

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1166

By: Coates

4  
5  
6 AS INTRODUCED

7 An Act relating to the State Auditor and Inspector;  
8 amending 74 O.S. 2001, Section 212, which relates to  
9 powers and duties of the State Auditor and Inspector;  
10 specifying certain duties of State Auditor and  
11 Inspector, State Treasurer and Oklahoma Tax  
12 Commission; specifying requirements for certain  
13 financial statements; requiring certain audits and  
14 specifying requirements therefor; requiring audits be  
15 delivered to certain persons; specifying time  
16 requirements for and scope of audits of certain state  
17 agencies; defining terms; modifying requirements for  
18 audits of office of district attorney and Department  
19 of Corrections; modifying costs due and payable at  
20 certain time; amending 2 O.S. 2001, Sections 3-50.7,  
21 as last amended by Section 7, Chapter 211, O.S.L.  
22 2006, 18-194 and 18-314 (2 O.S. Supp. 2007, Section  
23 3-50.7), which relate to the board of directors of  
24 the Oklahoma Boll Weevil Eradication Organization,  
the Oklahoma Sheep and Wool Utilization, Research and  
Market Development Commission and the Oklahoma Wheat  
Utilization, Research and Market Development  
Commission; modifying duties of board of directors of  
Oklahoma Boll Weevil Eradication Organization;  
modifying requirements for audits of Oklahoma Sheep  
and Wool Utilization, Research and Market Development  
Commission and Oklahoma Wheat Utilization, Research  
and Market Development Commission; amending 3A O.S.  
2001, Section 208.3, as last amended by Section 3,  
Chapter 274, O.S.L. 2006 (3A O.S. Supp. 2007, Section  
208.3), which relates to the Oklahoma Breeding  
Development Fund Special Account; modifying  
requirements for audit of Account; amending 52 O.S.  
2001, Section 288.5, which relates to the Oklahoma  
Energy Resources Board; clarifying statutory  
reference; modifying requirements for audit of

1 certain records; amending 53 O.S. 2001, Section 167,  
2 as amended by Section 3, Chapter 187, O.S.L. 2007 (53  
3 O.S. Supp. 2007, Section 167), which relates to the  
4 Oklahoma Arts Council; modifying requirements for  
5 audit of certain account; amending 59 O.S. 2001,  
6 Sections 328.15, as last amended by Section 2,  
7 Chapter 106, O.S.L. 2006, 475.9, as amended by  
8 Section 8, Chapter 115, O.S.L. 2005, 587, 858-205 and  
9 1694, as amended by Section 6, Chapter 163, O.S.L.  
10 2004 (59 O.S. Supp. 2007, Sections 328.15, 475.9 and  
11 1694), which relate to the Board of Dentistry,  
12 Professional Engineers and Land Surveyors Board,  
13 Board of Examiners in Optometry, Oklahoma Real Estate  
14 Commission and Construction Industries Board;  
15 modifying requirements for certain audits; amending  
16 62 O.S. 2001, Section 211, as amended by Section 2,  
17 Chapter 265, O.S.L. 2004 (62 O.S. Supp. 2007, Section  
18 211), which relates to general provisions relating to  
19 audits of self-sustaining board; modifying certain  
20 audit requirements; amending 63 O.S. 2001, Section  
21 485.3, as amended by Section 1, Chapter 426, O.S.L.  
22 2004 (63 O.S. Supp. 2007, Section 485.3), which  
23 relates to the Oklahoma Cerebral Palsy Commission;  
24 modifying certain audit requirements; amending 74  
O.S. 2001, Sections 19a, 130.22, as amended by  
Section 12, Chapter 372, O.S.L. 2003 and 5060.22, as  
amended by Section 11, Chapter 484, O.S.L. 2002 (74  
O.S. Supp. 2007, Sections 130.22 and 5060.22), which  
relate to the Attorney General, Alternative Fuels  
Technician Certification Revolving Fund and Oklahoma  
Science and Technology Research and Development  
Board; clarifying reference; modifying certain audit  
requirements; repealing 62 O.S. 2001, Sections 89.10  
and 212, 68 O.S. 2001, Section 106, and 74 O.S. 2001,  
Section 226, as amended by Section 3, Chapter 257,  
O.S.L. 2003 (74 O.S. Supp. 2007, Section 226), which  
relate to general auditing requirements, audits of  
the State Treasurer and the Oklahoma Tax Commission,  
and duties of the State Auditor and Inspector;  
providing an effective date; and declaring an  
emergency.

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

2 SECTION 1. AMENDATORY 74 O.S. 2001, Section 212, is  
3 amended to read as follows:

4 Section 212. A. STATE TREASURER AND OKLAHOMA TAX COMMISSION

5 ~~The State Auditor and Inspector shall examine without notice all~~  
6 ~~books and accounts of the State Treasurer twice each year.~~ 1. The  
7 State Treasurer and the Oklahoma Tax Commission shall prepare annual  
8 financial statements in accordance with the reporting requirements  
9 set forth by the Governmental Accounting Standards Board (GASB).  
10 The State Treasurer and the Tax Commission shall prescribe and  
11 implement sound internal control, accounting and recordkeeping  
12 practices consistent with and to facilitate compliance with all  
13 reporting requirements as set forth by law.

14 2. The annual financial statements of the State Treasurer and  
15 the Tax Commission shall be delivered by the State Treasurer and the  
16 Tax Commission to the State Auditor and Inspector within ninety (90)  
17 calendar days after the close of the state fiscal year.

18 3. The State Auditor and Inspector shall perform an audit of  
19 the annual financial statements of the State Treasurer and the Tax  
20 Commission for each state fiscal year. Such audits shall be  
21 conducted in accordance with auditing standards generally accepted  
22 in the United States and the standards applicable to financial  
23 audits contained in Government Auditing Standards, latest revised  
24 edition, issued by the Comptroller General of the United States.

1 The State Auditor and Inspector shall complete the audits not later  
2 than ninety (90) calendar days after the financial statements are  
3 delivered to the State Auditor and Inspector. The annual audit  
4 reports and related financial statements shall be delivered by the  
5 State Auditor and Inspector to the Governor, President Pro Tempore  
6 of the Senate, and Speaker of the House of Representatives. The  
7 annual audit report and related financial statements of the State  
8 Treasurer shall also be delivered to the Attorney General and the  
9 members of the Cash Management and Investment Oversight Commission  
10 created by Section 71.1 of Title 62 of the Oklahoma Statutes. The  
11 annual audit report and related financial statements of the Tax  
12 Commission shall also be delivered to the Director of State Finance  
13 and the Legislative Service Bureau. The State Auditor and Inspector  
14 shall conduct unannounced cash audits of the State Treasury at least  
15 once each quarter.

16 4. The audit of the Tax Commission shall be continuous in  
17 nature. The Tax Commission shall furnish the necessary office space  
18 for the employees of the State Auditor and Inspector making the  
19 audit and, to the extent of the amount included in the Tax  
20 Commission's appropriation therefor, the Tax Commission shall pay  
21 the expenses of the audits, including personal services, equipment  
22 and supplies, from the appropriation.

23 B. STATE OFFICERS AGENCIES  
24

1        ~~The~~ 1. Except as otherwise provided by law, the State Auditor  
2 and Inspector shall ~~examine at least once each year~~ audit at least  
3 once every two (2) fiscal years the books and accounts of all state  
4 ~~officers~~ agencies whose duty it is to collect, disburse or manage  
5 funds of the state. The State Auditor and Inspector shall audit a  
6 state agency each fiscal year if that state agency is required to be  
7 audited on an annual basis pursuant to the federal Single Audit Act  
8 of 1984, as amended, 31 U.S.C., Section 7501 et seq. If the state  
9 agency is audited only once every two (2) fiscal years, the audit  
10 shall cover both fiscal years.

11        2. Except as otherwise provided by law, the scope of audits  
12 performed by the State Auditor and Inspector shall include all funds  
13 collected, disbursed or managed by a state agency including, but not  
14 limited to, all special, revolving, depository, canteen or other  
15 nonstate funds.

