa Alpha License Plate - such plates shall be  
9 designed and issued to any person who is a member of Alpha Kappa  
10 Alpha Sorority. The license plates shall be designed in  
11 consultation with the Oklahoma Chapter of Alpha Kappa Alpha  
12 Sorority;

13 29. The National Pan-Hellenic Council Incorporated License  
14 Plate - such plates shall be designed and issued to any person  
15 wishing to demonstrate support to any of the nine sororities and  
16 fraternities recognized by the National Pan-Hellenic Council  
17 Incorporated. The license plates shall be designed in consultation  
18 with the Oklahoma Chapter of the National Pan-Hellenic Council  
19 Incorporated;

20 30. Organ, Eye and Tissue License Plate - such plates shall be  
21 designed and issued to persons wishing to demonstrate support and  
22 increase awareness for organ, eye and tissue donation. The license  
23 plates shall be designed in consultation with the Oklahoma Organ  
24 Donor Education and Awareness Program Advisory Council;

1           31. Central Oklahoma Habitat for Humanity License Plate - such  
2 plates shall be designed and issued to persons wishing to  
3 demonstrate support and increase awareness for Habitat for Humanity.  
4 The license plate shall be designed in consultation with Central  
5 Oklahoma Habitat for Humanity;

6           32. Family Career and Community Leaders of America Incorporated  
7 License Plate - such plates shall be designed and issued to persons  
8 wishing to demonstrate support for Family Career and Community  
9 Leaders of America Incorporated. The license plates shall be  
10 designed in consultation with Family Career and Community Leaders of  
11 America Incorporated;

12           33. Delta Sigma Theta License Plate - such plates shall be  
13 designed and issued to any person who is a member of Delta Sigma  
14 Theta Sorority. The license plates shall be designed in  
15 consultation with the Oklahoma Chapter of Delta Sigma Theta Sorority  
16 Incorporated;

17           34. Omega Psi Phi License Plate - such plates shall be designed  
18 and issued to any person who is a member of Omega Psi Phi  
19 Fraternity. The license plates shall be designed in consultation  
20 with the Oklahoma Chapter of Omega Psi Phi Fraternity Incorporated;

21           35. Alpha Phi Alpha License Plate - such plates shall be  
22 designed and issued to any person who is a member of Alpha Phi Alpha  
23 Fraternity. The license plates shall be designed in consultation  
24

1 with the Oklahoma Chapter of Alpha Phi Alpha Fraternity  
2 Incorporated;

3 36. 50th Anniversary of the Interstate System of Highways  
4 License Plate - such plates shall be designed and issued to persons  
5 wishing to commemorate the 50th Anniversary of the Interstate System  
6 of Highways. The license plates shall be designed in consultation  
7 with the American Association of State Highway and Transportation  
8 Officials;

9 37. Kappa Alpha Psi License Plate - such plates shall be  
10 designed and issued to any person who is a member of Kappa Alpha Psi  
11 Fraternity. The license plates shall be designed in consultation  
12 with the Oklahoma Chapter of Kappa Alpha Psi Fraternity  
13 Incorporated;

14 38. Zeta Phi Beta License Plate - such plates shall be designed  
15 and issued to any person who is a member of Zeta Phi Beta Sorority.  
16 The license plates shall be designed in consultation with the  
17 Oklahoma Chapter of Zeta Phi Beta Sorority Incorporated;

18 39. Sigma Gamma Rho License Plate - such plates shall be  
19 designed and issued to any person who is a member of Sigma Gamma Rho  
20 Sorority. The license plates shall be designed in consultation with  
21 the Oklahoma Chapter of Sigma Gamma Rho Sorority Incorporated;

22 40. Phi Beta Sigma License Plate - such plates shall be  
23 designed and issued to any person who is a member of Phi Beta Sigma  
24

1 Fraternity. The license plates shall be designed in consultation  
2 with the Oklahoma Chapter of Phi Beta Sigma Fraternity Incorporated;

3 41. Multiple Sclerosis License Plate - such plates shall be  
4 designed and issued to persons wishing to demonstrate support for  
5 and increase awareness of multiple sclerosis. The license plates  
6 shall be designed in consultation with the Oklahoma Chapter of the  
7 National Multiple Sclerosis Society; ~~and~~

8 42. Frederick Douglass High School License Plates - such plates  
9 shall be designed and issued to any person wishing to demonstrate  
10 support for Frederick Douglass High School located in Oklahoma City.  
11 The plates shall be designed in consultation with representatives of  
12 Frederick Douglass High School National Alumni Association; and

13 43. United States Air Force Academy License Plates - such  
14 plates shall be designed and issued to any person wishing to  
15 demonstrate support for the United States Air Force Academy.

16 C. The fee for such plates shall be Fifteen Dollars (\$15.00)  
17 and shall be in addition to all other registration fees provided by  
18 the Oklahoma Vehicle License and Registration Act. Unless otherwise  
19 provided in this section, the fee shall be apportioned as follows:  
20 Eight Dollars (\$8.00) of the special license plate fee shall be  
21 deposited in the Oklahoma Tax Commission Reimbursement Fund to be  
22 used for the administration of the Oklahoma Vehicle License and  
23 Registration Act and the remaining Seven Dollars (\$7.00) of the

24

1 special license plate fee shall be apportioned as provided in  
2 Section 1104 of this title.

3 SECTION 36. REPEALER Section 12, Chapter 504, O.S.L.  
4 2004, as last amended by Section 2, Chapter 275, O.S.L. 2006 (47  
5 O.S. Supp. 2006, Section 1135.3), is hereby repealed.

6 SECTION 37. AMENDATORY 47 O.S. 2001, Section 1151, as  
7 last amended by Section 26, Chapter 311, O.S.L. 2006 (47 O.S. Supp.  
8 2006, Section 1151), is amended to read as follows:

9 Section 1151. A. It shall be unlawful for any person to commit  
10 any of the following acts:

11 1. To lend or to sell to, or knowingly permit the use of by,  
12 one not entitled thereto any certificate of title, license plate or  
13 decal issued to or in the custody of the person so lending or  
14 permitting the use thereof;

15 2. To alter or in any manner change a certificate of title,  
16 registration certificate, license plate or decal issued under the  
17 laws of this or any other state;

18 3. To procure from another state or country, or display upon  
19 any vehicle owned by such person within this state, except as  
20 otherwise provided in the Oklahoma Vehicle License and Registration  
21 Act, any license plate issued by any state or country other than  
22 this state, unless there shall be displayed upon such vehicle at all  
23 times the current license plate and decal assigned to it by the  
24 Oklahoma Tax Commission or the Corporation Commission or the vehicle

1 shall display evidence that the vehicle is registered as a  
2 nonresident vehicle pursuant to rules promulgated by the Tax  
3 Commission, with the concurrence of the Department of Public Safety.  
4 A violation of the provisions of this paragraph shall be presumed to  
5 have occurred if a person who is the holder of an Oklahoma driver  
6 license operates a vehicle owned by such person on the public roads  
7 or highways of this state and there is not displayed on the vehicle  
8 a current Oklahoma license plate and decal, unless the vehicle is  
9 owned by a member of the Armed Forces of the United States assigned  
10 to duty in this state in compliance with official military or naval  
11 orders or the spouse of such a member of the Armed Forces;

12 4. To drive, operate or move, or for the owner to cause or  
13 permit to be driven or moved, upon the roads, streets or highways of  
14 this state, any vehicle loaded in excess of its registered laden  
15 weight, or which is licensed for a capacity less than the  
16 manufacturer's rated capacity as provided for in the Oklahoma  
17 Vehicle License and Registration Act;

18 5. To operate a vehicle without proper license plate or decal  
19 or on which all taxes due the state have not been paid;

20 6. To buy, sell or dispose of, or possess for sale, use or  
21 storage, any secondhand or used vehicle on which the registration or  
22 license fee has not been paid, as required by law, and on which  
23 vehicle the person neglects, fails or refuses to display at all  
24 times the license plate or decal assigned to it;

1        7. To give a fictitious name or fictitious address or make any  
2 misstatement of facts in application for certificate of title and  
3 registration of a vehicle;

4        8. To purchase a license plate on an assigned certificate of  
5 title. This particular paragraph shall be applicable to all persons  
6 except a bona fide registered dealer in used cars who are holders of  
7 a current and valid used car dealer license;

8        9. To operate a vehicle upon the highways of this state after  
9 the registration deadline for that vehicle without a proper license  
10 plate, as prescribed by the Oklahoma Vehicle License and  
11 Registration Act, for the current year;

12       10. For any owner of a vehicle registered on the basis of laden  
13 weight to fail or refuse to weigh or reweigh it when requested to do  
14 so by any enforcement officer charged with the duty of enforcing  
15 this law;

16       11. To operate or possess any vehicle which bears a motor  
17 number or serial number other than the original number placed  
18 thereon by the factory except a number duly assigned and authorized  
19 by the state;

20       12. For any motor license agent to release a license plate, a  
21 manufactured home registration receipt, decal or excise tax receipt  
22 to any unauthorized person or source, including any dealer in new or  
23 used motor vehicles. Violation of this paragraph shall constitute  
24

1 sufficient grounds for discharge of a motor license agent by the Tax  
2 Commission;

3 13. To operate any vehicle registered as a commercial vehicle  
4 without the lettering requirements of Section 1102 of this title; or

5 14. To operate any vehicle in violation of the provisions of  
6 Sections 7-600 through 7-606 of this title while displaying a yearly  
7 decal issued to the owner who has filed an affidavit with the  
8 appropriate motor license agent in accordance with Section 7-607 of  
9 this title.

10 Any person convicted of violating any provision of this  
11 subsection, other than paragraph 3 of this subsection, shall be  
12 deemed guilty of a misdemeanor and upon conviction shall be punished  
13 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person  
14 convicted of violating the provisions of paragraph 3 of this  
15 subsection shall be deemed guilty of a misdemeanor and, upon  
16 conviction, shall be punished by a fine of not less than One Hundred  
17 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)  
18 and shall be required to obtain an Oklahoma license plate.

19 Employees of the Corporation Commission may be authorized by the  
20 Corporation Commission to issue citations to motor carriers or  
21 operators of commercial motor vehicles, pursuant to the jurisdiction  
22 of the Corporation Commission, for a violation of ~~paragraph 5 of~~  
23 this subsection. If a person convicted of violating the provisions  
24 of ~~paragraph 5 of~~ this subsection was issued a citation by a duly

1 authorized employee of the Corporation Commission, the fine herein  
2 levied shall be apportioned as provided in Section ~~1161~~ 1167 of this  
3 title.

4 B. Except as otherwise authorized by law, it shall be unlawful  
5 to:

6 1. Lend or sell to, or knowingly permit the use of by, one not  
7 entitled thereto any certificate of title issued for a manufactured  
8 home, manufactured home registration receipt, manufactured home  
9 registration decal or excise tax receipt;

10 2. Alter or in any manner change a certificate of title issued  
11 for a manufactured home under the laws of this state or any other  
12 state;

13 3. Remove or alter a manufactured home registration receipt,  
14 manufactured home registration decal or excise tax receipt attached  
15 to a certificate of title or attach such receipts to a certificate  
16 of title with the intent to misrepresent the payment of the required  
17 excise tax and registration fees;

18 4. Buy, sell, or dispose of, or possess for sale, use or  
19 storage any used manufactured home on which the registration fees or  
20 excise taxes have not been paid as required by law; or

21 5. Purchase identification, manufactured home registration  
22 receipt, manufactured home registration decal or excise tax receipt  
23 on an assigned certificate of title.

24

1       Anyone violating the provisions of this subsection, upon  
2 conviction, shall be guilty of a felony.

3       C. In the event a new vehicle is not registered within thirty  
4 (30) days from date of purchase, the penalty for the failure of the  
5 owner of the vehicle to register the vehicle within thirty (30) days  
6 shall be Twenty-five Dollars (\$25.00); provided, that in no event  
7 shall the penalty exceed an amount equal to the license fee. The  
8 penalty for new commercial vehicles shall be equal to the license  
9 fee for such vehicles.

10       If a used vehicle is brought into Oklahoma by a resident of this  
11 state and is not registered within thirty (30) days, a penalty of  
12 twenty-five cents (\$0.25) per day shall be charged from the date of  
13 entry to the date of registration, such penalty to accrue for thirty  
14 (30) days, upon failure to register, at the end of which time the  
15 penalty shall be Twenty-five Dollars (\$25.00); provided, that in no  
16 event shall the penalty exceed an amount equal to the license fee.  
17 The penalty for used commercial vehicles shall be equal to the  
18 license fee for such vehicles.

19       D. Any owner who knowingly makes or causes to be made any false  
20 statement of a fact required in this section to be shown in an  
21 application for the registration of one or more vehicles shall be  
22 deemed guilty of a misdemeanor and, upon conviction, shall be fined  
23 not more than One Thousand Dollars (\$1,000.00), or shall be  
24

1 imprisoned in the county jail for not more than one (1) year, or by  
2 both such fine and imprisonment.

3 E. The following self-propelled or motor-driven and operated  
4 vehicles shall not be registered under the provisions of the  
5 Oklahoma Vehicle License and Registration Act or, except as provided  
6 for in Section 11-1116 of this title, be permitted to be operated on  
7 the streets or highways of this state:

8 1. Vehicles known and commonly referred to as "minibikes" and  
9 other similar trade names; provided, minibikes may be registered and  
10 operated in this state by food vendor services upon streets having a  
11 speed limit of thirty (30) miles per hour or less;

12 2. Golf carts;

13 3. Go-carts; and

14 4. Other motor vehicles, except motorcycles, which are  
15 manufactured principally for use off the streets and highways.

16 Transfers and sales of such vehicles shall be subject to sales  
17 tax and not motor vehicle excise taxes.

18 F. Any person violating paragraph 3 or 6 of subsection A of  
19 this section, in addition to the penal provisions provided in this  
20 section, shall pay as additional penalty a sum equal to the amount  
21 of license fees due on such vehicle or registration fees due on a  
22 manufactured home known to be in violation and such amount is hereby  
23 declared to be a lien upon the vehicle as provided in the Oklahoma  
24 Vehicle License and Registration Act. In addition to the penalty

1 provisions provided in this section, any person violating paragraph  
2 3 of subsection A of this section shall be deemed guilty of a  
3 misdemeanor and shall, upon conviction, be punished by a fine of One  
4 Hundred Dollars (\$100.00).

5 G. Each violation of any provision of the Oklahoma Vehicle  
6 License and Registration Act for each and every day such violation  
7 has occurred shall constitute a separate offense.

8 H. Anyone violating any of the provisions heretofore enumerated  
9 in this section shall be guilty of a misdemeanor and upon conviction  
10 shall be fined not less than Ten Dollars (\$10.00) and not to exceed  
11 Three Hundred Dollars (\$300.00).

12 I. Any violation of any portion of the Oklahoma Vehicle License  
13 and Registration Act where a specific penalty has not been imposed  
14 shall constitute a misdemeanor and upon conviction thereof the  
15 person having violated it shall be fined not less than Ten Dollars  
16 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

17 J. Any provision of Section 1101 et seq. of this title  
18 providing for proportional registration under reciprocal agreements  
19 and the International Registration Plan that relates to the  
20 promulgation of rules and regulations shall not be subject to the  
21 provisions of this section.

22 SECTION 38. REPEALER 47 O.S. 2001, Section 1151, as last  
23 amended by Section 9, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2006,  
24 Section 1151), is hereby repealed.

1 SECTION 39. AMENDATORY 57 O.S. 2001, Section 549.1, as  
2 last amended by Section 1, Chapter 267, O.S.L. 2006 (57 O.S. Supp.  
3 2006, Section 549.1), is amended to read as follows:

4 Section 549.1 A. The Department of Corrections is authorized  
5 to purchase in the manner prescribed by law, facilities, equipment,  
6 raw materials and supplies, and to engage the supervisory personnel  
7 necessary to establish and maintain for this state at the penal  
8 institutions, now or hereafter under the control of the State Board  
9 of Corrections, industries and agricultural programs for the  
10 utilization of services of prisoners in the manufacture or  
11 production of the articles or products as may be needed for the  
12 construction, operation, maintenance or use of any office,  
13 department, institution or agency supported in whole or in part by  
14 this state and the political subdivisions thereof. Upon the request  
15 of the Oklahoma Historical Society or the Oklahoma Tourism and  
16 Recreation Department, the Department of Corrections shall provide  
17 labor for and shall produce or manufacture articles, products or  
18 materials needed for the repair, construction and maintenance of  
19 historical sites and state parks including, but not limited to, the  
20 production of materials and products needed for the reconstruction  
21 of historic forts in the state.

22 B. All articles and services provided by the Department of  
23 Corrections in the state correctional institutions, and not required  
24 for use therein, shall be purchased as required by all offices,

1 departments, institutions, agencies, counties, schools, colleges,  
2 universities, or political subdivisions or any agency thereof of  
3 this state which are supported in whole or in part by this state, if  
4 such article or service is the lowest and best bid, and no such  
5 article or product may be purchased by any such office, department,  
6 institution, agency, county, school, college, university, or  
7 political subdivisions or agency thereof from any other source  
8 unless excepted from the provisions as hereinafter provided.

9 Purchases made by the above-described state agencies may be made by  
10 submitting the proper requisition through the Department of Central  
11 Services or by direct order to the prison industries program of the  
12 Department of Corrections.

13 C. If a requisition is received by the Department of Central  
14 Services or a direct order is received by the Prison Industries  
15 Program of the Department of Corrections from a state agency for any  
16 product or service provided by the Department of Corrections and  
17 such product or service is also available from a severely  
18 handicapped person or a qualified nonprofit agency for the severely  
19 handicapped as provided in Section 3001 et seq. of Title 74 of the  
20 Oklahoma Statutes at a comparable price, then the product or service  
21 shall be purchased from such severely handicapped person or  
22 qualified nonprofit agency for the severely handicapped. If the  
23 product or service is not available within the time period required  
24 by the purchasing state agency, then such product or service shall

1 be purchased from the Department of Corrections under the provisions  
2 of this section.

3 D. All offices, departments, institutions, agencies, counties,  
4 cities, districts or political subdivisions, schools, colleges, or  
5 universities, or any agency thereof, or any agencies of the state,  
6 which are supported in whole or in part by this state, may purchase  
7 the goods or services produced by the prison industries of the  
8 Department of Corrections through their properly authorized  
9 purchasing authority, or they may place a direct order without  
10 competitive bid, with the prison industries of the Department of  
11 Corrections.

12 E. Not-for-profit corporations or charitable agencies chartered  
13 in Oklahoma or other states may purchase such goods and services.  
14 Units of the federal government and units of government in other  
15 states may also purchase such goods and services. All entities  
16 which contract with the state, its political units, its agencies,  
17 its public institutions, not-for-profit corporations or charitable  
18 agencies chartered in Oklahoma may purchase goods or services from  
19 the Department of Corrections which are used in the performance of  
20 such contracts. Any church located in the State of Oklahoma may  
21 also purchase goods and services produced by the prison industries  
22 of the Department of Corrections. Any community action agency or  
23 council of governments within this state may purchase housing  
24 components produced by the prison industries of the Department of

1 Corrections. Nothing shall prohibit the Department from bidding on  
2 portions of a state contract which are subcontracted by the primary  
3 contractor.

4 F. Others are prohibited from purchasing such goods and  
5 services, with the exception that all surplus agricultural products  
6 may be sold on the open market or bartered and exchanged for other  
7 food, feed or seed products of comparable value. The Department of  
8 Corrections shall keep complete and accurate records of any such  
9 barters or exchanges in such form and manner as the Department of  
10 Central Services may prescribe. A copy of such records shall be  
11 filed with the Department of Central Services no later than March 1  
12 of each year for all barters or exchanges occurring in the previous  
13 calendar year.

14 G. Products manufactured by the Department of Corrections shall  
15 be of styles, patterns, designs and quantities specified by the  
16 Department of Corrections except where the same have been or may be  
17 specified by the Department of Central Services. Products shall be  
18 provided at a fair market price for comparable quality.

19 H. State agencies shall make maximum utilization of such  
20 products and no similar products shall be purchased by state  
21 agencies from any other source than the Department of Corrections  
22 except as provided in subsection C of this section, unless the  
23 Department of Corrections certifies to the State Purchasing Director  
24

1 that it is not able to provide products, and no claim therefor shall  
2 be paid without such certification.

3 I. Exceptions from the mandatory provisions hereof may be made  
4 in any case where, in the opinion of the Department of Central  
5 Services, the article or product does not meet the reasonable  
6 requirements of or for such offices, departments, institutions or  
7 agencies, or in any case where the requisitions made cannot be  
8 reasonably complied with. No such offices, departments,  
9 institutions or agencies, shall be allowed to evade the intent and  
10 meaning of this section by slight variations from standards adopted  
11 by the Department of Central Services, when the articles, services  
12 or products produced or manufactured by the Department of  
13 Corrections, in accordance with established standards, are  
14 reasonably adapted to the actual needs of such offices, departments,  
15 institutions or agencies.

16 J. In the event of disagreement between the Department of  
17 Corrections and the State Purchasing Director on fairness of price,  
18 ability to comply to specifications, reasonableness of  
19 specifications and timeliness of delivery of products the matter  
20 will be resolved by the Central Purchasing Director ~~of Central~~  
21 ~~Services~~.

22 K. The Department of Central Services shall cooperate with the  
23 Department of Corrections in seeking to promote for use in state  
24

1 agencies and by all other eligible customers, the products  
2 manufactured and services provided by the prison industries.

3 L. The Department of Corrections shall prepare catalogs  
4 containing the description of all goods and services provided, with  
5 the pricing of each item. Copies of such catalog shall be sent by  
6 the Department of Corrections to all offices, departments,  
7 institutions and agencies of this state, and shall be available for  
8 distribution to all other eligible customers.

9 SECTION 40. REPEALER 57 O.S. 2001, Section 549.1, as  
10 last amended by Section 9, Chapter 294, O.S.L. 2006 (57 O.S. Supp.  
11 2006, Section 549.1), is hereby repealed.

12 SECTION 41. AMENDATORY 57 O.S. 2001, Section 583, as  
13 last amended by Section 8, Chapter 284, O.S.L. 2006 (57 O.S. Supp.  
14 2006, Section 583), is amended to read as follows:

15 Section 583. A. Any person who becomes subject to the  
16 provisions of the Sex Offenders Registration Act on or after  
17 November 1, 1989, shall be registered as follows:

18 1. With the Department of Corrections within three (3) business  
19 days of being convicted or receiving a suspended sentence or any  
20 probationary term, including a deferred sentence imposed in  
21 violation of subsection G of Section 991c of Title 22 of the  
22 Oklahoma Statutes, if the person is not incarcerated, or within  
23 three (3) business days of release of the person from a correctional  
24 institution, except as provided in subsection B of this section;

1           2. With the local law enforcement authority having jurisdiction  
2 in the area where the person resides or intends to reside for seven  
3 (7) consecutive days or longer, calculated beginning with the first  
4 day. The registration is required within three (3) days after  
5 entering the jurisdiction of the law enforcement authority; and

6           3. With the Department of Corrections and the local law  
7 enforcement authority no less than three (3) business days prior to  
8 abandoning or moving from the address of the previous registration.

9           For purposes of this section, "local law enforcement authority"  
10 means:

11           a. the municipal police department, if the person resides  
12 or intends to reside or stay within the jurisdiction  
13 of any municipality of this state, or

14           b. the county sheriff, if the person resides or intends  
15 to reside or stay at any place outside the  
16 jurisdiction of any municipality within this state,  
17 and

18           c. the police or security department of any institution  
19 of higher learning within this state if the person:

20               (1) enrolls as a full-time or part-time student,

21               (2) is a full-time or part-time employee at an  
22 institution of higher learning, or  
23  
24

1 (3) resides or intends to reside or stay on any  
2 property owned or controlled by the institution  
3 of higher learning.

4 B. Any person who has been convicted of an offense or received  
5 a deferred judgment for an offense ~~on or after November 1, 1989,~~ in  
6 another jurisdiction, which offense if committed or attempted in  
7 this state, would have been punishable as one or more of the  
8 offenses listed in Section 582 of this title and who enters this  
9 state on or after November 1, 1989, shall be registered as follows:

10 1. With the Department of Corrections when the person enters  
11 and intends to be in the state for any purpose for five (5)  
12 consecutive days or longer, calculated beginning with the first day,  
13 has any type of full-time or part-time employment, with or without  
14 compensation for more than five (5) cumulative days in any sixty-day  
15 period, or is enrolled as a full-time or part-time student within  
16 this state. Such registration is required within two (2) days after  
17 entering the state;

18 2. With the local law enforcement authority having jurisdiction  
19 in the area where the person intends to reside or to stay for five  
20 (5) consecutive days or longer, calculated beginning with the first  
21 day, has any type of full-time or part-time employment, with or  
22 without compensation for more than five (5) cumulative days in any  
23 sixty-day period, or is enrolled as a full-time or part-time student  
24 within this state. The registration is required with local law

1 enforcement within two (2) days after entering the jurisdiction of  
2 the law enforcement authority;

3 3. With the Department of Corrections and the local law  
4 enforcement authority no less than three (3) business days prior to  
5 abandoning or moving from the address of the previous registration;  
6 and

7 4. For persons convicted of an offense or receiving a deferred  
8 judgment in another jurisdiction requiring registration, which  
9 offense if committed or attempted in this state, would have been  
10 punishable as one or more of the offenses listed in Section 582 of  
11 this title, shall maintain the registration for a period of ten (10)  
12 years from the date the person was initially required to register in  
13 Oklahoma, unless the person was convicted of a crime that would be  
14 classified as an habitual or aggravated sex offender within the  
15 State of Oklahoma, at which time registration shall continue at all  
16 times.

17 C. When a person has been convicted or received probation  
18 within the State of Oklahoma and the person is not classified as an  
19 habitual or aggravated sex offender, the person shall be required to  
20 register for a period of ten (10) years from the date of the  
21 completion of the sentence and the information received pursuant to  
22 the registration with the Department of Corrections required by this  
23 section shall be maintained by the Department of Corrections for at  
24 least ten (10) years from the date of the last registration.

1 D. When a person has been convicted or received probation  
2 within the State of Oklahoma and the person is not classified as an  
3 habitual or aggravated sex offender, the person shall be required to  
4 register for a period of ten (10) years from the date of completion  
5 of the sentence and the information received pursuant to the  
6 registration with the local law enforcement authority required by  
7 this section shall be maintained by such authority for at least ten  
8 (10) years from the date of the last registration.

9 E. When registering an offender as provided in this section the  
10 Department of Corrections or the local law enforcement agency having  
11 jurisdiction shall:

12 1. Inform the offender of the duty to register and obtain the  
13 information required for registration as described in this section;

14 2. Inform the offender that if the offender changes address,  
15 the offender shall give notice of the move and the new address to  
16 the Department of Corrections and to the local law enforcement  
17 authority in the location in which the offender previously resided  
18 in writing no later than three (3) days before the offender  
19 establishes residence or is temporarily domiciled at the new  
20 address;

21 3. Inform the offender that if the offender changes address to  
22 another state, the offender shall give notice of the move and shall  
23 register the new address with the Department of Corrections and with  
24 a designated law enforcement agency in the new state not later than

1 ten (10) days before the offender establishes residency or is  
2 temporarily domiciled in the new state, if the new state has a  
3 registration requirement;

4 4. Inform the offender that if the offender participates in any  
5 full-time or part-time employment, in another state, with or without  
6 compensation for more than fourteen (14) cumulative days in any  
7 sixty-day period or an aggregate period exceeding thirty (30) days  
8 in a calendar year, then the offender has a duty to register as a  
9 sex offender in that state;

10 5. Inform the offender that if the offender enrolls in any type  
11 of school in another state as a full-time or part-time student then  
12 the offender has a duty to register as a sex offender in that state;

13 6. Inform the offender that if the offender enrolls in any  
14 school within this state as a full-time or part-time student, then  
15 the offender has a duty to register as a sex offender with the  
16 Department of Corrections and the local law enforcement authority;

17 7. Inform the offender that if the offender participates in any  
18 full-time or part-time employment at any school, with or without  
19 compensation, or participates in any vocational course or occupation  
20 at any school in this state, then the offender has a duty to notify  
21 the Department of Corrections and the local law enforcement  
22 authority in writing of such employment or participation at least  
23 three (3) days before commencing or upon terminating such employment  
24 or participation;

1           8. Inform the offender that if the offender graduates,  
2 transfers, drops, terminates or otherwise changes enrollment or  
3 employment at any school in this state, then the offender shall  
4 notify the Department of Corrections and the local law enforcement  
5 authority in writing of such change in enrollment or employment  
6 within three (3) days of the change; and

7           9. Require the offender to read and sign a form stating that  
8 the duty of the person to register under the Sex Offenders  
9 Registration Act has been explained.

