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THE STATE SENATE
Tuesday, March 23, 2010

ENGROSSED

House Bill No. 3026

ENGROSSED HOUSE BILL NO. 3026 - By: Benge, Blackwell, Sullivan and Hoskin of the House and Coffee of the Senate.

An Act relating to public lands; creating the Commissioners of the Land Office Modernization Act; amending 64 O.S. 2001, Sections 1, 1.1, 2, 3, 10, 41, 43, 51, Section 1, Chapter 190, O.S.L. 2007, 61, 64, 88, 90, 92, as amended by Section 1, Chapter 205, O.S.L. 2003, 92a, 92b, 101, 115, 123, 126, 130, 151, 153.1, 154, 155, 156, 158, 160, 181, 184, 192, 223, 224, 225.1, 226, 227, 228, 241, 244, 246, 249, 252, 259, 289, 290, 291, 293 and 451 (64 O.S. Supp. 2009, Sections 51.2 and 92), which relate to public lands administered by the Commissioners of the Land Office; clarifying statutory language; updating statutory language; deleting obsolete language; providing for the management of school and public lands; stating goals; specifying powers and duties of the Commissioners of the Land Office; deleting certain condition for determining beneficial use; modifying criteria for the administration of state school lands; authorizing the Commissioners to acquire and exchange real and personal property; directing the Secretary of the Land Office to administer the Land Office; specifying duties of the Secretary; stating certain eligibility qualifications for the Secretary; providing for term of office of the Secretary; providing for appointment of a replacement; deleting certain administrative duties; providing for selection of the General Counsel; deleting requirement to appoint certain employees; deleting bonding requirement for certain employees; providing for removal of the General Counsel; deleting provisions for installation of certain forms and equipment and payment of a system of accounting; making the revolving fund a continuing fund; modifying uses of monies from the revolving fund; deleting certain expenditure prohibition; creating a cash drawer change fund; providing for use of fund; establishing maximum amount of fund; providing for adjustments in the fund; prohibiting purchases and change to employees; requiring the Director of Accounting to prescribe certain forms; deleting certain fee

1 transfer date; authorizing the Secretary to issue formal
2 resolutions; exempting the Commissioners from certain
3 provisions of the Administrative Procedures Act for adoption
4 of resolutions; deleting certain investment option; deleting
5 requirement to retain sufficient monies for certain
6 purposes; modifying trust responsibility; clarifying amount
7 allowed to be invested in equity securities; requiring
8 certain banks to submit to jurisdiction of Oklahoma courts;
9 deleting definition of certain term; deleting certain duties
10 of appraiser for the Commissioners; making certain records
11 and information not public records; allowing Commissioners
12 to disclose certain records for certain purpose; modifying
13 actions subject to certain penalty; changing penalty; making
14 certain actions subject to a civil penalty; specifying
15 amount of civil penalty; providing for interest on penalty
16 and criminal penalties; modifying type of land on which
17 Commissioners have first lien; deleting requirement to
18 deposit mineral lease monies in certain funds; deleting
19 obsolete limit on certain fee; deleting requirement to
20 reserve mineral interests on specific lands; authorizing the
21 Commissioners to refuse to accept bids from certain persons;
22 adding specific intent requirement to certain unlawful acts
23 by employees; deleting restriction on authority to endorse
24 checks and drafts; deleting signature requirement; adding
25 specific intent requirement to certain unlawful actions;
26 deleting requirement to copy checks; allowing the use of a
27 machine to prevent alteration of checks; modifying cash
28 handling procedures; deleting restriction on cashing checks
29 or drafts; deleting restrictions on handling sealed bids;
30 authorizing the Secretary to purchase lock box collection
31 services; describing lock box collection services; deleting
32 the Auditor salary limitation; deleting ouster requirement
33 for a county treasurer who fails to provide certain
34 certification; deleting filing exception for mortgages;
35 deleting requirement to certify preceding minutes; changing
36 duty to submit monthly assets and liability statements;
37 deleting requirement to submit certain financial statement
38 to the Governor and Legislature; requiring annual audit to
39 be conducted according to certain auditing standards;
40 deleting requirement to include certain inventory in audit;
41 adding to list of officials who receive copies of audit;
42 authorizing the Commissioners to employ and engage
43 attorneys; deleting reference to certain office; deleting
44 obsolete restriction on the sale of certain lands; modifying
45 lands on which a lessee holds a preference right; deleting
46 an appeal right and procedure of a preference right lessee;

1 allowing public auctions at other sites under certain
2 conditions; modifying publication requirements for public
3 auctions; describing property for which a certain deed is to
4 be issued; requiring certain estates in land to comply with
5 certain zoning and land use regulations and laws; allowing
6 exemption under certain conditions; deleting certain notice
7 requirements, forfeiture proceedings, appeal process and
8 sale requirements upon defaults; deleting certain deposit
9 requirement of certain monies from defaults; authorizing the
10 Commission to institute collection proceeding; allowing
11 certain employees to serve certain documents; changing fee
12 charged for entering and recording an assignment; modifying
13 right of lessee to remove improvements if in default for
14 certain costs; providing for exception to designation of
15 certain records as public; deleting deposit and handling
16 requirements for certain oil and gas proceeds; requiring
17 bonus and delay rental income to be distributed in certain
18 manner; allowing the Commissioners to modify manner of
19 distributions; clarifying authorization to lease certain
20 lands between streams and rivers; deleting certain citation;
21 providing for the promulgation of certain prospecting rules
22 and fees by the Commission; deleting certain limitations on
23 prospecting permits; amending 70 O.S. 2001, Section 614,
24 which relates to payments made by the Commissioners of the
25 Land Office for schools; deleting certain taxes; changing
26 date for payment; amending 74 O.S. 2001, Section 840-5.5, as
27 last amended by Section 1, Chapter 300, O.S.L. 2008 (74 O.S.
28 Supp. 2009, Section 840-5.5), which relates to unclassified
29 service positions and offices; adding certain Commissioners
30 of the Land Office positions; repealing 64 O.S. 2001,
31 Sections 1.2, 1.3, as amended by Section 1, Chapter 433,
32 O.S.L. 2004, 9, 11, 12, 13, 14, 52, 56, 57, 58.1, 59, 63,
33 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79,
34 80.1, 80.2, 80.3, 80.4, 81, 82, 82.1, 82.2, 83, 84, 86,
35 86.1, 87c, 89, 91, 93, 94, 95, 96, 97, 99, 100, 111, 112,
36 121, 124, 125, 127, 128, 129, 131, 132, 157, 159, 161, 162,
37 162.2, 163, 164, 165, 166, 187, 188, 189, 190, 191, 193,
38 195, 196, 214, 215, 216.1, 216.2, 216.3, 216.4, 216.5,
39 216.6, 216.7, 216.8, 229.1, 229.2, 229.3, 229.4, 229.5, 245,
40 248, 250, 251, 253, 254, 255, 256, 256.1, 260.1, 260.2, 294,
41 452, 453, 455 and 456 (64 O.S. Supp. 2009, Section 1.3),
42 which relate to public lands administered by the
43 Commissioners of the Land Office; providing for
44 noncodification; providing for recodification; and declaring
45 an emergency.

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

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Commissioners
5 of the Land Office Modernization Act".

6 SECTION 2. AMENDATORY 64 O.S. 2001, Section 1, is
7 amended to read as follows:

8 Section 1. A. The Governor, Lieutenant Governor, State Auditor
9 and Inspector, Superintendent of Public Instruction, and the
10 President of the State Board of Agriculture, shall constitute the
11 Commissioners of the Land Office, ~~who~~. The Commissioners of the
12 Land Office shall have charge of the sale, exchange, rental,
13 disposal, and ~~managing~~ management of the school lands and other
14 public lands of the state, and of the funds and proceeds derived
15 ~~therefrom, under the rules and regulations~~ from the lands. The
16 school lands and public lands of the state and the funds and
17 proceeds derived from the lands shall be managed as a sacred trust
18 for the exclusive benefit of the beneficiaries and for the return of
19 full value from the use and disposition of the trust property and as
20 prescribed by the Legislature to attain the trust goals by
21 protection of assets coupled with maximum return and to provide
22 standards to foster evenhanded and proper administration of the
23 trust.

1 B. The Commissioners of the Land Office shall possess and
2 retain all powers and duties irrevocably granted pursuant to the
3 Constitution of the State of Oklahoma, the Enabling Act of Oklahoma,
4 and laws governing the proper administration of trusts.

5 SECTION 3. AMENDATORY 64 O.S. 2001, Section 1.1, is
6 amended to read as follows:

7 Section 1.1 In order that the state school lands may be
8 administered in a manner to assure their preservation as well as the
9 appreciation of the trust estate and the maximum return from the use
10 of state school lands for the support and maintenance of the common
11 schools of the state, the Commissioners of the Land Office, as
12 trustees of the state school lands, are hereby authorized and
13 empowered to:

14 1. ~~To categorize~~ Categorize the state school lands as
15 agricultural or commercial according to the use which the
16 Commissioners of the Land Office determine from time to time to be
17 most beneficial to the interest of the present and future
18 beneficiaries of the state. ~~In making such a determination, the~~
19 ~~Commissioners of the Land Office may take into account the potential~~
20 ~~of such lands in creating job opportunities through development as~~
21 ~~economic development parks as set forth in Section 11 of this title;~~

22 2. ~~To sell~~ Sell, at public auction after appraisalment, the
23 surface interest in any state school land categorized by the

1 Commissioners of the Land Office to be excess or when determined to
2 be in the best interest of the trust; and

3 3. ~~To institute~~ Institute projects to develop and improve those
4 state school lands which are categorized as commercial lands-
5 ~~Provided however, no funds under the control or jurisdiction of the~~
6 ~~Commissioners shall be spent on such projects unless approved by the~~
7 ~~Legislature;~~

8 4. Acquire by exchange, gift or grant all real property and to
9 acquire by exchange, purchase, gift or grant all personal property
10 necessary for the purpose of utilizing trust lands for the
11 development of commercial and agricultural leases to maximize trust
12 income for present and future beneficiaries; and

13 5. Exchange any real property of the trust for other real
14 property of equal or greater value to maximize income for present
15 and future beneficiaries, in accordance with and under the safeguard
16 of trust requirements.

17 SECTION 4. AMENDATORY 64 O.S. 2001, Section 2, is
18 amended to read as follows:

19 Section 2. A. ~~The Department of the Commissioners of the Land~~
20 ~~Office shall be administered by the Secretary of the Land Office~~
21 ~~under the supervision of the Commissioners of the Land Office by~~
22 ~~the.~~ The Secretary who shall, subject to the qualifications listed
23 in subsection B of this section, be appointed by the Governor with

1 the advice and consent of the Commissioners of the Land Office. It
2 shall be the duty of the Secretary to execute, under the supervision
3 of the Commissioners of the Land Office, the provisions of the
4 Enabling Act of Oklahoma as it relates to the management of school
5 lands and other public lands, the Constitution of the State of
6 Oklahoma, and all laws, regulations, and duties pertaining to the
7 ~~Department of the~~ Commissioners of the Land Office and to carry into
8 execution the will of the Commissioners of the Land Office not in
9 conflict with ~~such laws~~ any law.

10 B. The Secretary of the Land Office shall:

11 1. Possess an advanced degree from an accredited college or
12 university;

13 2. Have not less than five (5) years experience in government,
14 law or finance; and

15 3. Meet other specific requirements as specified by the
16 Commissioners of the Land Office.

17 C. The Secretary of the Land Office shall serve a four-year
18 term of service concurrent with the term of the appointing Governor
19 and the other elected officials on the Commission. The Secretary
20 may serve consecutive terms and may serve past the term of the
21 appointing Governor only until a successor is appointed. If the
22 appointment is terminated or if the Secretary resigns, becomes
23 incapacitated or for any reason is unable to perform the duties of

1 the Secretary, the Commissioners may appoint an acting Secretary
2 until a replacement may be appointed to complete the term as
3 provided for in this section.