16        3. As used in this section, "state agency" means every agency,  
17 board, or commission included in the primary government of the State  
18 of Oklahoma. For purposes of this paragraph, the primary government  
19 of the State of Oklahoma includes all agencies, boards, and  
20 commissions included in the primary government in the State of  
21 Oklahoma Comprehensive Annual Financial Report. The agencies,  
22 boards, and commissions included in the primary government of the  
23 State of Oklahoma shall be determined using criteria set by the  
24 Governmental Accounting Standards Board.

1        4. As used in this subsection, "audit" means any of the  
2 following:

- 3        a. "financial audit" means an audit of financial  
4 statements in order to express an opinion on the  
5 fairness with which they are presented in conformity  
6 with generally accepted accounting principles or any  
7 other comprehensive basis of accounting, as defined by  
8 the American Institute of Certified Public  
9 Accountants' Professional Standards, latest revised  
10 edition. Financial audits must be conducted in  
11 accordance with auditing standards generally accepted  
12 in the United States and the standards applicable to  
13 financial audits contained in Government Auditing  
14 Standards, latest revised edition, issued by the  
15 Comptroller General of the United States,
- 16        b. "operational audit" means an audit conducted in  
17 accordance with applicable Government Auditing  
18 Standards, the purpose of which is to evaluate  
19 management's performance in administering assigned  
20 responsibilities in accordance with applicable laws,  
21 administrative rules, and other policies and  
22 guidelines and to determine the extent to which the  
23 internal control, as designed and placed in operation,  
24 promotes and encourages the achievement of

1 management's control objectives in the categories of  
2 compliance, reliability of financial records and  
3 reports, and safeguarding of assets,

4 c. "performance audit" means an audit of a program,  
5 activity, or function of a state agency conducted in  
6 accordance with applicable Government Auditing  
7 Standards. The term includes, but is not limited to,  
8 an audit to assess program, activity, or function  
9 effectiveness, economy and efficiency, internal  
10 control, or compliance, and

11 d. any other type of engagement conducted in accordance  
12 with Government Auditing Standards.

13 C. GUBERNATORIAL REQUEST

14 Whenever called upon to do so by the Governor, it shall be the  
15 duty of the State Auditor and Inspector to examine the books and  
16 accounts of any officer of the state or any of the officer's  
17 predecessors. The cost of the audit shall be borne by the entity to  
18 be audited.

19 D. COUNTY TREASURER

20 The State Auditor and Inspector shall examine without notice all  
21 books and accounts of each county treasurer of the state twice each  
22 year.

23 E. DISTRICT ATTORNEYS

1        1. The State Auditor and Inspector shall ~~make continuous~~  
2 ~~examination and~~ annually audit of the books and accounts of the  
3 several offices of the district attorneys of this state ~~and the~~  
4 ~~District Attorneys Council~~. The audits shall be reported in  
5 separate reports for each entity. The audit may include, but shall  
6 not be limited to, the audit of the financial records, performance  
7 measures, and compliance with state or federal statutes and rules,  
8 and compliance with any regulations of state or federal programs.  
9 The expense of the audits shall be paid by the entity audited.

10        2. The State Auditor and Inspector shall examine and file a  
11 report of the accounts established within the office of each  
12 district attorney for bogus check programs, drug task force  
13 programs, child support collection programs and any other programs  
14 receiving any nonstate funds. The reports shall be filed with the  
15 President Pro Tempore of the Senate, the Speaker of the House of  
16 Representatives, and the Executive Coordinator of the District  
17 Attorneys Council.

18        F. DEPARTMENT OF CORRECTIONS

19        The State Auditor and Inspector shall ~~make continuous~~  
20 ~~examination and~~ perform an annual audit, as defined in paragraph 4  
21 of subsection B of this section, of the books and accounts of the  
22 ~~several divisions of the~~ Department of Corrections. The scope of  
23 the audit shall be determined by the State Auditor and Inspector  
24 using a risk-based approach. ~~The audits shall be reported in~~

1 ~~separate reports for each division.~~ The audit may include, but  
2 shall not be limited to, the audit of the financial records,  
3 performance measures, and compliance with any state or federal  
4 statutes and rules, and compliance with any regulations of state or  
5 federal programs. The expense of the audits shall be paid by the  
6 ~~entity audited~~ Department of Corrections.

7 G. OKLAHOMA STATE AND EDUCATION EMPLOYEES GROUP INSURANCE BOARD

8 The State Auditor and Inspector shall cause to be audited the  
9 books and accounts of the office of the Oklahoma State and Education  
10 Employees Group Insurance Board (OSEEGIB). The audit may include,  
11 but shall not be limited to, the audit of the financial records,  
12 performance measures, compliance with any state or federal statutes  
13 and rules, and compliance with any regulations of state programs.  
14 The audit shall be contracted out to private audit firms. The cost  
15 of the audit shall be borne by the Oklahoma State and Education  
16 Employees Group Insurance Board.

17 H. DISTRICT ATTORNEY REQUEST

18 Whenever called upon to do so by any of the several district  
19 attorneys of the state, it shall be the duty of the State Auditor  
20 and Inspector to examine the books and accounts of any officer of  
21 any public entity. The cost of the audit shall be borne by the  
22 entity audited.

23 I. COUNTY OFFICERS BY REQUEST

24

1       Upon request of the county commissioners of any county or the  
2 Governor, the State Auditor and Inspector shall examine the books  
3 and accounts of all or any of the officers or custodians of the  
4 various funds of the county; and payment for such examination shall  
5 be made by the county so examined.

6       J.   AUDITORS

7       The State Auditor and Inspector shall have power to employ  
8 auditors. No auditor shall examine the books or records of the  
9 county of the auditor's residence in counties of under two hundred  
10 thousand (200,000) population according to the most recent Federal  
11 Decennial Census. The State Auditor and Inspector may employ on an  
12 as-needed basis only, legal counsel to carry out the statutory  
13 duties of the Office of the State Auditor and Inspector.

14       K.   EXAMINATION OF LEVIES

15       It shall be the duty of the State Auditor and Inspector to  
16 examine all levies to raise public revenue to see that they are made  
17 according to law and constitutional provisions. The State Auditor  
18 and Inspector shall have the power to order all excessive or  
19 erroneous lines (levies) to be corrected by the proper officers, and  
20 shall report any irregularities to the Governor, the Speaker of the  
21 House of Representatives and the President Pro Tempore of the  
22 Senate.

23       L.   PETITION AUDITS

24

1           1. The State Auditor and Inspector shall audit the books and  
2 records of any subdivision of the State of Oklahoma upon petition  
3 signed by the requisite number of voters registered in the  
4 subdivision and meeting the requirements set out in this subsection.

5           2. The petition must contain the number of signatures  
6 equivalent to ten percent (10%) of the registered voters of the  
7 subdivision as determined by the county election board or, if the  
8 county election board determines that the number of registered  
9 voters in the subdivision cannot be determined due to boundary lines  
10 not conforming to precinct lines, the required number of petitioners  
11 shall be twenty-five percent (25%) of the total number of persons  
12 voting in the last subdivision-wide general election held in the  
13 subdivision. If the subdivision is a public trust, the required  
14 number of petitioners shall be the same as those required for an  
15 audit of its beneficiary. The appropriate county election board  
16 shall provide the number of signatures so required upon request.

17           3. The petition shall be in the form of an affidavit wherein  
18 the signatory shall declare upon oath or affirmation that the  
19 information given is true and correct and that he or she is a  
20 citizen of the entity to be audited. The petition shall clearly  
21 state that falsely signing shall constitute perjury. It shall  
22 include the signature of the individual, the name of the signatory  
23 in printed form, the individual's residential address, the date of  
24 signing, the public entity to be audited and the anticipated range

1 of the cost of the audit provided by the State Auditor and  
2 Inspector.