10          F. For the purpose of this section, the "date of the completion  
11 of the sentence" means the day an offender completes all  
12 incarceration, probation and parole pertaining to the sentence.

13          G. Any person who resides in another state and who has been  
14 convicted of an offense or received a deferred judgment for an  
15 offense in this state, or in another jurisdiction, which offense if  
16 committed or attempted in this state would have been punishable as  
17 one or more of the offenses listed in Section 582 of this title, and  
18 who is the spouse of a person living in this state shall be  
19 registered as follows:

20           1. With the Department of Corrections when the person enters  
21 and intends to be in the state for any purpose for five (5)  
22 consecutive days or longer, calculated beginning with the first day  
23 or an aggregate period of five (5) days or longer in a calendar  
24

1 year. Such registration is required within two (2) days after  
2 entering the state; and

3 2. With the local law enforcement authority having jurisdiction  
4 in the area where the person intends to reside or to stay within  
5 this state for two (2) consecutive days or longer, calculated  
6 beginning with the first day. The registration is required with  
7 local law enforcement within two (2) days after entering the  
8 jurisdiction of the law enforcement authority.

9 SECTION 42. REPEALER 57 O.S. 2001, Section 583, as last  
10 amended by Section 12, Chapter 294, O.S.L. 2006 (57 O.S. Supp. 2006,  
11 Section 583), is hereby repealed.

12 SECTION 43. REPEALER Section 1, Chapter 223, O.S.L.  
13 2003, as amended by Section 13, Chapter 294, O.S.L. 2006 (57 O.S.  
14 Supp. 2006, Section 590), is hereby repealed.

15 SECTION 44. REPEALER 59 O.S. 2001, Section 328.3, as  
16 last amended by Section 1, Chapter 21, O.S.L. 2006 (59 O.S. Supp.  
17 2006, Section 328.3), is hereby repealed.

18 SECTION 45. AMENDATORY 60 O.S. 2001, Section 180.1, as  
19 last amended by Section 2, Chapter 325, O.S.L. 2006 (60 O.S. Supp.  
20 2006, Section 180.1), is amended to read as follows:

21 Section 180.1 A. The trustees of every trust created for the  
22 benefit and furtherance of any public function with the State of  
23 Oklahoma or any county or municipality as the beneficiary or  
24 beneficiaries thereof must cause an audit to be made of the

1 financial statements of the trust, such audit to be ordered within  
2 thirty (30) days of the close of each fiscal year of the trust. The  
3 audit shall be filed in accordance with the requirements set forth  
4 for financial statement audits in Section 212A of Title 74 of the  
5 Oklahoma Statutes.

6 B. The trustees of a trust which has more than Fifty Thousand  
7 Dollars (\$50,000.00) in revenues or assets, and for whom an annual  
8 financial statement audit is not required by another law,  
9 regulation, or contract, shall cause to be conducted, by an  
10 independent licensed public accountant or a certified public  
11 accountant, an annual audit of the trust's financial statements in  
12 accordance with auditing standards generally accepted in the United  
13 States and Government Auditing Standards as issued by the  
14 Comptroller General of the United States or an agreed-upon-  
15 procedures engagement over certain financial information and  
16 compliance requirements to be performed in accordance with the  
17 applicable attestation standards of The American Institute of  
18 Certified Public Accountants, and the fieldwork and reporting  
19 standards in Government Auditing Standards. The specific procedures  
20 to be performed are:

21 1. Prepare a schedule of revenues, expenditures/expenses and  
22 changes in fund balances/net assets for each fund and determine  
23 compliance with any applicable trust or other prohibitions for  
24 creating fund balance deficits;

1 2. Agree material bank account balances to bank statements, and  
2 trace significant reconciling items to subsequent clearance;

3 3. Compare uninsured deposits to fair value of pledged  
4 collateral;

5 4. Compare use of material-restricted revenues and resources to  
6 their restrictions;

7 5. Determine compliance with requirements for separate funds;  
8 and

9 6. Determine compliance with reserve account and debt service  
10 coverage requirements of bond indentures.

11 Such engagement shall be ordered within thirty (30) days of the  
12 close of each fiscal year of the trust. Copies of the annual audit  
13 or agreed-upon-procedures report shall be filed with the State  
14 Auditor and Inspector within six (6) months after the close of the  
15 fiscal year and with the trustees and governing body of the  
16 beneficiaries.

17 C. Public trusts which have less than Fifty Thousand Dollars  
18 (\$50,000.00) in revenue and less than Fifty Thousand Dollars  
19 (\$50,000.00) in assets, and for whom an annual financial statement  
20 audit is not required by another law, regulation, or contract and  
21 any public trust which did not have financial activity exceeding  
22 Fifty Thousand Dollars (\$50,000.00) since its last audit may apply  
23 to the State Auditor and Inspector for a waiver of the requirements  
24 of subsections A and B of this section.

1 SECTION 46. REPEALER 60 O.S. 2001, Section 180.1, as  
2 last amended by Section 6, Chapter 314, O.S.L. 2006 (60 O.S. Supp.  
3 2006, Section 180.1), is hereby repealed.

4 SECTION 47. AMENDATORY 62 O.S. 2001, Section 275.1, as  
5 last amended by Section 4, Chapter 233, O.S.L. 2006 (62 O.S. Supp.  
6 2006, Section 275.1), is amended to read as follows:

7 Section 275.1 All warrants or checks issued by the ~~Oklahoma~~  
8 ~~Public Welfare Commission~~ for Human Services and the State  
9 Treasurer, in payment of assistance to the needy, aged persons,  
10 blind or dependent children, shall be microfilmed or duplicated in a  
11 manner acceptable to the Archives and Records Commission, ~~by the~~  
12 ~~Department of Human Services~~, provided further that the Department  
13 of Human Services is hereby authorized and directed to destroy said  
14 warrants, by burning, shredding, chemical process or any other  
15 method which will insure the complete destruction thereof, after  
16 microfilm or other copies are made thereof. ~~Permanent microfilm or~~  
17 ~~other copies of the warrants shall be maintained by the Department~~  
18 ~~of Human Services~~. Any redeemed warrant or check that has been  
19 microfilmed, imaged or duplicated in a manner acceptable to the  
20 Archives and Records Commission shall be destroyed after a period of  
21 time consistent with banking industry standards for checks. The  
22 Archives and Records Commission, with the assistance of the State  
23 Treasurer, shall survey financial institutions to determine the  
24 industry standard for retention of paper checks after they have been

1 duplicated in a manner consistent with federal law and industry  
2 practice. Such survey shall include the industry standard or  
3 federal law for retention of duplicated checks.

4 SECTION 48. REPEALER 62 O.S. 2001, Section 275.1, as  
5 last amended by Section 1, Chapter 20, O.S.L. 2006 (62 O.S. Supp.  
6 2006, Section 275.1), is hereby repealed.

7 SECTION 49. AMENDATORY 63 O.S. 2001, Section 1-2503, as  
8 last amended by Section 1, Chapter 171, O.S.L. 2006 (63 O.S. Supp.  
9 2006, Section 1-2503), is amended to read as follows:

10 Section 1-2503. As used in the Oklahoma Emergency Response  
11 Systems Development Act:

12 1. "Ambulance" means any ground, air or water vehicle which is  
13 or should be approved by the Commissioner of Health, designed and  
14 equipped to transport a patient or patients and to provide  
15 appropriate on-scene and en route patient stabilization and care as  
16 required. Vehicles used as ambulances shall meet such standards as  
17 may be required by the State Board of Health for approval, and shall  
18 display evidence of such approval at all times;

19 2. "Ambulance authority" means any public trust or nonprofit  
20 corporation established by the state or any unit of local government  
21 or combination of units of government for the express purpose of  
22 providing, directly or by contract, emergency medical services in a  
23 specified area of the state;

24

1        3. "Ambulance patient" or "patient" means any person who is or  
2 will be transported in a reclining position to or from a health care  
3 facility in an ambulance;

4        4. "Ambulance service" means any private firm or governmental  
5 agency which is or should be licensed by the State Department of  
6 Health to provide levels of medical care based on certification  
7 standards promulgated by the Board;

8        5. "Ambulance service district" means any county, group of  
9 counties or parts of counties formed together to provide, operate  
10 and finance emergency medical services as provided by Section 9C of  
11 Article X of the Oklahoma Constitution or Sections 1201 through 1221  
12 of Title 19 of the Oklahoma Statutes;

13        6. "Board" means the State Board of Health;

14        7. "Classification" means an inclusive standardized  
15 identification of stabilizing and definitive emergency services  
16 provided by each hospital that treats emergency patients;

17        8. "Commissioner" means the State Commissioner of Health;

18        9. "Council" means the Oklahoma Emergency Response Systems  
19 Development Advisory Council;

20        10. "Department" means the State Department of Health;

21        11. "Emergency medical services system" means a system which  
22 provides for the organization and appropriate designation of  
23 personnel, facilities and equipment for the effective and  
24

1 coordinated local, regional and statewide delivery of health care  
2 services primarily under emergency conditions;

3 12. "Emergency Medical Technician/Basic, Emergency Medical  
4 Technician/Intermediate, Emergency Medical Technician/Advanced  
5 Cardiac, or Emergency Medical Technician/Paramedic" means an  
6 individual licensed by the Department to perform emergency medical  
7 services in accordance with the Oklahoma Emergency Response Systems  
8 Development Act and in accordance with the rules and standards  
9 promulgated by the Board;

10 13. "First responder" means an individual certified by the  
11 Department to perform emergency medical services in accordance with  
12 the Oklahoma Emergency Response Systems Development Act and in  
13 accordance with the rules and standards promulgated by the Board;

14 14. "First response agency" means an organization of any type  
15 certified by the Department to provide emergency medical care, but  
16 not transport. First response agencies may utilize certified first  
17 responders or licensed emergency medical technicians; provided,  
18 however, that all personnel so utilized shall function under the  
19 direction of and consistent with guidelines for medical control;

20 15. "Licensure" means the licensing of emergency medical care  
21 providers and ambulance services pursuant to rules and standards  
22 promulgated by the Board at one or more of the following levels:

- 23 a. Basic life support,
- 24 b. Intermediate life support,

- 1 c. Paramedic life support,
- 2 d. Stretcher aid van, and
- 3 e. Specialized Mobile Intensive Care, which shall be used
- 4 solely for inter-hospital transport of patients
- 5 requiring specialized en route medical monitoring and
- 6 advanced life support which exceed the capabilities of
- 7 the equipment and personnel provided by paramedic life
- 8 support.

9 Requirements for each level of care shall be established by the  
10 Board. Licensure at any level of care includes a license to operate  
11 at any lower level, with the exception of licensure for Specialized  
12 Mobile Intensive Care; provided, however, that the highest level of  
13 care offered by an ambulance service shall be available twenty-four  
14 (24) hours each day, three hundred sixty-five (365) days per year.

15 Licensure shall be granted or renewed for such periods and under  
16 such terms and conditions as may be promulgated by the State Board;

17 16. "Medical control" means local, regional or statewide  
18 medical direction and quality assurance of health care delivery in  
19 an emergency medical service system. On-line medical control is the  
20 medical direction given to emergency medical personnel and stretcher  
21 aid van personnel by a physician via radio or telephone. Off-line  
22 medical control is the establishment and monitoring of all medical  
23 components of an emergency medical service system, which is to  
24 include stretcher aid van service including, but not limited to,

1 protocols, standing orders, educational programs, and the quality  
2 and delivery of on-line control;

3 17. "Medical director" means a physician, fully licensed  
4 without restriction, who acts as a paid or volunteer medical advisor  
5 to a licensed ambulance service and who monitors and directs the  
6 care so provided. Such physicians shall meet such qualifications  
7 and requirements as may be promulgated by the Board;

8 18. "Region" or "emergency medical service region" means two or  
9 more municipalities, counties, ambulance districts or other  
10 political subdivisions exercising joint control over one or more  
11 providers of emergency medical services and stretcher aid van  
12 service through common ordinances, authorities, boards or other  
13 means;

14 19. "Regional emergency medical services system" means a  
15 network of organizations, individuals, facilities and equipment  
16 which serves a region, subject to a unified set of regional rules  
17 and standards which may exceed, but may not be in contravention of,  
18 those required by the state, which is under the medical direction of  
19 a single regional medical director, and which participates directly  
20 in the delivery of the following services:

21 a. medical call-taking and emergency medical services  
22 dispatching, emergency and routine, including priority  
23 dispatching of first response agencies, stretcher aid  
24 van and ambulances,

1           b. first response services provided by first response  
2           agencies,

3           c. ambulance services, both emergency, routine and  
4           stretcher aid van including, but not limited to, the  
5           transport of patients in accordance with transport  
6           protocols approved by the regional medical director,  
7           and

8           d. directions given by physicians directly via radio or  
9           telephone, or by written protocol, to first response  
10          agencies, stretcher aid van or ambulance personnel at  
11          the scene of an emergency or while en route to a  
12          hospital;

13          20. "Regional medical director" means a licensed physician, who  
14          meets or exceeds the qualifications of a medical director as defined  
15          by the Oklahoma Emergency Response Systems Development Act, chosen  
16          by an emergency medical service region to provide external medical  
17          oversight, quality control and related services to that region;

18          21. "Registration" means the listing of an ambulance service in  
19          a registry maintained by the Department; provided, however,  
20          registration shall not be deemed to be a license;

21          22. "Stretcher aid van" means any ground vehicle which is or  
22          should be approved by the State Commissioner of Health, which is  
23          designed and equipped to transport individuals on a stretcher or  
24          gurney type apparatus. Vehicles used as stretcher aid vans shall

1 meet such standards as may be required by the State Board of Health  
2 for approval and shall display evidence of such approval at all  
3 times. Stretcher aid van services shall only be permitted and  
4 approved by the Commissioner in emergency medical service regions,  
5 ambulance service districts, or counties with populations in excess  
6 of 300,000 people. Notwithstanding the provisions of this  
7 paragraph, stretcher aid van transports may be made to and from any  
8 ~~Oklahoma Veterans Center~~ federal or state veterans facility;

9 23. "Stretcher aid van patient" means any person who is or will  
10 be transported in a reclining position on a stretcher or gurney, who  
11 is medically stable, non-emergent and does not require any medical  
12 monitoring equipment or assistance during transport; and

13 24. "Transport protocol" means the written instructions  
14 governing decision-making at the scene of a medical emergency by  
15 ambulance personnel regarding the selection of the hospital to which  
16 the patient shall be transported. Transport protocols shall be  
17 developed by the regional medical director for a regional emergency  
18 medical services system or by the Department if no regional  
19 emergency medical services system has been established. Such  
20 transport protocols shall adhere to, at a minimum, the following  
21 guidelines:

22 a. nonemergency, routine transport shall be to the  
23 facility of the patient's choice,

24

- 1           b.    urgent or emergency transport not involving life-  
2                    threatening medical illness or injury shall be to the  
3                    nearest facility, or, subject to transport  
4                    availability and system area coverage, to the facility  
5                    of the patient's choice, and
- 6           c.    life-threatening medical illness or injury shall  
7                    require transport to the nearest health care facility  
8                    appropriate to the needs of the patient as established  
9                    by regional or state guidelines.

10           SECTION 50.        REPEALER        63 O.S. 2001, Section 1-2503, as  
11 last amended by Section 1, Chapter 155, O.S.L. 2006 (63 O.S. Supp.  
12 2006, Section 1-2503), is hereby repealed.

13           SECTION 51.        AMENDATORY       63 O.S. 2001, Section 2-103, as  
14 last amended by Section 5, Chapter 79, 2nd Extraordinary Session,  
15 O.S.L. 2006 (63 O.S. Supp. 2006, Section 2-103), is amended to read  
16 as follows:

17           Section 2-103.   A.   The Director shall be appointed by the  
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
19 Commission.   The Director of Narcotics and Dangerous Drugs Control  
20 on January 1, 1984, shall be initially appointed as Director.   The  
21 succeeding Director shall, at the time of the appointment, have a  
22 Bachelor's Degree from an accredited college or university and at  
23 least five (5) years' experience in drug law enforcement.   The  
24 Director may appoint necessary assistants, agents, and other

1 personnel to perform the work of the office and may prescribe their  
2 titles and duties and fix their compensation, other than the  
3 salaries established in subsection A of Section 2-103a of this  
4 title, pursuant to Merit System rules. The Director may appoint  
5 employees to the positions of Public Information/Education Officer,  
6 Training Officer, Program Administrator, Grants Administrator,  
7 Criminal Analysts, and Typist Clerk/Spanish Transcriptionists. Said  
8 positions shall be unclassified and exempt from the rules and  
9 procedures of the Office of Personnel Management, except leave  
10 regulations. The office of the Director shall be located at a  
11 suitable place in Oklahoma City, Oklahoma.

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

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

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

24

1 C. Agents appointed pursuant to the provisions of this section  
2 shall have the responsibility of investigating alleged violations  
3 and shall have the authority to arrest those suspected of having  
4 violated the provisions of the Uniform Controlled Dangerous  
5 Substances Act.

6 D. A commissioned employee of the Oklahoma State Bureau of  
7 Narcotics and Dangerous Drugs Control shall be entitled to receive  
8 upon retirement by reason of length of service, the continued  
9 custody and possession of the sidearm and badge carried by such  
10 employee immediately prior to retirement.

11 E. A commissioned employee of the Bureau may be entitled to  
12 receive, upon retirement by reason of disability, the continued  
13 custody and possession of the sidearm and badge carried by such  
14 employee immediately prior to retirement upon written approval of  
15 the Director.

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

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

23 H. Any Director appointed on or after July 1, 2003, shall be  
24 eligible to participate in either the Oklahoma Public Employees

1 Retirement System or in the Oklahoma Law Enforcement Retirement  
2 System and shall make an irrevocable election in writing to  
3 participate in one of the two retirement systems.

4 SECTION 52. REPEALER 63 O.S. 2001, Section 2-103, as  
5 last amended by Section 7, Chapter 83, 2nd Extraordinary Session,  
6 O.S.L. 2006 (63 O.S. Supp. 2006, Section 2-103), is hereby repealed.

7 SECTION 53. REPEALER 63 O.S. 2001, Section 91, as  
8 amended by Section 1, Chapter 54, O.S.L. 2006 (63 O.S. Supp. 2006,  
9 Section 91), is hereby repealed.

10 SECTION 54. REPEALER 63 O.S. 2001, Section 4021, as last  
11 amended by Section 48, Chapter 16, O.S.L. 2006 (63 O.S. Supp. 2006,  
12 Section 4021), is hereby repealed.

13 SECTION 55. AMENDATORY 68 O.S. 2001, Section 1004, as  
14 last amended by Section 1, Chapter 43, 2nd Extraordinary Session,  
15 O.S.L. 2006 (68 O.S. Supp. 2006, Section 1004), is amended to read  
16 as follows:

17 Section 1004. Beginning July 1, 2002, the gross production tax  
18 provided for in Section 1001 of this title is hereby levied and  
19 shall be collected and apportioned as follows:

20 1. For all monies collected from the tax levied on asphalt or  
21 ores bearing uranium, lead, zinc, jack, gold, silver or copper:

22 a. eighty-five and seventy-two one-hundredths percent

23 (85.72%) shall be paid to the State Treasurer of the

24 state to be placed in the General Revenue Fund of the

1 state and used for the general expense of state  
2 government, to be paid out pursuant to direct  
3 appropriation by the Legislature,

4 b. seven and fourteen one-hundredths percent (7.14%) of  
5 the sum collected from natural gas and/or casinghead  
6 gas or asphalt or ores bearing uranium, lead, zinc,  
7 jack, gold, silver or copper shall be paid to the  
8 various county treasurers to be credited to the County  
9 Highway Fund as follows: Each county shall receive a  
10 proportionate share of the funds available based upon  
11 the proportion of the total value of production from  
12 such county in the corresponding month of the  
13 preceding year, and

14 c. seven and fourteen one-hundredths percent (7.14%)  
15 shall be allocated to each county as provided for in  
16 subparagraph b of this paragraph and shall be  
17 apportioned, on an average daily attendance per capita  
18 distribution basis, as certified by the State  
19 Superintendent of Public Instruction to the school  
20 districts of the county where such pupils attend  
21 school regardless of residence of such pupil, provided  
22 the school district makes an ad valorem tax levy of  
23 fifteen (15) mills for the current year and maintains  
24 twelve (12) years of instruction;

1        2. For all monies collected from the tax levied on natural gas  
2 and/or casinghead gas at a tax rate of seven percent (7%) pursuant  
3 to the provisions of subsection B of Section 1001 of this title:

4            a. eighty-five and seventy-two one-hundredths percent  
5                (85.72%) shall be paid to the State Treasurer of the  
6                state to be placed in the General Revenue Fund of the  
7                state and used for the general expense of state  
8                government, to be paid out pursuant to direct  
9                appropriation by the Legislature,

10           b. seven and fourteen one-hundredths percent (7.14%) of  
11                the sum collected from natural gas and/or casinghead  
12                gas shall be paid to the various county treasurers to  
13                be credited to the County Highway Fund as follows:  
14                Each county shall receive a proportionate share of the  
15                funds available based upon the proportion of the total  
16                value of production from such county in the  
17                corresponding month of the preceding year, and

18           c. seven and fourteen one-hundredths percent (7.14%)  
19                shall be allocated to each county as provided for in  
20                subparagraph b of this paragraph and shall be  
21                apportioned, on an average daily attendance per capita  
22                distribution basis, as certified by the State  
23                Superintendent of Public Instruction to the school  
24                districts of the county where such pupils attend

1 school regardless of residence of such pupil, provided  
2 the school district makes an ad valorem tax levy of  
3 fifteen (15) mills for the current year and maintains  
4 twelve (12) years of instruction;

5 3. For all monies collected from the tax levied on natural gas  
6 and/or casinghead gas at a tax rate of four percent (4%) pursuant to  
7 the provisions of subsection B of Section 1001 of this title:

- 8 a. seventy-five percent (75%) shall be paid to the State  
9 Treasurer of the state to be placed in the General  
10 Revenue Fund of the state and used for the general  
11 expense of state government, to be paid out pursuant  
12 to direct appropriation by the Legislature,
- 13 b. twelve and one-half percent (12.5%) of the sum  
14 collected from natural gas and/or casinghead gas shall  
15 be paid to the various county treasurers to be  
16 credited to the County Highway Fund as follows: Each  
17 county shall receive a proportionate share of the  
18 funds available based upon the proportion of the total  
19 value of production from such county in the  
20 corresponding month of the preceding year, and
- 21 c. twelve and one-half percent (12.5%) shall be allocated  
22 to each county as provided for in subparagraph b of  
23 this paragraph and shall be apportioned, on an average  
24 daily attendance per capita distribution basis, as

1 certified by the State Superintendent of Public  
2 Instruction to the school districts of the county  
3 where such pupils attend school regardless of  
4 residence of such pupil, provided the school district  
5 makes an ad valorem tax levy of fifteen (15) mills for  
6 the current year and maintains twelve (12) years of  
7 instruction;

8 4. For all monies collected from the tax levied on natural gas  
9 and/or casinghead gas at a tax rate of one percent (1%) pursuant to  
10 the provisions of subsection B of Section 1001 of this title:

11 a. fifty percent (50%) of the sum collected from natural  
12 gas and/or casinghead gas shall be paid to the various  
13 county treasurers to be credited to the County Highway  
14 Fund as follows: Each county shall receive a  
15 proportionate share of the funds available based upon  
16 the proportion of the total value of production from  
17 such county in the corresponding month of the  
18 preceding year, and

19 b. fifty percent (50%) shall be allocated to each county  
20 as provided for in subparagraph a of this paragraph  
21 and shall be apportioned, on an average daily  
22 attendance per capita distribution basis, as certified  
23 by the State Superintendent of Public Instruction to  
24 the school districts of the county where such pupils

1 attend school regardless of residence of such pupil,  
2 provided the school district makes an ad valorem tax  
3 levy of fifteen (15) mills for the current year and  
4 maintains twelve (12) years of instruction;

5 5. For all monies collected from the tax levied on oil at a tax  
6 rate of seven percent (7%) pursuant to the provisions of subsection  
7 B of Section 1001 of this title:

8 a. twenty-five and seventy-two one-hundredths percent  
9 (25.72%) shall be paid to the State Treasurer to be  
10 placed in the Common Education Technology Revolving  
11 Fund created in Section 41.29c of Title 62 of the  
12 Oklahoma Statutes,

13 b. twenty-five and seventy-two one-hundredths percent  
14 (25.72%) shall be paid to the State Treasurer to be  
15 placed in the Higher Education Capital Revolving Fund  
16 created in Section 41.29d of Title 62 of the Oklahoma  
17 Statutes,

18 c. twenty-five and seventy-two one-hundredths percent  
19 (25.72%) shall be paid to the State Treasurer to be  
20 placed in the Oklahoma Tuition Scholarship Revolving  
21 Fund created in Section 41.29e of Title 62 of the  
22 Oklahoma Statutes,

23 d. four and twenty-eight one-hundredths percent (4.28%)  
24 shall be paid to the State Treasurer to be apportioned

1 to the County Bridge and Road Improvement Fund of the  
2 State Treasury,

3 e. four and twenty-eight one-hundredths percent (4.28%)  
4 shall be paid to the State Treasurer to be apportioned  
5 to:

6 (1) the following sources and in the following  
7 amounts for the fiscal year ending June 30, 2007,  
8 through the fiscal year ending June 30, 2011:

9 (a) thirty-three and one-third percent (33 1/3%)  
10 to the Oklahoma Tourism and Recreation  
11 Department Capital Expenditure Revolving  
12 Fund created pursuant to Section 2 of this  
13 act,

14 (b) thirty-three and one-third percent (33 1/3%)  
15 to the Oklahoma Conservation Commission  
16 Infrastructure Revolving Fund created  
17 pursuant to Section 3 of this act, and

18 (c) thirty-three and one-third percent (33 1/3%)  
19 to the Community Water Infrastructure  
20 Development Revolving Fund created pursuant  
21 to Section 4 of this act, and

22 (2) the Oklahoma Water Resources Board Rural Economic  
23 Action Plan Water Projects Fund for the fiscal  
24

1 year ending June 30, 2012, and for each fiscal  
2 year thereafter,

3 f. seven and fourteen one-hundredths percent (7.14%) of  
4 the sum collected from oil shall be paid to the  
5 various county treasurers, to be credited to the  
6 County Highway Fund as follows: Each county shall  
7 receive a proportionate share of the funds available  
8 based upon the proportion of the total value of  
9 production from such county in the corresponding month  
10 of the preceding year, and