4 SECTION 5. AMENDATORY 64 O.S. 2001, Section 3, is
5 amended to read as follows:

6 Section 3. ~~The Land Office shall be administered under the~~
7 ~~supervision of the Commissioners of the Land Office, by the~~
8 ~~Secretary of the Commission, who shall be appointed by the Governor.~~

9 ~~Providing that the~~ The Governor of the State of Oklahoma shall
10 be designated as chairman ex officio, ~~and the~~ of the Commissioners
11 of the Land Office. The Commissioners shall elect from their body a
12 vice-chairman whose duty it shall be to act as chairman in the
13 absence of the chairman or in case of ~~his~~ the failure, neglect, or
14 refusal of the chairman to act ~~as chairman.~~

15 The Secretary of the Land Office shall select ~~such~~ for
16 employment all employees as may be deemed necessary and appropriate
17 to properly ~~to~~ operate the Land Office ~~under the terms of this act,~~
18 except the ~~attorneys and appraisers,~~ General Counsel for the Land
19 Commission who shall be selected by a majority of the Commission,
20 ~~provided further, that the Commissioners of the Land Office shall~~
21 ~~appoint not exceeding seven (7) appraisers to make appraisements for~~
22 ~~loans provided herein and assist in the collection of loans and~~
23 ~~interest thereon, and the rents from agricultural and grazing lands~~

1 ~~belonging to the Department, and such other duties as may be~~
2 ~~assigned to them by the Secretary of the Commission, who shall~~
3 ~~direct in each case their services; provided further that the~~
4 ~~Commissioners of the Land Office shall appoint one Title Examiner~~
5 ~~and not more than two Assistant Title Examiners to attend to any~~
6 ~~legal matters which the School Land Commission is charged to~~
7 ~~administer and enforce, and such other duties as may be assigned to~~
8 ~~them by the Secretary of the Commission, who shall direct in each~~
9 ~~case their services.~~

10 ~~The employees of the Land Office whose duties require them to~~
11 ~~handle funds, or securities, of the Department, shall be required to~~
12 ~~give bond in an amount sufficient to protect the Department against~~
13 ~~loss by reason of their negligence or willful misappropriation of~~
14 ~~such funds and securities.~~

15 The Commissioners, by a majority vote, may remove the Secretary
16 ~~or any appraiser, or any attorney,~~ of the Land Office, and the
17 General Counsel of the Land Office. The Secretary may discharge and
18 remove any employee, ~~selected by him~~ of the Land Office.

19 SECTION 6. AMENDATORY 64 O.S. 2001, Section 10, is
20 amended to read as follows:

21 Section 10. It ~~is hereby made the mandatory~~ shall be the duty
22 of the Secretary and the Auditor for the Commissioners of the Land
23 Office, to install modern forms and equipment for a system of

1 accounting to properly protect, preserve and account for all
2 transactions made by or on behalf of the ~~Department of the~~
3 ~~Commissioners of the Land Office; the installation of all forms and~~
4 ~~equipment shall be under the supervision of the State Banking~~
5 ~~Department, which shall prescribe all records, forms and equipment~~
6 ~~to be installed and the Commissioners of the Land Office are hereby~~
7 ~~authorized and directed to approve such records, forms and equipment~~
8 ~~as may be prescribed by the State Banking Department. All books,~~
9 ~~forms and other necessary equipment and supplies for the~~
10 ~~installation and maintaining a proper system of accounting shall be~~
11 ~~paid for from the revolving fund for the Commissioners of the Land~~
12 ~~Office.~~

13 SECTION 7. AMENDATORY 64 O.S. 2001, Section 41, is
14 amended to read as follows:

15 Section 41. A. There is hereby created a revolving fund which
16 fund shall be a continuing fund not subject to fiscal year
17 limitations, for the ~~Department of the~~ Commissioners of the Land
18 Office, into which ~~fund~~ shall be paid ~~by the Secretary to the~~
19 ~~Commissioners of the Land Office~~ all fees that may be collected by
20 the Commissioners of the Land Office, Monies from which shall the
21 fund may be made the payment used to pay for all books, forms, and
22 other necessary equipment and supplies for the installation and
23 maintenance of a modern system of accounting, ~~provided however, no~~

1 ~~patented accounting system wherein copyrighted or patented forms or~~
2 ~~books are used shall be bought, installed, or used, and from which~~
3 ~~fund shall also be paid the expense of all,~~ necessary printing
4 expenses, foreclosure abstracts, and other refunds, expenses
5 incidental to foreclosure and the acceptance of warranty deeds, and
6 ~~from which fund shall also be paid~~ the operation of the Land Office,
7 necessary communication and traveling expenses incurred by the
8 employees of the Department of the Commissioners of the Land Office,
9 attorney fees and litigation expenses and collection costs and
10 expenses. ~~Provided further, that the~~ The Commissioners of the Land
11 Office ~~are also authorized to incur out of said~~ may also use monies
12 in the revolving fund for any expenses of the Land Office ~~for~~
13 related to personal services, ~~including old age and survivor~~
14 ~~insurance,~~ operating expenses and the purchase of equipment
15 necessary to carry out the function of the Land Office. ~~The~~
16 ~~Commissioners of the Land Office are prohibited from expending any~~
17 ~~funds for rental, lease, or use of any building, office, or space~~
18 All funds accruing to the fund are hereby appropriated.

19 B. There is hereby created a cash drawer change fund for the
20 Commissioners of the Land Office. The fund shall be used as cash
21 for the Land Office to make change for customers. The amount held
22 in the fund shall not exceed One Thousand Dollars (\$1,000.00). The
23 initial amount in the fund shall be drawn by warrant from the

1 revolving fund created pursuant to subsection A of this section.
2 All adjustments to the amount retained in the fund shall be by
3 withdrawal and deposit in the revolving fund established pursuant to
4 subsection A of this section. No purchases shall be made from the
5 fund. Officers, employees or agents of the Land Office shall be
6 prohibited from receiving change from the fund. The Director of
7 Accounting for the Land Office, with the approval of the internal
8 auditor, shall prescribe forms, systems and procedures for the
9 administration of the fund.

10 SECTION 8. AMENDATORY 64 O.S. 2001, Section 43, is
11 amended to read as follows:

12 Section 43. A. The Commissioners of the Land Office, by formal
13 resolution adopted by a majority vote of the members of ~~said the~~ the
14 Commission, shall fix a schedule of fees to be charged for services
15 rendered by the ~~Department and except~~ Land Office. Except as
16 otherwise provided by law, ~~said the~~ the fees shall be collected and
17 deposited in the revolving fund for the ~~Department of the~~
18 Commissioners of the Land Office. ~~Transfer of all fees earned and~~
19 ~~collected each month shall be made on or before the tenth day of the~~
20 ~~succeeding month.~~

21 B. The Secretary of the Land Office shall have authority to
22 issue formal resolutions adopted by the Commissioners of the Land
23 Office, as authorized by the Commissioners. The Commissioners of

1 the Land Office shall be exempt from Article I of the Administrative
2 Procedures Act with respect to the adoption and issuance of formal
3 resolutions of the Commissioners.

4 SECTION 9. AMENDATORY 64 O.S. 2001, Section 51, is
5 amended to read as follows:

6 Section 51. A. ~~1. The permanent school funds and other~~
7 ~~educational funds may be invested in first mortgages upon good and~~
8 ~~improved farm lands within the state (and in no case shall more than~~
9 ~~fifty percent (50%) of the reasonable value of the lands, without~~
10 ~~improvements, be loaned upon any tract).~~

11 ~~2. Sufficient monies shall be kept on hand at all times by the~~
12 ~~Commissioners of the Land Office to close all approved applications~~
13 ~~for first mortgage loans, as may be approved from time to time by~~
14 ~~the Commissioners of the Land Office.~~

15 ~~B. 1.~~ The Commissioners of the Land Office shall be
16 responsible for the investment of the permanent school funds, other
17 educational funds and public building funds solely in the best
18 interests of the current and future beneficiaries. The
19 Commissioners of the Land Office shall make ~~such~~ investments:

20 ~~a. for~~

21 1. For the exclusive purpose of:

22 ~~(1)~~ a. providing maximum benefits to current and future
23 beneficiaries, and

1 their ~~designee~~ designees. The committee shall make recommendations
2 to the Commissioners of the Land Office on all matters related to
3 the choice of managers of the assets of the funds, on the
4 establishment of investment and fund management guidelines, and in
5 planning future investment policy. The committee shall have no
6 authority to act on behalf of the Commissioners of the Land Office
7 in any circumstances whatsoever. No recommendations of the
8 committee shall have effect as an action of the Commissioners of the
9 Land Office or take effect without the approval of the Commissioners
10 as provided by law. The Commissioners shall promulgate and adopt on
11 an annual basis an investment plan. The investment plan shall state
12 the criteria for selecting investment managers, the allocation of
13 assets among investment managers, and established standards of
14 investment and fund management.

15 ~~4.~~ D. The Commissioners shall retain qualified investment
16 managers to provide for investment of the fund monies pursuant to
17 the investment plan. Investment managers shall be chosen by a
18 solicitation of proposals on a competitive bid basis pursuant to
19 standards set by the Commissioners. Subject to the investment plan,
20 each investment manager shall have full discretion in the management
21 of the funds allocated to said investment managers. The funds
22 allocated to investment managers shall be actively managed by them,
23 which may include selling investments and realizing losses if such

1 the action is considered advantageous to longer term return
2 maximization. Because of the total return objective, no distinction
3 shall be made for management and performance evaluation purposes
4 between realized and unrealized capital gains and losses.

5 ~~5-~~ E. The Commissioners shall take ~~such~~ any measures ~~as~~ they
6 deem appropriate to safeguard custody of securities and other assets
7 of the trusts.

8 ~~6-~~ F. By August 1 of each year, the Commissioners shall develop
9 a written investment plan for the trust funds.

10 ~~7-~~ G. The Commissioners shall compile a quarterly financial
11 report showing the performance of all the combined funds under their
12 control on a fiscal year basis. The report shall contain a list of
13 all investments made by the Commissioners and a list of any
14 commissions, fees or payments made for services regarding ~~such~~ the
15 investments for that reporting period. The report shall be based on
16 market values and shall be compiled pursuant to uniform reporting
17 standards prescribed by the Oklahoma State Pension Commission for
18 all state retirement systems. The report shall be distributed to
19 the Oklahoma State Pension Commission, the Cash Management and
20 Investment Oversight Commission, and the Legislative Service Bureau.

21 ~~8-~~ H. Before October 1 of each year, the Commissioners shall
22 publish an annual report of all Trust operations, presented in a
23 simple and easily understood manner to the extent possible. The

1 report shall be submitted to the Governor, the Speaker of the House
2 of Representatives, the President Pro Tempore of the Senate, the
3 State Department of Education and each higher education beneficiary.
4 The annual report shall cover the operation of the Trusts during the
5 past fiscal year, including income, disbursements and the financial
6 condition of the Trusts at the end of each fiscal year on a cash
7 basis. The annual report shall also contain a summary of ~~each~~
8 ~~Trust's~~ the assets of each trust and current market value as of the
9 report date.

10 ~~9-~~ I. The Cash Management and Investment Oversight Commission
11 shall review reports prepared by the Commissioners of the Land
12 Office pursuant to this subsection and shall make ~~such~~
13 recommendations regarding the investment strategies and practices,
14 the development of internal auditing procedures and practices and
15 ~~such~~ any other matters as determined necessary and applicable.

16 ~~10-~~ J. The Commissioners of the Land Office shall select one
17 custodial bank to settle transactions involving the investment of
18 the funds under the control of the Commissioners of the Land Office.
19 The Commissioners of the Land Office shall review the performance of
20 the custodial bank at least once every year. The Commissioners of
21 the Land Office shall require a written competitive bid every five
22 (5) years. The custodial bank shall have a minimum of Five Hundred
23 Million Dollars (\$500,000,000.00) in assets to be eligible for

1 selection. Any out-of-state custodial bank shall have a service
2 agent in the State of Oklahoma so that service of summons or legal
3 notice may be had on ~~such~~ the designated agent ~~as is now or may~~
4 ~~hereafter be provided by law,~~ and the bank shall submit to the
5 jurisdiction of Oklahoma state courts for resolution of any and all
6 disputes. In order to be eligible for selection, the custodial bank
7 shall allow electronic access to all transaction and portfolio
8 reports maintained by the custodial bank involving the investment of
9 state funds under control of the Commissioners of the Land Office
10 and to the Cash Management and Investment Oversight Commission. The
11 requirement for electronic access shall be incorporated into any
12 contract between the Commissioners of the Land Office and the
13 custodial bank. Neither the Commissioners of the Land Office nor
14 the custodial bank shall permit any of the funds under the control
15 of the Commissioners of the Land Office or any of the documents,
16 instruments, securities or other evidence of a right to be paid
17 money to be located in any place other than within a jurisdiction or
18 territory under the control or regulatory power of the United States
19 government.

20 SECTION 10. AMENDATORY Section 1, Chapter 190, O.S.L.
21 2007 (64 O.S. Supp. 2009, Section 51.2), is amended to read as
22 follows:

1 Section 51.2 The Commissioners of the Land Office shall utilize
2 the procedures set forth in Section 129.4 of Title 74 of the
3 Oklahoma Statutes that are applicable for purposes of obtaining
4 appraisals and determining fair market value whenever the
5 Commissioners acquire real property from any department, board,
6 commission, institution or agency of this state. ~~For purposes of~~
7 ~~this section, fair market value shall be either the average or the~~
8 ~~median of the appraisals, whichever is lower.~~

9 SECTION 11. AMENDATORY 64 O.S. 2001, Section 61, is
10 amended to read as follows:

11 Section 61. A. ~~The appraiser for the Commissioners of the Land~~
12 ~~Office shall not appraise any land for loan purposes until after the~~
13 ~~application for the loan, together with the required fees have been~~
14 ~~received and filed in the Land Office. It shall be his duty in~~
15 ~~appraising land to personally inspect and go over each and every~~
16 ~~subdivision of every tract offered as security for the loan. The~~
17 ~~appraiser shall not at any time disclose to the applicant his~~
18 ~~valuation placed upon the land until after his appraisal is filed~~
19 ~~with the Commissioners of the Land Office.~~

20 B. No appraiser for the Commissioners of the Land Office shall:

21 1. Directly or indirectly solicit or accept any compensation,
22 gift, loan, entertainment, favor or service given for the purpose of

1 influencing ~~such~~ the appraiser in the discharge of ~~his~~ the official
2 duties of the appraiser;

3 2. Use ~~his~~ the official position of the appraiser to solicit or
4 secure special privileges or exemptions for ~~himself~~ the appraiser or
5 others, except as may be provided by law;

6 3. Disclose or offer to disclose confidential information
7 acquired by reason of ~~his~~ the official position of the appraiser to
8 any person, group or others not entitled to receive ~~such~~
9 confidential information, nor ~~shall he~~ use ~~such~~ the information for
10 ~~his~~ personal gain or benefit;

11 4. Receive or solicit any compensation that would impair ~~his~~
12 independence of judgment for ~~his~~ the services provided as an
13 appraiser for the Commissioners of the Land Office, from any source
14 other than the Commissioners, unless otherwise provided by law; or

15 5. Accept or solicit other employment which would impair ~~his~~
16 efficiency or independence of judgment in the performance of ~~his~~ the
17 public duties of the appraiser.