3 4. Any person desiring to petition for an audit shall list the  
4 areas, items or concerns they want to be audited, and request from  
5 the State Auditor and Inspector the anticipated range of cost of the  
6 audit. Within thirty (30) days from the receipt of the request, the  
7 State Auditor and Inspector shall mail a petition form to the person  
8 requesting the information which shall state the anticipated range  
9 of the cost and the items or concerns to be audited. The  
10 circulators of the petition shall have thirty (30) days from the  
11 date the petition is mailed by the State Auditor and Inspector to  
12 obtain the requisite number of signatures and return it to the State  
13 Auditor and Inspector.

14 5. Upon collection of the required number of signatures, the  
15 person desiring the audit shall present the signed petitions to the  
16 State Auditor and Inspector. Within thirty (30) days of receipt of  
17 the petitions, the State Auditor and Inspector shall present the  
18 petitions to the county election board located in the county in  
19 which the subdivision is located.

20 6. The county election board shall determine whether the  
21 signers of the petition are registered voters of the county in which  
22 the subdivision to be audited is located and whether the petition  
23 has the requisite number of signatures of such registered voters.  
24 The county election board shall certify the petition as having the

1 required number of signatures or as failing to have the required  
2 number of signatures and return it to the State Auditor and  
3 Inspector.

4 7. The cost of the audit shall be borne by the public entity  
5 audited. Upon notification by the State Auditor and Inspector of  
6 receipt of the petition, certified by the county election board as  
7 having the required number of signatures, the public entity shall  
8 encumber funds in an amount specified by the State Auditor and  
9 Inspector, which shall be within the range of anticipated cost  
10 stated on the petition from any funds not otherwise specifically  
11 appropriated or allocated. Payment for the audit from such  
12 encumbered funds shall be made as work progresses, and final payment  
13 shall be made on or before its publication.

14 8. The names of the signers of any petition shall be  
15 confidential and neither the State Auditor and Inspector, the county  
16 election board nor the county treasurer may release them to any  
17 other person or entity except upon an order from a court of  
18 competent jurisdiction.

19 M. PENALTIES FOR NONPAYMENT

20 The cost of any services provided by the State Auditor and  
21 Inspector or as specified in the audit contract shall be due and  
22 payable upon the publication of the audit. Any such costs not paid  
23 within ninety (90) days of the date of publication shall incur a  
24

1 penalty of Ten Dollars (\$10.00) per day for each day from the date  
2 of publication.

3 SECTION 2. AMENDATORY 2 O.S. 2001, Section 3-50.7, as  
4 last amended by Section 7, Chapter 211, O.S.L. 2006 (2 O.S. Supp.  
5 2007, Section 3-50.7), is amended to read as follows:

6 Section 3-50.7 A. 1. Except as provided by this section, the  
7 board of directors of the Oklahoma Boll Weevil Eradication  
8 Organization shall be composed of five cotton growers from this  
9 state who are elected from the five separate districts established  
10 by the board.

11 2. The terms of office of the elected board of directors shall  
12 be three (3) years.

13 3. A director may be removed from office by a majority vote of  
14 the board of directors for cause. Causes for removal include the  
15 following:

- 16 a. neglect of duty,
- 17 b. willful misconduct,
- 18 c. malpractice in office,
- 19 d. self-dealing,
- 20 e. incompetence,
- 21 f. gross inefficiency, or
- 22 g. any other unbecoming conduct that can or may affect  
23 the ability of the Oklahoma Boll Weevil Eradication  
24

1           Organization to satisfactorily perform its duties or  
2           carry out its mission as a public body.

3           All new directors shall take an oath of office before assuming  
4 the role as a director on the board.

5           4. Directors shall hold office until their respective  
6 successors are elected and take the oath of office.

7           5. At each election, the cotton grower with the highest number  
8 of votes from each district shall serve on the board of directors.

9           B. The board of directors shall have the power and duty to:

10          1. Appoint a new director from the appropriate election  
11 district to serve the remaining term in the event of a vacancy on  
12 the board of directors;

13          2. Collect assessments pursuant to the Boll Weevil Eradication  
14 Act;

15          3. Conduct programs consistent with the Boll Weevil Eradication  
16 Act;

17          4. Determine and establish the assessment annually for the  
18 following crop year pursuant to the Boll Weevil Eradication Act and  
19 the program enabling referendum. The assessment shall be determined  
20 upon a fair and equitable system that is based on cotton production  
21 and infestation factors. The assessment shall be a flexible rate  
22 not to exceed Seven Dollars and fifty cents (\$7.50) per acre and one  
23 cent (\$.01) per pound of lint produced. Upon any change in the  
24

1 assessment rate, the board shall immediately notify growers and  
2 cotton gins of the new rate;

3 5. Develop bylaws for the due and orderly administration of the  
4 affairs of the board of directors and for its responsibilities  
5 specified pursuant to the provisions of the Boll Weevil Eradication  
6 Act;

7 6. Develop, implement and pay for a plan for boll weevil  
8 eradication and posteradication maintenance and control in this  
9 state;

10 7. Advise, consult, and cooperate with agencies of this state,  
11 political subdivisions, other states, the federal government, and  
12 affected groups;

13 8. Collect and disseminate information relating to boll weevil  
14 eradication and posteradication maintenance and control;

15 9. Recommend the designation of "eradicated areas" to the State  
16 Board of Agriculture upon completion of active eradication and the  
17 beginning of posteradication maintenance and control;

18 10. Sue and be sued, implead and be impleaded, complain and  
19 defend in all courts;

20 11. Adopt, use, and alter at will a corporate seal;

21 12. Adopt bylaws for the management and regulation of its  
22 affairs and to promulgate and issue rules governing its operations;

23

24

1 13. Appoint officers, agents, and employees and prescribe their  
2 duties and fix their compensation, within any limitations prescribed  
3 by law;

4 14. Make contracts of every name and nature and execute all  
5 instruments necessary or convenient for the carrying on of the  
6 business of the Oklahoma Boll Weevil Eradication Organization;

7 15. Accept grants from and enter into contracts or other  
8 transactions with any federal agency;

9 16. Issue and sell bonds, or borrow money, in amounts as shall  
10 be needed from time to time for the purposes set forth in the Boll  
11 Weevil Eradication Act.

12 a. The bonds may:

- 13 (1) be issued in one or more series,
- 14 (2) bear the date or dates,
- 15 (3) mature at time or times not exceeding twenty (20)  
16 years from their date,
- 17 (4) be in denomination or denominations,
- 18 (5) be in form, either coupon or registered,
- 19 (6) carry registration and conversion privileges,
- 20 (7) be executed in a proper manner,
- 21 (8) be payable in medium of payment at a place or  
22 places,
- 23 (9) be subject to terms of redemption with or without  
24 premium, and

1 (10) bear rate or rates of interest, as may be  
2 provided by resolution or resolutions to be  
3 adopted by the Board within limits provided by  
4 law, and be sold in a manner and at a price or  
5 prices as may be considered by the Board to be  
6 advisable.

7 b. Bonds shall have all the qualities and incidents of  
8 negotiable paper, and the interest thereon shall not  
9 be subject to taxation by the State of Oklahoma.

10 c. The board of directors may issue bonds pursuant to the  
11 Boll Weevil Eradication Act for the purpose of  
12 renewing funding of any obligations of the board of  
13 directors, or may authorize and deliver a single issue  
14 of bonds hereunder for the purpose in part of renewing  
15 funding for obligations of the board.

16 d. The bonds issued pursuant to the Boll Weevil  
17 Eradication Act shall not be an indebtedness of the  
18 State of Oklahoma but shall be special obligations  
19 payable solely from the assessments. The board of  
20 directors is authorized and directed to pledge all or  
21 any part of the assessments to the payment of and  
22 interest on the bonds.

23 e. The board of directors may enter into any agreement or  
24 contracts with the United States of America or the

1 State of Oklahoma or any agency or instrumentality  
2 thereof which it may consider advisable or necessary  
3 in order to obtain a grant of funds or other aid to be  
4 used in connection with the proceeds of the bonds.