11 g. seven and fourteen one-hundredths percent (7.14%)  
12 shall be allocated to each county as provided in  
13 subparagraph f of this paragraph and shall be  
14 apportioned, on an average daily attendance per capita  
15 distribution basis, as certified by the State  
16 Superintendent of Public Instruction, to the school  
17 districts of the county where such pupils attend  
18 school regardless of residence of such pupil, provided  
19 the school district makes an ad valorem tax levy of  
20 fifteen (15) mills for the current year and maintains  
21 twelve (12) years of instruction;

22 6. For all monies collected from the tax levied on oil at a tax  
23 rate of four percent (4%) pursuant to the provisions of subsection B  
24 of Section 1001 of this title:

1 a. twenty-two and one-half percent (22.5%) shall be paid  
2 to the State Treasurer to be placed in the Common  
3 Education Technology Revolving Fund created in Section  
4 41.29c of Title 62 of the Oklahoma Statutes,

5 b. twenty-two and one-half percent (22.5%) shall be paid  
6 to the State Treasurer to be placed in the Higher  
7 Education Capital Revolving Fund created in Section  
8 41.29d of Title 62 of the Oklahoma Statutes,

9 c. twenty-two and one-half percent (22.5%) shall be paid  
10 to the State Treasurer to be placed in the Oklahoma  
11 Tuition Scholarship Revolving Fund created in Section  
12 41.29e of Title 62 of the Oklahoma Statutes,

13 d. three and seventy-five one-hundredths percent (3.75%)  
14 shall be paid to the State Treasurer to be apportioned  
15 to the County Bridge and Road Improvement Fund of the  
16 State Treasury,

17 e. three and seventy-five one-hundredths percent (3.75%)  
18 shall be paid to the State Treasurer to be apportioned  
19 to:

20 (1) the following sources and in the following  
21 amounts for the fiscal year ending June 30, 2007,  
22 through the fiscal year ending June 30, 2011:

23 (a) thirty-three and one-third percent (33 1/3%)  
24 to the Oklahoma Tourism and Recreation

1 Department Capital Expenditure Revolving  
2 Fund created pursuant to Section 2 of this  
3 act,

4 (b) thirty-three and one-third percent (33 1/3%)  
5 to the Oklahoma Conservation Commission  
6 Infrastructure Revolving Fund created  
7 pursuant to Section 3 of this act, and

8 (c) thirty-three and one-third percent (33 1/3%)  
9 to the Community Water Infrastructure  
10 Development Revolving Fund created pursuant  
11 to Section 4 of this act, and

12 (2) the Oklahoma Water Resources Board Rural Economic  
13 Action Plan Water Projects Fund for the fiscal  
14 year ending June 30, 2012, and for each fiscal  
15 year thereafter,

16 f. twelve and one-half percent (12.5%) of the sum  
17 collected from oil shall be paid to the various county  
18 treasurers, to be credited to the County Highway Fund  
19 as follows: Each county shall receive a proportionate  
20 share of the funds available based upon the proportion  
21 of the total value of production from such county in  
22 the corresponding month of the preceding year, and

23 g. twelve and one-half percent (12.5%) shall be allocated  
24 to each county as provided in subparagraph f of this

1 paragraph and shall be apportioned on an average daily  
2 attendance per capita distribution basis, as certified  
3 by the State Superintendent of Public Instruction, to  
4 the school districts of the county where such pupils  
5 attend school regardless of residence of such pupil,  
6 provided the school district makes an ad valorem tax  
7 levy of fifteen (15) mills for the current year and  
8 maintains twelve (12) years of instruction; and

9 7. For all monies collected from the tax levied on oil at a tax  
10 rate of one percent (1%) pursuant to the provisions of subsection B  
11 of Section 1001 of this title:

12 a. fifty percent (50%) of the sum collected shall be paid  
13 to the various county treasurers, to be credited to  
14 the County Highway Fund as follows: Each county shall  
15 receive a proportionate share of the funds available  
16 based upon the proportion of the total value of  
17 production from such county in the corresponding month  
18 of the preceding year, and

19 b. fifty percent (50%) shall be allocated to each county  
20 as provided for in subparagraph a of this paragraph  
21 and shall be apportioned on an average daily  
22 attendance per capita distribution basis, as certified  
23 by the State Superintendent of Public Instruction, to  
24 the school districts of the county where such pupils

1 attend school regardless of residence of such pupil,  
2 provided the school district makes an ad valorem tax  
3 levy of fifteen (15) mills for the current year and  
4 maintains twelve (12) years of instruction.

5 Provided, notwithstanding any other provision of this section,  
6 the total amounts deposited to the Common Education Technology  
7 Revolving Fund, the Higher Education Capital Revolving Fund, the  
8 Oklahoma Tuition Scholarship Revolving Fund, ~~the County Bridge and~~  
9 ~~Read Improvement Fund,~~ the Rural Economic Action Plan Water Projects  
10 Fund, the Oklahoma Tourism and Recreation Department Capital  
11 Expenditure Revolving Fund, the Oklahoma Conservation Commission  
12 Infrastructure Revolving Fund and the Community Water Infrastructure  
13 Development Revolving Fund pursuant to paragraphs 5 and 6 of this  
14 section shall not exceed One Hundred Fifty Million Dollars  
15 (\$150,000,000.00) in any fiscal year. All sums in excess of One  
16 Hundred Fifty Million Dollars (\$150,000,000.00) in any fiscal year  
17 which would otherwise be deposited in such funds shall be placed by  
18 the State Treasurer in the General Revenue Fund of the state.

19 SECTION 56. REPEALER 68 O.S. 2001, Section 1004, as last  
20 amended by Section 5, Chapter 45, 2nd Extraordinary Session, O.S.L.  
21 2006 (68 O.S. Supp. 2006, Section 1004), is hereby repealed.

22 SECTION 57. AMENDATORY 68 O.S. 2001, Section 2358, as  
23 last amended by Section 21, Chapter 44, 2nd Extraordinary Session,  
24

1 O.S.L. 2006 (68 O.S. Supp. 2006, Section 2358), is amended to read  
2 as follows:

3 Section 2358. For all tax years beginning after December 31,  
4 1981, taxable income and adjusted gross income shall be adjusted to  
5 arrive at Oklahoma taxable income and Oklahoma adjusted gross income  
6 as required by this section.

7 A. The taxable income of any taxpayer shall be adjusted to  
8 arrive at Oklahoma taxable income for corporations and Oklahoma  
9 adjusted gross income for individuals, as follows:

10 1. There shall be added interest income on obligations of any  
11 state or political subdivision thereto which is not otherwise  
12 exempted pursuant to other laws of this state, to the extent that  
13 such interest is not included in taxable income and adjusted gross  
14 income.

15 2. There shall be deducted amounts included in such income that  
16 the state is prohibited from taxing because of the provisions of the  
17 Federal Constitution, the State Constitution, federal laws or laws  
18 of Oklahoma.

19 3. The amount of any federal net operating loss deduction shall  
20 be adjusted as follows:

21 a. For carryovers and carrybacks to taxable years  
22 beginning before January 1, 1981, the amount of any  
23 net operating loss deduction allowed to a taxpayer for  
24 federal income tax purposes shall be reduced to an

1 amount which is the same portion thereof as the loss  
2 from sources within this state, as determined pursuant  
3 to this section and Section 2362 of this title, for  
4 the taxable year in which such loss is sustained is of  
5 the total loss for such year;

6 b. For carryovers and carrybacks to taxable years  
7 beginning after December 31, 1980, the amount of any  
8 net operating loss deduction allowed for the taxable  
9 year shall be an amount equal to the aggregate of the  
10 Oklahoma net operating loss carryovers and carrybacks  
11 to such year. Oklahoma net operating losses shall be  
12 separately determined by reference to Section 172 of  
13 the Internal Revenue Code, 26 U.S.C., Section 172, as  
14 modified by the Oklahoma Income Tax Act, Section 2351  
15 et seq. of this title, and shall be allowed without  
16 regard to the existence of a federal net operating  
17 loss. For tax years beginning after December 31,  
18 2000, the years to which such losses may be carried  
19 shall be determined solely by reference to Section 172  
20 of the Internal Revenue Code, 26 U.S.C., Section 172,  
21 with the exception that the terms "net operating loss"  
22 and "taxable income" shall be replaced with "Oklahoma  
23 net operating loss" and "Oklahoma taxable income".  
24

1 4. Items of the following nature shall be allocated as  
2 indicated. Allowable deductions attributable to items separately  
3 allocable in subparagraphs a, b and c of this paragraph, whether or  
4 not such items of income were actually received, shall be allocated  
5 on the same basis as those items:

6 a. Income from real and tangible personal property, such  
7 as rents, oil and mining production or royalties, and  
8 gains or losses from sales of such property, shall be  
9 allocated in accordance with the situs of such  
10 property;

11 b. Income from intangible personal property, such as  
12 interest, dividends, patent or copyright royalties,  
13 and gains or losses from sales of such property, shall  
14 be allocated in accordance with the domiciliary situs  
15 of the taxpayer, except that:

16 (1) where such property has acquired a nonunitary  
17 business or commercial situs apart from the  
18 domicile of the taxpayer such income shall be  
19 allocated in accordance with such business or  
20 commercial situs; interest income from  
21 investments held to generate working capital for  
22 a unitary business enterprise shall be included  
23 in apportionable income; a resident trust or  
24 resident estate shall be treated as having a

1 separate commercial or business situs insofar as  
2 undistributed income is concerned, but shall not  
3 be treated as having a separate commercial or  
4 business situs insofar as distributed income is  
5 concerned,

6 (2) for taxable years beginning after December 31,  
7 2003, capital or ordinary gains or losses from  
8 the sale of an ownership interest in a publicly  
9 traded partnership, as defined by Section 7704(b)  
10 of the Internal Revenue Code of 1986, as amended,  
11 shall be allocated to this state in the ratio of  
12 the original cost of such partnership's tangible  
13 property in this state to the original cost of  
14 such partnership's tangible property everywhere,  
15 as determined at the time of the sale; if more  
16 than fifty percent (50%) of the value of the  
17 partnership's assets consists of intangible  
18 assets, capital or ordinary gains or losses from  
19 the sale of an ownership interest in the  
20 partnership shall be allocated to this state in  
21 accordance with the sales factor of the  
22 partnership for its first full tax period  
23 immediately preceding its tax period during which  
24 the ownership interest in the partnership was

1 sold; the provisions of this division shall only  
2 apply if the capital or ordinary gains or losses  
3 from the sale of an ownership interest in a  
4 partnership do not constitute qualifying gain  
5 receiving capital treatment as defined in  
6 subparagraph a of paragraph 2 of subsection F of  
7 this section,

8 (3) income from such property which is required to be  
9 allocated pursuant to the provisions of paragraph  
10 5 of this subsection shall be allocated as herein  
11 provided;

12 c. Net income or loss from a business activity which is  
13 not a part of business carried on within or without  
14 the state of a unitary character shall be separately  
15 allocated to the state in which such activity is  
16 conducted;

17 d. In the case of a manufacturing or processing  
18 enterprise the business of which in Oklahoma consists  
19 solely of marketing its products by:

20 (1) sales having a situs without this state, shipped  
21 directly to a point from without the state to a  
22 purchaser within the state, commonly known as  
23 interstate sales,  
24

1 (2) sales of the product stored in public warehouses  
2 within the state pursuant to "in transit"  
3 tariffs, as prescribed and allowed by the  
4 Interstate Commerce Commission, to a purchaser  
5 within the state,

6 (3) sales of the product stored in public warehouses  
7 within the state where the shipment to such  
8 warehouses is not covered by "in transit"  
9 tariffs, as prescribed and allowed by the  
10 Interstate Commerce Commission, to a purchaser  
11 within or without the state,

12 the Oklahoma net income shall, at the option of the  
13 taxpayer, be that portion of the total net income of  
14 the taxpayer for federal income tax purposes derived  
15 from the manufacture and/or processing and sales  
16 everywhere as determined by the ratio of the sales  
17 defined in this section made to the purchaser within  
18 the state to the total sales everywhere. The term  
19 "public warehouse" as used in this subparagraph means  
20 a licensed public warehouse, the principal business of  
21 which is warehousing merchandise for the public;

22 e. In the case of insurance companies, Oklahoma taxable  
23 income shall be taxable income of the taxpayer for  
24 federal tax purposes, as adjusted for the adjustments

1 provided pursuant to the provisions of paragraphs 1  
2 and 2 of this subsection, apportioned as follows:

3 (1) except as otherwise provided by division (2) of  
4 this subparagraph, taxable income of an insurance  
5 company for a taxable year shall be apportioned  
6 to this state by multiplying such income by a  
7 fraction, the numerator of which is the direct  
8 premiums written for insurance on property or  
9 risks in this state, and the denominator of which  
10 is the direct premiums written for insurance on  
11 property or risks everywhere. For purposes of  
12 this subsection, the term "direct premiums  
13 written" means the total amount of direct  
14 premiums written, assessments and annuity  
15 considerations as reported for the taxable year  
16 on the annual statement filed by the company with  
17 the Insurance Commissioner in the form approved  
18 by the National Association of Insurance  
19 Commissioners, or such other form as may be  
20 prescribed in lieu thereof,

21 (2) if the principal source of premiums written by an  
22 insurance company consists of premiums for  
23 reinsurance accepted by it, the taxable income of  
24 such company shall be apportioned to this state

1 by multiplying such income by a fraction, the  
2 numerator of which is the sum of (a) direct  
3 premiums written for insurance on property or  
4 risks in this state, plus (b) premiums written  
5 for reinsurance accepted in respect of property  
6 or risks in this state, and the denominator of  
7 which is the sum of (c) direct premiums written  
8 for insurance on property or risks everywhere,  
9 plus (d) premiums written for reinsurance  
10 accepted in respect of property or risks  
11 everywhere. For purposes of this paragraph,  
12 premiums written for reinsurance accepted in  
13 respect of property or risks in this state,  
14 whether or not otherwise determinable, may at the  
15 election of the company be determined on the  
16 basis of the proportion which premiums written  
17 for insurance accepted from companies  
18 commercially domiciled in Oklahoma bears to  
19 premiums written for reinsurance accepted from  
20 all sources, or alternatively in the proportion  
21 which the sum of the direct premiums written for  
22 insurance on property or risks in this state by  
23 each ceding company from which reinsurance is  
24 accepted bears to the sum of the total direct

1                    premiums written by each such ceding company for  
2                    the taxable year.

3            5. The net income or loss remaining after the separate  
4 allocation in paragraph 4 of this subsection, being that which is  
5 derived from a unitary business enterprise, shall be apportioned to  
6 this state on the basis of the arithmetical average of three factors  
7 consisting of property, payroll and sales or gross revenue  
8 enumerated as subparagraphs a, b and c of this paragraph. Net  
9 income or loss as used in this paragraph includes that derived from  
10 patent or copyright royalties, purchase discounts, and interest on  
11 accounts receivable relating to or arising from a business activity,  
12 the income from which is apportioned pursuant to this subsection,  
13 including the sale or other disposition of such property and any  
14 other property used in the unitary enterprise. Deductions used in  
15 computing such net income or loss shall not include taxes based on  
16 or measured by income. Provided, for corporations whose property  
17 for purposes of the tax imposed by Section 2355 of this title has an  
18 initial investment cost equaling or exceeding Two Hundred Million  
19 Dollars (\$200,000,000.00) and such investment is made on or after  
20 July 1, 1997, or for corporations which expand their property or  
21 facilities in this state and such expansion has an investment cost  
22 equaling or exceeding Two Hundred Million Dollars (\$200,000,000.00)  
23 over a period not to exceed three (3) years, and such expansion is  
24 commenced on or after January 1, 2000, the three factors shall be

1 apporportioned with property and payroll, each comprising twenty-five  
2 percent (25%) of the apporportionment factor and sales comprising fifty  
3 percent (50%) of the apporportionment factor. The apporportionment  
4 factors shall be computed as follows:

5 a. The property factor is a fraction, the numerator of  
6 which is the average value of the taxpayer's real and  
7 tangible personal property owned or rented and used in  
8 this state during the tax period and the denominator  
9 of which is the average value of all the taxpayer's  
10 real and tangible personal property everywhere owned  
11 or rented and used during the tax period.

12 (1) Property, the income from which is separately  
13 allocated in paragraph 4 of this subsection,  
14 shall not be included in determining this  
15 fraction. The numerator of the fraction shall  
16 include a portion of the investment in  
17 transportation and other equipment having no  
18 fixed situs, such as rolling stock, buses, trucks  
19 and trailers, including machinery and equipment  
20 carried thereon, airplanes, salespersons'  
21 automobiles and other similar equipment, in the  
22 proportion that miles traveled in Oklahoma by  
23 such equipment bears to total miles traveled,  
24

1 (2) Property owned by the taxpayer is valued at its  
2 original cost. Property rented by the taxpayer  
3 is valued at eight times the net annual rental  
4 rate. Net annual rental rate is the annual  
5 rental rate paid by the taxpayer, less any annual  
6 rental rate received by the taxpayer from  
7 subrentals,

8 (3) The average value of property shall be determined  
9 by averaging the values at the beginning and  
10 ending of the tax period but the Oklahoma Tax  
11 Commission may require the averaging of monthly  
12 values during the tax period if reasonably  
13 required to reflect properly the average value of  
14 the taxpayer's property;

15 b. The payroll factor is a fraction, the numerator of  
16 which is the total compensation for services rendered  
17 in the state during the tax period, and the  
18 denominator of which is the total compensation for  
19 services rendered everywhere during the tax period.  
20 "Compensation", as used in this subsection means those  
21 paid-for services to the extent related to the unitary  
22 business but does not include officers' salaries,  
23 wages and other compensation.  
24

1 (1) In the case of a transportation enterprise, the  
2 numerator of the fraction shall include a portion  
3 of such expenditure in connection with employees  
4 operating equipment over a fixed route, such as  
5 railroad employees, airline pilots, or bus  
6 drivers, in this state only a part of the time,  
7 in the proportion that mileage traveled in  
8 Oklahoma bears to total mileage traveled by such  
9 employees,

10 (2) In any case the numerator of the fraction shall  
11 include a portion of such expenditures in  
12 connection with itinerant employees, such as  
13 traveling salespersons, in this state only a part  
14 of the time, in the proportion that time spent in  
15 Oklahoma bears to total time spent in furtherance  
16 of the enterprise by such employees;

17 c. The sales factor is a fraction, the numerator of which  
18 is the total sales or gross revenue of the taxpayer in  
19 this state during the tax period, and the denominator  
20 of which is the total sales or gross revenue of the  
21 taxpayer everywhere during the tax period. "Sales",  
22 as used in this subsection does not include sales or  
23 gross revenue which are separately allocated in  
24 paragraph 4 of this subsection.

1 (1) Sales of tangible personal property have a situs  
2 in this state if the property is delivered or  
3 shipped to a purchaser other than the United  
4 States government, within this state regardless  
5 of the FOB point or other conditions of the sale;  
6 or the property is shipped from an office, store,  
7 warehouse, factory or other place of storage in  
8 this state and (a) the purchaser is the United  
9 States government or (b) the taxpayer is not  
10 doing business in the state of the destination of  
11 the shipment.

12 (2) In the case of a railroad or interurban railway  
13 enterprise, the numerator of the fraction shall  
14 not be less than the allocation of revenues to  
15 this state as shown in its annual report to the  
16 Corporation Commission.

17 (3) In the case of an airline, truck or bus  
18 enterprise or freight car, tank car, refrigerator  
19 car or other railroad equipment enterprise, the  
20 numerator of the fraction shall include a portion  
21 of revenue from interstate transportation in the  
22 proportion that interstate mileage traveled in  
23 Oklahoma bears to total interstate mileage  
24 traveled.

1 (4) In the case of an oil, gasoline or gas pipeline  
2 enterprise, the numerator of the fraction shall  
3 be either the total of traffic units of the  
4 enterprise within Oklahoma or the revenue  
5 allocated to Oklahoma based upon miles moved, at  
6 the option of the taxpayer, and the denominator  
7 of which shall be the total of traffic units of  
8 the enterprise or the revenue of the enterprise  
9 everywhere as appropriate to the numerator. A  
10 "traffic unit" is hereby defined as the  
11 transportation for a distance of one (1) mile of  
12 one (1) barrel of oil, one (1) gallon of gasoline  
13 or one thousand (1,000) cubic feet of natural or  
14 casinghead gas, as the case may be.

15 (5) In the case of a telephone or telegraph or other  
16 communication enterprise, the numerator of the  
17 fraction shall include that portion of the  
18 interstate revenue as is allocated pursuant to  
19 the accounting procedures prescribed by the  
20 Federal Communications Commission; provided that  
21 in respect to each corporation or business entity  
22 required by the Federal Communications Commission  
23 to keep its books and records in accordance with  
24 a uniform system of accounts prescribed by such

1 Commission, the intrastate net income shall be  
2 determined separately in the manner provided by  
3 such uniform system of accounts and only the  
4 interstate income shall be subject to allocation  
5 pursuant to the provisions of this subsection.  
6 Provided further, that the gross revenue factors  
7 shall be those as are determined pursuant to the  
8 accounting procedures prescribed by the Federal  
9 Communications Commission.

10 In any case where the apportionment of the three factors prescribed  
11 in this paragraph attributes to Oklahoma a portion of net income of  
12 the enterprise out of all appropriate proportion to the property  
13 owned and/or business transacted within this state, because of the  
14 fact that one or more of the factors so prescribed are not employed  
15 to any appreciable extent in furtherance of the enterprise; or  
16 because one or more factors not so prescribed are employed to a  
17 considerable extent in furtherance of the enterprise; or because of  
18 other reasons, the Tax Commission is empowered to permit, after a  
19 showing by taxpayer that an excessive portion of net income has been  
20 attributed to Oklahoma, or require, when in its judgment an  
21 insufficient portion of net income has been attributed to Oklahoma,  
22 the elimination, substitution, or use of additional factors, or  
23 reduction or increase in the weight of such prescribed factors.  
24 Provided, however, that any such variance from such prescribed

1 factors which has the effect of increasing the portion of net income  
2 attributable to Oklahoma must not be inherently arbitrary, and  
3 application of the recomputed final apportionment to the net income  
4 of the enterprise must attribute to Oklahoma only a reasonable  
5 portion thereof.

6 6. For calendar years 1997 and 1998, the owner of a new or  
7 expanded agricultural commodity processing facility in this state  
8 may exclude from Oklahoma taxable income, or in the case of an  
9 individual, the Oklahoma adjusted gross income, fifteen percent  
10 (15%) of the investment by the owner in the new or expanded  
11 agricultural commodity processing facility. For calendar year 1999,  
12 and all subsequent years, the percentage, not to exceed fifteen  
13 percent (15%), available to the owner of a new or expanded  
14 agricultural commodity processing facility in this state claiming  
15 the exemption shall be adjusted annually so that the total estimated  
16 reduction in tax liability does not exceed One Million Dollars  
17 (\$1,000,000.00) annually. The Tax Commission shall promulgate rules  
18 for determining the percentage of the investment which each eligible  
19 taxpayer may exclude. The exclusion provided by this paragraph  
20 shall be taken in the taxable year when the investment is made. In  
21 the event the total reduction in tax liability authorized by this  
22 paragraph exceeds One Million Dollars (\$1,000,000.00) in any  
23 calendar year, the Tax Commission shall permit any excess over One  
24 Million Dollars (\$1,000,000.00) and shall factor such excess into

1 the percentage for subsequent years. Any amount of the exemption  
2 permitted to be excluded pursuant to the provisions of this  
3 paragraph but not used in any year may be carried forward as an  
4 exemption from income pursuant to the provisions of this paragraph  
5 for a period not exceeding six (6) years following the year in which  
6 the investment was originally made.

7 For purposes of this paragraph:

- 8 a. "Agricultural commodity processing facility" means  
9 building, structures, fixtures and improvements used  
10 or operated primarily for the processing or production  
11 of marketable products from agricultural commodities.  
12 The term shall also mean a dairy operation that  
13 requires a depreciable investment of at least Two  
14 Hundred Fifty Thousand Dollars (\$250,000.00) and which  
15 produces milk from dairy cows. The term does not  
16 include a facility that provides only, and nothing  
17 more than, storage, cleaning, drying or transportation  
18 of agricultural commodities, and
- 19 b. "Facility" means each part of the facility which is  
20 used in a process primarily for:
- 21 (1) the processing of agricultural commodities,  
22 including receiving or storing agricultural  
23 commodities, or the production of milk at a dairy  
24 operation,

1 (2) transporting the agricultural commodities or  
2 product before, during or after the processing,  
3 or

4 (3) packaging or otherwise preparing the product for  
5 sale or shipment.

6 7. Despite any provision to the contrary in paragraph 3 of this  
7 subsection, for taxable years beginning after December 31, 1999, in  
8 the case of a taxpayer which has a farming loss, such farming loss  
9 shall be considered a net operating loss carryback in accordance  
10 with and to the extent of the Internal Revenue Code, 26 U.S.C.,  
11 Section 172(b)(G). However, the amount of the net operating loss  
12 carryback shall not exceed the lesser of:

13 a. Sixty Thousand Dollars (\$60,000.00), or

14 b. the loss properly shown on Schedule F of the Internal  
15 Revenue Service Form 1040 reduced by one-half (1/2) of  
16 the income from all other sources other than reflected  
17 on Schedule F.

18 8. In taxable years beginning after December 31, 1995, all  
19 qualified wages equal to the federal income tax credit set forth in  
20 26 U.S.C.A., Section 45A, shall be deducted from taxable income.  
21 The deduction allowed pursuant to this paragraph shall only be  
22 permitted for the tax years in which the federal tax credit pursuant  
23 to 26 U.S.C.A., Section 45A, is allowed. For purposes of this  
24

1 paragraph, "qualified wages" means those wages used to calculate the  
2 federal credit pursuant to 26 U.S.C.A., Section 45A.

3 9. In taxable years beginning after December 31, 2005, an  
4 employer that is eligible for and utilizes the Safety Pays OSHA  
5 Consultation Service provided by the Oklahoma Department of Labor  
6 shall receive an exemption from taxable income in the amount of One  
7 Thousand Dollars (\$1,000.00) for the tax year that the service is  
8 utilized.

9 B. The taxable income of any corporation shall be further  
10 adjusted to arrive at Oklahoma taxable income, except those  
11 corporations electing treatment as provided in subchapter S of the  
12 Internal Revenue Code, 26 U.S.C., Section 1361 et seq., and Section  
13 2365 of this title, deductions pursuant to the provisions of the  
14 Accelerated Cost Recovery System as defined and allowed in the  
15 Economic Recovery Tax Act of 1981, Public Law 97-34, 26 U.S.C.,  
16 Section 168, for depreciation of assets placed into service after  
17 December 31, 1981, shall not be allowed in calculating Oklahoma  
18 taxable income. Such corporations shall be allowed a deduction for  
19 depreciation of assets placed into service after December 31, 1981,  
20 in accordance with provisions of the Internal Revenue Code, 26  
21 U.S.C., Section 1 et seq., in effect immediately prior to the  
22 enactment of the Accelerated Cost Recovery System. The Oklahoma tax  
23 basis for all such assets placed into service after December 31,  
24 1981, calculated in this section shall be retained and utilized for

1 all Oklahoma income tax purposes through the final disposition of  
2 such assets.

3 Notwithstanding any other provisions of the Oklahoma Income Tax  
4 Act, Section 2351 et seq. of this title, or of the Internal Revenue  
5 Code to the contrary, this subsection shall control calculation of  
6 depreciation of assets placed into service after December 31, 1981,  
7 and before January 1, 1983.