18 B. Any appraiser violating this section shall be deemed guilty
19 of a misdemeanor.

20 C. All confidential communications and information obtained by
21 an appraiser for the Commissioners of the Land Office shall not be
22 considered public records and shall not be disclosed, except when a

1 majority of the Commissioners of the Land Office determine that
2 disclosure is in the best interest of the trust.

3 SECTION 12. AMENDATORY 64 O.S. 2001, Section 64, is
4 amended to read as follows:

5 Section 64. Any person who shall execute or make any sworn
6 statement or affidavit containing false information in connection
7 with any ~~loan to be~~ transaction made from the funds held by the
8 Commissioners of the Land Office shall be guilty of the felony of
9 perjury and, upon conviction thereof, shall be punished by a fine
10 not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment
11 in the State Penitentiary custody of the Department of Corrections
12 for a term not to exceed one (1) year, or by both fine and
13 imprisonment.

14 SECTION 13. AMENDATORY 64 O.S. 2001, Section 88, is
15 amended to read as follows:

16 Section 88. Any person, firm, business, or other entity who
17 ~~hereafter~~, without written authority from the Commissioners of the
18 Land Office, trespasses, uses, cuts timber, injures or destroys
19 surface or subsurface lands or improvements, removes anything of
20 value from the surface or subsurface, assumes possession without a
21 lease or other legal interest in the lands, or who refuses to
22 surrender possession at the expiration, rescission or termination of
23 his a lease term, ~~or upon cancellation of a certificate of purchase~~

1 ~~on state-owned lands, shall be deemed guilty of a felony, and upon~~
2 ~~conviction thereof shall be punished by a fine of not less than One~~
3 ~~Hundred Dollars (\$100.00), nor more than One Thousand Dollars~~
4 ~~(\$1,000.00), or by imprisonment in the State Penitentiary for not~~
5 ~~less than one (1) year nor more than five (5) years, or by both such~~
6 ~~fine and imprisonment. The Commissioners of the Land Office are~~
7 ~~hereby given authority to issue a writ of euster, after hearing upon~~
8 ~~ten (10) days' notice by registered mail to the occupant, over the~~
9 ~~signature of the Chairman or Vice Chairman and under the Seal of the~~
10 ~~Secretary, directed to the sheriff to oust and dispossess any such~~
11 ~~person or persons so unlawfully using or possessing any such~~
12 ~~state-owned lands or easement shall be subject to a civil action for~~
13 actual damages, possession of the land, injunction, civil penalties
14 equal to the amount of actual damages, attorney fees, litigation
15 expenses, sheriff fees and court costs. Damage claims shall carry
16 sixteen-percent interest from the date of injury. The person,
17 business or other entity shall also be subject to criminal penalties
18 as may be provided by law.

19 SECTION 14. AMENDATORY 64 O.S. 2001, Section 90, is
20 amended to read as follows:

21 Section 90. The Commissioners of the Land Office shall have a
22 first lien upon all crops produced on state-owned lands, either

1 ~~preference right or nonpreference right,~~ which have been leased to
2 secure rentals payable for the use of ~~said~~ the lands.

3 SECTION 15. AMENDATORY 64 O.S. 2001, Section 92, as
4 amended by Section 1, Chapter 205, O.S.L. 2003 (64 O.S. Supp. 2009,
5 Section 92), is amended to read as follows:

6 Section 92. The Commissioners of the Land Office ~~are hereby~~
7 ~~authorized to~~ may sell oil and gas or other mineral leases on any of
8 the public lands under their control and supervision whether the
9 same was acquired by federal grant, donation, foreclosure or
10 otherwise. The Commissioners of the Land Office shall publish
11 notice of the lease sale one time not less than thirty (30) days
12 prior to the lease sale date in two newspapers authorized by law to
13 publish legal notices. One of the newspapers shall be published in
14 the county where the land is located or other newspaper as
15 authorized by Section 106 of Title 25 of the Oklahoma Statutes. The
16 other shall be a newspaper of general circulation in this state.
17 The leasing shall require and the advertisement shall specify in
18 each case a fixed royalty to be paid by the successful bidder, in
19 addition to any bonus offered for the lease, ~~and all proceeds from~~
20 ~~leases shall be covered into the fund to which that shall properly~~
21 ~~belong,~~ and no transfer or assignment of any lease shall be valid or
22 confer any right in the assignee without the prior consent of the
23 Commissioners of the Land Office in writing, ~~provided, however, that~~

1 ~~agricultural.~~ Agricultural lessees in possession of ~~such~~ the lands
2 shall be reimbursed ~~by the mining lessees~~ for all damage done to
3 ~~said~~ the interest of the agricultural lessees' ~~interest therein by~~
4 ~~reason of such mining operations~~ lessee. The Commissioners of the
5 Land Office have the right to reject any and all bids for ~~such~~
6 leases. The Commissioners of the Land Office shall provide any
7 other notice of oil and gas lease sales to all interested parties by
8 any means it determines is needed to attract the best competition.

9 SECTION 16. AMENDATORY 64 O.S. 2001, Section 92a, is
10 amended to read as follows:

11 Section 92a. The Commissioners of the Land Office ~~are hereby~~
12 ~~authorized to~~ may charge a fee on natural gas sold to the state or
13 political subdivisions ~~thereof~~ of the state. ~~Said~~ The fee shall be
14 for the purpose of funding the administrative costs of the
15 Commissioners of the Land Office for selling and marketing the gas.
16 ~~For the fiscal year 1990 the total amount charged pursuant to the~~
17 ~~provisions of this section shall not exceed One Hundred Forty nine~~
18 ~~Thousand Seven Hundred Fifty Dollars (\$149,750.00).~~

19 SECTION 17. AMENDATORY 64 O.S. 2001, Section 92b, is
20 amended to read as follows:

21 Section 92b. The Commissioners of the Land Office shall reserve
22 and retain one hundred percent (100%) of all oil, gas and other
23 minerals under any school lands ~~designated as grazing lands pursuant~~

1 ~~to Section 99 of Title 64 of the Oklahoma Statutes, economic~~
2 ~~development parks pursuant to Section 13 of Title 64 of the Oklahoma~~
3 ~~Statutes, except as otherwise provided for in this section, lands~~
4 ~~acquired by deficiency judgements pursuant to Section 82 of Title 64~~
5 ~~of the Oklahoma Statutes, lands sold on sales contract denominated~~
6 ~~as Certificate of Purchase pursuant to Section 96 of Title 64 of the~~
7 ~~Oklahoma Statutes, or any other designated tracts of land under the~~
8 ~~jurisdiction or authority of the Commissioners of the Land Office.~~
9 ~~Except for school land sold for homesites or tracts of nonproducing~~
10 ~~foreclosed lands, the Commissioners of the Land Office shall reserve~~
11 ~~and retain one hundred percent (100%) of all oil, gas and other~~
12 ~~minerals under any designated tract of school land that is sold for~~
13 ~~any purpose. The Commissioners of the Land Office shall reserve and~~
14 ~~retain one hundred percent (100%) of all oil, gas and other mineral~~
15 ~~interest under the jurisdiction or authority of the Commissioners~~
16 ~~that is located beneath surface acreages not under the jurisdiction~~
17 ~~or authority of the Commissioners. Except as otherwise provided for~~
18 ~~in this section, the Commissioners of the Land Office and shall not~~
19 ~~sell any oil, gas or other mineral interest under the authority or~~
20 ~~jurisdiction of the Commissioners without prior approval of the~~
21 ~~Oklahoma Legislature.~~

22 SECTION 18. AMENDATORY 64 O.S. 2001, Section 101, is
23 amended to read as follows:

1 Section 101. A. The Commissioners of the Land Office are
2 authorized to grant commercial leases and agricultural leases in
3 trust property.

4 Commercial leases shall not exceed fifty-five (55) years. The
5 granting of any commercial lease in excess of three (3) years shall
6 be by public bidding at not less than fair market value. All
7 commercial leases shall provide for fair market value throughout the
8 term of the lease.

9 Agricultural leases of trust property shall be limited to a
10 maximum of five (5) years and shall be by public bidding at not less
11 than fair market value.

12 The granting of any interest in trust property at less than fair
13 market value or not in compliance with this section is void.

14 Any permanent improvement made on commercial trust property from
15 and after the passage of this act shall revert to the trust at the
16 end of the lease.

17 B. In connection with any ~~such~~ commercial and agricultural
18 leases, the Commissioners of the Land Office shall, unless otherwise
19 exempted by the Constitution or laws of Oklahoma:

20 1. Require payment of ad valorem property taxes on any
21 improvements and structures on state school land, which would
22 otherwise be subject to ad valorem property taxation if constructed
23 on privately owned land; and

1 2. Indemnify and hold harmless the Commissioners of the Land
2 Office from any financial obligation related to land, financing or
3 operation.

4 C. The Commissioners of the Land Office ~~shall~~ may refuse to
5 accept any bid or lease on a commercial, agricultural or mineral
6 lease where the party ~~placing the bid~~ is in default of any ~~annual~~
7 installment due or in violation of any provisions contained in a
8 prior or current lease contract.

9 D. The Commissioners of the Land Office may refuse to accept
10 any bid or lease contract where the interested party cannot show
11 adequate creditworthiness as determined by the Land Office.

12 SECTION 19. AMENDATORY 64 O.S. 2001, Section 115, is
13 amended to read as follows:

14 Section 115. Any employee of the Commissioners of the Land
15 Office who shall knowingly and without authority and in violation of
16 the records destruction policy destroy, forge, falsify, steal,
17 mutilate, hide or intentionally misplace any of the records, files,
18 computer data or any other property of the Commissioners of the Land
19 Office, or who knowingly permits or causes ~~such~~ the unlawful
20 destruction, forgery, falsifying, stealing, mutilating, hiding or
21 intentional misplacing of any of ~~such~~ the records of the
22 Commissioners of the Land Office, shall be deemed guilty of a
23 felony, and upon conviction shall be punished by a fine of not more

1 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
2 State Penitentiary custody of the Department of Corrections not
3 exceeding five (5) years or by both fine and imprisonment, and in
4 addition thereto shall be immediately discharged by the
5 Commissioners of the Land Office upon the discovery of such the
6 acts.

7 SECTION 20. AMENDATORY 64 O.S. 2001, Section 123, is
8 amended to read as follows:

9 Section 123. The Cash Journal shall be balanced daily and the
10 total of ~~each day's~~ the receipts of each day shall be deposited with
11 the State Treasurer as now required by the State Depository Law. It
12 shall be the duty of the Commissioners of the Land Office to notify
13 each debtor to make their checks, drafts, or other transfer of
14 monies payable to the order of the Commissioners of the Land Office.
15 ~~No person shall have authority to endorse such checks, drafts or~~
16 ~~orders for monies unless specifically authorized by a resolution of~~
17 ~~a majority of the Commissioners.~~ The endorsements on the checks,
18 drafts or other evidence of transfers of monies shall be in the
19 following words:

20 "Pay to the order of the Treasury of the State of Oklahoma, for
21 credit only to the Commissioners of the Land Office", ~~and shall be~~
22 ~~signed by the person so designated by the Commissioners of the Land~~
23 ~~Office for such purpose.~~ No person, firm or corporation shall cash

1 or pay out on any ~~such~~ check, voucher, draft, money order or other
2 evidence of transfers of money, or its equivalent, without ~~said the~~
3 endorsements, and the endorsement of the State Treasurer appearing
4 thereon.

5 Any person, firm or corporation knowingly violating this
6 provision shall be guilty of a felony and, upon conviction, shall be
7 punished by a fine of not less than One Hundred Dollars (\$100.00)
8 nor more than One Thousand Dollars (\$1,000.00), or by imprisonment
9 in the ~~State Penitentiary~~ custody of the Department of Corrections
10 for a term of not more than three (3) years or by both ~~such the~~ fine
11 and imprisonment, ~~and~~. In addition, the person, firm or corporation
12 shall be civilly liable to the ~~State of Oklahoma, Commissioners of~~
13 the Land Office for the use and benefit of the fund which has
14 sustained ~~such the~~ loss in double the amount of the check, voucher,
15 money order, draft or other evidence of transfer of money, so cashed
16 or paid.