5 f. All bonds issued pursuant to the Boll Weevil  
6 Eradication Act shall have on the backs thereof the  
7 certificate required by Section 29 of Article 10 of  
8 the Constitution of Oklahoma. The bonds shall be  
9 submitted to the Attorney General of Oklahoma for  
10 examination. The bonds, having been examined and  
11 certified as legal obligations by the Attorney General  
12 in accordance with the requirements as the Attorney  
13 General may make, shall be incontestable in any court  
14 in the State of Oklahoma unless suit thereon shall be  
15 brought in a court having jurisdiction thereof within  
16 thirty (30) days from the date of approval. Bonds so  
17 approved by the Attorney General shall be prima facie  
18 valid and binding obligations according to their  
19 terms. The only defense that may be offered in any  
20 suit instituted after a thirty-day period shall have  
21 expired shall be a violation of the Constitution.

22 g. Any bank, trust, or insurance company organized under  
23 the laws of Oklahoma may invest its capital, surplus,  
24

1 and reserves in bonds issued under the provisions of  
2 the Boll Weevil Eradication Act;

3 17. File an application, at its discretion, with the Supreme  
4 Court of Oklahoma for the validation of the Boll Weevil Eradication  
5 Act or for the approval of any series of bonds to be issued  
6 hereunder or any other actions to be taken by the board of  
7 directors. Exclusive original jurisdiction is hereby conferred upon  
8 the Supreme Court to hear and determine each application.

9 a. It shall be the duty of the Supreme Court to give  
10 applications precedence over the other business of the  
11 Supreme Court and to consider and pass upon the  
12 applications and any protests that may be filed  
13 thereto as speedily as possible.

14 b. Notice of the hearing on each application shall be  
15 given by a notice published in a newspaper of general  
16 circulation in the state that on a day named, the  
17 board of directors will ask the court to hear its  
18 application. The notice shall inform all persons  
19 interested that they may file protests against the  
20 validation or approval and be present at the hearing  
21 and contest the same. The notice shall be published  
22 one time, not less than ten (10) days prior to the  
23 date named for the hearing, and the hearing may be  
24

1           adjourned from time to time at the discretion of the  
2           court.

3           c.    In any action to approve bonds, if the Supreme Court  
4           is satisfied that the bonds have been properly  
5           authorized in accordance with the provisions of the  
6           Boll Weevil Eradication Act and that when issued they  
7           will constitute valid obligations in accordance with  
8           their terms, the Supreme Court shall render its  
9           written opinion approving the bonds and shall fix the  
10          time within which a petition for rehearing may be  
11          filed. The decision of the Supreme Court shall be a  
12          judicial determination of the validity of the bonds,  
13          shall be conclusive as to the board of directors, its  
14          officers and agents, and thereafter the bonds so  
15          approved and the revenues pledged to their payment  
16          shall be incontestable in any court in the State of  
17          Oklahoma;

18          18.   Conduct elections, at the discretion of the board of  
19          directors, for any lawful purpose, including, but not limited to,  
20          any assessment modification policy to deal with natural disasters.  
21          Election procedures shall be established by the board of directors.  
22          Fifty percent (50%) or more of the cotton growers voting shall  
23          approve each ballot issue for its adoption;

1        19. Reexamine the number and composition of the existing  
2 election districts in order to ensure fair and equitable geographic  
3 areas based upon cotton production density. If the board of  
4 directors ~~determine~~ determines that the number or composition of the  
5 election districts should be reestablished, the board of directors  
6 shall:

- 7            a. fairly and equitably establish the election districts  
8                    necessary utilizing geographic areas based upon cotton  
9                    production density as the primary factor,
- 10           b. conduct the election of the next board of directors  
11                    consistent with this section,
- 12           c. hold public hearings regarding the establishment of  
13                    election districts,
- 14           d. facilitate the expeditious transfer of authority to  
15                    the newly elected board of directors, and
- 16           e. establish terms of office for the new board consistent  
17                    with this section.

18        Any elected or appointed board member shall have all the powers  
19 and duties as granted pursuant to the Boll Weevil Eradication Act;  
20 and

21        20. Take any other actions deemed necessary by the board of  
22 directors to implement the provisions of the Boll Weevil Eradication  
23 Act.

24

1 C. As used in this section, "bonds" means bonds, notes, loan  
2 agreements, or other forms of indebtedness issued or delivered by  
3 the Oklahoma Boll Weevil Eradication Organization.

4 D. The bylaws established by the board of directors relating to  
5 boll weevil eradication and the assessment referenda shall be  
6 submitted to the State Board of Agriculture for determination as to  
7 whether the bylaws will be promulgated as rules of the State Board  
8 of Agriculture. The bylaws may be promulgated in whole or in part  
9 or may be returned for modification to the board of directors. The  
10 State Board of Agriculture shall comply with the Administrative  
11 Procedures Act in promulgating any rules adopted pursuant to the  
12 provisions of this subsection.

13 E. The board of directors shall:

14 1. Make available all books, records of account, and minutes of  
15 proceedings maintained by the Organization for inspection by the  
16 Office of the State Auditor and Inspector for an ~~annual-independent~~  
17 audit in accordance with the provisions of subsection B of Section  
18 212 of Title 74 of the Oklahoma Statutes;

19 2. Not later than forty-five (45) days after the last day of  
20 the fiscal year, submit to the Commissioner a report itemizing all  
21 income and expenditures and describing all activities of the  
22 Organization during the fiscal year;

1           3. Provide surety bonds in amounts determined by the  
2 Commissioner for employees or agents who handle funds for the  
3 Organization;

4           4. Receive, hold in trust, and disburse all assessments and  
5 other funds collected pursuant to the Boll Weevil Eradication Act as  
6 trust funds of the Organization; and

7           5. Make available all books, records of account, and minutes of  
8 proceedings of the Organization for inspection or audit by the  
9 Commissioner at any reasonable time.

10          F. 1. Pursuant to the authority granted by the Boll Weevil  
11 Eradication Act, except for instances of gross negligence,  
12 individual criminal actions or acts of dishonesty, the board of  
13 directors and employees of the board of directors are not  
14 individually liable to a cotton grower or other person for:

- 15           a. errors in judgment,
- 16           b. mistakes, or
- 17           c. omissions.

18          2. Under no circumstances shall the board of directors, the  
19 individual board members, or employees of the board of directors be  
20 personally liable for any bonds of the Organization.

21          3. A member of the board of directors or an employee of the  
22 board of directors is not individually liable for an act or omission  
23 of another member or employee of the board of directors.

24

1 G. The board of directors shall serve without compensation but  
2 are entitled to reimbursement for reasonable and necessary expenses  
3 incurred in the discharge of their duties.

4 SECTION 3. AMENDATORY 2 O.S. 2001, Section 18-194, is  
5 amended to read as follows:

6 Section 18-194. A. The Sheep and Wool Utilization Research and  
7 Market Development Commission shall file with the Director of the  
8 Market Development Division of the ~~State~~ Oklahoma Department of  
9 Agriculture, Food, and Forestry a proposed budget and may expend  
10 funds only after the division director has approved the budget.

11 B. If after thorough review the division director disapproves  
12 the proposed budget, the proposed budget shall be returned to the  
13 Commission not later than forty-five (45) days after the date on  
14 which the proposed budget is submitted with a statement of reasons  
15 for disapproval.

16 C. Within thirty (30) days following the end of each fiscal  
17 year of the Commission, the Commission shall submit to the Director  
18 of the Market Development Division of the ~~State~~ Oklahoma Department  
19 of Agriculture, Food, and Forestry a report itemizing all income and  
20 expenditures and describing all activities of the Commission during  
21 the previous fiscal year.

22 D. No general revenue funds shall be appropriated to carry out  
23 the provisions of the Oklahoma Sheep and Wool Producers Act. Funds  
24 collected by the Commission shall not be subject to state budget and

1 expenditure limitations. Such funds shall at no time become monies  
2 of the state or become part of the general budget of the state.  
3 Debts or obligations of the Commission shall not be construed to be  
4 debts or obligations of this state.