8 For assets placed in service and held by a corporation in which  
9 accelerated cost recovery system was previously disallowed, an  
10 adjustment to taxable income is required in the first taxable year  
11 beginning after December 31, 1982, to reconcile the basis of such  
12 assets to the basis allowed in the Internal Revenue Code. The  
13 purpose of this adjustment is to equalize the basis and allowance  
14 for depreciation accounts between that reported to the Internal  
15 Revenue Service and that reported to Oklahoma.

16 C. 1. For taxable years beginning after December 31, 1987, the  
17 taxable income of any corporation shall be further adjusted to  
18 arrive at Oklahoma taxable income for transfers of technology to  
19 qualified small businesses located in Oklahoma. Such transferor  
20 corporation shall be allowed an exemption from taxable income of an  
21 amount equal to the amount of royalty payment received as a result  
22 of such transfer; provided, however, such amount shall not exceed  
23 ten percent (10%) of the amount of gross proceeds received by such  
24 transferor corporation as a result of the technology transfer. Such

1 exemption shall be allowed for a period not to exceed ten (10) years  
2 from the date of receipt of the first royalty payment accruing from  
3 such transfer. No exemption may be claimed for transfers of  
4 technology to qualified small businesses made prior to January 1,  
5 1988.

6 2. For purposes of this subsection:

7 a. "Qualified small business" means an entity, whether  
8 organized as a corporation, partnership, or  
9 proprietorship, organized for profit with its  
10 principal place of business located within this state  
11 and which meets the following criteria:

12 (1) Capitalization of not more than Two Hundred Fifty  
13 Thousand Dollars (\$250,000.00),

14 (2) Having at least fifty percent (50%) of its  
15 employees and assets located in Oklahoma at the  
16 time of the transfer, and

17 (3) Not a subsidiary or affiliate of the transferor  
18 corporation;

19 b. "Technology" means a proprietary process, formula,  
20 pattern, device or compilation of scientific or  
21 technical information which is not in the public  
22 domain;

23

24

1 c. "Transferor corporation" means a corporation which is  
2 the exclusive and undisputed owner of the technology  
3 at the time the transfer is made; and

4 d. "Gross proceeds" means the total amount of  
5 consideration for the transfer of technology, whether  
6 the consideration is in money or otherwise.

7 D. 1. For taxable years beginning after December 31, 2005, the  
8 taxable income of any corporation, estate or trust, shall be further  
9 adjusted for qualifying gains receiving capital treatment. Such  
10 corporations, estates or trusts shall be allowed a deduction from  
11 Oklahoma taxable income for the amount of qualifying gains receiving  
12 capital treatment earned by the corporation, estate or trust during  
13 the taxable year and included in the federal taxable income of such  
14 corporation, estate or trust.

15 2. As used in this subsection:

16 a. "qualifying gains receiving capital treatment" means  
17 the amount of net capital gains, as defined in Section  
18 1222(11) of the Internal Revenue Code, included in the  
19 federal income tax return of the corporation, estate  
20 or trust that was:

21 (1) earned by the corporation, estate or trust on  
22 real or tangible personal property located within  
23 Oklahoma that has been directly or indirectly  
24 owned by the corporation, estate or trust for a

1 holding period of at least five (5) years prior  
2 to the date of the transaction from which such  
3 net capital gains arise, or

4 (2) earned on the sale of stock or on the sale of an  
5 ownership interest in an Oklahoma company,  
6 limited liability company, or partnership where  
7 such stock or ownership interest has been  
8 directly or indirectly owned by the corporation,  
9 estate or trust for a holding period of at least  
10 three (3) years prior to the date of the  
11 transaction from which the net capital gains  
12 arise,

13 b. "holding period" means an uninterrupted period of  
14 time,

15 c. "Oklahoma company", "limited liability company", or  
16 "partnership" means an entity whose primary  
17 headquarters have been located in Oklahoma for at  
18 least three (3) uninterrupted years prior to the date  
19 of the transaction from which the net capital gains  
20 arise,

21 d. "direct" means the taxpayer directly owns the asset,  
22 and

23 e. "indirect" means the taxpayer owns an interest in a  
24 pass-through entity (or chain of pass-through

1 entities) that sells the asset that gives rise to the  
2 qualifying gains receiving capital treatment.

3 (1) With respect to sales of real or personal  
4 property located within Oklahoma, the deduction  
5 described in this subsection shall not apply  
6 unless the pass-through entity that makes the  
7 sale has held the property for not less than five  
8 (5) uninterrupted years prior to the date of the  
9 transaction that created the capital gain, and  
10 each pass-through entity included in the chain of  
11 ownership has been a member, partner, or  
12 shareholder of the pass-through entity in the  
13 tier immediately below it for an uninterrupted  
14 period of not less than five (5) years.

15 (2) With respect to sales of stock or ownership  
16 interest in an Oklahoma company, limited  
17 liability company, or partnership, the deduction  
18 described in this subsection shall not apply  
19 unless the pass-through entity that makes the  
20 sale has held the stock or ownership interest for  
21 not less than three (3) uninterrupted years prior  
22 to the date of the transaction that created the  
23 capital gain, and each pass-through entity  
24 included in the chain of ownership has been a

1 member, partner or shareholder of the pass-  
2 through entity in the tier immediately below it  
3 for an uninterrupted period of not less than  
4 three (3) years.

5 E. The Oklahoma adjusted gross income of any individual  
6 taxpayer shall be further adjusted as follows to arrive at Oklahoma  
7 taxable income:

8 1. a. In the case of individuals, there shall be added or  
9 deducted, as the case may be, the difference necessary  
10 to allow personal exemptions of One Thousand Dollars  
11 (\$1,000.00) in lieu of the personal exemptions allowed  
12 by the Internal Revenue Code.

13 b. There shall be allowed an additional exemption of One  
14 Thousand Dollars (\$1,000.00) for each taxpayer or  
15 spouse who is blind at the close of the tax year. For  
16 purposes of this subparagraph, an individual is blind  
17 only if the central visual acuity of the individual  
18 does not exceed 20/200 in the better eye with  
19 correcting lenses, or if the visual acuity of the  
20 individual is greater than 20/200, but is accompanied  
21 by a limitation in the fields of vision such that the  
22 widest diameter of the visual field subtends an angle  
23 no greater than twenty (20) degrees.

1 c. There shall be allowed an additional exemption of One  
2 Thousand Dollars (\$1,000.00) for each taxpayer or  
3 spouse who is sixty-five (65) years of age or older at  
4 the close of the tax year based upon the filing status  
5 and federal adjusted gross income of the taxpayer.

6 Taxpayers with the following filing status may claim  
7 this exemption if the federal adjusted gross income  
8 does not exceed:

9 (1) Twenty-five Thousand Dollars (\$25,000.00) if  
10 married and filing jointly;

11 (2) Twelve Thousand Five Hundred Dollars (\$12,500.00)  
12 if married and filing separately;

13 (3) Fifteen Thousand Dollars (\$15,000.00) if single;  
14 and

15 (4) Nineteen Thousand Dollars (\$19,000.00) if a  
16 qualifying head of household.

17 Provided, for taxable years beginning after December  
18 31, 1999, amounts included in the calculation of  
19 federal adjusted gross income pursuant to the  
20 conversion of a traditional individual retirement  
21 account to a Roth individual retirement account shall  
22 be excluded from federal adjusted gross income for  
23 purposes of the income thresholds provided in this  
24 subparagraph.

1           d.    For taxable years beginning after December 31, 1990,  
2                    and beginning before January 1, 1992, there shall be  
3                    allowed a one-time additional exemption of Four  
4                    Hundred Dollars (\$400.00) for each taxpayer or spouse  
5                    who is a member of the National Guard or any reserve  
6                    unit of the Armed Forces of the United States and who  
7                    was at any time during such taxable year deployed in  
8                    active service during a time of war or conflict with  
9                    an enemy of the United States.

10          2.    a.    For taxable years beginning on or before December 31,  
11                    2005, in the case of individuals who use the standard  
12                    deduction in determining taxable income, there shall  
13                    be added or deducted, as the case may be, the  
14                    difference necessary to allow a standard deduction in  
15                    lieu of the standard deduction allowed by the Internal  
16                    Revenue Code, in an amount equal to the larger of  
17                    fifteen percent (15%) of the Oklahoma adjusted gross  
18                    income or One Thousand Dollars (\$1,000.00), but not to  
19                    exceed Two Thousand Dollars (\$2,000.00), except that  
20                    in the case of a married individual filing a separate  
21                    return such deduction shall be the larger of fifteen  
22                    percent (15%) of such Oklahoma adjusted gross income  
23                    or Five Hundred Dollars (\$500.00), but not to exceed  
24

1 the maximum amount of One Thousand Dollars  
2 (\$1,000.00),

3 b. For taxable years beginning on or after January 1,  
4 2006, and before January 1, 2007, in the case of  
5 individuals who use the standard deduction in  
6 determining taxable income, there shall be added or  
7 deducted, as the case may be, the difference necessary  
8 to allow a standard deduction in lieu of the standard  
9 deduction allowed by the Internal Revenue Code, in an  
10 amount equal to:

- 11 (1) Three Thousand Dollars (\$3,000.00), if the filing  
12 status is married filing joint, head of household  
13 or qualifying widow; or  
14 (2) Two Thousand Dollars (\$2,000.00), if the filing  
15 status is single or married filing separate.

16 c. For the taxable years year beginning on ~~or after~~  
17 January 1, 2007, and ending December 31, 2007, in the  
18 case of individuals who use the standard deduction in  
19 determining taxable income, there shall be added or  
20 deducted, as the case may be, the difference necessary  
21 to allow a standard deduction in lieu of the standard  
22 deduction allowed by the Internal Revenue Code, in an  
23 amount equal to:

- 1 (1) ~~Four Thousand Dollars (\$4,000.00)~~ Five Thousand  
2 Five Hundred Dollars (\$5,500.00), if the filing  
3 status is married filing joint, ~~head of household~~  
4 or qualifying widow; or
- 5 (2) ~~Two Thousand Dollars (\$2,000.00)~~ Four Thousand  
6 One Hundred Twenty-five Dollars (\$4,125.00) for a  
7 head of household; or
- 8 (3) Two Thousand Seven Hundred Fifty Dollars  
9 (\$2,750.00), if the filing status is single or  
10 married filing separate.

11 d. For the taxable year beginning on January 1, 2008, and  
12 ending December 31, 2008, in the case of individuals  
13 who use the standard deduction in determining taxable  
14 income, there shall be added or deducted, as the case  
15 may be, the difference necessary to allow a standard  
16 deduction in lieu of the standard deduction allowed by  
17 the Internal Revenue Code, in an amount equal to:

- 18 (1) Six Thousand Five Hundred Dollars (\$6,500.00), if  
19 the filing status is married filing joint or  
20 qualifying widow, or
- 21 (2) Four Thousand Eight Hundred Seventy-five Dollars  
22 (\$4,875.00) for a head of household, or  
23  
24

1           (3) Three Thousand Two Hundred Fifty Dollars  
2           (\$3,250.00), if the filing status is single or  
3           married filing separate.

4       e. For the taxable year beginning on January 1, 2009, and  
5       ending December 31, 2009, in the case of individuals  
6       who use the standard deduction in determining taxable  
7       income, there shall be added or deducted, as the case  
8       may be, the difference necessary to allow a standard  
9       deduction in lieu of the standard deduction allowed by  
10       the Internal Revenue Code, in an amount equal to:

11           (1) Eight Thousand Five Hundred Dollars (\$8,500.00),  
12           if the filing status is married filing joint or  
13           qualifying widow, or

14           (2) Six Thousand Three Hundred Seventy-five Dollars  
15           (\$6,375.00) for a head of household, or

16           (3) Four Thousand Two Hundred Fifty Dollars  
17           (\$4,250.00), if the filing status is single or  
18           married filing separate.

19       f. For taxable years beginning on or after January 1,  
20       2010, in the case of individuals who use the standard  
21       deduction in determining taxable income, there shall  
22       be added or deducted, as the case may be, the  
23       difference necessary to allow a standard deduction  
24       equal to the standard deduction allowed by the

1           Internal Revenue Code of 1986, as amended, based upon  
2           the amount and filing status prescribed by such Code  
3           for purposes of filing federal individual income tax  
4           returns.

5           3. In the case of resident and part-year resident individuals  
6 having adjusted gross income from sources both within and without  
7 the state, the itemized or standard deductions and personal  
8 exemptions shall be reduced to an amount which is the same portion  
9 of the total thereof as Oklahoma adjusted gross income is of  
10 adjusted gross income. To the extent itemized deductions include  
11 allowable moving expense, proration of moving expense shall not be  
12 required or permitted but allowable moving expense shall be fully  
13 deductible for those taxpayers moving within or into Oklahoma and no  
14 part of moving expense shall be deductible for those taxpayers  
15 moving without or out of Oklahoma. All other itemized or standard  
16 deductions and personal exemptions shall be subject to proration as  
17 provided by law.

18           4. A resident individual with a physical disability  
19 constituting a substantial handicap to employment may deduct from  
20 Oklahoma adjusted gross income such expenditures to modify a motor  
21 vehicle, home or workplace as are necessary to compensate for his or  
22 her handicap. A veteran certified by the Veterans Administration of  
23 the federal government as having a service-connected disability  
24 shall be conclusively presumed to be an individual with a physical

1 disability constituting a substantial handicap to employment. The  
2 Tax Commission shall promulgate rules containing a list of  
3 combinations of common disabilities and modifications which may be  
4 presumed to qualify for this deduction. The Tax Commission shall  
5 prescribe necessary requirements for verification.

6 5. In any taxable year the first One Thousand Five Hundred  
7 Dollars (\$1,500.00) received by any person from the United States as  
8 salary or compensation in any form, other than retirement benefits,  
9 as a member of any component of the Armed Forces of the United  
10 States shall be deducted from taxable income. Whenever the filing  
11 of a timely income tax return by a member of the Armed Forces of the  
12 United States is made impracticable or impossible of accomplishment  
13 by reason of:

- 14 a. absence from the United States, which term includes  
15 only the states and the District of Columbia;
- 16 b. absence from the State of Oklahoma while on active  
17 duty; or
- 18 c. confinement in a hospital within the United States for  
19 treatment of wounds, injuries or disease,  
20 the time for filing a return and paying an income tax shall  
21 be and is hereby extended without incurring liability for  
22 interest or penalties, to the fifteenth day of the third  
23 month following the month in which:

24

1           (1) Such individual shall return to the United States  
2           if the extension is granted pursuant to  
3           subparagraph a of this paragraph, return to the  
4           State of Oklahoma if the extension is granted  
5           pursuant to subparagraph b of this paragraph or  
6           be discharged from such hospital if the extension  
7           is granted pursuant to subparagraph c of this  
8           paragraph; or

9           (2) An executor, administrator, or conservator of the  
10          estate of the taxpayer is appointed, whichever  
11          event occurs the earliest.

12    Provided, that the Tax Commission may, in its discretion, grant any  
13    member of the Armed Forces of the United States an extension of time  
14    for filing of income tax returns and payment of income tax without  
15    incurring liabilities for interest or penalties. Such extension may  
16    be granted only when in the judgment of the Tax Commission a good  
17    cause exists therefor and may be for a period in excess of six (6)  
18    months. A record of every such extension granted, and the reason  
19    therefor, shall be kept.

20          6. The salary or any other form of compensation, received from  
21    the United States by a member of any component of the Armed Forces  
22    of the United States, shall be deducted from taxable income during  
23    the time in which the person is detained by the enemy in a conflict,  
24    is a prisoner of war or is missing in action and not deceased.

1           7. Notwithstanding anything in the Internal Revenue Code or in  
2 the Oklahoma Income Tax Act to the contrary, it is expressly  
3 provided that, in the case of resident individuals, amounts received  
4 as dividends or distributions of earnings from savings and loan  
5 associations or credit unions located in Oklahoma, and interest  
6 received on savings accounts and time deposits from such sources or  
7 from state and national banks or trust companies located in  
8 Oklahoma, shall qualify as dividends for the purpose of the dividend  
9 exclusion, and taxable income shall be adjusted accordingly to  
10 arrive at Oklahoma taxable income; provided, however, that the  
11 dividend, distribution of earnings and/or interest exclusion  
12 provided for hereinabove shall not be cumulative to the maximum  
13 dividend exclusion allowed by the Internal Revenue Code. Any  
14 dividend exclusion already allowed by the Internal Revenue Code and  
15 reflected in the taxpayer's Oklahoma taxable income together with  
16 exclusion allowed herein shall not exceed the total of One Hundred  
17 Dollars (\$100.00) per individual or Two Hundred Dollars (\$200.00)  
18 per couple filing a joint return.

- 19           8.    a.    An individual taxpayer, whether resident or  
20                    nonresident, may deduct an amount equal to the federal  
21                    income taxes paid by the taxpayer during the taxable  
22                    year.
- 23                    b.    Federal taxes as described in subparagraph a of this  
24                    paragraph shall be deductible by any individual

1 taxpayer, whether resident or nonresident, only to the  
2 extent they relate to income subject to taxation  
3 pursuant to the provisions of the Oklahoma Income Tax  
4 Act. The maximum amount allowable in the preceding  
5 paragraph shall be prorated on the ratio of the  
6 Oklahoma adjusted gross income to federal adjusted  
7 gross income.

8 c. For the purpose of this paragraph, "federal income  
9 taxes paid" shall mean federal income taxes, surtaxes  
10 imposed on incomes or excess profits taxes, as though  
11 the taxpayer was on the accrual basis. In determining  
12 the amount of deduction for federal income taxes for  
13 tax year 2001, the amount of the deduction shall not  
14 be adjusted by the amount of any accelerated ten  
15 percent (10%) tax rate bracket credit or advanced  
16 refund of the credit received during the tax year  
17 provided pursuant to the federal Economic Growth and  
18 Tax Relief Reconciliation Act of 2001, P.L. No. 107-  
19 16, and the advanced refund of such credit shall not  
20 be subject to taxation.

21 d. The provisions of this paragraph shall apply to all  
22 taxable years ending after December 31, 1978, and  
23 beginning before January 1, 2006.

1           9. Retirement benefits not to exceed Five Thousand Five Hundred  
2 Dollars (\$5,500.00) for the 2004 tax year, Seven Thousand Five  
3 Hundred Dollars (\$7,500.00) for the 2005 tax year and Ten Thousand  
4 Dollars (\$10,000.00) for the 2006 tax year and all subsequent tax  
5 years, which are received by an individual from the civil service of  
6 the United States, the Oklahoma Public Employees Retirement System,  
7 the Teachers' Retirement System of Oklahoma, the Oklahoma Law  
8 Enforcement Retirement System, the Oklahoma Firefighters Pension and  
9 Retirement System, the Oklahoma Police Pension and Retirement  
10 System, the employee retirement systems created by counties pursuant  
11 to Section 951 et seq. of Title 19 of the Oklahoma Statutes, the  
12 Uniform Retirement System for Justices and Judges, the Oklahoma  
13 Wildlife Conservation Department Retirement Fund, the Oklahoma  
14 Employment Security Commission Retirement Plan, or the employee  
15 retirement systems created by municipalities pursuant to Section 48-  
16 101 et seq. of Title 11 of the Oklahoma Statutes shall be exempt  
17 from taxable income.

18           10. In taxable years beginning after December 31, 1984, Social  
19 Security benefits received by an individual shall be exempt from  
20 taxable income, to the extent such benefits are included in the  
21 federal adjusted gross income pursuant to the provisions of Section  
22 86 of the Internal Revenue Code, 26 U.S.C., Section 86.

23           11. For taxable years beginning after December 31, 1994, lump-  
24 sum distributions from employer plans of deferred compensation,

1 which are not qualified plans within the meaning of Section 401(a)  
2 of the Internal Revenue Code, 26 U.S.C., Section 401(a), and which  
3 are deposited in and accounted for within a separate bank account or  
4 brokerage account in a financial institution within this state,  
5 shall be excluded from taxable income in the same manner as a  
6 qualifying rollover contribution to an individual retirement account  
7 within the meaning of Section 408 of the Internal Revenue Code, 26  
8 U.S.C., Section 408. Amounts withdrawn from such bank or brokerage  
9 account, including any earnings thereon, shall be included in  
10 taxable income when withdrawn in the same manner as withdrawals from  
11 individual retirement accounts within the meaning of Section 408 of  
12 the Internal Revenue Code.

13 12. In taxable years beginning after December 31, 1995,  
14 contributions made to and interest received from a medical savings  
15 account established pursuant to Sections 2621 through 2623 of Title  
16 63 of the Oklahoma Statutes shall be exempt from taxable income.

17 13. For taxable years beginning after December 31, 1996, the  
18 Oklahoma adjusted gross income of any individual taxpayer who is a  
19 swine or poultry producer may be further adjusted for the deduction  
20 for depreciation allowed for new construction or expansion costs  
21 which may be computed using the same depreciation method elected for  
22 federal income tax purposes except that the useful life shall be  
23 seven (7) years for purposes of this paragraph. If depreciation is  
24 allowed as a deduction in determining the adjusted gross income of

1 an individual, any depreciation calculated and claimed pursuant to  
2 this section shall in no event be a duplication of any depreciation  
3 allowed or permitted on the federal income tax return of the  
4 individual.

5 14. a. In taxable years beginning after December 31, 2002,  
6 nonrecurring adoption expenses paid by a resident  
7 individual taxpayer in connection with:

- 8 (1) the adoption of a minor, or  
9 (2) a proposed adoption of a minor which did not  
10 result in a decreed adoption,  
11 may be deducted from the Oklahoma adjusted gross  
12 income.

13 b. The deductions for adoptions and proposed adoptions  
14 authorized by this paragraph shall not exceed Twenty  
15 Thousand Dollars (\$20,000.00) per calendar year.

16 c. The Tax Commission shall promulgate rules to implement  
17 the provisions of this paragraph which shall contain a  
18 specific list of nonrecurring adoption expenses which  
19 may be presumed to qualify for the deduction. The Tax  
20 Commission shall prescribe necessary requirements for  
21 verification.

22 d. "Nonrecurring adoption expenses" means adoption fees,  
23 court costs, medical expenses, attorney fees and  
24 expenses which are directly related to the legal

1 process of adoption of a child including, but not  
2 limited to, costs relating to the adoption study,  
3 health and psychological examinations, transportation  
4 and reasonable costs of lodging and food for the child  
5 or adoptive parents which are incurred to complete the  
6 adoption process and are not reimbursed by other  
7 sources. The term "nonrecurring adoption expenses"  
8 shall not include attorney fees incurred for the  
9 purpose of litigating a contested adoption, from and  
10 after the point of the initiation of the contest,  
11 costs associated with physical remodeling, renovation  
12 and alteration of the adoptive parents' home or  
13 property, except for a special needs child as  
14 authorized by the court.

15 15. a. In taxable years beginning before January 1, 2005,  
16 retirement benefits not to exceed the amounts  
17 specified in this paragraph, which are received by an  
18 individual sixty-five (65) years of age or older and  
19 whose Oklahoma adjusted gross income is Twenty-five  
20 Thousand Dollars (\$25,000.00) or less if the filing  
21 status is single, head of household, or married filing  
22 separate, or Fifty Thousand Dollars (\$50,000.00) or  
23 less if the filing status is married filing joint or  
24 qualifying widow, shall be exempt from taxable income.

1 In taxable years beginning after December 31, 2004,  
2 retirement benefits not to exceed the amounts  
3 specified in this paragraph, which are received by an  
4 individual whose Oklahoma adjusted gross income is  
5 less than the qualifying amount specified in this  
6 paragraph, shall be exempt from taxable income.

7 b. For purposes of this paragraph, the qualifying amount  
8 shall be as follows:

9 (1) in taxable years beginning after December 31,  
10 2004, and prior to January 1, 2007, the  
11 qualifying amount shall be Thirty-seven Thousand  
12 Five Hundred Dollars (\$37,500.00) or less if the  
13 filing status is single, head of household, or  
14 married filing separate, or Seventy-Five Thousand  
15 Dollars (\$75,000.00) or less if the filing status  
16 is married filing jointly or qualifying widow,

17 (2) in the taxable year beginning January 1, 2007,  
18 the qualifying amount shall be Fifty Thousand  
19 Dollars (\$50,000.00) or less if the filing status  
20 is single, head of household, or married filing  
21 separate, or One Hundred Thousand Dollars  
22 (\$100,000.00) or less if the filing status is  
23 married filing jointly or qualifying widow,  
24

1 (3) in the taxable year beginning January 1, 2008,  
2 the qualifying amount shall be Sixty-two Thousand  
3 Five Hundred Dollars (\$62,500.00) or less if the  
4 filing status is single, head of household, or  
5 married filing separate, or One Hundred Twenty-  
6 five Thousand Dollars (\$125,000.00) or less if  
7 the filing status is married filing jointly or  
8 qualifying widow,

9 (4) in the taxable year beginning January 1, 2009,  
10 the qualifying amount shall be One Hundred  
11 Thousand Dollars (\$100,000.00) or less if the  
12 filing status is single, head of household, or  
13 married filing separate, or Two Hundred Thousand  
14 Dollars (\$200,000.00) or less if the filing  
15 status is married filing jointly or qualifying  
16 widow, and

17 (5) in the taxable year beginning January 1, 2010,  
18 and subsequent taxable years, there shall be no  
19 limitation upon the qualifying amount.

20 c. For purposes of this paragraph, "retirement benefits"  
21 means the total distributions or withdrawals from the  
22 following:  
23  
24

- 1 (1) an employee pension benefit plan which satisfies  
2 the requirements of Section 401 of the Internal  
3 Revenue Code, 26 U.S.C., Section 401,
- 4 (2) an eligible deferred compensation plan that  
5 satisfies the requirements of Section 457 of the  
6 Internal Revenue Code, 26 U.S.C., Section 457,
- 7 (3) an individual retirement account, annuity or  
8 trust or simplified employee pension that  
9 satisfies the requirements of Section 408 of the  
10 Internal Revenue Code, 26 U.S.C., Section 408,
- 11 (4) an employee annuity subject to the provisions of  
12 Section 403(a) or (b) of the Internal Revenue  
13 Code, 26 U.S.C., Section 403(a) or (b),
- 14 (5) United States Retirement Bonds which satisfy the  
15 requirements of Section 86 of the Internal  
16 Revenue Code, 26 U.S.C., Section 86, or
- 17 (6) lump-sum distributions from a retirement plan  
18 which satisfies the requirements of Section  
19 402(e) of the Internal Revenue Code, 26 U.S.C.,  
20 Section 402(e).

21 d. The amount of the exemption provided by this paragraph  
22 shall be limited to Five Thousand Five Hundred Dollars  
23 (\$5,500.00) for the 2004 tax year, Seven Thousand Five  
24 Hundred Dollars (\$7,500.00) for the 2005 tax year and

1 Ten Thousand Dollars (\$10,000.00) for the tax year  
2 2006 and for all subsequent tax years. Any individual  
3 who claims the exemption provided for in paragraph 9  
4 of this subsection shall not be permitted to claim a  
5 combined total exemption pursuant to this paragraph  
6 and paragraph 9 of this subsection in an amount  
7 exceeding Five Thousand Five Hundred Dollars  
8 (\$5,500.00) for the 2004 tax year, Seven Thousand Five  
9 Hundred Dollars (\$7,500.00) for the 2005 tax year and  
10 Ten Thousand Dollars (\$10,000.00) for the 2006 tax  
11 year and all subsequent tax years.

12 16. In taxable years beginning after December 31, 1999, for an  
13 individual engaged in production agriculture who has filed a  
14 Schedule F form with the taxpayer's federal income tax return for  
15 such taxable year, there shall be excluded from taxable income any  
16 amount which was included as federal taxable income or federal  
17 adjusted gross income and which consists of the discharge of an  
18 obligation by a creditor of the taxpayer incurred to finance the  
19 production of agricultural products.