17 All checks or vouchers drawn against any Special Agency Account
18 by the Commissioners of the Land Office shall be issued only by the
19 principal fiscal officer upon written application of the head of the
20 division of the School Land Department, ~~said~~. Each check or voucher
21 shall be signed in the name of the Commissioners of the Land Office
22 by the Secretary or in ~~his~~ the absence of the Secretary by the
23 Assistant Secretary and shall be countersigned by the principal

1 fiscal officer. The form of check or voucher shall be prescribed by
2 the State Treasurer and shall indicate on its face the purpose for
3 which drawn, the amount and the account to which chargeable, ~~and,~~
4 ~~no.~~ No check shall leave the office until protected by some
5 suitable protectograph. ~~The checks shall be issued in triplicate,~~
6 ~~the original to be given to the payee, the duplicate to be delivered~~
7 ~~to the head of the division who made application for said check, and~~
8 ~~the triplicate shall remain in the files in the office of the~~
9 ~~principal fiscal officer to become a part of the permanent records~~
10 use of a machine for printing amounts on checks, as by perforations,
11 so as to prevent alterations.

12 SECTION 21. AMENDATORY 64 O.S. 2001, Section 126, is
13 amended to read as follows:

14 Section 126. The Secretary ~~to~~ of the ~~School Land Commission~~
15 Office shall cause all mail received by the ~~Department~~ Land Office
16 to be opened by some employee designated by the Secretary ~~in~~
17 ~~writing~~, assisted by two other employees not connected with the
18 cashier's office whose duty shall be to examine all incoming mail
19 and make a proper duplicate record of all monies ~~therein~~ received,
20 ~~the.~~ The original copy ~~to~~ shall be delivered to the Secretary and
21 the duplicate delivered to the cashier. The entries on ~~such~~ the
22 reception record shall be made at the time of the opening of the
23 letters and when completed shall be signed by the maker and

1 witnessed by the employees assisting, who ~~must~~ shall also sign. All
2 ~~checks, drafts, money orders and monies or the equivalent thereof~~
3 cash and cash equivalents, together with duplicate reception record,
4 shall be immediately ~~and forthwith~~ delivered to the cashier who
5 shall give ~~his~~ a receipt therefor by signing the original copy of
6 the reception record, and shall make proper entries on the record as
7 provided above. ~~No checks, drafts, or vouchers shall be cashed out~~
8 ~~of any funds held by the Commissioners of the Land Office.~~ The
9 Secretary to the Commissioners of the Land Office and the cashier
10 are charged jointly and severally with the proper keeping and it is
11 hereby made their duty to see that the above and foregoing reception
12 records are correctly kept. ~~The provisions of this section shall~~
13 ~~not apply to checks tendered as earnest money with sealed bids.~~
14 ~~Sealed bids shall not be opened until hour and date designated for~~
15 ~~such bid opening. Checks tendered as earnest money shall not be~~
16 ~~deposited unless accepted by the Commissioners~~ Alternatively, or in
17 addition to the procedures set forth in this section, the Secretary
18 may also purchase lock box collection services from an appropriate
19 vendor for the handling, collection and processing of mail. Lock
20 box services may include collecting Land Office mail from a
21 specified post office, sorting, totaling, and recording payments,
22 processing the items and making deposits.

1 SECTION 22. AMENDATORY 64 O.S. 2001, Section 130, is
2 amended to read as follows:

3 Section 130. For the purpose of enabling the Commissioners of
4 the Land Office to keep a correct and accurate system of ~~accounting~~
5 accounts at all times, the ~~Commissioners~~ Secretary of the Land
6 Office shall employ an ~~Auditor at a salary not to exceed Three~~
7 ~~Thousand Six Hundred Dollars (\$3,600.00) per annum~~ internal auditor.
8 ~~Said Auditor must~~ The internal auditor shall be a competent,
9 qualified and experienced accountant, and ~~must~~ have had special
10 training and experience in either county or state auditing, or be
11 thoroughly familiar with the system of accounting established in
12 state departments.

13 SECTION 23. AMENDATORY 64 O.S. 2001, Section 151, is
14 amended to read as follows:

15 Section 151. Upon the acquirement of the legal title of any
16 lands by the Commissioners of the Land Office, either by
17 cancellation of the certificate of purchase, foreclosure of
18 mortgage, warranty deeds, or otherwise, the Secretary ~~to the~~
19 ~~Commissioners~~ of the Land Office shall certify such fact to the
20 county treasurer of the county in which ~~such~~ the lands are situated,
21 and upon ~~such~~ certification it shall be the mandatory duty of the
22 county treasurer of ~~such~~ the county to remove ~~said~~ the lands from
23 the taxable property list, and to strike from the record or make

1 proper notation upon the books and records of ~~such~~ the county
2 treasurer that all delinquent taxes assessed and charged against
3 ~~said~~ the lands, and all tax certificates and tax deeds based upon
4 ~~such~~ delinquent taxes, are canceled and nullified. ~~Any county~~
5 ~~treasurer of this state who fails and refuses to comply with the~~
6 ~~requirements and provisions of such certification by the Secretary,~~
7 ~~and of this section, shall render himself subject to ouster from~~
8 ~~office and shall be liable upon his official bond for any damage~~
9 ~~that may be caused by the state by his neglect and omission.~~ The
10 recordation in the office of the proper county clerk of any
11 sheriff's deed to the State of Oklahoma as grantee or of any
12 warranty deed given to the State of Oklahoma in settlement of
13 mortgage indebtedness, or the cancellation of any certificate of
14 purchase, when certified by the Secretary ~~to the Commissioners~~ of
15 the Land Office to the proper county treasurer, shall ipso facto
16 cancel all delinquent taxes on the real estate involved, and shall
17 likewise cancel all outstanding tax certificates or tax deeds based
18 upon taxes levied subsequent to the recordation of the mortgage to
19 the Commissioners of the Land Office, or subsequent to the issuance
20 of the canceled certificate of purchase by the Commissioners of the
21 Land Office.

22 SECTION 24. AMENDATORY 64 O.S. 2001, Section 153.1, is
23 amended to read as follows:

1 Section 153.1 All instruments, ~~except mortgages,~~ vesting any
2 right, title or interest in lands or minerals and mineral rights, in
3 the Commissioners of the Land Office, and all instruments to adjust
4 any defect or irregularity in or to remove any cloud on the title to
5 ~~such~~ lands or minerals or mineral rights owned by the state, and all
6 notices and orders issued by the Commissioners of the Land Office
7 and proofs of publication thereof shall be filed and recorded by the
8 proper officers of all counties of the State of Oklahoma at the
9 request of the Commissioners of the Land Office without any filing
10 or recording fee being charged ~~therefor.~~

11 SECTION 25. AMENDATORY 64 O.S. 2001, Section 154, is
12 amended to read as follows:

13 Section 154. A permanent minute record shall be kept of all
14 proceedings had by the Commissioners of the Land Office. No action
15 of the Commissioners of the Land Office shall be valid unless voted
16 by at least three members. No action ~~heretofore~~ taken, or which may
17 ~~hereafter~~ be taken by the Commissioners of the Land Office, may be
18 rescinded except by a three-fifths (3/5) vote of the full membership
19 of the Board of Commissioners of the Land Office. The Commissioners
20 of the Land Office shall approve the minutes of each Board meeting
21 at the next succeeding meeting, ~~and the attorney for the Department~~
22 ~~shall prior to each Board meeting certify to the validity of the~~

1 ~~proceedings taken by the Commissioners of the Land Office at their~~
2 ~~last preceding meeting.~~

3 SECTION 26. AMENDATORY 64 O.S. 2001, Section 155, is
4 amended to read as follows:

5 Section 155. It is hereby ~~made~~ the ~~mandatory~~ duty of the
6 ~~Auditor~~ Accounting Division under the supervision of the Secretary
7 of the ~~Commissioners of the~~ Land Office to submit to the
8 Commissioners of the Land Office ~~at the close of each month,~~ a
9 monthly statement of all assets and liabilities owned by the
10 ~~Department and at the close of each fiscal year ending June 30th,~~
11 ~~submit a detailed financial statement, together with a schedule of~~
12 ~~all assets owned and held by the Department~~ Land Office. The
13 Secretary shall, not later than the fifth day of each regular
14 session of the Legislature, submit a detailed financial statement to
15 the Governor and to the Legislature for the ~~biennium~~ preceding
16 fiscal year ending June 30th, ~~preceding such regular session of the~~
17 ~~Legislature,~~ reflecting all assets and liabilities owned and held by
18 the ~~Department.~~ The Secretary shall, ~~not later than the fifth day~~
19 ~~of each regular session of the Legislature~~ submit a detailed
20 ~~financial statement to the Governor and to the Legislature for the~~
21 ~~biennium ending June 30th, preceding each regular session of the~~
22 ~~Legislature, reflecting all assets and liabilities owned and held by~~
23 the ~~Department~~ Land Office at the close of ~~said~~ the period, profits

1 made and losses sustained, together with a detailed schedule of all
2 lands, loans, bonds, and coupons, contracts and judgments owned and
3 held by the ~~Department~~ Land Office.

4 SECTION 27. AMENDATORY 64 O.S. 2001, Section 156, is
5 amended to read as follows:

6 Section 156. The accounts and records of the ~~State School Land~~
7 ~~Department Office~~ shall ~~be audited~~ annually have an audit conducted
8 in accordance with auditing standards generally accepted in the
9 United States of America and the standards applicable to financial
10 audits contained in the "Government Auditing Standards", issued by
11 the Comptroller General of the United States, by an independent
12 Oklahoma certified public accountant. The ~~audit and the return~~
13 ~~thereof shall contain a statement of inventory of all property owned~~
14 ~~by the State School Land Department, together with the appraised~~
15 ~~value thereof. A commission consisting of the Governor, the~~
16 ~~President Pro Tempore of the Senate, and the Speaker of the House is~~
17 ~~hereby~~ Secretary of the Land Office is authorized to contract for
18 ~~such~~ the audits required pursuant to this section. Copies of the
19 audits shall be filed with the Governor, the Commissioners of the
20 Land Office, the State Senate, ~~and~~ the House of Representatives, the
21 State Auditor and Inspector, and the Director of the Office of State
22 Finance in accordance with the requirements set forth for financial

1 statement audits in Section 212A of Title 74 of the Oklahoma
2 Statutes.

3 SECTION 28. AMENDATORY 64 O.S. 2001, Section 158, is
4 amended to read as follows:

5 Section 158. The provisions of this ~~act~~ title are severable,
6 and if any section, part or portion ~~hereof~~ of a section shall be
7 held unconstitutional, void, invalid or inoperative the invalidity
8 of ~~such~~ the section, part or portion shall not affect or impair any
9 of the remaining sections, parts or portions ~~thereof~~.

10 SECTION 29. AMENDATORY 64 O.S. 2001, Section 160, is
11 amended to read as follows:

12 Section 160. The Commissioners of the Land Office are hereby
13 authorized ~~and empowered~~ to employ attorneys or to engage private
14 attorneys to bring or defend suits in the name of the Commissioners
15 of the Land Office and on behalf of the State of Oklahoma in all
16 matters affecting the public lands of the state, and in all matters
17 affecting the loaning, investing or collecting of school land and
18 state land monies, of, and belonging to the state, ~~and it.~~ It shall
19 be the duty of the Attorney General of the state, when requested by
20 the Commissioners of the Land Office, to represent the Commissioners
21 ~~of the Land Office,~~ and the state in the prosecution or defense of
22 any suit or action so instituted, brought or defended, ~~provided,~~
23 ~~this act shall not abolish the office of Law and Executive Clerk of~~

1 ~~the Commissioners of the Land Office, which was created by Chapter~~
2 ~~211, of the Session Laws of 1919.~~

3 SECTION 30. AMENDATORY 64 O.S. 2001, Section 181, is
4 amended to read as follows:

5 Section 181. A. The Commissioners of the Land Office shall
6 dispose of, sell and convey, subject to the limitations, exceptions,
7 conditions, rules, regulations and instructions, provided by law,
8 except where ~~same~~ the land is embraced in any reservation
9 specifically reserved from sale for any special purpose, all the
10 following enumerated and described school and public lands of this
11 state:

12 1. All lands owned by this state, reserved, granted, and taken
13 in lieu of sections numbered sixteen, thirty-six, thirteen and
14 thirty-three and known as indemnity lands: ~~Provided, that when~~
15 ~~such.~~ When the lands as described in this paragraph or any part
16 ~~thereof~~ of the lands are sold and conveyed, the proceeds derived
17 therefrom shall be prorated among the several funds as their
18 interest may appear, and used as provided by law; ~~also all~~

19 2. All lands embraced in sections numbered thirty-three in that
20 part of the state formerly known as Oklahoma Territory, and granted
21 to the state for charitable and penal institutions and public
22 buildings: ~~Provided, further, that all.~~ All the money derived from
23 the sale of any or all of ~~such~~ the lands, described in this

1 paragraph shall be apportioned and disposed of as may be provided by
2 law; ~~also all~~ and

3 3. All lands granted to this state by the United States under
4 and by virtue of Section 12 of the Enabling Act for the following
5 purposes, namely:

6 a. for the benefit of the Oklahoma University, two
7 hundred fifty thousand (250,000) acres~~,~~

8 b. for the benefit of Oklahoma State University, two
9 hundred fifty thousand (250,000) acres~~,~~

10 c. for the benefit of the University Preparatory School,
11 one hundred fifty thousand (150,000) acres~~,~~

12 d. for the benefit of Langston University, one hundred
13 thousand (100,000) acres~~,~~ and

14 e. for the benefit of the normal schools now established
15 or ~~hereafter to~~ which may be established, three
16 hundred thousand (300,000) acres. ~~Provided, that all~~

17 All money derived from the sale of any of ~~such~~ the
18 lands described in this paragraph shall be invested
19 for the state in trust, and interest thereon shall be
20 used exclusively and as above apportioned in the
21 support and maintenance of ~~such~~ the schools.