5 ~~E. The books, records and accounts of the Commission, in~~  
6 ~~respect to the funds allocated to the Commission under the~~  
7 ~~provisions of the Oklahoma Sheep and Wool Producers Act, shall be~~  
8 ~~audited annually by the State Auditor and Inspector, with the cost~~  
9 ~~of the respective audits to be paid from the funds of the~~  
10 ~~Commission.~~

11 SECTION 4. AMENDATORY 2 O.S. 2001, Section 18-314, is  
12 amended to read as follows:

13 Section 18-314. ~~A.~~ All monies received by the Oklahoma Wheat  
14 Utilization, Research and Market Development Commission from the  
15 fees assessed pursuant to the Oklahoma Wheat Resources Act shall be  
16 deposited in the State Treasury to the credit of the Commission's  
17 Revolving Fund, and shall be disbursed by order of the Commission  
18 upon warrants issued by the State Treasurer against claims submitted  
19 to the Director of State Finance for audit and payment.

20 ~~B. The books, records and accounts of the Commission, and the~~  
21 ~~Oklahoma Wheat Research Foundation in respect to the funds allocated~~  
22 ~~to it under the provisions of the Oklahoma Wheat Resources Act,~~  
23 ~~shall be audited annually by the State Auditor and Inspector. The~~  
24

1 ~~cost of the respective audits shall be paid from the funds of the~~  
2 ~~organization for whom the audit is made.~~

3 SECTION 5. AMENDATORY 3A O.S. 2001, Section 208.3, as  
4 last amended by Section 3, Chapter 274, O.S.L. 2006 (3A O.S. Supp.  
5 2007, Section 208.3), is amended to read as follows:

6 Section 208.3 A. There is hereby created in the State Treasury  
7 an agency special account for the Oklahoma Horse Racing Commission,  
8 to be designated the "Oklahoma Breeding Development Fund Special  
9 Account". The fund shall be a continuing fund, not subject to  
10 fiscal year limitations, and shall consist of all monies received by  
11 the Commission for deposit in the fund pursuant to Section 205.6 of  
12 this title and from revenue received as breakage and from unclaimed  
13 pari-mutuel tickets. All monies accruing to the credit of ~~said~~ the  
14 fund are hereby appropriated and may be budgeted and expended by the  
15 Commission for the purposes specified in subsection B of this  
16 section. Expenditures from ~~said~~ the fund shall be made upon  
17 vouchers prescribed by the State Treasurer and issued by the  
18 Commission against the Oklahoma Breeding Development Fund Special  
19 Account. The official registering agency designated by the  
20 Commission pursuant to subsection D of this section shall verify the  
21 current eligibility of a participating horse prior to distributing  
22 any purse supplement, stake, reward or award from the Oklahoma  
23 Breeding Development Fund Special Account. Any person entitled to  
24 monies from the Oklahoma Breeding Development Fund Special Account

1 as a purse supplement, stake, reward, or award ("awards"), will  
2 forfeit such monies if that person fails to comply with all  
3 requirements necessary for earning the awards. Further, any such  
4 person will forfeit such monies if, within one (1) year from the  
5 date of the race in which such award was earned, that person does  
6 not submit the state voucher for payment or for replacement in the  
7 event of an expired voucher, or if that person fails to submit all  
8 documentation required by the Oklahoma Horse Racing Commission. In  
9 such event, monies accrued from forfeiture will be returned to the  
10 Oklahoma Breeding Development Fund for expenditure by the Commission  
11 for the purposes specified in subsection B of this section.

12 B. No monies shall be expended by the Commission from the  
13 Oklahoma Breeding Development Fund Special Account except for any of  
14 the following purposes:

15 1. To provide purse supplements to owners of Oklahoma-bred  
16 horses;

17 2. To provide stakes and rewards to be paid to the owners of  
18 the winning Oklahoma-bred horses in certain horse races;

19 3. To provide stallion awards to the owner of the Oklahoma  
20 stallion which is the sire of an Oklahoma-bred horse if such a horse  
21 wins any race conducted at a race meeting;

22 4. To provide breeders awards to the owner of the Oklahoma-  
23 registered mare which is the dam of an Oklahoma-bred horse if such a  
24 horse wins any race conducted at a race meeting;

1           5. To provide monies for equine research through state  
2 institutions accredited for the same;

3           6. To provide monies for use in marketing, promoting and  
4 advertising the Oklahoma-Bred Program and the Oklahoma horse racing  
5 industry to the people of Oklahoma, the United States and abroad;  
6 and

7           7. To provide for the administration of the Oklahoma Breeding  
8 Development Program. The Oklahoma Horse Racing Commission is hereby  
9 authorized to utilize up to ten percent (10%) of the prior year's  
10 receipts for administration. All expenses reimbursed as  
11 administrative pursuant to this subsection shall be itemized and  
12 audited pursuant to subsection E of this section. Any monies  
13 transferred from the Oklahoma Breeding Development Fund Special  
14 Account to the Oklahoma Breeding Development Revolving Fund for  
15 administrative reimbursement found to be unsubstantiated, excessive  
16 or ineligible for reimbursement by ~~said~~ the audit shall be returned  
17 to the Oklahoma Breeding Development Fund Special Account within  
18 thirty (30) days of the conclusion of the audit.

19           C. By rule the Commission shall:

20           1. Define the term "Oklahoma-bred horse";

21           2. Qualify stallions for participation in Oklahoma-bred  
22 stallion awards;

23           3. Provide for the registration of Oklahoma-domiciled mares and  
24 stallions and Oklahoma-bred horses. No such horse shall compete in

1 the races limited to Oklahoma-bred horses unless registered with the  
2 Commission. The Commission may prescribe such forms as are  
3 necessary to determine the eligibility of such horses; provided,  
4 breeding stallions shall be eligible for registration in the  
5 Oklahoma-bred breeding program until July 1 of the breeding year.  
6 No person shall knowingly prepare or cause preparation of an  
7 application for registration of such foals which contains false  
8 information;

9 4. Establish a schedule of fees for the registration of  
10 Oklahoma-domiciled mares and stallions and Oklahoma-bred horses  
11 sufficient to provide for all expenses incurred in the  
12 administration of the Oklahoma Breeding Development Fund Special  
13 Account; and

14 5. Allow a mare registered as Oklahoma-bred racing stock which  
15 has not been registered as an Oklahoma broodmare prior to foaling to  
16 be registered as an Oklahoma broodmare upon payment of the  
17 registration fee and a late fee not to exceed Two Hundred Dollars  
18 (\$200.00), which action shall entitle the foals of the mare to be  
19 registered as Oklahoma-bred horses, provided all other  
20 qualifications of the Commission are met.

21 D. The Commission may contract with and designate an official  
22 registering agency to implement the registration of horses and the  
23 payment of awards from the Oklahoma Breeding Development Fund  
24 Special Account. The official registering agency shall operate

1 under the supervision of the Commission and be subject to the rules  
2 and regulations of the Commission. The official registering agency  
3 shall receive no compensation except fees received for registration  
4 of horses. In the event the Commission elects to perform as the  
5 official registering agency rather than contracting for such  
6 services, the Commission shall deposit all registration fees from  
7 the registration of Oklahoma-bred horses into the Oklahoma Breeding  
8 Development Fund Special Account.

9 E. The State Auditor and Inspector shall perform an audit, as  
10 defined in paragraph 4 of subsection B of Section 212 of Title 74 of  
11 the Oklahoma Statutes, of the Oklahoma Breeding Development Fund  
12 Special Account on an annual basis. The expense of the audit shall  
13 be paid from ~~said~~ the Special Account.