20 17. In taxable years beginning December 31, 2000, an amount  
21 equal to one hundred percent (100%) of the amount of any scholarship  
22 or stipend received from participation in the Oklahoma Police Corps  
23 Program, as established in Section 2-140.3 of Title 47 of the  
24 Oklahoma Statutes shall be exempt from taxable income.

1 18. a. In taxable years beginning after December 31, 2001,  
2 and before January 1, 2005, there shall be allowed a  
3 deduction in the amount of contributions to accounts  
4 established pursuant to the Oklahoma College Savings  
5 Plan Act. The deduction shall equal the amount of  
6 contributions to accounts, but in no event shall the  
7 deduction for each contributor exceed Two Thousand  
8 Five Hundred Dollars (\$2,500.00) each taxable year for  
9 each account.

10 b. In taxable years beginning after December 31, 2004,  
11 each taxpayer shall be allowed a deduction for  
12 contributions to accounts established pursuant to the  
13 Oklahoma College Savings Plan Act. The maximum annual  
14 deduction shall equal the amount of contributions to  
15 all such accounts plus any contributions to such  
16 accounts by the taxpayer for prior taxable years after  
17 December 31, 2004, which were not deducted, but in no  
18 event shall the deduction for each tax year exceed Ten  
19 Thousand Dollars (\$10,000.00) for each individual  
20 taxpayer or Twenty Thousand Dollars (\$20,000.00) for  
21 taxpayers filing a joint return. Any amount of a  
22 contribution that is not deducted by the taxpayer in  
23 the year for which the contribution is made may be  
24 carried forward as a deduction from income for the

1           succeeding five (5) years. For taxable years  
2           beginning after December 31, 2005, deductions may be  
3           taken for contributions and rollovers made during a  
4           taxable year and up to April 15 of the succeeding  
5           year, or the due date of a taxpayer's state income tax  
6           return, excluding extensions, whichever is later.  
7           Provided, a deduction for the same contribution may  
8           not be taken for two (2) different taxable years.

9           19. For taxable years beginning after December 31, 2005,  
10 retirement benefits received by an individual from any component of  
11 the Armed Forces of the United States in an amount not to exceed the  
12 greater of seventy-five percent (75%) of such benefits or Ten  
13 Thousand Dollars (\$10,000.00) shall be exempt from taxable income  
14 but in no case less than the amount of the exemption provided by  
15 paragraph 15 of this subsection.

16           20. For taxable years beginning after December 31, 2006,  
17 retirement benefits received by federal civil service retirees,  
18 including survivor annuities, paid in lieu of Social Security  
19 benefits shall be exempt from taxable income to the extent such  
20 benefits are included in the federal adjusted gross income pursuant  
21 to the provisions of Section 86 of the Internal Revenue Code, 26  
22 U.S.C., Section 86, according to the following schedule:

- 23           a. in the taxable year beginning January 1, 2007, twenty  
24           percent (20%) of such benefits shall be exempt,

- 1           b.    in the taxable year beginning January 1, 2008, forty  
2                    percent (40%) of such benefits shall be exempt,  
3           c.    in the taxable year beginning January 1, 2009, sixty  
4                    percent (60%) of such benefits shall be exempt,  
5           d.    in the taxable year beginning January 1, 2010, eighty  
6                    percent (80%) of such benefits shall be exempt, and  
7           e.    in the taxable year beginning January 1, 2011, and  
8                    subsequent taxable years, one hundred percent (100%)  
9                    of such benefits shall be exempt.

10           F.   1.   For taxable years beginning after December 31, 2004, a  
11           deduction from the Oklahoma adjusted gross income of any individual  
12           taxpayer shall be allowed for qualifying gains receiving capital  
13           treatment that are included in the federal adjusted gross income of  
14           such individual taxpayer during the taxable year.

15           2.   As used in this subsection:

16           a.    "qualifying gains receiving capital treatment" means  
17                    the amount of net capital gains, as defined in Section  
18                    1222(11) of the Internal Revenue Code, included in an  
19                    individual taxpayer's federal income tax return that  
20                    result from:

- 21                   (1)   the sale of real or tangible personal property  
22                            located within Oklahoma that has been directly or  
23                            indirectly owned by the individual taxpayer for a  
24                            holding period of at least five (5) years prior

1 to the date of the transaction from which such  
2 net capital gains arise, or

3 (2) the sale of stock or the sale of a direct or  
4 indirect ownership interest in an Oklahoma  
5 company, limited liability company, or  
6 partnership where such stock or ownership  
7 interest has been directly or indirectly owned by  
8 the individual taxpayer for a holding period of  
9 at least ~~three (3)~~ two (2) years prior to the  
10 date of the transaction from which the net  
11 capital gains arise,

12 b. "holding period" means an uninterrupted period of  
13 time,

14 c. "Oklahoma company," "limited liability company," or  
15 "partnership" means an entity whose primary  
16 headquarters have been located in Oklahoma for at  
17 least three (3) uninterrupted years prior to the date  
18 of the transaction from which the net capital gains  
19 arise,

20 d. "direct" means the individual taxpayer directly owns  
21 the asset, and

22 e. "indirect" means the individual taxpayer owns an  
23 interest in a pass-through entity (or chain of pass-  
24

1 through entities) that sells the asset that gives rise  
2 to the qualifying gains receiving capital treatment.

3 (1) With respect to sales of real or personal  
4 property located within Oklahoma, the deduction  
5 described in this subsection shall not apply  
6 unless the pass-through entity that makes the  
7 sale has held the property for not less than five  
8 (5) uninterrupted years prior to the date of the  
9 transaction that created the capital gain, and  
10 each pass-through entity included in the chain of  
11 ownership has been a member, partner, or  
12 shareholder of the pass-through entity in the  
13 tier immediately below it for an uninterrupted  
14 period of not less than five (5) years.

15 (2) With respect to sales of stock or ownership  
16 interest in an Oklahoma company, limited  
17 liability company, or partnership, the deduction  
18 described in this subsection shall not apply  
19 unless the pass-through entity that makes the  
20 sale has held the stock or ownership interest for  
21 not less than ~~three (3)~~ two (2) uninterrupted  
22 years prior to the date of the transaction that  
23 created the capital gain, and each pass-through  
24 entity included in the chain of ownership has

1           been a member, partner or shareholder of the  
2           pass-through entity in the tier immediately below  
3           it for an uninterrupted period of not less than  
4           ~~three (3)~~ two (2) years. For purposes of this  
5           division, uninterrupted ownership prior to the  
6           effective date of this act shall be included in  
7           the determination of the required holding period  
8           prescribed by this division.

9           SECTION 58.        REPEALER        68 O.S. 2001, Section 2358, as last  
10          amended by Section 1, Chapter 178, O.S.L. 2006 (68 O.S. Supp. 2006,  
11          Section 2358), is hereby repealed.

12          SECTION 59.        REPEALER        68 O.S. 2001, Section 2358, as last  
13          amended by Section 17, Chapter 272, O.S.L. 2006 (68 O.S. Supp. 2006,  
14          Section 2358), is hereby repealed.

15          SECTION 60.        REPEALER        68 O.S. 2001, Section 2358, as last  
16          amended by Section 5, Chapter 42, 2nd Extraordinary Session, O.S.L.  
17          2006 (68 O.S. Supp. 2006, Section 2358), is hereby repealed.

18          SECTION 61.        AMENDATORY      68 O.S. 2001, Section 3603, as  
19          last amended by Section 31, Chapter 281, O.S.L. 2006 (68 O.S. Supp.  
20          2006, Section 3603), is amended to read as follows:

21           Section 3603. A. As used in Section 3601 et seq. of this  
22          title:

23           1.    a.    "Basic industry" means:  
24

1 (1) those manufacturing activities defined or  
2 classified in the NAICS Manual under Industry  
3 Sector Nos. 31, 32 and 33, Industry Group No.  
4 5111 or Industry No. 11331,

5 (2) those electric power generation, transmission and  
6 distribution activities defined or classified in  
7 the NAICS Manual under U.S. Industry Nos. 221111  
8 through 221122, if:

9 (a) an establishment engaged therein qualifies  
10 as an exempt wholesale generator as defined  
11 by 15 U.S.C., Section 79z-5a,

12 (b) the exempt wholesale generator facility  
13 consumes from sources located within the  
14 state at least ninety percent (90%) of the  
15 total energy used to produce the electrical  
16 output which qualifies for the specialized  
17 treatment provided by the Energy Policy Act  
18 of 1992, P.L. 102-486, 106 Stat. 2776, as  
19 amended, and federal regulations adopted  
20 pursuant thereto,

21 (c) the exempt wholesale generator facility  
22 sells to purchasers located outside the  
23 state for consumption in activities located  
24 outside the state at least ninety percent

1 (90%) of the total electrical energy output  
2 which qualifies for the specialized  
3 treatment provided by the Energy Policy Act  
4 of 1992, P.L. 102-486, 106 Stat. 2776, as  
5 amended, and federal regulations adopted  
6 pursuant thereto, and

7 (d) the facility is constructed on or after July  
8 1, 1996,

9 (3) those administrative and facilities support  
10 service activities defined or classified in the  
11 NAICS Manual under Industry Group Nos. 5611 and  
12 5612, Industry Nos. 51821, 518112, 52232, 56142  
13 and 54191 or U.S. Industry Nos. 524291 and  
14 551114,

15 (4) those professional, scientific and technical  
16 service activities defined or classified in the  
17 NAICS Manual under U.S. Industry Nos. 541710 and  
18 541380,

19 (5) distribution centers for retail or wholesale  
20 businesses defined or classified in the NAICS  
21 Manual under Sector No. 42, if forty percent  
22 (40%) or more of the inventory processed through  
23 such warehouse is shipped out-of-state,  
24

1 (6) those adjustment and collection service  
2 activities defined or classified in the NAICS  
3 Manual under U.S. Industry No. 561440, if  
4 seventy-five percent (75%) of the loans to be  
5 serviced were made by out-of-state debtors,

6 (7) (a) those air transportation activities defined  
7 or classified in the NAICS Manual under  
8 Industry Group No. 4811, if the following  
9 facilities are located in this state:

10 (i) the corporate headquarters of an  
11 establishment classified therein, and

12 (ii) a facility or facilities at which  
13 reservations for transportation  
14 provided by such an establishment are  
15 processed, whether such services are  
16 performed by employees of the  
17 establishment, by employees of a  
18 subsidiary of or other entity  
19 affiliated with the establishment or by  
20 employees of an entity with whom the  
21 establishment has contracted for the  
22 performance of such services; provided,  
23 this provision shall not disqualify an  
24 establishment which uses an out-of-

1 state entity or employees for some  
2 reservations services, or

3 (b) those air transportation activities defined  
4 or classified in the NAICS Manual under  
5 Industry Group No. 4811, if an establishment  
6 classified therein has or will have within  
7 one (1) year sales of at least seventy-five  
8 percent (75%) of its total sales, as  
9 determined by the Incentive Approval  
10 Committee pursuant to the provisions of  
11 subsection B of this section, to out-of-  
12 state customers or buyers, to in-state  
13 customers or buyers if the product or  
14 service is resold by the purchaser to an  
15 out-of-state customer or buyer for ultimate  
16 use, or to the federal government,

17 (8) flight training services activities defined or  
18 classified in the NAICS Manual under U.S.  
19 Industry Group No. 611512, which for purposes of  
20 this act shall include new direct jobs for which  
21 gross payroll existed on or after January 1,  
22 2003, as identified in the NAICS Manual,

23 (9) the following, if an establishment classified  
24 therein has or will have within one (1) year

1 sales of at least seventy-five percent (75%) of  
2 its total sales, as determined by the Incentive  
3 Approval Committee pursuant to the provisions of  
4 subsection B of this section, to out-of-state  
5 customers or buyers, to in-state customers or  
6 buyers if the product or service is resold by the  
7 purchaser to an out-of-state customer or buyer  
8 for ultimate use, or to the federal government:

- 9 (a) those transportation and warehousing  
10 activities defined or classified in the  
11 NAICS Manual under Industry Subsector No.  
12 493, if not otherwise listed in this  
13 paragraph, Industry Subsector No. 484 and  
14 Industry Group Nos. 4884 through 4889,  
15 (b) those passenger transportation activities  
16 defined or classified in the NAICS Manual  
17 under Industry Nos. 561510, 561520 and  
18 561599,  
19 (c) those freight or cargo transportation  
20 activities defined or classified in the  
21 NAICS Manual under Industry No. 541614,  
22 (d) those insurance activities defined or  
23 classified in the NAICS Manual under  
24 Industry Group No. 5241,

- 1 (e) those mailing, reproduction, commercial art  
2 and photography and stenographic service  
3 activities defined or classified in the  
4 NAICS Manual under U.S. Industry Nos.  
5 541430, 541860, 541922, 561439 and 561492,
- 6 (f) those services to dwellings and other  
7 buildings, as defined or classified in the  
8 NAICS Manual under Industry Group No. 5617,  
9 excluding U.S. Industry No. 561730,
- 10 (g) those equipment rental and leasing  
11 activities defined or classified in the  
12 NAICS Manual under Industry Group Nos. 5323  
13 and 5324,
- 14 (h) those employment services defined or  
15 classified in the NAICS Manual under  
16 Industry Group No. 5613,
- 17 (i) those information technology and other  
18 computer-related service activities defined  
19 or classified in the NAICS Manual under  
20 Industry Group Nos. 5112, 5182, 5191 and  
21 5415,
- 22 (j) those business support service activities  
23 defined or classified in the NAICS Manual  
24 under U.S. Industry Nos. 561410 through

1 561439, Industry Group No. 5616 and Industry  
2 No. 51911,

3 (k) those medical and diagnostic laboratory  
4 activities defined or classified in the  
5 NAICS Manual under Industry Group No. 6215,

6 (l) those professional, scientific and technical  
7 service activities defined or classified in  
8 the NAICS Manual under Industry Group Nos.  
9 5412, 5414, 5415, 5416 and 5417, Industry  
10 Nos. 54131, 54133, 54136, 54137 and 54182,  
11 and U.S. Industry No. 541990, if not  
12 otherwise listed in this paragraph,

13 (m) those communication service activities  
14 defined or classified in the NAICS Manual  
15 under Industry Nos. 51741 and 51791,

16 (n) those refuse systems activities defined or  
17 classified in the NAICS Manual under  
18 Industry Group No. 5622, provided that the  
19 establishment is primarily engaged in the  
20 capture and distribution of methane gas  
21 produced within a landfill,

22 (o) general wholesale distribution of groceries,  
23 defined or classified in the NAICS Manual  
24 under Industry Group Nos. 4244 and 4245,

1 (p) those activities relating to processing of  
2 insurance claims, defined or classified in  
3 the NAICS Manual under U.S. Industry Nos.  
4 524210 and 524292; provided, activities  
5 described in U.S. Industry Nos. 524210 and  
6 524292 in the NAICS Manual other than  
7 processing of insurance claims shall not be  
8 included for purposes of this subdivision,  
9 and

10 (q) those agricultural activities classified in  
11 the NAICS Manual under U.S. Industry Nos.  
12 112120 and 112310;

13 ~~(9)~~ (10) those activities related to extraction of crude  
14 petroleum and natural gas defined or classified  
15 in the NAICS Manual under Industry Group No.  
16 2111, subject to the limitations provided in  
17 paragraph 2 of this subsection and paragraph 3 of  
18 subsection B of this section, or

19 ~~(10)~~ (11) those activities performed by the federal  
20 civilian workforce at a facility of the Federal  
21 Aviation Administration located in this state if  
22 the Director of the Department of Commerce  
23 determines or is notified that the federal  
24 government is soliciting proposals or otherwise

1           inviting states to compete for additional federal  
2           civilian employment or expansion of federal  
3           civilian employment at such facilities.

4           b.   An establishment described in subparagraph a of this  
5           paragraph shall not be considered to be engaged in a  
6           basic industry unless it offers, or will offer within  
7           one hundred eighty (180) days of employment, a basic  
8           health benefits plan to the individuals it employs in  
9           new direct jobs in this state which is determined by  
10          the Oklahoma Department of Commerce to consist of the  
11          following elements or elements substantially  
12          equivalent thereto:

- 13           (1)   not more than fifty percent (50%) of the premium  
14           shall be paid by the employee,  
15           (2)   coverage for basic hospital care,  
16           (3)   coverage for physician care,  
17           (4)   coverage for mental health care,  
18           (5)   coverage for substance abuse treatment,  
19           (6)   coverage for prescription drugs, and  
20           (7)   coverage for prenatal care;

21          2.   "Change in control event" means the transfer to one or more  
22          unrelated establishments or unrelated persons, of either:

23           a.   beneficial ownership of more than fifty percent (50%)  
24           in value and more than fifty percent (50%) in voting

1 power of the outstanding equity securities of the  
2 transferred establishment, or

3 b. more than fifty percent (50%) in value of the assets  
4 of an establishment.

5 A transferor shall be treated as related to a transferee if more  
6 than fifty percent (50%) of the voting interests of the transferor  
7 and transferee are owned, directly or indirectly, by the other or  
8 are owned, directly or indirectly, by the same person or persons,  
9 unless such transferred establishment has an outstanding class of  
10 equity securities registered under Sections 12(b) or 15(d) of the  
11 Securities Exchange Act of 1934, as amended, in which event the  
12 transferor and transferee will be treated as unrelated; provided, an  
13 establishment applying for the Oklahoma Quality Jobs Program Act as  
14 a result of a change of control event is required to apply within  
15 one hundred eighty (180) days of the change in control event to  
16 qualify for consideration. An establishment entering the Oklahoma  
17 Quality Jobs Program Act as the result of a change of control event  
18 shall be required to maintain a level of new direct jobs as agreed  
19 to in its contract with the Department of Commerce and to pay new  
20 direct jobs an average annualized wage which equals or exceeds one  
21 hundred twenty-five percent (125%) of the average county wage as  
22 that percentage is determined by the Oklahoma State Data Center  
23 based upon the most recent U.S. Department of Commerce data for the  
24 county in which the new jobs are located. For purposes of this

1 paragraph, healthcare premiums paid by the applicant for individuals  
2 in new direct jobs shall not be included in the annualized wage.  
3 Such establishment entering the Quality Jobs Program Act as the  
4 result of a change of control event shall be required to retain the  
5 contracted average annualized wage and maintain the contracted  
6 maintenance level of new direct jobs numbers as certified by the  
7 Oklahoma Tax Commission. If the required average annualized wage or  
8 the required new direct jobs numbers do not equal or exceed such  
9 contracted level during any quarter, the quarterly incentive  
10 payments shall not be made and shall not be resumed until such time  
11 as such requirements are met. An establishment described in this  
12 paragraph shall be required to repay all incentive payments received  
13 under the Quality Jobs Program Act if the establishment is  
14 determined by the Oklahoma Tax Commission to no longer have business  
15 operations in the state within three (3) years from the beginning of  
16 the calendar quarter for which the first incentive payment claim is  
17 filed.

18 3. "New direct job":

- 19 a. means full-time-equivalent employment in this state in  
20 an establishment which has qualified to receive an  
21 incentive payment pursuant to the provisions of  
22 Section 3601 et seq. of this title which employment  
23 did not exist in this state prior to the date of  
24 approval by the Department of the application of the

1 establishment pursuant to the provisions of Section  
2 3604 of this title; provided, that if an application  
3 of an establishment is approved by the Department of  
4 Commerce after a change in control event and the  
5 Director of the Department of Commerce determines that  
6 the jobs located at such establishment are likely to  
7 leave the state, "new direct job" shall include  
8 employment that existed in this state prior to the  
9 date of application which is retained in this state by  
10 the new establishment following a change in control  
11 event, if such job otherwise qualifies as a new direct  
12 job, and

13 b. shall include full-time-equivalent employment in this  
14 state of employees who are employed by an employment  
15 agency or similar entity other than the establishment  
16 which has qualified to receive an incentive payment  
17 and who are leased or otherwise provided under  
18 contract to the qualified establishment, if such job  
19 did not exist in this state prior to the date of  
20 approval by the Department of the application of the  
21 establishment or the job otherwise qualifies as a new  
22 direct job following a change in control event. A job  
23 shall be deemed to exist in this state prior to  
24 approval of an application if the activities and

1 functions for which the particular job exists have  
2 been ongoing at any time within six (6) months prior  
3 to such approval. With respect to establishments  
4 defined in division (10) of subparagraph a of  
5 paragraph 1 of this subsection, new direct jobs shall  
6 be limited to those jobs directly comprising the  
7 corporate headquarters of or directly relating to  
8 administrative, financial, engineering, surveying,  
9 geological or geophysical services performed by the  
10 establishment. Under no circumstances shall  
11 employment relating to drilling or field services be  
12 considered new direct jobs;

13 4. "Estimated direct state benefits" means the tax revenues  
14 projected by the Department to accrue to the state as a result of  
15 new direct jobs;

16 5. "Estimated direct state costs" means the costs projected by  
17 the Department to accrue to the state as a result of new direct  
18 jobs. Such costs shall include, but not be limited to:

- 19 a. the costs of education of new state resident children,
- 20 b. the costs of public health, public safety and  
21 transportation services to be provided to new state  
22 residents,
- 23 c. the costs of other state services to be provided to  
24 new state residents, and

1           d.    the costs of other state services;

2           6.    "Estimated net direct state benefits" means the estimated  
3 direct state benefits less the estimated direct state costs;

4           7.    "Net benefit rate" means the estimated net direct state  
5 benefits computed as a percentage of gross payroll; provided:

6           a.    except as otherwise provided in this paragraph, the  
7                net benefit rate may be variable and shall not exceed  
8                five percent (5%),

9           b.    the net benefit rate shall not exceed six percent (6%)  
10               in connection with an establishment which is owned and  
11               operated by an entity which has been awarded a United  
12               States Department of Defense contract for which:

13               (1)   bids were solicited and accepted by the United  
14                    States Department of Defense from facilities  
15                    located outside this state,

16               (2)   the term is or is renewable for not less than  
17                    twenty (20) years, and

18               (3)   the average annual salary, excluding benefits  
19                    which are not subject to Oklahoma income taxes,  
20                    for new direct jobs created as a direct result of  
21                    the awarding of the contract is projected by the  
22                    Department of Commerce to equal or exceed Forty  
23                    Thousand Dollars (\$40,000.00) within three (3)  
24                    years of the date of the first incentive payment,

1 c. except as otherwise provided in subparagraph d of this  
2 paragraph, in no event shall incentive payments,  
3 cumulatively, exceed the estimated net direct state  
4 benefits,

5 d. the net benefit rate shall be five percent (5%) for an  
6 establishment locating:

7 (1) in an opportunity zone located in a high-  
8 employment county, as such terms are defined in  
9 subsection G of Section 3604 of this title, or

10 (2) in a county in which:

11 (a) the per capita personal income, as  
12 determined by the Department, is eighty-five  
13 percent (85%) or less of the statewide  
14 average per capita personal income,

15 (b) the population has decreased over the  
16 previous ten (10) years, as determined by  
17 the State Data Center based on the most  
18 recent U.S. Department of Commerce data, or

19 (c) the unemployment rate exceeds the lesser of  
20 five percent (5%) or two percentage points  
21 above the state average unemployment rate as  
22 certified by the Oklahoma Employment  
23 Security Commission, and  
24

1 e. the net benefit rate shall not exceed six percent (6%)  
2 in connection with an establishment which:

3 (1) is, as of the date of application, receiving  
4 incentive payments pursuant to the Oklahoma  
5 Quality Jobs Program Act and has been receiving  
6 such payments for at least one (1) year prior to  
7 the date of application, and

8 (2) expands its operations in this state by creating  
9 additional new direct jobs which pay average  
10 annualized wages which equal or exceed one  
11 hundred fifty percent (150%) of the average  
12 annualized wages of new direct jobs on which  
13 incentive payments were received during the  
14 preceding calendar year.

15 Incentive payments made pursuant to the provisions of this  
16 subparagraph shall be based upon payroll associated with such new  
17 direct jobs. For purposes of this subparagraph, the amount of  
18 health insurance premiums or other benefits paid by the  
19 establishment shall not be included for purposes of computation of  
20 the average annualized wage;

21 8. "Gross payroll" means wages, as defined in Section 2385.1 of  
22 this title for new direct jobs;

23 9. a. "Establishment" means any business or governmental  
24 entity, no matter what legal form, including, but not

1 limited to, a sole proprietorship; partnership;  
2 limited liability company; corporation or combination  
3 of corporations which have a central parent  
4 corporation which makes corporate management decisions  
5 such as those involving consolidation, acquisition,  
6 merger or expansion; federal agency; political  
7 subdivision of the State of Oklahoma; or trust  
8 authority; provided, distinct, identifiable subunits  
9 of such entities may be determined to be an  
10 establishment, for all purposes of Section 3601 et  
11 seq. of this title, by the Department subject to the  
12 following conditions:

- 13 (1) the entity must have a minimum payroll of Two  
14 Million Five Hundred Thousand Dollars  
15 (\$2,500,000.00) and the subunit must also have or  
16 will have a minimum payroll of Two Million Five  
17 Hundred Thousand Dollars (\$2,500,000.00),
- 18 (2) the subunit is engaged in an activity or service  
19 or produces a product which is demonstratively  
20 independent and separate from the entity's other  
21 activities, services or products and could be  
22 conducted or produced in the absence of any other  
23 activity, service or production of the entity,  
24

1 (3) has an accounting system capable of tracking or  
2 facilitating an audit of the subunit's payroll,  
3 expenses, revenue and production. Limited  
4 interunit overlap of administrative and  
5 purchasing functions shall not disqualify a  
6 subunit from consideration as an establishment by  
7 the Department,

8 (4) the entity has not previously had a subunit  
9 determined to be an establishment pursuant to  
10 this section; provided, the restriction set forth  
11 in this division shall not apply to subunits  
12 which qualify pursuant to the provisions of  
13 subparagraph b of paragraph 6 of this subsection,  
14 and

15 (5) it is determined by the Department that the  
16 entity will have a probable net gain in total  
17 employment within the incentive period.

18 b. The Department may promulgate rules to further limit  
19 the circumstances under which a subunit may be  
20 considered an establishment. The Department shall  
21 promulgate rules to determine whether a subunit of an  
22 entity achieves a net gain in total employment. The  
23 Department shall establish criteria for determining  
24 the period of time within which such gain must be

1 demonstrated and a method for determining net gain in  
2 total employment;

3 10. "NAICS Manual" means any manual, book or other publication  
4 containing the North American Industry Classification System, United  
5 States, 1997, promulgated by the Office of Management and Budget of  
6 the United States of America, or the latest revised edition;

7 11. "SIC Manual" means the 1987 revision to the Standard  
8 Industrial Classification Manual, promulgated by the Office of  
9 Management and Budget of the United States of America;

10 12. "Start date" means the date on which an establishment may  
11 begin accruing benefits for the creation of new direct jobs, which  
12 date shall be determined by the Department; and

13 13. "Effective date" means the date of approval of a contract  
14 under which incentive payments will be made pursuant to the Oklahoma  
15 Quality Jobs Program Act, which shall be the date the signed and  
16 accepted incentive contract is received by the Department; provided,  
17 an approved project may have a start date which is different from  
18 the effective date.