22 ~~Provided, further, that if~~

1 B. If any tract, part or parcel of any of the land enumerated
2 and described in this section, was or shall be returned to the
3 Commissioners of the Land Office by a board of appraisers ~~thereof~~,
4 including those tracts of land embraced in sections numbered
5 thirteen, sixteen and thirty-six, and otherwise herein reserved from
6 sale, that are now platted and occupied and leased directly from the
7 State of Oklahoma for townsite purposes, as being more valuable for
8 townsite than for agricultural purposes, then ~~such~~ the tract, part
9 or parcel of ~~such~~ the land shall be reserved by the Commissioners of
10 the Land Office ~~reserved~~ from sale and disposed of ~~under~~ subject to
11 the ~~terms~~ conditions of this article: ~~Provided, further, that where~~
12 ~~any part of any of the above enumerated and described lands are~~
13 ~~known to be valuable for mineral, including gas or oil, such part of~~
14 ~~said lands shall not be sold prior to January 1, 1915~~ title.

15 SECTION 31. AMENDATORY 64 O.S. 2001, Section 184, is
16 amended to read as follows:

17 Section 184. Any lessee holding a preference right lease on any
18 of the public lands ~~described in the first section of this article,~~
19 ~~same being Section 33 and indemnity of this state~~ shall have the
20 preference right to purchase all of the lands so leased by ~~him~~ the
21 lessee at the highest bid at the time of the sale, or in case of no
22 bid, then to take the same at the appraised value.

1 SECTION 32. AMENDATORY 64 O.S. 2001, Section 192, is
2 amended to read as follows:

3 Section 192. All purchasers, lessees, or holders of any of the
4 public lands of this state, shall take the same subject to the
5 conditions of this ~~article~~, title and all certificates, contracts or
6 written evidence issued to any purchaser shall recite that the same
7 is taken and accepted subject to all the conditions of this ~~article~~
8 title.

9 SECTION 33. AMENDATORY 64 O.S. 2001, Section 223, is
10 amended to read as follows:

11 Section 223. Any lessee holding a preference right lease on any
12 public lands of this state shall, during the public bidding on the
13 sale of the leased lands, have the preference right to purchase the
14 lands so leased by ~~him~~ the lessee at the highest bid at the time of
15 the sale.

16 SECTION 34. AMENDATORY 64 O.S. 2001, Section 224, is
17 amended to read as follows:

18 Section 224. ~~Upon the sale of such lands as provided herein, if~~
19 If any lessee of public lands of this state having preference right
20 to purchase fails or refuses to pay the highest bona fide bid
21 ~~thereof, said,~~ the lessee shall be entitled to be reimbursed for the
22 improvements placed on the preference right lease by ~~him~~ the lessee
23 at ~~their~~ a value fixed by the appraisers selected by the

1 Commissioners of the Land Office to appraise the same and shall
2 surrender possession of the ~~said~~ lease immediately following the
3 sale of the land and payment for improvements.

4 SECTION 35. AMENDATORY 64 O.S. 2001, Section 225.1, is
5 amended to read as follows:

6 Section 225.1 Before any lands under the jurisdiction and
7 control of the Commissioners of the Land Office, covered by
8 preference right leases and the improvements located ~~thereon~~ on the
9 land are owned by the lessees, shall be offered for sale and sold,
10 the Commissioners of the Land Office shall cause the same to be
11 appraised by three disinterested appraisers, who are nonresidents of
12 the county in which the land is situated, to be selected by ~~said~~
13 ~~Commissioners, who~~ the Secretary. The appraisers, before entering
14 upon their duties, shall take and subscribe the oath required of
15 state officers. ~~Said~~ The appraisers shall make a true appraisalment
16 of ~~said~~ the lands at the actual cash value thereof, exclusive of all
17 improvements, and shall separately appraise all improvements owned
18 by the lessee which can be removed without manifest injury to the
19 land, ~~and all improvements to said land placed thereon by the lessee~~
20 ~~at his expense which cannot be removed without manifest injury to~~
21 ~~the land, including trees, terraces, water wells, ponds, and other~~
22 ~~improvements of a similar nature, at their actual cash value.~~ The
23 preference right lessee shall be entitled to appeal to the

1 ~~Commissioners of the Land Office from the appraisal made by the~~
2 ~~appraisers selected by the Commissioners and may present evidence to~~
3 ~~the Commissioners of the Land Office tending to prove a different~~
4 ~~value of the improvements than that fixed by the appraisers of the~~
5 ~~Commissioners. Said appeal to the Commissioners shall be filed~~
6 ~~within ten (10) days after receiving notice of the appraisal~~
7 ~~fixed by the appraisers.~~

8 SECTION 36. AMENDATORY 64 O.S. 2001, Section 226, is
9 amended to read as follows:

10 Section 226. The lands ~~herein~~ authorized to be sold shall be
11 offered for sale to the highest bidder at public auction at the
12 Office of the Secretary to the Commissioners of the Land Office or
13 at any other auction site calculated to enhance public notice and
14 interest in the sale. The sale shall be made within six (6) months
15 from the date of the final approval of the appraisal by the
16 Commissioners, unless for good cause shown, the Commissioners of the
17 Land Office extend the time of offering the land for sale for a
18 period not to exceed one (1) year from the date of the final
19 ~~approval~~ approval of the appraisal.

20 SECTION 37. AMENDATORY 64 O.S. 2001, Section 227, is
21 amended to read as follows:

22 Section 227. Before selling ~~the~~ lands and improvements ~~herein~~
23 authorized to be sold, the Commissioners of the Land Office shall

1 advertise ~~such~~ the sale by publication calculated to bring the
2 highest and best bids. The advertisement shall be at a minimum
3 published in a newspaper of general circulation in the county in
4 which ~~such~~ the land is ~~situate~~ situated for fifteen (15) days prior
5 to the date of sale. ~~Such~~ The notice shall state the time and place
6 of sale and the quantity of land to be sold and the purposes of the
7 sale.

8 SECTION 38. AMENDATORY 64 O.S. 2001, Section 228, is
9 amended to read as follows:

10 Section 228. The Commissioners of the Land Office upon
11 completion of the sale of lands and improvements and receipt of the
12 purchase price shall issue a deed to the purchaser ~~thereof~~ which
13 shall contain a provision ~~therein~~ reserving the oil, gas and other
14 minerals as ~~herein~~ provided for in this title.

15 SECTION 39. AMENDATORY 64 O.S. 2001, Section 241, is
16 amended to read as follows:

17 Section 241. Except as otherwise provided by law, all the
18 public lands of this state shall be subject to lease in the manner
19 provided ~~herein~~ by law. The Commissioners of the Land Office shall
20 have charge of the leasing of ~~such~~ the lands. Surface and
21 subsurface estates in lands which are administered by the
22 Commissioners of the Land Office shall comply with local

1 regulations, ordinances or laws where compliance is not contrary to
2 trust obligations of the Commissioners of the Land Office.

3 SECTION 40. AMENDATORY 64 O.S. 2001, Section 244, is
4 amended to read as follows:

5 Section 244. If the lessee of any of the lands enumerated
6 herein or mineral interests owned by the state shall be in default
7 of ~~the annual~~ rental payments due the state ~~for a period of six (6)~~
8 ~~months~~, the Commissioners of the Land Office shall ~~within ninety~~
9 ~~(90) days after such delinquency, cause notice to be given such~~
10 ~~delinquent lessee, and person in possession of the lands, that if~~
11 ~~such delinquency is not paid within thirty (30) days from the~~
12 ~~service of such notice, his lease will be declared forfeited to the~~
13 ~~state by the Commissioners of the Land Office. If the amounts due~~
14 ~~are not paid within thirty (30) days from the date of the service of~~
15 ~~such notice, the said lease shall be declared forfeited and the~~
16 ~~possession of the land therein described shall revert to the state,~~
17 ~~the same as though such lease had never been made. The order making~~
18 ~~such forfeiture shall be spread upon the records of the~~
19 ~~Commissioners of the Land Office. The service of the notice herein~~
20 ~~provided shall be made by registered mail; in case the post office~~
21 ~~address of the owner of such lease be unknown, the notice herein~~
22 ~~provided shall be served upon the person in possession and shall be~~
23 ~~published in two consecutive issues of some weekly newspaper~~

1 ~~published in or of general circulation in the county where the land~~
2 ~~is situated. The forfeiture shall be entered by said board after~~
3 ~~thirty (30) days from the date of the first publication or~~
4 ~~registered notice; provided, the lessee of any land so forfeited may~~
5 ~~redeem the same within thirty (30) days after the first notice to~~
6 ~~him, his agent or sublessee, by paying all delinquencies, fees and~~
7 ~~costs of forfeiture at any time before the expiration of thirty (30)~~
8 ~~days, as aforesaid, and as provided by this article; provided,~~
9 ~~further, the Commissioners of the Land Office are required to serve~~
10 ~~notice of delinquencies and proceed with forfeiture as stated~~
11 ~~herein, at least once each year.~~

12 ~~The improvements on lands so reverting to the state shall be~~
13 ~~sold under the direction of the Commissioners of the Land Office, at~~
14 ~~public sale, after appraisalment, upon due notice to the lessee, and~~
15 ~~sublessee, and the proceeds received therefrom shall inure to the~~
16 ~~holder of the delinquent lease after paying to the state all~~
17 ~~delinquencies and rents and expenses incurred in making such sale;~~
18 ~~provided, further, the Secretary to the Commissioners of the Land~~
19 ~~Office is hereby authorized at all such sales of the improvements on~~
20 ~~lands so reverting to the state, in case there are no other bidders~~
21 ~~to bid off such improvements offered at said sale at a reasonable~~
22 ~~figure, in the name of the state for the benefit of the fund to~~
23 ~~which said lands so reverting to the state belong, the state~~

1 ~~acquiring all the rights, both legal and equitable, that any other~~
2 ~~purchaser could acquire by reason of said purchase.~~

3 ~~If the lessee of any tract, block or parcel of state school or~~
4 ~~other public lands shall fail, neglect or refuse, for a period of~~
5 ~~fifteen (15) days, to enter into a renewal lease and execute the~~
6 ~~notes for the annual rentals as provided by law, at the expiration~~
7 ~~of any agricultural lease after any appraisement for rental purposes~~
8 ~~has been approved by the Commissioners of the Land Office, the~~
9 ~~Commissioners of the Land Office shall cause notice to be given to~~
10 ~~such agricultural lessee that if such agricultural lease and notes~~
11 ~~for the annual rentals are not executed and delivered within ten~~
12 ~~(10) days from the service of such notice, his preference right to~~
13 ~~re-lease will be declared forfeited to the state by the~~
14 ~~Commissioners of the Land Office. If said agricultural lessee shall~~
15 ~~fail, neglect or refuse to enter into a renewal lease and execute~~
16 ~~the rental notes as provided by law, within ten (10) days of the~~
17 ~~date of service of such notice, the said agricultural lessee's~~
18 ~~preference right to re-lease shall be declared forfeited and the~~
19 ~~land therein described shall revert to the state, the same as though~~
20 ~~no such lease had ever been made. Provided, however, the lessee may~~
21 ~~appeal to the district court of the county within ten (10) days, by~~
22 ~~making bond in double the amount of the appraised value of the~~
23 ~~lease, and provided, however, that if the agricultural lessee shall~~

1 ~~appeal from the order of the Commissioners of the Land Office~~
2 ~~approving the appraisal for rental purposes, to the district~~
3 ~~court of the county in which the land is so located, then no action~~
4 ~~shall be taken by the Commissioners of the Land Office pending a~~
5 ~~review of the appraisal made by the Commissioners of the Land~~
6 ~~Office in the said district court, until after ten (10) days from~~
7 ~~the date the order of the district court fixing the amount of said~~
8 ~~appraisal shall become final. The order making such forfeiture~~
9 ~~shall be spread upon the records of the Commissioners of the Land~~
10 ~~Office. The improvements on land so reverting to the state shall be~~
11 ~~sold under the direction of the Commissioners of the Land Office, at~~
12 ~~public sale, upon ten (10) days notice to the lessee; and the~~
13 ~~proceeds received therefrom shall inure to the owner of said~~
14 ~~improvements after payment shall have been made to the state for all~~
15 ~~rentals at the rental fixed by law, and all costs for the time said~~
16 ~~lands are withheld from the state, together with the expenses~~
17 ~~incurred in the making of such sale. The service of the notice~~
18 ~~herein provided, the time of entering said order of forfeiture, and~~
19 ~~the right of the preference right lessee to redeem, shall be as~~
20 ~~provided herein.~~

21 ~~That in all cases where improvements on lands reverting to the~~
22 ~~state under Sections 1 and 2, of this act, and are bid off by the~~
23 ~~Secretary of the Commissioners of the Land Office for the amount of~~

1 ~~delinquent rentals, interest and costs of forfeiture due and payable~~
2 ~~thereon, shall revert to the proper funds and the Commissioners of~~
3 ~~the Land Office may sell the improvements, on any tract of such~~
4 ~~lands at public auction. Provided, however, that before any such~~
5 ~~sale be made, the Commissioners of the Land Office shall cause legal~~
6 ~~notice to be published for two (2) consecutive weeks prior to the~~
7 ~~date of said sale, in the county in which said lands are located.~~
8 ~~The proceeds from such sales shall be credited to the earnings of~~
9 ~~the fund to which said lands belonged~~ institute collection
10 proceedings, including any and all commercial or governmental
11 procedures and proceedings permitted to the full extent of the law.
12 Any and all notices, summons, subpoenas or other official documents
13 may be served by an employee of the Land Office, who may serve
14 without special designation for service of process in any court
15 within the state.