14 SECTION 6. AMENDATORY 52 O.S. 2001, Section 288.5, is  
15 amended to read as follows:

16 Section 288.5 The Oklahoma Energy Resources Board shall have  
17 the following powers, duties and responsibilities:

- 18 1. To administer and enforce the provisions of the Oklahoma  
19 Energy Education and Marketing Act;
- 20 2. To establish an office for the Board within the State of  
21 Oklahoma;
- 22 3. To elect a chairperson and whatever other officers may be  
23 necessary to direct operations of the Board;

24

1           4. To employ personnel as shall be deemed necessary to carry  
2 out the purpose and provisions of ~~this act~~ the Oklahoma Energy  
3 Education and Marketing Act, including but not limited to an  
4 attorney to provide legal assistance to the Board, and to prescribe  
5 their duties and fix their compensation;

6           5. To establish and administer the Energy Resources Revolving  
7 Fund;

8           6. To approve or disapprove the budget of the Board;

9           7. To promulgate rules as it deems necessary to carry out the  
10 provisions of ~~this act~~ the Oklahoma Energy Education and Marketing  
11 Act;

12           8. To enter into contracts or agreements for studies, research  
13 projects, experimental work, supplies or other services to carry out  
14 the purposes of the Oklahoma Energy Education and Marketing Act, and  
15 incur those expenses necessary to carry out ~~said purpose~~ those  
16 purposes. Any such contract or agreement shall provide that:

17           a. the person entering the contract or agreement on  
18 behalf of the Board shall develop and submit to the  
19 Board a plan or project together with a budget or  
20 budgets that shows estimated costs to be incurred for  
21 the plan or project, and

22           b. the person entering the contract or agreement shall  
23 keep accurate records of all of its transactions,  
24 account for funds received and expended, and make

1 periodic reports to the Board of activities conducted,  
2 and such other reports as the Board may require;

3 9. To keep accurate records of all financial transactions  
4 performed pursuant to ~~this act~~ the Oklahoma Energy Education and  
5 Marketing Act. These records shall be ~~audited annually~~ subject to  
6 an annual audit, as defined by paragraph 4 of subsection B of  
7 Section 212 of Title 74 of the Oklahoma Statutes, by an independent  
8 auditor and an annual report shall be compiled and presented to the  
9 Governor;

10 10. To cooperate with any private, local, state or national  
11 commission, organization, agency or group and to make contracts and  
12 agreements for joint programs beneficial to the oil industry;

13 11. To accept donations, grants, contributions and gifts from  
14 any public or private source and deposit such in the Energy  
15 Resources Revolving Fund;

16 12. To approve or disapprove the investment of any monies in  
17 the Energy Resources Revolving Fund pursuant to Section 288.10 of  
18 this title; and

19 13. To keep an accurate record of all assessments collected.

20 SECTION 7. AMENDATORY 53 O.S. 2001, Section 167, as  
21 amended by Section 3, Chapter 187, O.S.L. 2007 (53 O.S. Supp. 2007,  
22 Section 167), is amended to read as follows:

23 Section 167. The Oklahoma Arts Council may apply for, accept  
24 and use any gift, grant or bequest from any source for the purpose

1 of discharging its duties. All monetary gifts, grants or bequests  
2 shall be deposited in the State Treasury to the credit of the  
3 Council and shall be disbursed as provided by the Oklahoma Budget  
4 Law of 1947, as amended, upon proper claims approved by the  
5 secretary or other person designated by the Council. ~~The State  
6 Auditor and Inspector shall audit and report on this account.~~

7 SECTION 8. AMENDATORY 59 O.S. 2001, Section 328.15, as  
8 last amended by Section 2, Chapter 106, O.S.L. 2006 (59 O.S. Supp.  
9 2007, Section 328.15), is amended to read as follows:

10 Section 328.15 A. Pursuant to and in compliance with Article I  
11 of the Administrative Procedures Act, the Board of Dentistry shall  
12 have the power to formulate, adopt, and promulgate rules as may be  
13 necessary to regulate the practice of dentistry in this state and to  
14 implement and enforce the provisions of the State Dental Act.

15 B. The Board is authorized and empowered to:

16 1. Examine and test the qualifications of applicants for a  
17 license or permit to be issued by the Board;

18 2. Affiliate by contract or cooperative agreement with another  
19 state or combination of states for the purpose of conducting  
20 simultaneous regional examinations of applicants for a license to  
21 practice dentistry, dental hygiene, or a dental specialty;

22 3. Maintain a list of the name, current mailing address and  
23 principal office address of all persons who hold a license or permit  
24 issued by the Board;

1           4. Account for all receipts and expenditures of the monies of  
2 the Board, including annually preparing and publishing a statement  
3 of receipts and expenditures of the Board for each fiscal year.—The  
4 ~~Board's annual statement of receipts and expenditures shall be~~  
5 ~~audited by the State Auditor and Inspector or an independent~~  
6 ~~accounting firm, and the audit report shall be certified to the~~  
7 ~~Governor of this state to be true and correct, under oath, by the~~  
8 ~~president and secretary treasurer of the Board;~~

9           5. Within limits prescribed in the State Dental Act, set all  
10 fees and administrative penalties to be imposed and collected by the  
11 Board;

12           6. Maintain an office staff and employ legal counsel and other  
13 advisors to the Board, including advisory committees;

14           7. Investigate and issue investigative and other subpoenas,  
15 pursuant to Article II of the Administrative Procedures Act;

16           8. Initiate individual proceedings and issue orders imposing  
17 administrative penalties, pursuant to Article II of the  
18 Administrative Procedures Act, against any dentist, dental  
19 hygienist, dental assistant, dental laboratory technician, or holder  
20 of a permit to operate a dental laboratory who has violated the  
21 State Dental Act or the rules of the Board;

22           9. Conduct, in a uniform and reasonable manner, inspections of  
23 dental offices and dental laboratories and their business records;

24

1           10. Establish guidelines for courses of study necessary for  
2 expanded duties of dental assistants and, when appropriate, issue  
3 permits authorizing dental assistants to perform expanded duties;

4           11. Establish continuing education requirements for dentists,  
5 dental hygienists, and dental assistants who hold expanded duty  
6 permits issued by the Board;

7           12. Recognize the parameters of care established and approved  
8 by the American Dental Association;

9           13. Formulate, adopt, and promulgate rules, pursuant to Article  
10 I of the Administrative Procedures Act, as may be necessary to  
11 implement and enforce the provisions of the Oklahoma Dental  
12 Mediation Act;

13           14. Hire one or more investigators to conduct investigations of  
14 alleged violations of the State Dental Act or the rules of the  
15 Board. The investigator may be a certified peace officer who shall  
16 be commissioned with all the powers and authority of peace officers  
17 of this state;

18           15. Seek and receive advice and assistance of the Office of the  
19 Attorney General of this state;

20           16. Promote the dental health of the people of this state;

21           17. Inform, educate, and advise all persons who hold a license  
22 or permit issued by the Board, or who are otherwise regulated by the  
23 Board, regarding the State Dental Act and the rules of the Board;

24

1 18. Affiliate with the American Association of Dental Examiners  
2 as an active member, pay regular dues, and send members of the Board  
3 as delegates to its meetings;

4 19. Enter into contracts;

5 20. Acquire, rent, hold, encumber, and dispose of personal  
6 property as is needed;

7 21. Receive or accept the surrender of a license, permit, or  
8 certificate granted to any person by the Board as provided in  
9 Section 328.44a of this title; and

10 22. Take all other actions necessary to implement and enforce  
11 the State Dental Act.

12 SECTION 9. AMENDATORY 59 O.S. 2001, Section 475.9, as  
13 amended by Section 8, Chapter 115, O.S.L. 2005 (59 O.S. Supp. 2007,  
14 Section 475.9), is amended to read as follows:

15 Section 475.9 A. The Executive Director of the Board shall be  
16 responsible for accounting for all monies derived under the  
17 provisions of Section 475.1 et seq. of this title. This fund shall  
18 be known as the "Professional Engineers and Land Surveyors Fund",  
19 and shall be deposited with the State Treasurer, and shall be paid  
20 out only upon requisitions submitted by the Secretary or Executive  
21 Director. All monies in this fund are hereby specifically  
22 appropriated for the use of the Board, and the Board shall pay into  
23 the General Revenue Fund of the state an amount equal to ten percent  
24 (10%) of all funds received at the end of each fiscal year.