19 B. The Incentive Approval Committee is hereby created and shall  
20 consist of the Director of State Finance, the Director of the  
21 Department and one member of the Oklahoma Tax Commission appointed  
22 by the Tax Commission, or a designee from each agency approved by  
23 such member. It shall be the duty of the Committee to determine:  
24

1           1. Upon initial application on a form approved by the  
2 Committee, if an establishment is engaged in a basic industry as  
3 defined in subdivision (b) of division (7) or in subdivisions (a)  
4 through (p) of division ~~(8)~~ (9) of subparagraph a of paragraph 1 of  
5 subsection A of this section or as otherwise provided by subsection  
6 C of this section;

7           2. If an establishment would have been defined as a "basic  
8 industry" prior to the amendments to this section to convert from  
9 SIC Codes to NAICS Codes. If the Committee so determines, the  
10 establishment shall be considered as a "basic industry" for purposes  
11 of the Oklahoma Quality Jobs Program Act; and

12           3. If employees of an establishment as defined in division ~~(9)~~  
13 (10) of subparagraph a of paragraph 1 of subsection A of this  
14 section meet the requirements to be considered employed in new  
15 direct jobs as specified in paragraph 2 of subsection A of this  
16 section.

17           C. For an establishment defined as a "basic industry" pursuant  
18 to division (4) of subparagraph a of paragraph 1 of subsection A of  
19 this section, the Incentive Approval Committee shall consist of the  
20 members provided by subsection B of this section and the Executive  
21 Director of the Oklahoma Center for the Advancement of Science and  
22 Technology, or a designee from the Center appointed by the Executive  
23 Director.

24

1 SECTION 62. REPEALER 68 O.S. 2001, Section 3603, as last  
2 amended by Section 74, Chapter 16, O.S.L. 2006 (68 O.S. Supp. 2006,  
3 Section 3603), is hereby repealed.

4 SECTION 63. AMENDATORY 68 O.S. 2001, Section 3604, as  
5 last amended by Section 1, Chapter 282, O.S.L. 2006 (68 O.S. Supp.  
6 2006, Section 3604), is amended to read as follows:

7 Section 3604. A. Except as otherwise provided in subsection I  
8 of this section, an establishment which meets the qualifications  
9 specified in the Oklahoma Quality Jobs Program Act may receive  
10 quarterly incentive payments for a ten-year period from the Oklahoma  
11 Tax Commission pursuant to the provisions of the Oklahoma Quality  
12 Jobs Program Act in an amount which shall be equal to the net  
13 benefit rate multiplied by the actual gross payroll of new direct  
14 jobs for a calendar quarter as verified by the Oklahoma Employment  
15 Security Commission.

16 B. In order to receive incentive payments, an establishment  
17 shall apply to the Oklahoma Department of Commerce. The application  
18 shall be on a form prescribed by the Department and shall contain  
19 such information as may be required by the Department to determine  
20 if the applicant is qualified. An establishment may apply for an  
21 effective date for a project, which shall not be more than twenty-  
22 four (24) months from the date the application is submitted to the  
23 Department.

24

1 C. Except as otherwise provided by subsection D or E of this  
2 section, in order to qualify to receive such payments, the  
3 establishment applying shall be required to:

4 1. Be engaged in a basic industry;

5 2. Have an annual gross payroll for new direct jobs projected  
6 by the Department to equal or exceed Two Million Five Hundred  
7 Thousand Dollars (\$2,500,000.00) within three (3) years of the start  
8 date; and

9 3. Have a number of full-time-equivalent employees residing in  
10 this state and working an annual average of ~~twenty five (25)~~ thirty  
11 (30) or more hours per week in new direct jobs equal to or in excess  
12 of eighty percent (80%) of the total number of new direct jobs.

13 D. In order to qualify to receive incentive payments as  
14 authorized by the Oklahoma Quality Jobs Program Act, an  
15 establishment engaged in an activity described under:

16 1. Industry Group Nos. 3111 through 3119 of the NAICS Manual  
17 shall be required to:

18 a. have an annual gross payroll for new direct jobs  
19 projected by the Department to equal or exceed One  
20 Million Five Hundred Thousand Dollars (\$1,500,000.00)  
21 within three (3) years of the start date and make, or  
22 which will make within one (1) year, at least seventy-  
23 five percent (75%) of its total sales, as determined  
24 by the Incentive Approval Committee pursuant to the

1 provisions of subsection B of Section 3603 of this  
2 title, to out-of-state customers or buyers, to in-  
3 state customers or buyers if the product or service is  
4 resold by the purchaser to an out-of-state customer or  
5 buyer for ultimate use, or to the federal government,  
6 unless the annual gross payroll equals or exceeds Two  
7 Million Five Hundred Thousand Dollars (\$2,500,000.00)  
8 in which case the requirements for purchase of output  
9 provided by this subparagraph shall not apply, and

10 b. have a number of full-time-equivalent employees  
11 working an average of twenty-five (25) or more hours  
12 per week in new direct jobs equal to or in excess of  
13 eighty percent (80%) of the total number of new direct  
14 jobs; and

15 2. Division (4) of subparagraph a of paragraph 1 of subsection  
16 A of Section 3603 of this title, shall be required to:

17 a. have an annual gross payroll for new direct jobs  
18 projected by the Department to equal or exceed One  
19 Million Five Hundred Thousand Dollars (\$1,500,000.00)  
20 within three (3) years of the start date, and

21 b. have a number of full-time-equivalent employees  
22 working an average of twenty-five (25) or more hours  
23 per week in new direct jobs equal to or in excess of  
24

1           eighty percent (80%) of the total number of new direct  
2           jobs.

3           E. 1. An establishment which locates its principal business  
4 activity within a site consisting of at least ten (10) acres which:

5           a. is a federal Superfund removal site,

6           b. is listed on the National Priorities List established  
7           under Section 9605 of Title 42 of the United States  
8           Code,

9           c. has been formally deferred to the state in lieu of  
10           listing on the National Priorities List, or

11           d. has been determined by the Department of Environmental  
12           Quality to be contaminated by any substance regulated  
13           by a federal or state statute governing environmental  
14           conditions for real property pursuant to an order of  
15           the Department of Environmental Quality,

16 shall qualify for incentive payments irrespective of its actual  
17 gross payroll or the number of full-time-equivalent employees  
18 engaged in new direct jobs.

19           2. In order to qualify for the incentive payments pursuant to  
20 this subsection, the establishment shall conduct the activity  
21 resulting in at least fifty percent (50%) of its Oklahoma taxable  
22 income or adjusted gross income, as determined under Section 2358 of  
23 this title, whether from the sale of products or services or both  
24 products and services, at the physical location which has been

1 determined not to comply with the federal or state statutes  
2 described in this subsection with respect to environmental  
3 conditions for real property. The establishment shall be subject to  
4 all other requirements of the Oklahoma Quality Jobs Program Act  
5 other than the exemptions provided by this subsection.

6 3. In order to qualify for the incentive payments pursuant to  
7 this subsection, the entity shall obtain from the Department of  
8 Environmental Quality a letter of concurrence that:

9 a. the site designated by the entity does meet one or  
10 more of the requirements listed in paragraph 1 of this  
11 subsection, and

12 b. the site is being or has been remediated to a level  
13 which is consistent with the intended use of the  
14 property.

15 In making its determination, the Department of Environmental  
16 Quality may rely on existing data and information available to it,  
17 but may also require the applying entity to provide additional data  
18 and information as necessary.

19 4. If authorized by the Department of Environmental Quality  
20 pursuant to paragraph 3 of this subsection, the entity may utilize a  
21 remediated portion of the property for its intended purpose prior to  
22 remediation of the remainder of the site, and shall qualify for  
23 incentive payments based on employment associated with the portion  
24 of the site.

1 F. Except as otherwise provided by subsection G of this  
2 section, for applications submitted on and after the effective date  
3 of this act, in order to qualify to receive incentive payments as  
4 authorized by the Oklahoma Quality Jobs Program Act, in addition to  
5 other qualifications specified herein, an establishment shall be  
6 required to pay new direct jobs an average annualized wage which  
7 equals or exceeds:

8 1. One hundred ten percent (110%) of the average county wage as  
9 determined by the Oklahoma State Data Center based on the most  
10 recent U.S. Department of Commerce data for the county in which the  
11 new direct jobs are located. For purposes of this paragraph,  
12 ~~healthcare~~ health care premiums paid by the applicant for  
13 individuals in new direct jobs shall be included in the annualized  
14 wage; or

15 2. One hundred percent (100%) of the average county wage as  
16 that percentage is determined by the Oklahoma State Data Center  
17 based upon the most recent U.S. Department of Commerce data for the  
18 county in which the new jobs are located. For purposes of this  
19 paragraph, ~~healthcare~~ health care premiums paid by the applicant for  
20 individuals in new direct jobs shall not be included in the  
21 annualized wage.

22 Provided, no average wage requirement shall exceed Twenty-five  
23 Thousand Dollars (\$25,000.00), in any county. This maximum wage  
24 threshold shall be indexed and modified from time to time based on

1 the latest Consumer Price Index year-to-date percent change release  
2 as of the date of the annual average county wage data release from  
3 the Bureau of Economic Analysis of the U.S. Department of Commerce.

4 G. 1. As used in this subsection, "opportunity zone" means one  
5 or more census tracts in which, according to the most recent federal  
6 decennial census, at least thirty percent (30%) of the residents  
7 have annual gross household incomes from all sources below the  
8 poverty guidelines established by the U.S. Department of Health and  
9 Human Services. An establishment which is otherwise qualified to  
10 receive incentive payments and which locates its principal business  
11 activity in an opportunity zone shall not be subject to the  
12 requirements of subsection F of this section.

13 2. As used in this subsection:

14 a. "negative economic event" means:

15 (1) a man-made disaster or natural disaster as  
16 defined in Section 683.3 of Title 63 of the  
17 Oklahoma Statutes, resulting in the loss of a  
18 significant number of jobs within a particular  
19 county of this state, or

20 (2) an economic circumstance in which a significant  
21 number of jobs within a particular county of this  
22 state have been lost due to an establishment  
23 changing its structure, consolidating with  
24

1 another establishment, closing or moving all or  
2 part of its operations out of this state, and  
3 b. "significant number of jobs" means full-time-  
4 equivalent employment in a county equal to or in  
5 excess of three percent (3%) of the total amount of  
6 full-time-equivalent employment in that county for the  
7 calendar year, or most recent twelve-month period in  
8 which employment is measured, preceding the event.

9 An establishment which is otherwise qualified to receive  
10 incentive payments and which locates in a county in which a negative  
11 economic event has occurred within the eighteen-month period  
12 preceding the start date shall not be subject to the requirements of  
13 subsection F of this section; provided, an establishment shall not  
14 be eligible to receive incentive payments based upon a negative  
15 economic event with respect to jobs that are transferred from one  
16 county of this state to another.

17 H. The Department shall determine if the applicant is qualified  
18 to receive incentive payments.

19 I. If the applicant is determined to be qualified by the  
20 Department and is not subject to the provisions of subparagraph d of  
21 paragraph 6 of subsection A of Section 3603 of this title, the  
22 Department shall conduct a cost/benefit analysis to determine the  
23 estimated net direct state benefits and the net benefit rate  
24 applicable for a ten-year period and to estimate the amount of gross

1 payroll for a ten-year period. In conducting such cost/benefit  
2 analysis, the Department shall consider quantitative factors, such  
3 as the anticipated level of new tax revenues to the state along with  
4 the added cost to the state of providing services, and such other  
5 criteria as deemed appropriate by the Department. In no event shall  
6 incentive payments, cumulatively, exceed the estimated net direct  
7 state benefits, except for applicants subject to the provisions of  
8 subparagraph d of paragraph 6 of subsection A of Section 3603 of  
9 this title.

10 J. Upon approval of such an application, the Department shall  
11 notify the Tax Commission and shall provide it with a copy of the  
12 application and the results of the cost/benefit analysis. The Tax  
13 Commission may require the qualified establishment to submit such  
14 additional information as may be necessary to administer the  
15 provisions of the Oklahoma Quality Jobs Program Act. The approved  
16 establishment shall report to the Tax Commission periodically to  
17 show its continued eligibility for incentive payments, as provided  
18 in Section 3606 of this title. The establishment may be audited by  
19 the Tax Commission to verify such eligibility. Once the  
20 establishment is approved, an agreement shall be deemed to exist  
21 between the establishment and the State of Oklahoma, requiring the  
22 continued incentive payment to be made as long as the establishment  
23 retains its eligibility as defined in and established pursuant to  
24 this section and Sections 3603 and 3606 of this title and within the

1 limitations contained in the Oklahoma Quality Jobs Program Act,  
2 which existed at the time of such approval.

3 K. A municipality with a population of less than one hundred  
4 thousand (100,000) persons in which an establishment eligible to  
5 receive quarterly incentive payments pursuant to the provisions of  
6 this section is located may file a claim with the Tax Commission for  
7 up to twenty-five percent (25%) of the amount of such payment. The  
8 amount of such claim shall not exceed amounts paid by the  
9 municipality for direct costs of municipal infrastructure  
10 improvements to provide water and sewer service to the  
11 establishment. Such claim shall not be approved by the Tax  
12 Commission unless the municipality and the establishment have  
13 entered into a written agreement for such claims to be filed by the  
14 municipality prior to submission of the application of the  
15 establishment pursuant to the provisions of this section. If such  
16 claim is approved, the amount of the payment to the establishment  
17 made pursuant to the provisions of Section 3606 of this title shall  
18 be reduced by the amount of the approved claim by the municipality  
19 and the Tax Commission shall issue a warrant to the municipality in  
20 the amount of the approved claim in the same manner as warrants are  
21 issued to qualifying establishments.

22 SECTION 64. REPEALER 68 O.S. 2001, Section 3604, as last  
23 amended by Section 32, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006,  
24 Section 3604), is hereby repealed.

1 SECTION 65. AMENDATORY 68 O.S. 2001, Section 3606, as  
2 last amended by Section 2, Chapter 282, O.S.L. 2006 (68 O.S. Supp.  
3 2006, Section 3606), is amended to read as follows:

4 Section 3606. A. As soon as practicable after the end of a  
5 calendar quarter for which an establishment has qualified to receive  
6 an incentive payment, the establishment shall file a claim for the  
7 payment with the Oklahoma Tax Commission and shall specify the  
8 actual number and gross payroll of new direct jobs for the  
9 establishment for the calendar quarter; provided, in no event shall  
10 the first claim for incentive payments be filed later than three (3)  
11 years from the start date designated by the Oklahoma Department of  
12 Commerce. The Tax Commission shall verify the actual gross payroll  
13 for new direct jobs for the establishment for such calendar quarter.  
14 If the Tax Commission is not able to provide such verification  
15 utilizing all available resources, the Tax Commission may request  
16 such additional information from the establishment as may be  
17 necessary or may request the establishment to revise its claim.

18 B. If the actual verified gross payroll for four (4)  
19 consecutive calendar quarters does not equal or exceed the  
20 applicable total required by Section 3604 of this title within three  
21 (3) years of the start date, or does not equal or exceed the  
22 applicable total required by Section 3604 of this title at any other  
23 time during the ten-year period after the start date, the incentive  
24 payments shall not be made and shall not be resumed until such time

1 as the actual verified gross payroll equals or exceeds the amounts  
2 specified in Section 3604 of this title.

3 C. If the average annualized wage required for an establishment  
4 ~~locating its principal business activity in a municipality with a~~  
5 ~~population which exceeds sixty thousand (60,000) persons located~~  
6 ~~within a metropolitan statistical area with a population which~~  
7 ~~exceeds seven hundred thousand (700,000) persons, as determined by~~  
8 ~~the Oklahoma State Data Center based on the most recent U.S.~~  
9 ~~Department of Commerce data, the principal seat of government of~~  
10 ~~which is located in a high employment county subject to the~~  
11 ~~provisions of subsection F of Section 3604 of this title, does not~~  
12 equal or exceed the amount specified in paragraph 1 or 2 of  
13 subsection F of Section 3604 of this title ~~within three (3) years of~~  
14 ~~the date of the first incentive payment~~ during any calendar quarter,  
15 the incentive payments shall not be made and shall not be resumed  
16 until such time as such requirements are met.

17 D. In no event shall incentive payments, cumulatively, exceed  
18 the estimated net direct state benefits, except for establishments  
19 subject to the provisions of subparagraph d of paragraph 6 of  
20 subsection A of Section 3603 of this title.

21 E. An establishment that has qualified pursuant to Section 3604  
22 of this title may receive payments only in accordance with the  
23 provisions of the law under which it initially applied and was  
24 approved. If an establishment that is receiving incentive payments

1 expands, it may apply for additional incentive payments based on the  
2 gross payroll anticipated from the expansion only, pursuant to  
3 Section 3604 of this title. Provided, an establishment which has  
4 suffered an extraordinary adverse business circumstance, as  
5 certified by the Incentive Review Committee, may be allowed to  
6 voluntarily withdraw from the Oklahoma Quality Jobs Program, repay  
7 to the Oklahoma Tax Commission the total amount of incentive  
8 payments received pursuant to the provisions of this section, plus  
9 interest at the rate specified in Section 727.1 of Title 12 of the  
10 Oklahoma Statutes, and reapply to the Department for a new incentive  
11 contract if the establishment qualifies pursuant to the provisions  
12 of the Oklahoma Quality Jobs Program Act. Any funds received by the  
13 Tax Commission pursuant to the provisions of this subsection shall  
14 be apportioned in the manner that income tax revenues are  
15 apportioned.

16 F. An establishment that is receiving incentive payments may  
17 not apply for additional incentive payments for any new projects  
18 until twelve (12) quarters after receipt of the first incentive  
19 payment, or until the establishment's actual verified gross payroll  
20 for new direct jobs equals or exceeds Two Million Five Hundred  
21 Thousand Dollars (\$2,500,000.00) during any four consecutive-  
22 calendar-quarter period, whichever comes first. After meeting the  
23 requirements of this subsection, an establishment may apply for  
24

1 additional incentive payments based upon the gross payroll  
2 anticipated from an expansion only.

3 G. As soon as practicable after verification of the actual  
4 gross payroll as required by this section and except as otherwise  
5 provided by subsection L of Section 3604 of this title, the Tax  
6 Commission shall issue a warrant to the establishment in the amount  
7 of the net benefit rate multiplied by the actual gross payroll as  
8 determined pursuant to subsection A of this section for the calendar  
9 quarter.

10 SECTION 66. REPEALER 68 O.S. 2001, Section 3606, as last  
11 amended by Section 33, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006,  
12 Section 3606), is hereby repealed.

13 SECTION 67. AMENDATORY 68 O.S. 2001, Section 3904, as  
14 last amended by Section 1, Chapter 256, O.S.L. 2006 (68 O.S. Supp.  
15 2006, Section 3904), is amended to read as follows:

16 Section 3904. A. An establishment which meets the  
17 qualifications specified in the Small Employer Quality Jobs  
18 Incentive Act may receive quarterly incentive payments for a seven-  
19 year period from the Oklahoma Tax Commission pursuant to the  
20 provisions of the Small Employer Quality Jobs Incentive Act in an  
21 amount equal to the net benefit rate multiplied by the actual gross  
22 taxable payroll of new direct jobs as verified by the Tax  
23 Commission.

24

1 B. In order to receive incentive payments, an establishment  
2 shall apply to the Oklahoma Department of Commerce. The application  
3 shall be on a form prescribed by the Department and shall contain  
4 such information as may be required by the Department to determine  
5 if the applicant is qualified. The establishment may apply for  
6 ~~payments to begin on a date certain specified in the application an~~  
7 effective date for a project, which shall not be more than ~~twenty-~~  
8 ~~four (24)~~ twelve (12) months from the date the application is  
9 submitted to the Department.

10 C. Before approving an application for incentive payments, the  
11 Department must first determine that the applicant meets the  
12 following requirements:

13 1. Be engaged in a basic industry;  
14 2. Has no more than ninety full-time employees in this state on  
15 the date of application nor an average of more than ninety full-time  
16 employees in this state during the four calendar quarters  
17 immediately preceding the date of application;

18 3. Has a projected minimum employment, as determined by the  
19 Department, of new direct jobs within twelve (12) months of the date  
20 of application as follows:

21 a. if the establishment is located in a municipality with  
22 a population less than three thousand five hundred  
23 (3,500) persons, as determined by the Oklahoma State  
24 Data Center based on the most recent U.S. Department

1 of Commerce data, or if the establishment is located  
2 in an unincorporated area and the largest municipality  
3 within twenty (20) miles of the establishment is such  
4 a municipality, five new direct jobs,

5 b. if the establishment is located in a municipality with  
6 a population of three thousand five hundred (3,500)  
7 persons or more but less than seven thousand (7,000)  
8 persons, as determined by the Oklahoma State Data  
9 Center based on the most recent U.S. Department of  
10 Commerce data, or if the establishment is located in  
11 an unincorporated area and the largest municipality  
12 within twenty (20) miles of the establishment is such  
13 a municipality, ten new direct jobs, and

14 c. if the establishment is located in a municipality with  
15 a population of seven thousand (7,000) persons or  
16 more, as determined by the Oklahoma State Data Center  
17 based on the most recent U.S. Department of Commerce  
18 data, or if the establishment is located in an  
19 unincorporated area and the largest municipality  
20 within twenty (20) miles of the establishment is such  
21 a municipality, fifteen new direct jobs.

22 Provided, for an establishment engaged in software publishing as  
23 defined or classified in the NAICS Manual under Industry Group No.  
24 5112, data processing, hosting and related services as defined or

1 classified in the NAICS Manual under Industry Group No. 5182,  
2 computer systems design and related services as defined or  
3 classified in the NAICS Manual under Industry Group No. 5415,  
4 scientific research and development services as defined or  
5 classified in the NAICS Manual under Industry Group No. 5417,  
6 medical and diagnostic laboratories as defined or classified in the  
7 NAICS Manual under Industry Group No. 6215 or testing laboratories  
8 as defined or classified in the NAICS Manual under U.S. Industry No.  
9 541380, the projected minimum employment requirements of this  
10 paragraph must be achieved within thirty-six (36) months of the date  
11 of application;

12 4. Has or will have within twelve (12) months of the date of  
13 application, as determined by the Department, sales of at least  
14 seventy-five percent (75%) of its total sales to out-of-state  
15 customers or buyers, to in-state customers or buyers if the product  
16 or service is resold by the purchaser to an out-of-state customer or  
17 buyer for ultimate use, or to the federal government, except that:

18 a. those establishments in the NAICS Manual under the  
19 U.S. Industry No. 541710 or 541380 are excused from  
20 the seventy-five percent (75%) out-of-state sales  
21 requirement,

22 b. warehouses that serve as distribution centers for  
23 retail or wholesale businesses shall be required to  
24

1 distribute forty percent (40%) of inventory to out-of-  
2 state locations, and

3 c. adjustment and collection services activities defined  
4 or classified in the NAICS Manual under U.S. Industry  
5 No. 561440 shall be required to have seventy-five  
6 percent (75%) of loans to be serviced made by out-of-  
7 state debtors;

8 5. Will pay the individuals it employs in new direct jobs an  
9 average annualized wage which equals or exceeds:

10 a. one hundred twenty-five percent (125%) of the average  
11 county wage as that percentage is determined by the  
12 Oklahoma State Data Center based on the most recent  
13 U.S. Department of Commerce data for the county in  
14 which the new direct jobs are located. For purposes  
15 of this subparagraph, health care premiums paid by the  
16 applicant for individuals in new direct jobs shall be  
17 included in the annualized wage, or

18 b. one hundred ten percent (110%) of the average county  
19 wage as that percentage is determined by the Oklahoma  
20 State Data Center based upon the most recent U.S.  
21 Department of Commerce data for the county in which  
22 the new direct jobs are located. For purposes of this  
23 subparagraph, health care premiums paid by the  
24

1 applicant for individuals in new direct jobs shall not  
2 be included in the annualized wage; or

3 c. one hundred percent (100%) of the average county wage,  
4 excluding health care premiums paid by the applicant  
5 for individuals in new direct jobs if the county in  
6 which the new jobs are located has:

7 (1) according to the most recent determination by the  
8 Oklahoma Employment Security Commission, a county  
9 unemployment rate more than ten percent (10%)  
10 higher than the state unemployment rate, and

11 (2) according to the most recent Federal Decennial  
12 Census, a county median household income fifteen  
13 percent (15%) or more below the federal poverty  
14 level;

15 6. Has a basic health benefit plan which, as determined by the  
16 Department, meets the elements established under divisions (1)  
17 through (7) of subparagraph b of paragraph 1 of subsection A of  
18 Section 3603 of this title and which will be offered to individuals  
19 within twelve (12) months of employment in a new direct job;

20 7. Has not received incentive payments under the Oklahoma  
21 Quality Jobs Program Act, the Saving Quality Jobs Act, or the Former  
22 Military Facility Development Act; and

23 8. Is not qualified for approval of an application for  
24 incentive payments under the Oklahoma Quality Jobs Program Act, the

1 Saving Quality Jobs Act, or the Former Military Facility Development  
2 Act.

3 D. The Oklahoma Department of Commerce shall determine if an  
4 applicant is qualified to receive the incentive payment. Upon  
5 qualifying the applicant, the Department shall notify the Tax  
6 Commission and shall provide it with a copy of the application, and  
7 approval which shall provide the number of persons employed by the  
8 applicant upon the date of approval and the maximum total incentives  
9 which may be paid to the applicant during the seven-year period.  
10 The Tax Commission may require the qualified establishment to submit  
11 additional information as may be necessary to administer the  
12 provisions of the Small Employer Quality Jobs Incentive Act. The  
13 approved establishment shall report to the Tax Commission quarterly  
14 to show its continued eligibility for incentive payments, as  
15 provided in Section 3905 of this title. Establishments may be  
16 audited by the Tax Commission to verify such eligibility. Once the  
17 establishment is approved, an agreement shall be deemed to exist  
18 between the establishment and the State of Oklahoma, requiring  
19 incentive payments to be made for a seven-year period as long as the  
20 establishment retains its eligibility and within the limitations of  
21 the Small Employer Quality Jobs Incentive Act which existed at the  
22 time of such approval. Any establishment which has been approved  
23 for incentive payments prior to July 1, 2002, shall continue to  
24 receive such payments pursuant to the laws as they existed prior to

1 July 1, 2002, for any period of time of the original five-year  
2 period for such payments remaining after July 1, 2002.

3 SECTION 68. REPEALER 68 O.S. 2001, Section 3904, as last  
4 amended by Section 35, Chapter 281, O.S.L. 2006 (68 O.S. Supp. 2006,  
5 Section 3904), is hereby repealed.

6 SECTION 69. AMENDATORY 70 O.S. 2001, Section 6-194, as  
7 last amended by Section 3, Chapter 227, O.S.L. 2006 (70 O.S. Supp.  
8 2006, Section 6-194), is amended to read as follows:

9 Section 6-194. A. The district boards of education of this  
10 state shall establish professional development programs for the  
11 certified and licensed teachers and administrators of the district.  
12 Programs shall be adopted by each board based upon recommendations  
13 of a professional development committee appointed by the board of  
14 education for the district.

15 B. Each professional development committee shall include  
16 classroom teachers, administrators and parents, guardians or  
17 custodians of children in the school district and shall consult with  
18 a higher education faculty. A majority of the members of the  
19 professional development committee shall be composed of classroom  
20 teachers. The teacher members shall be selected by a designated  
21 administrator of the school district from a list of names submitted  
22 by the teachers in the school district. The members selected shall  
23 be subject to the approval of a majority vote of the teachers in the  
24

1 district. At a minimum, once every four (4) years the committee  
2 shall include at least one school counselor in its membership.

3 C. In developing program recommendations, each professional  
4 development committee shall annually utilize a data-driven approach  
5 to analyze student data and determine district and school  
6 professional development needs. The professional development  
7 programs adopted shall be directed toward development of  
8 competencies and instructional strategies in the core curriculum  
9 areas for the following goals:

- 10 1. Increasing the academic performance index scores for the  
11 district and each school site;
- 12 2. Closing achievement gaps among student subgroups;
- 13 3. Increasing student achievement as demonstrated on state-  
14 mandated tests and the ACT;
- 15 4. Increasing high school graduation rates; and
- 16 5. Decreasing college remediation rates.