16 SECTION 41. AMENDATORY 64 O.S. 2001, Section 246, is
17 amended to read as follows:

18 Section 246. No assignment of a school land lease as security
19 shall be valid unless filed for record in the office of the
20 Commissioners of the Land Office within thirty (30) days after ~~the~~
21 ~~execution thereof, and the Commissioners of the~~ assignment. The
22 Land Office shall charge a fee ~~of One Dollar (\$1.00)~~ set by the
23 Commissioners of the Land Office for entering and recording each

1 assignment, ~~provided, that no.~~ No assignments of the lease which is
2 the home of the family shall be valid unless executed by both
3 husband and wife.

4 SECTION 42. AMENDATORY 64 O.S. 2001, Section 249, is
5 amended to read as follows:

6 Section 249. ~~Any~~ At the termination of a lease, the lessee may,
7 ~~at the termination of his lease,~~ remove any or all of ~~his~~ the
8 improvements, made by the lessee and he shall have the right to
9 harvest or remove any growing crop ~~thereon: Provided, however, that~~
10 ~~in case~~ on the land. If the lessee is in default ~~for nonpayment for~~
11 ~~any rental or assessment of any nature, he~~ of any terms of the
12 lease, the lessee shall not be allowed to remove ~~such~~ the
13 improvement or make ~~such~~ entry to secure crops until all arrearage
14 ~~is,~~ including but not limited to interest, costs and attorney fees
15 are fully satisfied; ~~said.~~ All improvements, that are movable,
16 shall then be moved ~~immediately within sixty (60) days from~~
17 ~~termination~~ before expiration of ~~his~~ the lease.

18 SECTION 43. AMENDATORY 64 O.S. 2001, Section 252, is
19 amended to read as follows:

20 Section 252. ~~All~~ Except as otherwise provided by law, all of
21 the records in possession, control, care and custody of the
22 Commissioners of the Land Office are hereby declared to be public
23 records, and certified copies thereof are admissible in evidence in

1 the courts of this state. Any person shall be entitled to receive a
2 certified copy of any instrument on record with the Commissioners of
3 the Land Office on the payment of a fee as prescribed by the
4 ~~Commission~~ Commissioners.

5 SECTION 44. AMENDATORY 64 O.S. 2001, Section 259, is
6 amended to read as follows:

7 Section 259. Any lands leased by the Commissioners of the Land
8 Office for agricultural ~~and/or~~ or grazing purposes shall be leased
9 for a period not to exceed five (5) years under ~~such~~ terms and
10 conditions and at ~~such~~ an annual rental as may be fixed by the
11 Commissioners of the Land Office after appraisalment and public
12 auction.

13 SECTION 45. AMENDATORY 64 O.S. 2001, Section 289, is
14 amended to read as follows:

15 Section 289. The proceeds derived in bonuses and royalties and
16 from other inducements and considerations for the execution and
17 operation of the oil and gas leases ~~in this article provided as~~
18 authorized in this title, except oil and gas leases on state-owned
19 lands set apart and designated for the use, benefit, and occupancy
20 of state educational institutions, shall be ~~carried into the several~~
21 ~~funds~~, for the use and benefit of ~~which such~~ the lands which were
22 granted by the United States to the State of Oklahoma, and to the
23 territory now comprising the area embraced within the ~~said~~ state,

1 under the provisions of the Enabling Act, and any and all other Acts
2 of Congress. ~~For the uses and purposes, and upon the conditions,~~
3 ~~and under the limitations for which the same were granted, and the~~
4 ~~money resulting from such lease and from the operation thereof shall~~
5 ~~be handled, disposed of and used in like manner as the other monies~~
6 ~~belonging to said several funds under the laws of this state. The~~
7 ~~proceeds derived in bonuses, royalties, and from other inducements~~
8 ~~and considerations for the execution and operation of the oil and~~
9 ~~gas leases on state-owned lands set apart and designated for the~~
10 ~~use, benefit, and occupancy of state educational institutions shall~~
11 ~~be paid to the State Treasurer, and by him deposited to the credit~~
12 ~~of the General Revenue Fund of the State of Oklahoma, which shall at~~
13 ~~the next session of the Legislature be appropriated for the use and~~
14 ~~benefit of such institutions~~ Bonus and delay rental income received
15 by the Land Office shall be distributed to current beneficiaries in
16 like manner as lease income received from surface leases, except
17 that if determined to be in the best interest of the trust, the
18 distributions may be made upon a schedule determined by a five-year
19 rolling average of bonus and delay rental income.

20 SECTION 46. AMENDATORY 64 O.S. 2001, Section 290, is
21 amended to read as follows:

22 Section 290. The Commissioners of the Land Office are hereby
23 authorized to lease for oil and gas purposes all lands between mean

1 high-water mark in all streams or rivers of two (2) chains or over
2 ~~all such.~~ All the streams are declared the property of the State of
3 Oklahoma.

4 SECTION 47. AMENDATORY 64 O.S. 2001, Section 291, is
5 amended to read as follows:

6 Section 291. ~~Said~~ The lands described in Section 290 of this
7 title are to be leased under the same provisions as the school and
8 other lands of the State of Oklahoma.

9 SECTION 48. AMENDATORY 64 O.S. 2001, Section 293, is
10 amended to read as follows:

11 Section 293. The royalty proceeds derived from the sale of oil
12 or gas production under any oil and gas lease granted by the
13 Commissioners of the Land Office shall be paid to the Commissioners
14 pursuant to the terms of the Production Revenue Standards Act,
15 ~~Sections 1 through 15 of this act.~~

16 SECTION 49. AMENDATORY 64 O.S. 2001, Section 451, is
17 amended to read as follows:

18 Section 451. To further the development of mineral resources in
19 the State of Oklahoma, particularly with regard to valuable
20 minerals, including uranium, the Commissioners of the Land Office
21 are hereby authorized to issue prospecting permits ~~to citizens of~~
22 ~~the United States,~~ under procedures, fees and rules as may be
23 promulgated by the Commissioners, granting an exclusive right to

1 prospect for any minerals owned by the state, under the jurisdiction
2 and control of the Commissioners of the Land Office, ~~provided, that~~
3 ~~all such permits shall be for a period of not to exceed one (1) year~~
4 ~~and no permit shall cover more than one hundred sixty (160) acres of~~
5 ~~land.~~

6 SECTION 50. AMENDATORY 70 O.S. 2001, Section 614, is
7 amended to read as follows:

8 Section 614. The Commissioners of the Land Office shall
9 apportion the income accruing from the Permanent School Fund ~~and the~~
10 ~~ad valorem taxes collected by the state from which proper reports~~
11 ~~have been received by the Superintendent of Public Instruction. All~~
12 ~~such monies remaining in the hands of the Commissioners of the Land~~
13 ~~Office and in the State Treasury at the close of each calendar month~~
14 ~~shall be apportioned and paid over to the schools within fifteen~~
15 ~~(15) days following the close of each such~~ by the last business day
16 of the following month.

17 SECTION 51. AMENDATORY 74 O.S. 2001, Section 840-5.5, as
18 last amended by Section 1, Chapter 300, O.S.L. 2008 (74 O.S. Supp.
19 2009, Section 840-5.5), is amended to read as follows:

20 Section 840-5.5 A. The following offices, positions, and
21 personnel shall be in the unclassified service and shall not be
22 placed under the classified service:

1 1. Persons chosen by popular vote or appointment to fill an
2 elective office, and their employees, except the employees of the
3 Corporation Commission, the State Department of Education and the
4 Department of Labor;

5 2. Members of boards and commissions, and heads of agencies;
6 also one principal assistant or deputy and one executive secretary
7 for each state agency;

8 3. All judges, elected or appointed, and their employees;

9 4. Persons employed with one-time, limited duration, federal or
10 other grant funding that is not continuing or indefinitely
11 renewable. The length of the unclassified employment shall not
12 exceed the period of time for which that specific federal funding is
13 provided;

14 5. All officers and employees of The Oklahoma State System of
15 Higher Education, State Board of Education and Oklahoma Department
16 of Career and Technology Education;

17 6. Persons employed in a professional or scientific capacity to
18 make or conduct a temporary and special inquiry, investigation, or
19 examination on behalf of the Legislature or a committee thereof or
20 by authority of the Governor. These appointments and authorizations
21 shall terminate on the first day of the regular legislative session
22 immediately following the appointment, if not terminated earlier.
23 However, nothing in this paragraph shall prevent the reauthorization

1 and reappointment of any such person. Any such appointment shall be
2 funded from the budget of the appointing authority;

3 7. Election officials and employees;

4 8. Temporary employees employed to work less than one thousand
5 (1,000) hours in any twelve-month period, and seasonal employees
6 employed by the Oklahoma Tourism and Recreation Department pursuant
7 to Section 2241 of this title who work less than one thousand six
8 hundred (1,600) hours in any twelve-month period;

9 9. Department of Public Safety employees occupying the
10 following offices or positions:

- 11 a. administrative aides to the Commissioner,
- 12 b. executive secretaries to the Commissioner,
- 13 c. the Governor's representative of the Oklahoma Highway
14 Safety Office who shall be appointed by the Governor,
- 15 d. Highway Patrol Colonel,
- 16 e. Highway Patrol Lieutenant Colonel,
- 17 f. Director of Finance,
- 18 g. noncommissioned pilots,
- 19 h. Information Systems Administrator,
- 20 i. Law Enforcement Telecommunications System Specialist,
- 21 j. Director of Driver Compliance,
- 22 k. Director of Transportation Division,
- 23 l. Director of the Oklahoma Highway Safety Office,

1 m. Civil Rights Administrator,
2 n. Budget Analyst,
3 o. Comptroller,
4 p. Chaplain,
5 q. Helicopter Mechanic,
6 r. Director of Safety Compliance,
7 s. Human Resources Director,
8 t. Administrator of Department Services, and
9 u. a maximum of seven (7) positions for the purpose of
10 administering programs in the Oklahoma Highway Safety
11 Office, within full-time employee limitations of the
12 Department, employed with federal funding that is
13 continuing or indefinitely renewable. The
14 authorization for such positions shall be terminated
15 if the federal funding for positions is discontinued;
16 provided, any person appointed to a position prescribed in
17 subparagraph d or e of this paragraph shall have a right of return
18 to the classified commissioned position without any loss of rights,
19 privileges or benefits immediately upon completion of the duties in
20 the unclassified commissioned position;
21 10. Professional trainees only during the prescribed length of
22 their course of training or extension study;

1 11. Students who are employed on a part-time basis, which shall
2 be seventy-five percent (75%) of a normal forty-hour work week or
3 thirty (30) hours per week, or less, or on a full-time basis if the
4 employment is pursuant to a cooperative education program such as
5 that provided for under Title I IV-D of the Higher Education Act of
6 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
7 enrolled in:

- 8 a. an institution of higher learning within The Oklahoma
9 State System of Higher Education,
- 10 b. an institution of higher learning qualified to become
11 coordinated with The Oklahoma State System of Higher
12 Education. For purposes of this section, a student
13 shall be considered a regularly enrolled student if
14 the student is enrolled in a minimum of five (5) hours
15 of accredited graduate courses or a minimum of ten
16 (10) hours of accredited undergraduate courses,
17 provided, however, the student shall only be required
18 to be enrolled in a minimum of six (6) hours of
19 accredited undergraduate courses during the summer, or
20 c. high school students regularly enrolled in a high
21 school in Oklahoma and regularly attending classes
22 during such time of enrollment;