1 B. The Board shall obtain an office, secure such facilities,  
2 and employ, direct, discharge and define the duties and salaries of  
3 an Executive Director, Principal Assistant, Director of Enforcement,  
4 and such clerical or other assistants as are necessary for the  
5 proper performance of its work. The Board shall make expenditures  
6 from the fund created in subsection A of this section for any  
7 purpose which, in the opinion of the Board, is reasonably necessary  
8 for the proper performance of its duties under Section 475.1 et seq.  
9 of this title, including examination administration fees, the  
10 expenses of the Board's delegates to meetings of and membership fees  
11 to the National Council of Examiners for Engineering and Surveying,  
12 meaning the national nonprofit organization composed of engineering  
13 and land surveying licensing boards commonly called NEECS, and any  
14 of its subdivisions, as provided in the State Travel Reimbursement  
15 Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.  
16 Under no circumstances shall the total amount of warrants issued in  
17 payment of the expenses and compensation provided for in Section  
18 475.1 et seq. of this title exceed the amount of monies in the fund.

19 ~~C. The fund shall be audited annually by the State Auditor and~~  
20 ~~Inspector.~~

21 SECTION 10. AMENDATORY 59 O.S. 2001, Section 587, is  
22 amended to read as follows:

23 Section 587. The fee for such examinations shall be set by  
24 rules promulgated by the Board of Examiners in Optometry ~~rule~~, not

1 to be less than One Hundred Dollars (\$100.00) and not to exceed Two  
2 Hundred Dollars (\$200.00), and a yearly license fee set by rules  
3 promulgated by the Board of Examiners in Optometry ~~rule~~, not to be  
4 less than Sixty-five Dollars (\$65.00) and not to exceed Two Hundred  
5 Dollars (\$200.00), shall be paid each fiscal year by all persons  
6 holding a license to practice optometry in this state, and shall be  
7 paid not later than the 30th day of June of each year. In the event  
8 of default of payment of such license fee by any person, his or her  
9 certificate shall be revoked by the Board of Examiners who shall  
10 take such action only after notifying the person in default by  
11 registered mail and allowing him or her fifteen (15) days in which  
12 to comply with this requirement. The Board shall be paid travel  
13 expenses as provided in the State Travel Reimbursement Act, Section  
14 500.1 et seq. of Title 74 of the Oklahoma Statutes. The secretary-  
15 treasurer shall receive a compensation fixed by the Board, of not to  
16 exceed Two Hundred Dollars (\$200.00) per month. All fees and  
17 charges collected by the secretary-treasurer of the Board shall be  
18 paid on the first day of each month into a revolving fund in the  
19 State Treasury to be designated as the "Optometry Board Revolving  
20 Fund". This fund shall consist of all monies received by the Board  
21 of Optometry other than appropriated funds. The revolving fund  
22 shall be a continuing fund not subject to fiscal year limitations  
23 and shall be under the control and management of the Board of  
24 Optometry. Expenditures from this fund shall be made pursuant to

1 the purposes of Sections 581 through 606 of this title and without  
2 legislative approval. Warrants for expenditures shall be drawn by  
3 the State Treasurer based on claims signed by an authorized employee  
4 or employees of the Board of Optometry and approved for payment by  
5 the Director of State Finance. ~~The revolving fund shall be audited~~  
6 ~~at least once each year by the State Auditor and Inspector.~~

7 SECTION 11. AMENDATORY 59 O.S. 2001, Section 858-205, is  
8 amended to read as follows:

9 Section 858-205. A. There is hereby created in the State  
10 Treasury a revolving fund for the Oklahoma Real Estate Commission,  
11 to be designated the "Oklahoma Real Estate Commission Revolving  
12 Fund". The fund shall consist of all monies received by the  
13 Oklahoma Real Estate Commission other than the Oklahoma Real Estate  
14 Education and Recovery Fund fees or appropriated funds. The  
15 revolving fund shall be a continuing fund not subject to fiscal year  
16 limitations and shall be under the control and management of the  
17 Oklahoma Real Estate Commission.

18 B. The Oklahoma Real Estate Commission may invest all or part  
19 of the monies of the fund in securities offered through the  
20 "Oklahoma State Treasurer's Cash Management Program". Any interest  
21 or dividends accruing from the securities and any monies generated  
22 at the time of redemption of the securities shall be deposited in  
23 the General Operating Fund of the Oklahoma Real Estate Commission.  
24 All monies accruing to the credit of ~~said~~ the fund are hereby

1 appropriated and may be budgeted and expended by the Oklahoma Real  
2 Estate Commission.

3 C. Expenditures from this fund shall be made pursuant to the  
4 purposes of this Code and without legislative appropriation.  
5 Warrants for expenditures shall be drawn by the State Treasurer  
6 based on claims signed by an authorized employee or employees of the  
7 Oklahoma Real Estate Commission and approved for payment by the  
8 Director of State Finance.

9 ~~D. The revolving fund shall be audited at least once each year~~  
10 ~~by the State Auditor and Inspector.~~

11 SECTION 12. AMENDATORY 59 O.S. 2001, Section 1694, as  
12 amended by Section 6, Chapter 163, O.S.L. 2004 (59 O.S. Supp. 2007,  
13 Section 1694), is amended to read as follows:

14 Section 1694. All monies received by the Construction  
15 Industries Board under the Electrical License Act, including the  
16 administrative fines authorized by Section 1695 of this title, shall  
17 be deposited with the State Treasurer and credited to the  
18 "Electrical Revolving Fund". The revolving fund shall be a  
19 continuing fund not subject to fiscal year limitations and may be  
20 budgeted and expended by the Construction Industries Board.  
21 Expenditures from this fund shall be made pursuant to the purposes  
22 of the Electrical License Act and shall include, but not be limited  
23 to, payment of operating costs and the costs of programs designed to  
24 promote public awareness of the electrical industry, and

1 expenditures for the preparation and printing of regulations,  
2 bulletins or other documents and the furnishing of copies of such  
3 documents to those persons engaged in the electrical industry or the  
4 public. Expenditures from the fund shall be made upon warrants  
5 issued by the State Treasurer against claims filed as prescribed by  
6 law with the Director of State Finance for approval and payment.  
7 ~~The revolving fund shall be audited at least once each year by the~~  
8 ~~State Auditor and Inspector.~~

9 SECTION 13. AMENDATORY 62 O.S. 2001, Section 211, as  
10 amended by Section 2, Chapter 265, O.S.L. 2004 (62 O.S. Supp. 2007,  
11 Section 211), is amended to read as follows:

12 Section 211. Unless otherwise provided by law, all self-  
13 sustaining boards created by statute to regulate and prescribe  
14 standards, practices, and procedures in any profession, occupation  
15 or vocation, shall ~~at the close of each fiscal year hereafter file~~  
16 ~~with the Governor and the State Auditor and Inspector a true and~~  
17 ~~correct report of all fees charged, collected and received during~~  
18 ~~the previous fiscal year and shall~~ pay into the General Revenue Fund  
19 of the state ten percent (10%) of the gross fees ~~se~~ charged,  
20 collected and received by such board.

21 SECTION 14. AMENDATORY 63 O.S. 2001, Section 485.3, as  
22 amended by Section 1, Chapter 426, O.S.L. 2004 (63 O.S. Supp. 2007,  
23 Section 485.3), is amended to read as follows:

24

1 Section 485.3 A. The Oklahoma Cerebral Palsy Commission is  
2 hereby authorized and empowered to:

3 1. Establish and maintain the J.D. McCarty Center for Children  
4 with Developmental Disabilities, to provide care, maintenance,  
5 training, treatment, habilitation and rehabilitation of persons  
6 afflicted with cerebral palsy and other developmental disabilities  
7 within such institute;

8 2. Set fees and charges for patient services;

9 3. Provide care, maintenance, training, treatment and  
10 rehabilitation services to children not afflicted with cerebral  
11 palsy or developmental disabilities but who may benefit from the  
12 services available from the J.D. McCarty Center for Children with  
13 Developmental Disabilities, as determined to be practicable by the  
14 Oklahoma Cerebral Palsy Commission;

15 4. Provide services to any adults who may benefit from services  
16 available from the J.D. McCarty Center for Children with  
17 Developmental Disabilities, as determined to be practicable by the  
18 Oklahoma Cerebral Palsy Commission; provided, that services to  
19 adults shall not diminish any services available to children;

20 5. Enter into contracts for the purchase of real estate or  
21 other property and to buy or sell real estate, personal property and  
22 equipment necessary or incidental to the carrying out of the  
23 provisions of Sections 485.1 through 485.11 of this title; and  
24

1           6. Enter into contracts with the Commission for Human Services  
2 and with other agencies of the state and of the counties in  
3 furtherance of the provisions of Sections 485.1 through 485.11 of  
4 this title; provided, the Oklahoma Cerebral Palsy Commission shall  
5 receive from the Commission for Human Services payments aggregating  
6 a minimum of One Hundred Thousand Dollars (\$100,000.00) annually  
7 from funds set aside in the Children with Special Health Care Needs  
8 Program; and provided further, the Oklahoma Cerebral Palsy  
9 Commission may negotiate with the Commission for Human Services or  
10 its successors for additional payments above One Hundred Thousand  
11 Dollars (\$100,000.00) from such funds.