17 Each program shall also include components on classroom  
18 management and student discipline strategies, outreach to parents,  
19 guardians or custodians of students, special education, and racial  
20 and ethnic education, which all personnel defined as teachers in  
21 Section 1-116 of this title shall be required to complete on a  
22 periodic basis. The State Board of Education shall provide  
23 guidelines to assist school districts in developing and implementing  
24 racial and ethnic education components into professional development

1 programs. At least once a year a program shall be offered which  
2 includes a component of teacher training on recognition and  
3 reporting of child abuse and neglect which all teachers shall be  
4 required to complete. Each adopted program shall allow school  
5 counselors to receive at least one-third (1/3) of the hours or  
6 credit required each year through programs or courses specifically  
7 designed for school counselors.

8 Districts are authorized to utilize any means for professional  
9 development that is not prohibited by law including, but not limited  
10 to, professional development provided by the district, any state  
11 agency, institution of higher education, or any private entity.

12 D. Each licensed or certified teacher in this state shall be  
13 required by the district board of education to meet the professional  
14 development requirements established by the board, or established  
15 through the negotiation process. Provided, the professional  
16 development requirements established by each board of education  
17 shall require every teacher to annually complete a minimum number of  
18 the total number of points required to maintain employment. Failure  
19 of any teacher to meet district board of education professional  
20 development requirements may be grounds for nonrenewal of such  
21 teacher's contract by the board. Such failure may also be grounds  
22 for nonconsideration of salary increments affecting the teacher.

23 E. Each district shall annually submit a report to the State  
24 Department of Education on the district level professional

1 development needs, activities completed, expenditures, and results  
2 achieved for each school year by each goal as provided in subsection  
3 C of this section.

4 F. Subject to the availability of funds, the Department shall  
5 develop an online system for reporting as required in subsection E  
6 of this section. The Department shall also make such information  
7 available on its website.

8 SECTION 70. REPEALER 70 O.S. 2001, Section 6-194, as  
9 last amended by Section 1, Chapter 192, O.S.L. 2006 (70 O.S. Supp.  
10 2006, Section 6-194), is hereby repealed.

11 SECTION 71. REPEALER 70 O.S. 2001, Section 6-194, as  
12 last amended by Section 3, Chapter 278, O.S.L. 2006 (70 O.S. Supp.  
13 2006, Section 6-194), is hereby repealed.

14 SECTION 72. AMENDATORY 70 O.S. 2001, Section 17-108.1,  
15 as amended by Section 4, Chapter 46, 2nd Extraordinary Session,  
16 O.S.L. 2006 (70 O.S. Supp. 2006, Section 17-108.1), is amended to  
17 read as follows:

18 Section 17-108.1 A. The employer of any member of the  
19 Teachers' Retirement System of Oklahoma shall make the following  
20 contributions to the System:

21 1. Beginning July 1, 1998, through June 30, 1999, eleven and  
22 one-half percent (11 1/2%) of the regular annual compensation of the  
23 member not in excess of any applicable maximum compensation level of  
24 the member;

1        2. Beginning July 1, 1999, through June 30, 2000, four and  
2 eight-tenths percent (4.8%) of the regular annual compensation of  
3 the member not in excess of any applicable maximum compensation  
4 level of the member;

5        3. Beginning July 1, 2000, through June 30, 2001, five and  
6 eight-tenths percent (5.8%) of the regular annual compensation of  
7 the member not in excess of any applicable maximum compensation  
8 level of the member;

9        4. Beginning July 1, 2001, through June 30, 2002, six and  
10 eight-tenths percent (6.8%) of the regular annual compensation of  
11 the member not in excess of any applicable maximum compensation  
12 level of the member;

13        5. Beginning July 1, 2002, through December 31, 2006, seven and  
14 five-hundredths percent (7.05%) of the regular annual compensation  
15 of the member not in excess of any applicable maximum compensation  
16 level of the member;

17        6. Beginning January 1, 2007, through June 30, 2007, seven and  
18 six-tenths percent (7.6%) of the regular annual compensation of the  
19 member not in excess of any applicable maximum compensation level of  
20 the member;

21        7. Beginning July 1, 2007, through June 30, 2008, seven and  
22 eighty-five hundredths percent (7.85%) of the regular annual  
23 compensation of the member not in excess of any applicable maximum  
24 compensation level of the member; and

1       8. Beginning July 1, 2008, through June 30, 2009, and for each  
2 fiscal year thereafter, eight percent (8.0%) of the regular annual  
3 compensation of the member not in excess of any applicable maximum  
4 compensation level of the member. The employer contribution rate  
5 increase that would otherwise be effective as provided by paragraphs  
6 6, 7 and 8 of this subsection, shall not become effective as law  
7 unless appropriation levels to each of the affected participating  
8 employers within the Oklahoma Teachers' Retirement System are  
9 increased so that the additional employer contribution obligation is  
10 funded through such appropriation levels instead of requiring the  
11 additional employer contribution to be paid for from existing  
12 budgetary resources of such participating employers. The  
13 participating employers shall use any monies specifically  
14 appropriated for purposes of making employer contributions for such  
15 purpose and to the extent of the funds appropriated for that  
16 purpose. Beginning January 1, 2007, through June 30, 2007, and for  
17 each fiscal year thereafter, a participating employer that employs  
18 an employee of a comprehensive university or a regional institution  
19 offering a four-year degree program as designated or authorized by  
20 the Oklahoma State Regents for Higher Education shall make  
21 contributions to the System with respect to such employees at the  
22 rate of seven and five-hundredths percent (7.05%) of the regular  
23 annual compensation of the member not in excess of any applicable  
24 maximum compensation level.

1 Any employer contribution paid to the System pursuant to this  
2 subsection shall not be considered as salary, fringe benefit, or  
3 total compensation due to members for the purpose of meeting any  
4 legislative or contractual obligation of the employer.

5 B. For entities or institutions within The Oklahoma State  
6 System of Higher Education, the contributions to the retirement  
7 system specified in subsection A of this section shall be made on  
8 regular annual compensation of a member who is an employee of such  
9 entity or institution not to exceed the maximum compensation level  
10 in effect for the member as prescribed by law.

11 C. Employers paying contributions to the Retirement System  
12 pursuant to subsection A or B of this section shall receive credit  
13 for that portion of the gross production tax on natural gas and/or  
14 casinghead gas apportioned to the Retirement System pursuant to  
15 subsection 2 of Section 1004 of Title 68 of the Oklahoma Statutes in  
16 meeting the total required employer contribution. On an annual  
17 basis, the Board of Trustees shall estimate the net additional cost  
18 required to be paid by the contributing employers in order to meet  
19 the total employer contribution as provided in subsection A or B of  
20 this section. The Board of Trustees shall approve the amount of the  
21 additional contribution required to be paid by contributing  
22 employers as a percentage of total member salaries and fringe  
23 benefits for each fiscal year ending June 30, no later than April 1  
24 of the previous fiscal year. In no event shall the additional

1 contribution required to be paid by the contributing employer under  
2 this subsection be less than the contribution required under this  
3 subsection in the prior year. In the event actual contributions do  
4 not equal the required total contribution as provided in subsection  
5 A or B of this section, the net difference between the actual  
6 contributions and the required total contributions shall be  
7 determined and shall be included in the amount of the additional  
8 contribution required to be paid by contributing employers for the  
9 next fiscal year. All contributing employers shall pay the same  
10 percentage of total member salaries and fringe benefits during each  
11 fiscal year. The provisions of this subsection shall terminate June  
12 30, 1999.

13 D. Any school district, state college or university, State  
14 Board of Education, State Board of Career and Technology Education,  
15 or other state agency may, for and on behalf of any member of the  
16 Teachers' Retirement System, pay all or any portion of the  
17 contribution required by Section 17-108 of this title. Provided,  
18 the contribution so paid by any school district, state college or  
19 university, State Board of Education, State Board of Career and  
20 Technology Education, or other state agency shall be and remain  
21 subject to the withdrawal provisions set forth under the Teachers'  
22 Retirement System. Wherever the term "contribution" is used, it  
23 shall be deemed to include contributions paid for and on behalf of a  
24 member by a school district, state college or university, State

1 Board of Education, State Board of Career and Technology Education,  
2 or other state agency.

3 E. All participating employers shall provide a complete record  
4 of the total compensation paid to each employee, including any  
5 person who is a retired member of the retirement system, whether or  
6 not employer and employee contributions are made with respect to  
7 such compensation. The employer shall provide the report required  
8 by this subsection on a monthly basis on a form or using such method  
9 as the Teachers' Retirement System of Oklahoma may require.

10 SECTION 73. REPEALER 70 O.S. 2001, Section 17-108.1, as  
11 amended by Section 32, Chapter 46, 2nd Extraordinary Session, O.S.L.  
12 2006 (70 O.S. Supp. 2006, Section 17-108.1), is hereby repealed.

13 SECTION 74. AMENDATORY 70 O.S. 2001, Section 3311, as  
14 last amended by Section 1, Chapter 225, O.S.L. 2006 (70 O.S. Supp.  
15 2006, Section 3311), is amended to read as follows:

16 Section 3311. A. There is hereby re-created a Council on Law  
17 Enforcement Education and Training which shall be, and is hereby  
18 declared to be, a governmental agency of the State of Oklahoma, body  
19 politic and corporate, with powers of government and with the  
20 authority to exercise the rights, privileges and functions specified  
21 by Sections 3311 through 3311.10 of this title. The Council shall  
22 be composed of nine (9) members, the Director of the Oklahoma State  
23 Bureau of Investigation, one member appointed by the Governor who  
24 may be a lay person, and seven police or peace officers, one

1 selected by each of the following: the Court of Criminal Appeals,  
2 the Commissioner of Public Safety, the Board of Directors of the  
3 Oklahoma Sheriffs and Peace Officers Association, the Oklahoma  
4 Association of Police Chiefs, the Board of Directors of the Oklahoma  
5 Sheriffs' Association, the Board of Directors of the Fraternal Order  
6 of Police and the Governor. The Director selected by the Council  
7 shall be an ex officio member of the Council and shall act as  
8 Secretary. The Council on Law Enforcement Education and Training  
9 shall select a chair and vice-chair from among its members. Members  
10 of the Council on Law Enforcement Education and Training shall not  
11 receive a salary for duties performed as members of the Council, but  
12 shall be reimbursed for their actual and necessary expenses incurred  
13 in the performance of Council duties pursuant to the provisions of  
14 the State Travel Reimbursement Act.

15 B. The Council on Law Enforcement Education and Training is  
16 hereby authorized and directed to:

17 1. Appoint a larger Advisory Council to discuss problems and  
18 hear recommendations concerning necessary research, minimum  
19 standards, educational needs, and other matters imperative to  
20 upgrading Oklahoma law enforcement to professional status;

21 2. Promulgate rules with respect to such matters as  
22 certification, revocation, suspension, withdrawal and reinstatement  
23 of certification, minimum courses of study, testing and test scores,  
24 attendance requirements, equipment and facilities, minimum

1 qualifications for instructors, minimum standards for basic and  
2 advanced in-service courses, and seminars for Oklahoma police and  
3 peace officers;

4 3. Authorize research, basic and advanced courses, and seminars  
5 to assist in program planning directly and through subcommittees;

6 4. Authorize additional staff and services necessary for  
7 program expansion;

8 5. Recommend legislation necessary to upgrade Oklahoma law  
9 enforcement to professional status;

10 6. Establish policies and regulations concerning the number,  
11 geographic and police unit distribution, and admission requirements  
12 of those receiving tuition or scholarship aid available through the  
13 Council. Such waiver of costs shall be limited to duly appointed  
14 members of legally constituted local, county, and state law  
15 enforcement agencies on the basis of educational and financial need;

16 7. Appoint a Director and an Assistant Director to direct the  
17 staff, inform the Council of compliance with the provisions of this  
18 section and perform such other duties imposed on the Council by law;

19 8. Enter into contracts and agreements for the payment of  
20 classroom space, food, and lodging expenses as may be necessary for  
21 law enforcement officers attending any official course of  
22 instruction approved or conducted by the Council. Such expenses may  
23 be paid directly to the contracting agency or business  
24 establishment. The food and lodging expenses for each law

1 enforcement officer shall not exceed the authorized rates as  
2 provided for in the State Travel Reimbursement Act; provided,  
3 however, the Council may provide food and lodging to law enforcement  
4 officials attending any official course of instruction approved or  
5 conducted by the Council rather than paying for the provision of  
6 such food and lodging by an outside contracting agency or business  
7 establishment;

8 9. a. Certify canine teams, consisting of a dog and a  
9 handler working together as a team, trained to detect:

10 (1) controlled dangerous substances, or

11 (2) explosives, explosive materials, explosive  
12 devices, or materials which could be used to  
13 construct an explosive device;

14 provided, the dog of a certified canine team shall not  
15 be certified at any time as both a drug dog and a bomb  
16 dog, and any dog of a certified canine team who has  
17 been previously certified as either a drug dog or a  
18 bomb dog shall not be eligible at any time to be  
19 certified in the other category.

20 b. Upon retiring the dog from the service it was  
21 certified to perform, the law enforcement department  
22 that handled the dog shall retain possession of the  
23 dog. The handler shall have first option of adopting  
24 the dog. If that option is not exercised, the law

1 enforcement department shall provide for its adoption.

2 Once adopted the dog shall not be placed back into

3 active service;

4 10. Enter into a lease, loan or other agreement with the  
5 Oklahoma Development Finance Authority or a local public trust for  
6 the purpose of facilitating the financing of a new facility for its  
7 operations and use and pledge, to the extent authorized by law, all  
8 or a portion of its receipts of the assessment penalty herein  
9 referenced for the payment of its obligations under such lease, loan  
10 or other agreement. It is the intent of the Legislature to increase  
11 the assessment penalty to such a level or appropriate sufficient  
12 monies to the Council on Law Enforcement Education and Training to  
13 make payments on the lease, loan or other agreement for the purpose  
14 of retiring the bonds to be issued by the Oklahoma Development  
15 Finance Authority or local public trust. Such lease, loan or other  
16 agreement and the bonds issued to finance such facilities shall not  
17 constitute an indebtedness of the State of Oklahoma or be backed by  
18 the full faith and credit of the State of Oklahoma, and the lease,  
19 loan or other agreement and the bonds shall contain a statement to  
20 such effect;

21 11. Accept gifts, bequests, devises, contributions and grants,  
22 public or private, of real or personal property;

23 12. Appoint an advisory committee composed of representatives  
24 from security guard and private investigative agencies to advise the

1 Council concerning necessary research, minimum standards for  
2 licensure, education, and other matters related to licensure of  
3 security guards, security guard agencies, private investigators, and  
4 private investigative agencies; and

5 13. Enter into agreements with agencies and business entities  
6 for the temporary use of facilities of the Council, whereby  
7 contracting agencies and business entities shall pay a fee to be  
8 determined by the Council by rule. All fees collected pursuant to  
9 these agreements shall be deposited to the credit of the C.L.E.E.T.  
10 Training Center Revolving Fund created pursuant to Section 3311.6 of  
11 this title. The Council is authorized to promulgate emergency rules  
12 to effectuate the provisions of this paragraph;

13 14. Promulgate rules to establish a state firearms  
14 requalification standard for active peace officers and meet any  
15 requirements of the federal Law Enforcement Officers Safety Act of  
16 2004 for peace officers to carry concealed weapons nationwide; and

17 15. Set minimal criteria relating to qualifications for chief  
18 of police administrative training pursuant to Section 34-102 of  
19 Title 11 of the Oklahoma Statutes, assist in developing a course of  
20 training for a Police Chief Administrative School, and approve all  
21 police chief administrative training offered in this state.

22 C. 1. Payment of any fee provided for in this section may be  
23 made by a nationally recognized credit or debit card issued to the  
24 applicant. The Council may publicly post and collect a fee for the

1 acceptance of the nationally recognized credit or debit card not to  
2 exceed five percent (5%) of the amount of the payment. For purposes  
3 of this subsection, "nationally recognized credit card" means any  
4 instrument or device, whether known as a credit card, credit plate,  
5 charge plate, or by any other name, issued with or without fee by an  
6 issuer for the use of the cardholder in obtaining goods, services,  
7 or anything else of value and which is accepted by over one thousand  
8 merchants in this state. "Debit card" means an identification card  
9 or device issued to a person by a business organization which  
10 permits such person to obtain access to or activate a consumer  
11 banking electronic facility. The Council shall determine which  
12 nationally recognized credit or debit cards will be accepted as  
13 payment for fees.

14 2. Payment for any fee provided for in this title may be made  
15 by a business check. The Council may:

16 a. add an amount equal to the amount of the service  
17 charge incurred, not to exceed three percent (3%) of  
18 the amount of the check as a service charge for the  
19 acceptance and verification of the check, or

20 b. add an amount of no more than Five Dollars (\$5.00) as  
21 a service charge for the acceptance and verification  
22 of a check. For purposes of this subsection,  
23 "business check" shall not mean a money order,  
24 cashier's check, or bank certified check.

1 D. Failure of the Legislature to appropriate necessary funds to  
2 provide for expenses and operations of the Council on Law  
3 Enforcement Education and Training shall not invalidate other  
4 provisions of this section relating to the creation and duties of  
5 the Council.

6 E. 1. No person shall be eligible to complete a basic police  
7 course approved by the Council until the Oklahoma State Bureau of  
8 Investigation and the Federal Bureau of Investigation have reported  
9 to the submitting agency that such person has no felony record, and  
10 the employing agency has reported to the Council that such person  
11 has undergone psychological testing as provided for in paragraph 2  
12 of this subsection, and the applicant has certified the completion  
13 of a high school diploma or a GED equivalency certificate and that  
14 the applicant is not participating in a deferred sentence agreement  
15 for a felony or a crime involving moral turpitude or is not  
16 currently subject to an order of the Council revoking, suspending,  
17 or accepting a voluntary surrender of peace officer certification  
18 and that the applicant is not currently undergoing treatment for a  
19 mental illness, condition, or disorder. For purposes of this  
20 subsection, "currently undergoing treatment for mental illness,  
21 condition, or disorder" means the person has been diagnosed by a  
22 licensed physician or psychologist as being afflicted with a  
23 substantial disorder of thought, mood, perception, psychological  
24 orientation, or memory that significantly impairs judgment,

1 behavior, capacity to recognize reality, or ability to meet the  
2 ordinary demands of life and such condition continues to exist.

3 2. No person shall be certified as a police or peace officer in  
4 this state unless the employing agency has reported to the Council  
5 that:

6 a. the Oklahoma State Bureau of Investigation and the  
7 Federal Bureau of Investigation have reported that  
8 such person has no record of a conviction of a felony  
9 or crime involving moral turpitude,

10 b. such person has undergone psychological evaluation  
11 such as the Minnesota Multiphasic Personality  
12 Inventory, the California Psychological Inventory  
13 (CPI), or other psychological instrument approved by  
14 the Council on Law Enforcement Education and Training.  
15 The psychological instrument utilized shall be  
16 evaluated by a psychologist licensed by the State of  
17 Oklahoma, and the employing agency shall certify to  
18 the Council that the evaluation was conducted in  
19 accordance with this provision and that the  
20 employee/applicant is suitable to serve as a peace  
21 officer in the State of Oklahoma. Nothing herein  
22 shall preclude a psychologist licensed in the state  
23 from employing additional psychological techniques to  
24 assist the employing agency's determination of the

1 employee/applicant's suitability to serve as a peace  
2 officer in the State of Oklahoma. Any person found  
3 not to be suitable for employment or certification by  
4 the Council shall not be employed, retained in  
5 employment as a peace officer, or certified by the  
6 Council for at least one (1) year, at which time the  
7 employee/applicant may be reevaluated by a  
8 psychologist licensed by the State of Oklahoma. This  
9 section shall also be applicable to all reserve peace  
10 officers in the State of Oklahoma. Any person who is  
11 certified by CLEET and has undergone the psychological  
12 evaluation required by this subparagraph and has been  
13 found to be suitable as a peace officer shall not be  
14 required to be reevaluated for any subsequent  
15 employment as a peace officer following retirement or  
16 any break in service as a peace officer,

17 c. such person possesses a high school diploma or a GED  
18 equivalency certificate, provided this requirement  
19 shall not affect those persons who are already  
20 employed as a police or peace officer prior to  
21 November 1, 1985,

22 d. such person is not participating in a deferred  
23 sentence agreement for a felony or a crime involving  
24 moral turpitude,

1 e. such person has attained twenty-one (21) years of age  
2 prior to certification as a peace officer,

3 f. such person has provided proof of United States  
4 citizenship or resident alien status, pursuant to an  
5 employment eligibility verification form from the  
6 United States Immigration and Naturalization Service,  
7 and

8 g. the name, gender, date of birth, and address of such  
9 person have been presented to the Department of Mental  
10 Health and Substance Abuse Services by the Council.

11 The Department of Mental Health and Substance Abuse  
12 Services shall respond to the Council within ten (10)  
13 days whether the computerized records of the  
14 Department indicate the applicant has ever been  
15 involuntarily committed to an Oklahoma state mental  
16 institution. In the event that the Department of  
17 Mental Health and Substance Abuse Services reports to  
18 the Council that the applicant has been involuntarily  
19 committed, the Council shall immediately inform the  
20 employing agency,

21 and the Council has determined that such person has satisfactorily  
22 completed a basic police course of not less than one hundred sixty  
23 (160) hours of accredited instruction for reserve police officers  
24 and reserve deputies and not less than three hundred (300) hours for

1 full-time salaried police or peace officers from the Council or  
2 curriculum or course of study approved by the Council; provided, the  
3 Council may increase the number of hours for the completion of a  
4 basic police course by requiring independent study. Beginning  
5 January 1, 2003, the basic police course for full-time-salaried  
6 police or peace officers shall be increased to not less than three  
7 hundred two (302) hours. Subject to the availability of money,  
8 beginning July 1, 2005, the basic police course for full-time-  
9 salaried police or peace officers shall be increased to not less  
10 than three hundred eighty (380) hours. Said training shall include  
11 training in crime and drug prevention, crisis intervention, and  
12 youth and family intervention techniques and recognizing,  
13 investigating and preventing abuse and exploitation of elderly  
14 persons.

15 3. Every person who has not been certified as a police or peace  
16 officer and is duly appointed or elected as a police or peace  
17 officer shall hold such position on a temporary basis only, and  
18 shall, within one (1) year from the date of appointment or taking  
19 office, qualify as required in this subsection or forfeit such  
20 position; provided, however, effective November 1, 2004, every  
21 person who has not been certified as a police or peace officer and  
22 is duly appointed or elected as a police or peace officer shall hold  
23 such position on a temporary basis only, and shall, within six (6)  
24 months from the date of appointment or taking office, qualify as

1 required in this subsection or forfeit such position. In computing  
2 the time for qualification, all service shall be cumulative from  
3 date of first appointment or taking office as a police or peace  
4 officer with any department in this state. The Council may extend  
5 the time requirement specified in this paragraph for good cause as  
6 determined by the Council. An elected police or peace officer shall  
7 be eligible to enroll in a basic police course in accordance with  
8 this subsection upon being elected. A duty is hereby imposed upon  
9 the employing agency to withhold payment of the compensation or wage  
10 of said unqualified officer. If the police or peace officer fails  
11 to forfeit the position or the employing agency fails to require the  
12 officer to forfeit the position, the district attorney shall file  
13 the proper action to cause the forfeiting of such position. The  
14 district court of the county where the officer is employed shall  
15 have jurisdiction to hear the case.

16 4. The Council may certify officers who have completed a course  
17 of study in another state deemed by the Council to meet standards  
18 for Oklahoma peace officers providing the officer's certification in  
19 the other state has not been revoked or voluntarily surrendered and  
20 is not currently under suspension.

21 5. For purposes of this section, a police or peace officer is  
22 defined as a full-time duly appointed or elected officer who is paid  
23 for working more than twenty-five (25) hours per week and whose  
24 duties are to preserve the public peace, protect life and property,

1 prevent crime, serve warrants, and enforce laws and ordinances of  
2 this state, or any political subdivision thereof; provided, elected  
3 sheriffs and their deputies and elected, appointed, or acting chiefs  
4 of police shall meet the requirements of this subsection within the  
5 first six (6) months after assuming the duties of the office to  
6 which they are elected or appointed or for which they are an acting  
7 chief; provided further, that this section shall not apply to  
8 persons designated by the Director of the Department of Corrections  
9 as peace officers pursuant to Section 510 of Title 57 of the  
10 Oklahoma Statutes.

11 F. No person shall be certified as a police or peace officer by  
12 the Council or be employed by the state, a county, a city, or any  
13 political subdivision thereof, who is currently subject to an order  
14 of the Council revoking, suspending, or accepting a voluntary  
15 surrender of peace officer certification or who has been convicted  
16 of a felony or a crime involving moral turpitude, unless a full  
17 pardon has been granted by the proper agency; however, any person  
18 who has been trained and certified by the Council on Law Enforcement  
19 Education and Training and is actively employed as a full-time peace  
20 officer as of November 1, 1985, shall not be subject to the  
21 provisions of this subsection for convictions occurring prior to  
22 November 1, 1985.

23 G. Every person employed as a police or peace officer in this  
24 state shall be fingerprinted by the employing law enforcement

1 agency. One set of fingerprint impressions shall be mailed to the  
2 Oklahoma State Bureau of Investigation and one set to the Federal  
3 Bureau of Investigation, Washington, D.C., within ten (10) days from  
4 the initial date of employment.

5 H. 1. The Council is hereby authorized to provide to any  
6 employing agency the following information regarding a person who is  
7 or has applied for employment as a police or peace officer of such  
8 employing agency:

- 9 a. Oklahoma State Bureau of Investigation and Federal  
10 Bureau of Investigation reports,
- 11 b. administration of the psychological tests provided for  
12 herein,
- 13 c. performance in the course of study or other basis of  
14 certification,
- 15 d. previous certifications issued, and
- 16 e. any administrative or judicial determination denying  
17 certification.

18 2. An employing agency shall not be liable in any action  
19 arising out of the release of contents of personnel information  
20 relevant to the qualifications or ability of a person to perform the  
21 duties of a police or peace officer when such information is  
22 released pursuant to written authorization for release of  
23 information signed by such person and is provided to another  
24

1 employing agency which has employed or has received an application  
2 for employment from such person.

3 3. As used in this subsection, "employing agency" means a  
4 political subdivision or law enforcement agency which either has  
5 employed or received an employment application from a person who, if  
6 employed, would be subject to this section.

7 I. 1. A law enforcement agency employing police or peace  
8 officers in this state shall report the hiring, resignation, or  
9 termination for any reason of a police or peace officer to the  
10 Council at a time established by the Council. Failure to comply  
11 with the provisions of this subsection may disqualify a law  
12 enforcement agency from participating in training programs sponsored  
13 by the Council.

14 2. A tribal law enforcement agency that has peace officers  
15 commissioned by an Oklahoma law enforcement agency pursuant to a  
16 cross-deputization agreement with the State of Oklahoma or any  
17 political subdivision of the State of Oklahoma pursuant to the  
18 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
19 shall report the commissioning, resignation, or termination of  
20 commission for any reason of a cross-deputized tribal police or  
21 peace officer to CLEET within ten (10) days of the commissioning,  
22 resignation, or termination. Failure to comply with the provisions  
23 of this subsection may disqualify a tribal law enforcement agency  
24 from participating in training programs sponsored by the Council.