- 1 h. Secretary of the Commission,
- 2 i. Deputy Conservation Director,
- 3 j. Manager of Pollution Abatement,
- 4 k. Manager of Field Operations,
- 5 l. Manager of Technical Services,
- 6 m. Public Utility Division Chief of Telecommunications,
- 7 n. Director of Information Services,
- 8 o. All Data Processing employees hired on or after
- 9 September 1, 2005,
- 10 p. All Public Utilities employees hired on or after
- 11 September 1, 2007,
- 12 q. All Regulatory Program Managers hired on or after
- 13 September 1, 2007, and
- 14 r. All Pipeline Safety Department employees hired on or
- 15 after September 1, 2008;

16 16. At the option of the employing agency, the Supervisor,
17 Director, or Educational Coordinator in any other state agency
18 having a primary responsibility to coordinate educational programs
19 operated for children in state institutions;

20 17. Department of Mental Health and Substance Abuse Services
21 personnel occupying the following offices and positions at each
22 facility:

- 23 a. Director of Facility,

- 1 b. Deputy Director for Administration,
- 2 c. Clinical Services Director,
- 3 d. Executive Secretary to Director, and
- 4 e. Directors or Heads of Departments or Services;

5 18. Office of State Finance personnel occupying the following
6 offices and positions:

- 7 a. State Comptroller,
- 8 b. Administrative Officers,
- 9 c. Alternator Claims Auditor,
- 10 d. Employees hired to fulfill state compliance agency
11 requirements under Model Tribal Gaming Compacts,
- 12 e. Employees of the Budget Division,
- 13 f. Employees of the Fiscal and Research Division,
- 14 g. Employees hired to work on the CORE Systems Project;
15 and
- 16 h. The following employees of the Information Services
17 Division:
 - 18 (1) Information Services Division Manager,
 - 19 (2) Network Manager,
 - 20 (3) Network Technicians,
 - 21 (4) Security Manager,
 - 22 (5) Contracts/Purchasing Manager,
 - 23 (6) Operating and Applications Manager,

- 1 (7) Project Manager,
- 2 (8) Help Desk Manager,
- 3 (9) Help Desk Technicians,
- 4 (10) Quality Assurance Manager,
- 5 (11) ISD Analysts,
- 6 (12) CORE Manager,
- 7 (13) Enterprise System/Database Software Manager,
- 8 (14) Data Center Operations and Production Manager,
- 9 (15) Voice Communications Manager,
- 10 (16) Applications Development Manager,
- 11 (17) Projects Manager,
- 12 (18) PC's Manager,
- 13 (19) Servers Manager,
- 14 (20) Portal Manager,
- 15 (21) Procurement Specialists,
- 16 (22) Security Technicians,
- 17 (23) Enterprise Communications and Network
18 Administrator,
- 19 (24) Server Support Specialists,
- 20 (25) Senior Server Support Specialists,
- 21 (26) Systems Support Specialists, and
- 22 (27) Senior Systems Support Specialists;
- 23 19. Employees of the Oklahoma Industrial Finance Authority;

1 20. Those positions so specified in the annual business plan of
2 the Oklahoma Department of Commerce;

3 21. Those positions so specified in the annual business plan of
4 the Oklahoma Center for the Advancement of Science and Technology;

5 22. The following positions and employees of the Oklahoma
6 School of Science and Mathematics:

- 7 a. positions for which the annual salary is Twenty-four
8 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
9 or more, as determined by the Office of Personnel
10 Management, provided no position shall become
11 unclassified because of any change in salary or grade
12 while it is occupied by a classified employee,
- 13 b. positions requiring certification by the State
14 Department of Education, and
- 15 c. positions and employees authorized to be in the
16 unclassified service of the state elsewhere in this
17 section or in subsection B of this section;

18 23. Office of Personnel Management employees occupying the
19 following positions:

- 20 a. the Carl Albert Internship Program Coordinator,
- 21 b. one Administrative Assistant,
- 22 c. one Workforce Planning Manager,
- 23 d. Assistant Administrators,

1 e. one Associate Administrator, and

2 f. Division Directors;

3 24. Department of Labor personnel occupying the following
4 offices and positions:

5 a. two Deputy Commissioners,

6 b. two Executive Secretaries to the Commissioner,

7 c. Chief of Staff,

8 d. two Administrative Assistants,

9 e. Information Systems Administrator,

10 f. three Safety and Health Directors,

11 g. Research Director,

12 h. Employment Standards Director,

13 i. Asbestos Director,

14 j. General Counsel,

15 k. one Legal Secretary,

16 l. one Docket Clerk, and

17 m. two Information Systems Application Specialists;

18 25. The State Bond Advisor and his or her employees;

19 26. The Oklahoma Employment Security Commission employees
20 occupying the following positions:

21 a. Associate Director,

22 b. Secretary to the Associate Director, and

23 c. Assistant to the Executive Director;

1 27. Oklahoma Human Rights Commission personnel occupying the
2 position of Administrative Assistant;

3 28. Officers and employees of the State Banking Department;

4 29. Officers and employees of the University Hospitals
5 Authority except personnel in the state classified service pursuant
6 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
7 the University Hospitals Authority Model Personnel System created
8 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
9 Statutes or as otherwise provided for in Section 3213.2 of Title 63
10 of the Oklahoma Statutes;

11 30. Alcoholic Beverage Laws Enforcement Commission employees
12 occupying the following positions:

13 a. three Administrative Service Assistant positions,
14 however, employees in such positions who are in the
15 unclassified service on June 4, 2003, may make an
16 election to be in the classified service without a
17 loss in salary by September 1, 2003, and

18 b. the Deputy Director position in addition to the one
19 authorized by paragraph 2 of this subsection;

20 31. The Oklahoma State Bureau of Investigation employees
21 occupying the following positions:

22 a. five assistant directors,

23 b. six special investigators,

- 1 c. one information representative,
- 2 d. one federally funded physical evidence technician,
- 3 e. four federally funded laboratory analysts,
- 4 f. a maximum of fourteen positions employed for the
- 5 purpose of managing the automated information systems
- 6 of the agency,
- 7 g. one executive secretary in addition to the one
- 8 authorized pursuant to paragraph 2 of this subsection,
- 9 h. Child Abuse Response Team (CART) investigator, and
- 10 i. Child Abuse Response Team (CART) forensic interviewer;

11 32. The Department of Transportation, the following positions:

- 12 a. Director of the Oklahoma Aeronautics Commission,
- 13 b. five Department of Transportation Assistant Director
- 14 positions,
- 15 c. eight field division engineer positions,
- 16 d. one pilot position,
- 17 e. five Project Manager Positions, and
- 18 f. five Transportation Coordinators;

19 33. Commissioners of the Land Office employees occupying the
20 following positions:

- 21 a. Director of the Investments Division,
- 22 b. Assistant Director of the Investments Division,
- 23 c. one Administrative Assistant,

- 1 d. one Audit Tech position,
- 2 e. one Auditor I position,
- 3 f. two Accounting Tech I positions,
- 4 g. two Administrative Assistant I positions,
- 5 h. two Imaging Specialist positions, ~~and~~
- 6 i. one Information Systems Specialist position,
- 7 j. Director of Communications,
- 8 k. Director of Royalty Compliance,
- 9 l. Director of Mineral Management,
- 10 m. Director of Accounting,
- 11 n. Chief of Staff,
- 12 o. First Assistant Secretary,
- 13 p. Director of Real Estate Management,
- 14 q. one executive secretary,
- 15 r. one legal secretary, and
- 16 s. one legal assistant;

17 34. Within the Oklahoma State Bureau of Narcotics and Dangerous
18 Drugs Control Commission, the following positions:

- 19 a. six Narcotics Agent positions and three Typist
20 Clerk/Spanish transcriptionists, including a Typist
21 Clerk Supervisor/Spanish transcriptionist, provided,
22 authorization for such positions shall be terminated

- 1 if the federal funding for the positions is
2 discontinued,
- 3 b. one executive secretary in addition to the one
 - 4 authorized pursuant to paragraph 2 of this subsection,
 - 5 c. one fiscal officer,
 - 6 d. one full-time Programmer, and
 - 7 e. one full-time Network Engineer;

8 35. The Military Department of the State of Oklahoma is
9 authorized such unclassified employees within full-time employee
10 limitations to work in any of the Department of Defense directed
11 youth programs, the State of Oklahoma Juvenile Justice youth
12 programs, those persons reimbursed from Armory Board or Billeting
13 Fund accounts, and skilled trade positions;

14 36. Within the Oklahoma Commission on Children and Youth the
15 following unclassified positions:

- 16 a. one Oversight Specialist and one Community Development
17 Planner,
- 18 b. one State Plan Grant Coordinator, provided
19 authorization for the position shall be terminated
20 when federal support for the position by the United
21 States Department of Education Early Intervention
22 Program is discontinued,

1 c. one executive secretary in addition to the one
2 authorized pursuant to paragraph 2 of this subsection,
3 and

4 d. one Programs Manager;

5 37. The following positions and employees of the Department of
6 Central Services:

- 7 a. one Executive Secretary in addition to the Executive
8 Secretary authorized by paragraph 2 of this
9 subsection,
- 10 b. the Director of Central Purchasing,
- 11 c. one Alternate Fuels Administrator,
- 12 d. one Director of Special Projects,
- 13 e. three postauditors,
- 14 f. four high-technology contracting officers,
- 15 g. one Executive Assistant to the Purchasing Director,
- 16 h. four Contracts Managers,
- 17 i. one Associate Director,
- 18 j. one specialized HiTech/Food Contracting Officer,
- 19 k. one State Use Contracting Officer,
- 20 l. one Property Distribution Administrator,
- 21 m. three licensed architects assigned to the Construction
22 and Properties Division,

- 1 n. three licensed engineers assigned to the Construction
- 2 and Properties Division,
- 3 o. eight construction consultants assigned to the
- 4 Construction and Properties Division,
- 5 p. one attorney assigned to the Construction and
- 6 Properties Division,
- 7 q. three positions assigned to the Information Services
- 8 Division, which shall include one Information
- 9 Technology Manager, one Applications Specialist and
- 10 one Data Planning Specialist, and
- 11 r. four positions assigned to Fleet Management, which
- 12 shall include one Deputy Fleet Manager and three
- 13 Management Analysts;

14 38. Oklahoma Water Resources Board personnel occupying the
15 following offices and positions:

- 16 a. four Water Quality Assistant Division Chiefs,
- 17 b. four Water Resources Division Chiefs, and
- 18 c. Director of Water Planning;

19 39. J.D. McCarty Center for Children with Developmental
20 Disabilities personnel occupying the following offices and
21 positions:

- 22 a. Physical Therapists,
- 23 b. Physical Therapist Assistants,

- 1 c. Occupational Therapists,
- 2 d. Certified Occupational Therapist Aides, and
- 3 e. Speech Pathologists;

4 40. The Development Officer, the Director of the State Museum
5 of History and the Cherokee Strip Regional Heritage Center Director
6 within the Oklahoma Historical Society;

7 41. Oklahoma Department of Agriculture, Food, and Forestry
8 personnel occupying the following positions:

- 9 a. one Executive Secretary in addition to the Executive
10 Secretary authorized by paragraph 2 of this subsection
11 and one Executive Assistant,
- 12 b. nineteen Agricultural Marketing Coordinator III
13 positions,
- 14 c. temporary fire suppression personnel, regardless of
15 the number of hours worked, who are employed by the
16 Oklahoma Department of Agriculture, Food, and
17 Forestry; provided, however, notwithstanding the
18 provisions of any other section of law, the hours
19 worked by such employees shall not entitle such
20 employees to any benefits received by full-time
21 employees,
- 22 d. one Information Technology Specialist,
- 23 e. one Director of Administrative Services,

- 1 f. one Water Quality Consumer Complaint Coordinator,
2 g. one hydrologist position,
3 h. Public Information Office Director,
4 i. one Information Technology Technician,
5 j. Legal Services Director,
6 k. Animal Industry Services Director,
7 l. Agricultural Environmental Management Services
8 Director,
9 m. Forestry Services Director,
10 n. Plant Industry and Consumer Services Director,
11 o. one Grants Administrator position,
12 p. Director of Laboratory Services,
13 q. Chief of Communications,
14 r. Public Information Manager,
15 s. Inventory/Supply Officer,
16 t. five Agriculture Field Inspector positions assigned
17 the responsibility for conducting inspections and
18 audits of agricultural grain storage warehouses. All
19 other Agriculture Field Inspector positions and
20 employees of the Oklahoma Department of Agriculture,
21 Food, and Forestry shall be classified and subject to
22 the provisions of the Merit System of Personnel
23 Administration. On November 1, 2002, all other

1 unclassified Agriculture Field Inspectors shall be
2 given status in the classified service as provided in
3 Section 840-4.2 of this title,

- 4 u. Rural Fire Coordinator,
- 5 v. one Agricultural Marketing Coordinator I,
- 6 w. Food Safety Division Director,
- 7 x. two Environmental Program Specialists,
- 8 y. two Scale Technicians, and
- 9 z. two Plant Protection Specialists;