12           B. The Commission shall be charged with the duties of  
13 management and control of the J.D. McCarty Center for Children with  
14 Developmental Disabilities and shall-

15           1. ~~Have~~ have power to sue or be sued in its own name; ~~and~~

16           2. ~~Obtain and pay for an annual audit of the books and records~~  
17 ~~of the J.D. McCarty Center for Children with Developmental~~  
18 ~~Disabilities, conducted by the Office of the State Auditor and~~  
19 ~~Inspector or by a qualified, independent auditor in conformance with~~  
20 ~~standards and guidelines established by the State Auditor and~~  
21 ~~Inspector.~~

22           C. The Attorney General shall furnish the Commission with legal  
23 representation. The Commission shall not contract for private legal  
24

1 counsel except for extraordinary situations other than normal day-  
2 to-day situations, and when approved by the Attorney General.

3 D. For the purposes of moving the J.D. McCarty Center for  
4 Children with Developmental Disabilities to its new facilities, the  
5 Oklahoma Cerebral Palsy Commission may sell surplus property and  
6 fixtures. Such sale of surplus property and fixtures shall be  
7 exempt from Sections 62.2 through 62.6 of Title 74 of the Oklahoma  
8 Statutes. The Commission shall sell such surplus property and  
9 fixtures at fair market value as determined by the members of the  
10 Commission. The process for the sale and transfer of title shall  
11 originate with the Commission. All proceeds from such sale of the  
12 property and fixtures shall be deposited into the J.D. McCarty  
13 Center for Children with Developmental Disabilities Revolving Fund.

14 SECTION 15. AMENDATORY 74 O.S. 2001, Section 19a, is  
15 amended to read as follows:

16 Section 19a. Disbursements may be made from the ~~fund provided~~  
17 ~~by this act~~ Attorney General's Evidence Fund to the Attorney General  
18 upon appropriate voucher and claim for the purpose of paying fees  
19 and expenses of a confidential nature. The Attorney General shall  
20 retain written receipts for all expenditures so made and promulgate  
21 written rules to provide strict accountability for such  
22 expenditures. ~~The fund provided by this act shall be fully audited~~  
23 ~~by the State Auditor and Inspector at least once in each fiscal~~  
24 ~~year.~~

1 SECTION 16. AMENDATORY 74 O.S. 2001, Section 130.22, as  
2 amended by Section 12, Chapter 372, O.S.L. 2003 (74 O.S. Supp. 2007,  
3 Section 130.22), is amended to read as follows:

4 Section 130.22 All monies received by the Department of Central  
5 Services under the Alternative Fuels Technician Certification Act  
6 shall be deposited with the State Treasurer and credited to the  
7 "Alternative Fuels Technician Certification Revolving Fund". The  
8 revolving fund shall be a continuing fund not subject to fiscal year  
9 limitations and shall be under the control and management of the  
10 Department of Central Services. Expenditures from this fund shall  
11 be made pursuant to the purposes of the Alternative Fuels Technician  
12 Certification Act and shall include, but not be limited to, payment  
13 of operating costs, costs of programs designed to promote public  
14 awareness of the alternative fuels industry, expenditures for the  
15 preparation and printing of regulations, bulletins or other  
16 documents and the furnishing of copies of the documents to those  
17 persons engaged in the alternative fuels industry or the public, and  
18 expenses the Department incurs to support program operations.  
19 Warrants for expenditures shall be drawn by the State Treasurer  
20 based on claims signed by the Department of Central Services and  
21 approved for payment by the Director of State Finance. The  
22 ~~revolving fund shall be audited at least once each year by the State~~  
23 ~~Auditor and Inspector.~~

24

1 SECTION 17. AMENDATORY 74 O.S. 2001, Section 5060.22, as  
2 amended by Section 11, Chapter 484, O.S.L. 2002 (74 O.S. Supp. 2007,  
3 Section 5060.22), is amended to read as follows:

4 Section 5060.22 A. The Oklahoma Science and Technology  
5 Research and Development Board is authorized and instructed to make  
6 an annual report no later than November 1 to the Governor, the  
7 President Pro Tempore of the Senate, and the Speaker of the House of  
8 Representatives that shall describe the accomplishments, the  
9 expenditures, and the activities of the prior fiscal year. The  
10 report shall include elements the Board identifies as hampering the  
11 state's economic progress and recommendations for changes. The  
12 report shall include an independent audit in accordance with  
13 ~~generally accepted accounting principals~~ auditing standards  
14 generally accepted in the United States and the standards applicable  
15 to financial audits contained in Government Auditing Standards,  
16 latest revised edition, issued by the Comptroller General of the  
17 United States, which shall examine, among other things, actions  
18 governed by the administrative policies adopted by the Board on  
19 behalf of the Center and the Institute. The annual report shall  
20 specifically account for the ways in which the need, mission and  
21 programs of the Center and the Institute have been carried out,  
22 including but not limited to a review of the results of the  
23 operations and transactions according to objective measures set  
24 forth in the business plan. The report shall recommend specific

1 changes in the activities of the Center or Institute which are  
2 necessary to better carry out the need and mission described in ~~this~~  
3 ~~act~~ Section 5060.2 et seq. of this title. The Board shall  
4 distribute its annual report by such means that will make it widely  
5 available to those innovative enterprises of special importance to  
6 the Oklahoma economy.

7 B. The Board shall annually review and prepare a report showing  
8 how and at what level other states fund technology-based economic  
9 development programs. The Board shall recommend an appropriate  
10 funding level for Oklahoma which will make these programs nationally  
11 competitive with those of other states. The Board's findings and  
12 recommendations shall be included in the annual report to be  
13 submitted to the Governor and the Legislature.

14 C. The Center shall adopt a threshold funding level for each of  
15 the programs provided for by law. The threshold amount shall  
16 provide for funding that is great enough to have a significant  
17 impact and carry out the intent of the Legislature. If the funding  
18 for these programs falls below the threshold, then no funding shall  
19 be provided by the Center to the program funded below threshold  
20 level.

21 D. The Board, on behalf of the Center and Institute, shall fund  
22 areas of research and development that the Board selects as most  
23 likely to stimulate information technology, biotechnology, genetics,  
24 meteorology and climate studies, and emerging or developing

1 technology and related jobs; foster patents; result in new patents,  
2 copyrights, trademarks, and licenses of value; pursue world-class  
3 research teams that support the state's primary economic development  
4 thrusts or focus areas; and stimulate private and public investments  
5 with the intent to encourage economic development in Oklahoma.

6 SECTION 18. REPEALER 62 O.S. 2001, Sections 89.10 and  
7 212, are hereby repealed. 68 O.S. 2001, Section 106, is hereby  
8 repealed. 74 O.S. 2001, Section 226, as amended by Section 3,  
9 Chapter 257, O.S.L. 2003 (74 O.S. Supp. 2007, Section 226), is  
10 hereby repealed.

11 SECTION 19. This act shall become effective July 1, 2008.

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

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