1 J. It is unlawful for any person to willfully make any  
2 statement in an application to CLEET knowing the statement is false  
3 or intentionally commit fraud in any application to the Council for  
4 attendance in any CLEET-conducted or CLEET-approved peace officer  
5 academy or Collegiate Officer Program or for the purpose of  
6 obtaining peace officer certification or reinstatement. It is  
7 unlawful for any person to willfully submit false or fraudulent  
8 documents relating to continuing education rosters, transcripts or  
9 certificates, or any canine license application. Any person  
10 convicted of a violation of this subsection shall be guilty of a  
11 felony punishable by imprisonment in the Department of Corrections  
12 for a term of not less than two (2) years nor more than five (5)  
13 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
14 or by both such fine and imprisonment.

15 K. 1. A police or peace officer shall be subject to  
16 disciplinary action to include a denial, suspension, revocation or  
17 acceptance of voluntary surrender of peace officer certification  
18 upon a showing of clear and convincing evidence for the following:

- 19 a. conviction of a felony or a crime of domestic  
20 violence,  
21 b. conviction of a misdemeanor involving moral turpitude;  
22 provided, if the conviction is a single isolated  
23 incident that occurred more than five (5) years ago  
24 and the Council is satisfied that the person has been

1 sufficiently rehabilitated, the Council may certify  
2 such person providing that all other statutory  
3 requirements have been met,

4 c. a verdict of guilt or entry of a plea of guilty or  
5 nolo contendere for a deferred sentence for a felony  
6 offense, a crime of moral turpitude, or a crime of  
7 domestic violence,

8 d. falsification or a willful misrepresentation of  
9 information in an employment application or  
10 application to the Council on Law Enforcement  
11 Education and Training, records of evidence, or in  
12 testimony under oath,

13 e. revocation or voluntary surrender of police or peace  
14 officer certification in another state for a violation  
15 of any law or rule or in settlement of any  
16 disciplinary action in such state, or

17 f. involuntary commitment of a police or peace officer in  
18 a mental institution or licensed private mental health  
19 facility for any mental illness, condition or disorder  
20 that is diagnosed by a licensed physician or  
21 psychologist as a substantial disorder of thought,  
22 mood, perception, psychological orientation, or memory  
23 that significantly impairs judgment, behavior,  
24 capacity to recognize reality, or ability to meet the

1 ordinary demands of life. Provided, the peace officer  
2 certification may be reinstated upon the Council  
3 receiving notification of a psychological evaluation  
4 conducted by a licensed physician or psychologist  
5 which attests and states by affidavit that the officer  
6 and the evaluation test data of the officer have been  
7 examined and that, in the professional opinion of the  
8 physician or psychologist, the officer is  
9 psychologically suitable to return to duty as a peace  
10 officer.

11 2. Disciplinary proceedings shall be commenced by filing a  
12 complaint with the Council on a form approved by the Council and  
13 verified by the complainant. Any employing agency or other person  
14 having information may submit such information to the Council for  
15 consideration as provided in this subsection.

16 3. Upon the filing of the verified complaint, a preliminary  
17 investigation shall be conducted to determine whether:

- 18 a. there is reason to believe the person has violated any  
19 provision of this subsection or any other provision of  
20 law or rule, or  
21 b. there is reason to believe the person has been  
22 convicted of a felony, a crime involving moral  
23 turpitude or a domestic violence offense or is  
24

1                   currently participating in a deferred sentence for  
2                   such offenses.

3           4.   When the investigation of a complaint does not find the  
4 person has violated any of the provisions of this subsection, or  
5 finds that the person is sufficiently rehabilitated as provided in  
6 subparagraph b or f of paragraph 1 of this subsection, no  
7 disciplinary action shall be required and the person shall remain  
8 certified as a police or peace officer.  When the investigation of a  
9 complaint finds that the person has violated any of the provisions  
10 of this subsection, the matter shall be referred for disciplinary  
11 proceedings.  The disciplinary proceedings shall be in accordance  
12 with Articles I and II of the Administrative Procedures Act.

13           5.   The Council shall revoke the certification of any person  
14 upon determining that such person has been convicted of a felony or  
15 a crime involving moral turpitude or a domestic violence offense;  
16 provided, that if the conviction has been reversed, vacated or  
17 otherwise invalidated by an appellate court, such conviction shall  
18 not be the basis for revocation of certification; provided further,  
19 that any person who has been trained and certified by the Council on  
20 Law Enforcement Education and Training and is actively employed as a  
21 full-time peace officer as of November 1, 1985, shall not be subject  
22 to the provisions of this subsection for convictions occurring prior  
23 to November 1, 1985.  The sole issue to be determined at the hearing  
24

1 shall be whether the person has been convicted of a felony, a crime  
2 involving moral turpitude or a domestic violence offense.

3 6. The Council shall revoke the certification of any person  
4 upon determining that such person has received a deferred sentence  
5 for a felony, a crime involving moral turpitude or a domestic  
6 violence offense.

7 7. The Council may suspend the certification of any person upon  
8 a determination that such person has been involuntarily committed to  
9 a mental institution or mental health facility for a mental illness,  
10 condition or disorder as provided in subparagraph f of paragraph 1  
11 of this subsection.

12 8. For all other violations of this subsection, the hearing  
13 examiner shall take into consideration the severity of the  
14 violation, any mitigating circumstances offered by the person  
15 subject to disciplinary action, and any other evidence relevant to  
16 the person's character to determine the appropriate disciplinary  
17 action.

18 9. a. A police or peace officer may voluntarily surrender  
19 and relinquish the peace officer certification to  
20 CLEET. Pursuant to such surrender or relinquishment,  
21 the person surrendering the certification shall be  
22 prohibited from applying to CLEET for reinstatement  
23 within five (5) years of the date of the surrender or  
24

1           relinquishment, unless otherwise provided by law for  
2           reinstatement.

3           b. No person who has had a police or peace officer  
4           certification from another state revoked or  
5           voluntarily surrendered shall be considered for  
6           certification by CLEET within five (5) years of the  
7           effective date of any such revocation or voluntary  
8           surrender of certification.

9           c. Any person seeking reinstatement of police or peace  
10          officer certification which has been suspended,  
11          revoked, or voluntarily surrendered may apply for  
12          reinstatement pursuant to promulgated CLEET rules  
13          governing reinstatement.

14          10. A duty is hereby imposed upon the district attorney who, on  
15          behalf of the State of Oklahoma, prosecutes a person holding police  
16          or peace officer certification for a felony or crime involving moral  
17          turpitude or domestic violence in which a plea of guilty, nolo  
18          contendere, or other finding of guilt is entered by, against or on  
19          behalf of a certified police or peace officer to report such plea,  
20          agreement, or other finding of guilt to the Council on Law  
21          Enforcement Education and Training within ten (10) days of such plea  
22          agreement or the finding of guilt.

23          11. Any person or agency required or authorized to submit  
24          information pursuant to this section to the Council shall be immune

1 from liability arising from the submission of the information as  
2 long as the information was submitted in good faith and without  
3 malice.

4 L. 1. Every canine team in the state trained to detect  
5 controlled dangerous substances shall be certified, by test, in the  
6 detection of such controlled dangerous substances and shall be  
7 recertified annually so long as the canine is used for such  
8 detection purposes. The certification test and annual  
9 recertification test provisions of this subsection shall not be  
10 applicable to canines that are owned by a law enforcement agency and  
11 that are certified and annually recertified in the detection of  
12 controlled dangerous substances by the United States Customs  
13 Service.

14 2. The Council shall appoint a Drug Dog Advisory Council to  
15 make recommendations concerning minimum standards, educational  
16 needs, and other matters imperative to the certification of canines  
17 and canine teams trained to detect controlled dangerous substances.  
18 The Council shall promulgate rules based upon the recommendations of  
19 the Advisory Council. Members of the Advisory Council shall  
20 include, but need not be limited to, a commissioned officer with  
21 practical knowledge of such canines and canine teams from each of  
22 the following:

23 a. the Oklahoma State Bureau of Narcotics and Dangerous  
24 Drugs Control,

- b. the Department of Public Safety,
- c. a police department,
- d. a sheriff's office, and
- e. a university or college campus police department.

3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team. A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee shall be charged to any local, state or federal government agency. The fees provided for in this paragraph shall be deposited to the credit of the C.L.E.E.T. Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

M. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense.

1           2. The Council shall appoint a Bomb Dog Advisory Council to  
2 make recommendations concerning minimum standards, educational  
3 needs, and other matters imperative to the certification of canines  
4 and canine teams trained to detect explosives, explosive materials,  
5 explosive devices and materials which could be used to construct an  
6 explosive device. The Council shall promulgate rules based upon the  
7 recommendations of the Advisory Council. Members of the Advisory  
8 Council shall include, but need not be limited to, a commissioned  
9 officer with practical knowledge of such canines and canine teams  
10 from each of the following:

- 11           a. the Department of Public Safety,
- 12           b. a police department,
- 13           c. a sheriff's office, and
- 14           d. a university or college campus police department.

15           3. The fee for the certification test shall be Two Hundred  
16 Dollars (\$200.00) and the annual recertification test fee shall be  
17 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
18 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
19 No such fee shall be charged to any local, state or federal  
20 government agency. The fees provided for in this paragraph shall be  
21 deposited to the credit of the C.L.E.E.T. Fund created pursuant to  
22 Section 1313.2 of Title 20 of the Oklahoma Statutes.

23           N. All tribal police officers of any Indian tribe or nation who  
24 have been commissioned by an Oklahoma law enforcement agency

1 pursuant to a cross-deputization agreement with the State of  
2 Oklahoma or any political subdivision of the State of Oklahoma  
3 pursuant to the provisions of Section 1221 of Title 74 of the  
4 Oklahoma Statutes shall be eligible for peace officer certification  
5 under the same terms and conditions required of members of the law  
6 enforcement agencies of the State of Oklahoma and its political  
7 subdivisions, except that a fee of Three Dollars and sixteen cents  
8 (\$3.16) per hour of training shall be charged for all basic police  
9 course training provided pursuant to this subsection. Such fees  
10 shall be deposited to the credit of the C.L.E.E.T. Fund created  
11 pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.  
12 CLEET shall issue peace officer certification to tribal police  
13 officers who, as of July 1, 2003, are commissioned by an Oklahoma  
14 law enforcement agency pursuant to a cross-deputization agreement  
15 with the State of Oklahoma or any political subdivision of the State  
16 of Oklahoma pursuant to the provisions of Section 1221 of Title 74  
17 of the Oklahoma Statutes and have met the training and qualification  
18 requirements of this section.

19 O. If an employing law enforcement agency in this state has  
20 paid the salary of a person while that person is completing in this  
21 state a basic police course approved by the Council and if within  
22 one (1) year after certification that person resigns and is hired by  
23 another law enforcement agency in this state, the second agency or  
24 the person receiving the training shall reimburse the original

1 employing agency for the salary paid to the person while completing  
2 the basic police course by the original employing agency.

3 SECTION 75. REPEALER 70 O.S. 2001, Section 3311, as last  
4 amended by Section 1, Chapter 26, O.S.L. 2006 (70 O.S. Supp. 2006,  
5 Section 3311), is hereby repealed.

6 SECTION 76. REPEALER 70 O.S. 2001, Section 3311, as last  
7 amended by Section 2, Chapter 33, O.S.L. 2006 (70 O.S. Supp. 2006,  
8 Section 3311), is hereby repealed.

9 SECTION 77. AMENDATORY 74 O.S. 2001, Section 85.12, as  
10 last amended by Section 17, Chapter 320, O.S.L. 2006 (74 O.S. Supp.  
11 2006, Section 85.12), is amended to read as follows:

12 Section 85.12 A. The provisions of this section shall not be  
13 construed to affect any law relating to fiscal or accounting  
14 procedure except as they may be directly in conflict herewith; and  
15 all claims, warrants, and bonds shall be examined, inspected, and  
16 approved as now provided by law.

17 B. Except as otherwise provided by this section, the  
18 acquisitions specified in this subsection shall be made in  
19 compliance with Section 85.39 of this title but are not subject to  
20 other provisions of ~~the~~ The Oklahoma Central Purchasing Act:

21 1. Food and other products produced by state institutions and  
22 agencies;

23 2. The printing or duplication of publications or forms of  
24 whatsoever kind or character by state agencies if the work is

1 performed upon their own equipment by their own employees. Pursuant  
2 to this paragraph, the state agency may only use equipment owned or  
3 leased by the agency and may only utilize that equipment for  
4 printing services required by the agency in performing duties  
5 imposed upon the agency or functions authorized to be performed by  
6 the agency. Any use of the equipment by the agency pursuant to an  
7 agreement or contract with any other entity resulting in delivery of  
8 intermediate or finished products to the entity purchasing or using  
9 the products shall be subject to the provisions of ~~the~~ The Oklahoma  
10 Central Purchasing Act;

11 3. Department of Transportation and Transportation Commission  
12 contractual services or right-of-way purchases; contracts awarded  
13 pursuant to bids let by the Transportation Commission for the  
14 maintenance or construction of streets, roads, highways, bridges,  
15 underpasses, or any other transportation facilities under the  
16 control of the Department of Transportation, the acquisitions of  
17 equipment or materials accruing to the Department of Transportation  
18 required in Federal-Aid contracts; and contracts for public service  
19 type announcements initiated by the Department of Transportation;  
20 but not contractual services for advertising or public relations or  
21 employment services;

22 4. Utility services where rates therefor are regulated by a  
23 state or federal regulatory commission, or by municipal ordinance,  
24

1 or by an Indian Tribal Council for use by the Department of  
2 Corrections only;

3 5. Acquisitions by the University Hospitals Authority. The  
4 Authority shall develop standards for the acquisition of products  
5 and services and may elect to utilize the Purchasing Division. The  
6 standards shall foster economy and short response time and shall  
7 include appropriate safeguards and record-keeping requirements to  
8 ensure appropriate competition and economical and efficient  
9 purchasing;

10 6. Contracts for custom harvesting by the Department of  
11 Corrections for the Department or its institutions;

12 7. Contracts with private prison contractors which are subject  
13 to the contracting procedures of Section 561 of Title 57 of the  
14 Oklahoma Statutes;

15 8. Acquisitions by the Oklahoma Municipal Power Authority;

16 9. Acquisitions by the Grand River Dam Authority;

17 10. Acquisitions by rural water, sewer, gas, or solid waste  
18 management districts created pursuant to the Rural Water, Sewer, Gas  
19 and Solid Waste Management Districts Act;

20 11. Acquisitions by the Oklahoma Ordnance Works Authority, the  
21 Northeast Oklahoma Public Facilities Authority, or the Midwestern  
22 Oklahoma Development Authority;

23 12. Contracts entered into by the Oklahoma Industrial Finance  
24 Authority for the services of an appraiser or for acquisition of

1 insurance when the Authority's Board of Directors determines that an  
2 emergency exists, and contracts for the services of legal counsel  
3 when approved by the Attorney General;

4 13. Expenditure of monies appropriated to the State Board of  
5 Education for Local and State Supported Financial Support of Public  
6 Schools, except monies allocated therefrom for the Administrative  
7 and Support Functions of the State Department of Education;

8 14. Expenditure of monies appropriated to the State Department  
9 of Rehabilitation Services for educational programs or educational  
10 materials for the Oklahoma School for the Blind and the Oklahoma  
11 School for the Deaf;

12 15. Contracts entered into by the Oklahoma Department of Career  
13 and Technology Education for the development, revision, or updating  
14 of vocational curriculum materials, and contracts entered into by  
15 the Oklahoma Department of Career and Technology Education for  
16 training and supportive services that address the needs of new or  
17 expanding industries;

18 16. Contracts entered into by the Oklahoma Center for the  
19 Advancement of Science and Technology for professional services;

20 17. Contracts entered into by the Oklahoma Department of  
21 Commerce pursuant to the provisions of Section 5066.4 of this title;

22 18. Acquisitions made by the Oklahoma Historical Society from  
23 monies used to administer the White Hair Memorial;

24

1 19. Acquisitions available to an agency through a General  
2 Services Administration (GSA) contract or other federal contract if  
3 the acquisition is on current statewide contract and the terms of  
4 the GSA or other federal contract, as determined by the State  
5 Purchasing Director, are more favorable to the agency than the terms  
6 of a statewide contract for the same products;

7 20. Purchases of pharmaceuticals available through a multistate  
8 or multigovernmental contract if such pharmaceuticals are or have  
9 been on state contract within the last fiscal year, and the terms of  
10 such contract are more favorable to the state or agency than the  
11 terms of a state contract for the same products, as determined by  
12 the State Purchasing Director. The state entity designated by law,  
13 as specified in Section 1010.3 of Title 56 of the Oklahoma Statutes,  
14 shall participate in the purchase of pharmaceuticals available  
15 through such contracts;

16 21. Contracts for managed health care services entered into by  
17 the state entity designated by law or the Department of Human  
18 Services, as specified in paragraph 1 of subsection A of Section  
19 1010.3 of Title 56 of the Oklahoma Statutes;

20 22. Acquisitions by the Forestry Service of the Oklahoma  
21 Department of Agriculture, Food, and Forestry as authorized by the  
22 federal General Services Administration through a General Services  
23 Administration contract or other federal contract if the  
24 acquisitions are not on current statewide contract or the terms of

1 the federal contract are more favorable to the agency than the terms  
2 of a statewide contract for the same products;

3 23. Acquisitions of clothing for clients of the Department of  
4 Human Services and acquisitions of food for group homes operated by  
5 the Department of Human Services;

6 24. Acquisitions by the Oklahoma Energy Resources Board;

7 25. Acquisitions of clothing for juveniles in the custody of  
8 the Office of Juvenile Affairs and acquisitions of food for group  
9 homes operated by the Office of Juvenile Affairs;

10 26. State contracts for flexible benefits plans pursuant to the  
11 Oklahoma State Employees Benefits Act, Section 1361 et seq. of this  
12 title;

13 27. Acquisitions by the Department of Securities to  
14 investigate, initiate, or pursue administrative, civil, or criminal  
15 proceedings involving potential violations of the acts under the  
16 Department's jurisdiction;

17 28. Acquisitions by the Native America Cultural and Educational  
18 Authority and acquisitions by the Oklahoma Department of Commerce to  
19 assist the Native American Cultural and Educational Authority  
20 pursuant to Section 5017 of this title;

21 29. Acquisitions for resale in and through canteens operated  
22 pursuant to Section 537 of Title 57 of the Oklahoma Statutes;

23 30. Acquisitions by the Oklahoma Boll Weevil Eradication  
24 Organization for employment and personnel services, and for

1 acquiring sprayers, blowers, traps, and attractants related to the  
2 eradication of boll weevils in this state or as part of a national  
3 or regional boll weevil eradication program;

4 31. Contracts entered into by the Oklahoma Indigent Defense  
5 System for expert services pursuant to the provisions of subsection  
6 D of Section 1355.4 of Title 22 of the Oklahoma Statutes;

7 32. Acquisitions by the Oklahoma Correctional Industries and  
8 the Agri-Services programs of the ~~Oklahoma~~ Department of Corrections  
9 of raw materials, component parts and other products, any equipment  
10 excluding vehicles, and any services excluding computer consultant  
11 services used to produce goods or services for resale and for the  
12 production of agricultural products;

13 33. Contracts entered into by the Department of Human Services  
14 for provision of supported living services to members of the  
15 plaintiff class in Homeward Bound, Inc., et. al., v. The Hisson  
16 Memorial Center, et. al., Case Number 85-C-437-E, United States  
17 District Court for the Northern District of Oklahoma; and

18 34. Contracts negotiated by the Office of Juvenile Affairs with  
19 designated Youth Services Agencies and the Oklahoma Association of  
20 Youth Services, or another Oklahoma nonprofit corporation whose  
21 membership consists solely of Youth Services Agencies and of whom at  
22 least a majority of Youth Services Agencies are members, pursuant to  
23 the provisions of Section 7302-3.6a of Title 10 of the Oklahoma  
24 Statutes.

1 C. Pursuant to the terms of a contract the State Purchasing  
2 Director enters into or awards, a state agency, common school,  
3 municipality, rural fire protection district, county officer, or any  
4 program contract, purchase, acquisition or expenditure that is not  
5 subject to the provisions of ~~the~~ The Oklahoma Central Purchasing  
6 Act, may, unless acting pursuant to a contract with the state that  
7 specifies otherwise, make use of statewide contracts and the  
8 services of the Purchasing Division and the State Purchasing  
9 Director. Any political subdivision or rural fire protection  
10 district may designate the State Purchasing Director as its agent  
11 for any acquisition from a statewide contract or otherwise available  
12 to the state.

13 D. The State Purchasing Director shall make periodic audits of  
14 the purchasing procedures of the Oklahoma Ordnance Works Authority,  
15 the Northeast Oklahoma Public Facilities Authority, the University  
16 Hospitals Authority, and the Midwestern Oklahoma Development  
17 Authority to ensure that the procedures are being followed.

18 SECTION 78. REPEALER 74 O.S. 2001, Section 85.12, as  
19 last amended by Section 1, Chapter 80, O.S.L. 2006 (74 O.S. Supp.  
20 2006, Section 85.12), is hereby repealed.

21 SECTION 79. AMENDATORY 74 O.S. 2001, Section 5060.4, as  
22 last amended by Section 2, Chapter 263, O.S.L. 2006 (74 O.S. Supp.  
23 2006, Section 5060.4), is amended to read as follows:  
24

1 Section 5060.4 As used in the Oklahoma Science and Technology  
2 Research and Development Act:

3 1. "COEAT" means Center of Excellence for Aerospace Technology,  
4 an initiative within the Oklahoma Aerospace Institute that  
5 undertakes applied research, development and technology transfer  
6 that has long-term potential for commercial development;

7 2. "CASQ" means Center of Aerospace Supplier Quality, an  
8 initiative within the Oklahoma Aerospace Institute that serves as a  
9 conduit between Oklahoma's military installations and the aerospace  
10 industry;

11 3. "Applied research" means those research activities occurring  
12 at institutions of higher education, nonprofit research foundations,  
13 and in private enterprises which have potential commercial  
14 application;

15 4. "Basic research" means any original investigation for the  
16 advancement of scientific knowledge not having a specific commercial  
17 objective, but having potential long-range value to commercial  
18 interests;

19 5. "Board" means the Oklahoma Science and Technology Research  
20 and Development Board;

21 6. "Center" or "OCAST" means the Oklahoma Center for the  
22 Advancement of Science and Technology;

23 7. "Enterprise" means a firm with its principal place of  
24 business in Oklahoma;

1       8. "Health research project" means a specific examination,  
2 experimentation or investigation, or initiative to provide research  
3 resources oriented principally toward basic, applied, and  
4 developmental scientific inquiry related to the causes, diagnosis,  
5 prevention, and treatment of human diseases and disabilities and  
6 mental health and emotional disorders, and the rehabilitation of  
7 persons afflicted with such diseases, disabilities, and disorders;  
8 new knowledge, better understanding, and innovative methods to  
9 improve the processes by which health care services are made  
10 available and how they may be provided more efficiently, more  
11 effectively and at a lower cost, for all the citizens of this state;  
12 and the development of new products and services which shall form  
13 the basis of new high-technology health research and care industry  
14 for this state;

15       9. "Industrial Extension System" means a coordinated network of  
16 public and private manufacturing modernization resources, the  
17 purpose of which is to stimulate the competitiveness of Oklahoma  
18 small and medium-sized manufacturing firms;

19       10. "Institute" means the Oklahoma Institute of Technology;

20       11. "Institutional Review Board" means a committee composed of  
21 investigators, lay representatives, and legal counsel, which is  
22 established at each institution of higher learning and each  
23 nonprofit research institution receiving funds from a health  
24

1 research project, for the express purpose of determining the  
2 appropriateness of any research involving human subjects;

3 12. "Institutions of higher education" means public and private  
4 colleges and universities in the state;

5 13. "Investigator" means a person who proposes research  
6 projects and is primarily responsible for the execution of the  
7 proposed projects and is employed by or affiliated with an  
8 institution of higher education, a nonprofit research institution in  
9 this state, or a private enterprise;

10 14. "Nanotechnology" means technology development at the  
11 molecular range (1nm to 100nm) to create and use structures,  
12 devices, and systems that have novel properties because of their  
13 small size;

14 15. "New technology" means methods, products, processes and  
15 procedures developed through science or research;

16 16. "Nonprofit research institution" means any not-for-profit  
17 public or private facility in this state which has the capabilities  
18 for research projects and which is not a subsidiary of any  
19 corporation, partnership, or association organized for profit, nor  
20 is its stock or assets owned or controlled by a corporation,  
21 partnership, or association organized for profit;

22 17. "OAI" means Oklahoma Aerospace Institute, a strategic  
23 partnership that will focus available resources to promote  
24 cooperation and collaboration among Oklahoma businesses,

1 manufacturers, military installations, commercial aviation, higher  
2 education institutions, nonprofit research institutions, and state  
3 government;

4 18. "OAME" means the Oklahoma Alliance for Manufacturing  
5 Excellence, Inc., a corporation to be formed pursuant to the  
6 provisions of Title 18 of the Oklahoma Statutes and Section 5060.26  
7 of this title;

8 19. "ONAP" means the Oklahoma Nanotechnology Applications  
9 Project;

10 20. "OSTRaD" means the Oklahoma Science and Technology Research  
11 and Development Act;

12 21. "Person" means any individual, partnership, corporation or  
13 joint venture carrying on business or proposing to carry on business  
14 within the state;

15 ~~21.~~ 22. "Plant science research" means those research  
16 activities occurring at institutions of higher education, nonprofit  
17 research institutions, and in private enterprises, which have  
18 potential commercial application and concern plant productivity,  
19 renewable biomass, plant-based environmental applications and  
20 chemical platforms, plant-based solutions to improve nutrition,  
21 human and/or animal health or performance, process applications, and  
22 seed management and the development of new products and services  
23 that shall form the basis of new, high-technology plant  
24 science/agriculture industry for this state;

1        23. "Product" means any outcome, device, technique or process,  
2 which is or may be developed or marketed commercially and which has  
3 advanced beyond the theoretical stage and is in a prototype or  
4 practice stage;

5        ~~22.~~ 24. "Professional service contract" means a written  
6 agreement providing funds for the performance of a research project;  
7 for salaries and fringe benefits of personnel associated with  
8 research programs; for research equipment; for operating expenses  
9 associated with a research program; or for services provided in  
10 connection with the evaluation of applications submitted to the  
11 Center;

12        ~~23.~~ 25. "Qualified security" means any public or private  
13 financial arrangement, involving any note, security, debenture,  
14 evidence of indebtedness, certificate of interest or participation  
15 in any profit-sharing agreement, preorganization certificate or  
16 subscription, transferable security, investment contract,  
17 certificate of deposit for a security, certificate of interest or  
18 participation in a patent or application therefor, or in royalty or  
19 other payments under such a patent or application, or, in general,  
20 any interest or instrument commonly known as a "security" or any  
21 certificate for, receipt for, guarantee of, or option, warrant or  
22 right to subscribe to or purchase any of the foregoing to the extent  
23 allowed by law;

24

1        ~~24.~~ 26. "Seed-capital" means financing that is provided for the  
2 development, refinement and commercialization of a product, process  
3 or innovation, whether for the startup of a new firm or the  
4 expansion or the restructuring of a small firm; and

5        ~~25.~~ 27. "Technology transfer" means a two-way process by which  
6 ideas or inventions for processes or products (developed in research  
7 programs usually on a laboratory or pilot-plant scale) are converted  
8 to commercial use.

9        SECTION 80.        REPEALER        74 O.S. 2001, Section 5060.4, as  
10 last amended by Section 1, Chapter 297, O.S.L. 2006 (74 O.S. Supp.  
11 2006, Section 5060.4), is hereby repealed.

12        SECTION 81. Sections 31, 32, 33, 34, 55, 56, 57, 58, 59, and 60  
13 of this act shall become effective July 1, 2007.

14        SECTION 82. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

18

19        51-1-5091        SCE        01/18/07

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