10 42. The Contracts Administrator within the Oklahoma State
11 Employees Benefits Council;

12 43. The Development Officer within the Oklahoma Department of
13 Libraries;

14 44. Oklahoma Real Estate Commission personnel occupying the
15 following offices and positions:

- 16 a. Educational Program Director, and
- 17 b. Data Processing Manager;

18 45. A Chief Consumer Credit Examiner for the Department of
19 Consumer Credit;

20 46. All officers and employees of the Oklahoma Capitol Complex
21 and Centennial Commemoration Commission;

22 47. All officers and employees of the Oklahoma Motor Vehicle
23 Commission;

1 48. One Museum Archivist of The Will Rogers Memorial
2 Commission;

3 49. One Fire Protection Engineer of the Office of the State
4 Fire Marshal;

5 50. Acting incumbents employed pursuant to Section 209 of Title
6 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
7 be included in any limitation on full-time equivalency imposed by
8 law on an agency. Permanent classified employees may request a
9 leave of absence from classified status and accept an unclassified
10 appointment and compensation as an acting incumbent with the same
11 agency; provided, the leave shall expire no later than two (2) years
12 from the date of the acting incumbent appointment. An appointing
13 authority may establish unclassified positions and appoint
14 unclassified employees to perform the duties of a permanent
15 classified employee who is on leave of absence from a classified
16 position to serve as an acting incumbent. All unclassified
17 appointments created pursuant to this paragraph shall expire no
18 later than two (2) years from the date of appointment. Classified
19 employees accepting unclassified appointments and compensation
20 pursuant to this paragraph shall be entitled to participate without
21 interruption in any benefit programs available to classified
22 employees, including retirement and insurance programs. Immediately
23 upon termination of an unclassified appointment pursuant to this

1 paragraph, an employee on assignment from the classified service
2 shall have a right to be restored to the classified service and
3 reinstated to the former job family level and compensation plus any
4 adjustments and increases in salary or benefits which the employee
5 would have received but for the leave of absence;

6 51. The Oklahoma Homeland Security Director and all other
7 positions assigned the responsibilities of working in the Oklahoma
8 Office of Homeland Security;

9 52. The following eighteen (18) positions in the State
10 Department of Health:

- 11 a. one surveillance supervisor,
- 12 b. one surveillance project monitor,
- 13 c. two bilingual interviewers,
- 14 d. eight senior interviewers, and
- 15 e. six interviewers;

16 53. State Board of Registration for Professional Engineers and
17 Land Surveyors personnel occupying the following offices and
18 positions:

- 19 a. one Director of Enforcement, and
- 20 b. two Board Investigators;

21 54. One Information Systems Data Management Analyst of the
22 Oklahoma State and Education Employees Group Insurance Board; and

1 55. Two Management Information Systems positions of the Office
2 of Juvenile Affairs.

3 B. If an agency has the authority to employ personnel in the
4 following offices and positions, the appointing authority shall have
5 the discretion to appoint personnel to the unclassified service:

6 1. Licensed medical doctors, osteopathic physicians, dentists,
7 psychologists, and nurses;

8 2. Certified public accountants;

9 3. Licensed attorneys;

10 4. Licensed veterinarians; and

11 5. Licensed pharmacists.

12 C. Effective July 1, 1996, authorization for unclassified
13 offices, positions, or personnel contained in a bill or joint
14 resolution shall terminate June 30 of the ensuing fiscal year after
15 the authorization unless the authorization is codified in the
16 Oklahoma Statutes or the termination is otherwise provided in the
17 legislation.

18 D. The appointing authority of agencies participating in the
19 statewide information systems project may establish unclassified
20 positions and appoint unclassified employees to the project as
21 needed. Additional unclassified positions may be established, if
22 required, to appoint an unclassified employee to perform the duties
23 of a permanent classified employee who is temporarily absent from a

1 classified position as a result of assignment to this project. All
2 unclassified appointments under this authority shall expire no later
3 than December 31, 2007, and all unclassified positions established
4 to support the project shall be abolished. Both the positions and
5 appointments resulting from this authority shall be exempt from any
6 agency FTE limitations and any limits imposed on the number of
7 unclassified positions authorized. Permanent classified employees
8 may request a leave of absence from classified status and accept an
9 unclassified appointment and compensation with the same agency under
10 the provisions of this subsection; provided, the leave shall expire
11 no later than December 31, 2007. Employees accepting the
12 appointment and compensation shall be entitled to participate
13 without interruption in any benefit programs available to classified
14 employees, including retirement and insurance programs. Immediately
15 upon termination of an unclassified appointment pursuant to this
16 subsection, an employee on assignment from the classified service
17 shall have a right to be restored to the classified service and
18 reinstated to the former job family level and compensation plus any
19 adjustments and increases in salary or benefits which the employee
20 would have received but for the leave of absence.

21 SECTION 52. REPEALER 64 O.S. 2001, Sections 1.2, 1.3, as
22 amended by Section 1, Chapter 433, O.S.L. 2004, 9, 11, 12, 13, 14,
23 52, 56, 57, 58.1, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74,

1 75, 76, 77, 78, 79, 80.1, 80.2, 80.3, 80.4, 81, 82, 82.1, 82.2, 83,
2 84, 86, 86.1, 87c, 89, 91, 93, 94, 95, 96, 97, 99, 100, 111, 112,
3 121, 124, 125, 127, 128, 129, 131, 132, 157, 159, 161, 162, 162.2,
4 163, 164, 165, 166, 187, 188, 189, 190, 191, 193, 195, 196, 214,
5 215, 216.1, 216.2, 216.3, 216.4, 216.5, 216.6, 216.7, 216.8, 229.1,
6 229.2, 229.3, 229.4, 229.5, 245, 248, 250, 251, 253, 254, 255, 256,
7 256.1, 260.1, 260.2, 294, 452, 453, 455 and 456 (64 O.S. Supp. 2009,
8 Section 1.3), are hereby repealed.

9 SECTION 53. RECODIFICATION 64 O.S. 2001, Section 1, as
10 amended by Section 2 of this act, shall be recodified as Section
11 1001 of Title 64 of the Oklahoma Statutes, unless there is created a
12 duplication in numbering.

13 SECTION 54. RECODIFICATION 64 O.S. 2001, Section 1.1, as
14 amended by Section 3 of this act, shall be recodified as Section
15 1002 of Title 64 of the Oklahoma Statutes, unless there is created a
16 duplication in numbering.

17 SECTION 55. RECODIFICATION 64 O.S. 2001, Section 1.4,
18 shall be recodified as Section 1003 of Title 64 of the Oklahoma
19 Statutes, unless there is created a duplication in numbering.

20 SECTION 56. RECODIFICATION Section 2, Chapter 433,
21 O.S.L. 2004 (64 O.S. Supp. 2009, Section 1.5), shall be recodified
22 as Section 1004 of Title 64 of the Oklahoma Statutes, unless there
23 is created a duplication in numbering.

1 SECTION 57. RECODIFICATION 64 O.S. 2001, Section 2, as
2 amended by Section 4 of this act, shall be recodified as Section
3 1005 of Title 64 of the Oklahoma Statutes, unless there is created a
4 duplication in numbering.

5 SECTION 58. RECODIFICATION 64 O.S. 2001, Section 3, as
6 amended by Section 5 of this act, shall be recodified as Section
7 1006 of Title 64 of the Oklahoma Statutes, unless there is created a
8 duplication in numbering.

9 SECTION 59. RECODIFICATION 64 O.S. 2001, Section 6,
10 shall be recodified as Section 1007 of Title 64 of the Oklahoma
11 Statutes, unless there is created a duplication in numbering.

12 SECTION 60. RECODIFICATION 64 O.S. 2001, Section 10, as
13 amended by Section 6 of this act, shall be recodified as Section
14 1008 of Title 64 of the Oklahoma Statutes, unless there is created a
15 duplication in numbering.

16 SECTION 61. RECODIFICATION 64 O.S. 2001, Section 15,
17 shall be recodified as Section 1009 of Title 64 of the Oklahoma
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 62. RECODIFICATION Section 3, Chapter 205,
20 O.S.L. 2003 (64 O.S. Supp. 2009, Section 16), shall be recodified as
21 Section 1010 of Title 64 of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

1 SECTION 63. RECODIFICATION 64 O.S. 2001, Section 41, as
2 amended by Section 7 of this act, shall be recodified as Section
3 1011 of Title 64 of the Oklahoma Statutes, unless there is created a
4 duplication in numbering.

5 SECTION 64. RECODIFICATION 64 O.S. 2001, Section 43, as
6 amended by Section 8 of this act, shall be recodified as Section
7 1012 of Title 64 of the Oklahoma Statutes, unless there is created a
8 duplication in numbering.

9 SECTION 65. RECODIFICATION 64 O.S. 2001, Section 51, as
10 amended by Section 9 of this act, shall be recodified as Section
11 1013 of Title 64 of the Oklahoma Statutes, unless there is created a
12 duplication in numbering.

13 SECTION 66. RECODIFICATION Section 1, Chapter 394,
14 O.S.L. 2004 (64 O.S. Supp 2009, Section 51.1), shall be recodified
15 as Section 1014 of Title 64 of the Oklahoma Statutes, unless there
16 is created a duplication in numbering.

17 SECTION 67. RECODIFICATION Section 1, Chapter 190,
18 O.S.L. 2007 (64 O.S. Supp. 2009, Section 51.2), as amended by
19 Section 10 of this act, shall be recodified as Section 1015 of Title
20 64 of the Oklahoma Statutes, unless there is created a duplication
21 in numbering.

22 SECTION 68. RECODIFICATION 64 O.S. 2001, Section 61, as
23 amended by Section 11 of this act, shall be recodified as Section

1 1016 of Title 64 of the Oklahoma Statutes, unless there is created a
2 duplication in numbering.

3 SECTION 69. RECODIFICATION 64 O.S. 2001, Section 64, as
4 amended by Section 12 of this act, shall be recodified as Section
5 1017 of Title 64 of the Oklahoma Statutes, unless there is created a
6 duplication in numbering.

7 SECTION 70. RECODIFICATION 64 O.S. 2001, Section 88, as
8 amended by Section 13 of this act, shall be recodified as Section
9 1018 of Title 64 of the Oklahoma Statutes, unless there is created a
10 duplication in numbering.

11 SECTION 71. RECODIFICATION 64 O.S. 2001, Section 90, as
12 amended by Section 14 of this act, shall be recodified as Section
13 1019 of Title 64 of the Oklahoma Statutes, unless there is created a
14 duplication in numbering.

15 SECTION 72. RECODIFICATION 64 O.S. 2001, Section 92, as
16 last amended by Section 15 of this act, shall be recodified as
17 Section 1020 of Title 64 of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 73. RECODIFICATION 64 O.S. 2001, Section 92a, as
20 amended by Section 16 of this act, shall be recodified as Section
21 1021 of Title 64 of the Oklahoma Statutes, unless there is created a
22 duplication in numbering.

1 SECTION 74. RECODIFICATION 64 O.S. 2001, Section 92b, as
2 amended by Section 17 of this act, shall be recodified as Section
3 1022 of Title 64 of the Oklahoma Statutes, unless there is created a
4 duplication in numbering.

5 SECTION 75. RECODIFICATION 64 O.S. 2001, Section 101, as
6 amended by Section 18 of this act, shall be recodified as Section
7 1023 of Title 64 of the Oklahoma Statutes, unless there is created a
8 duplication in numbering.

9 SECTION 76. RECODIFICATION 64 O.S. 2001, Section 113,
10 shall be recodified as Section 1024 of Title 64 of the Oklahoma
11 Statutes, unless there is created a duplication in numbering.

12 SECTION 77. RECODIFICATION 64 O.S. 2001, Section 114, as
13 amended by Section 37, Chapter 460, O.S.L. 2002 (64 O.S. Supp. 2009,
14 Section 114), shall be recodified as Section 1025 of Title 64 of the
15 Oklahoma Statutes, unless there is created a duplication in
16 numbering.

17 SECTION 78. RECODIFICATION 64 O.S. 2001, Section 115, as
18 amended by Section 19 of this act, shall be recodified as Section
19 1026 of Title 64 of the Oklahoma Statutes, unless there is created a
20 duplication in numbering.

21 SECTION 79. RECODIFICATION 64 O.S. 2001, Section 116,
22 shall be recodified as Section 1027 of Title 64 of the Oklahoma
23 Statutes, unless there is created a duplication in numbering.

1 SECTION 80. RECODIFICATION 64 O.S. 2001, Section 122,
2 shall be recodified as Section 1028 of Title 64 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 81. RECODIFICATION 64 O.S. 2001, Section 123, as
5 amended by Section 20 of this act, shall be recodified as Section
6 1029 of Title 64 of the Oklahoma Statutes, unless there is created a
7 duplication in numbering.

8 SECTION 82. RECODIFICATION 64 O.S. 2001, Section 126, as
9 amended by Section 21 of this act, shall be recodified as Section
10 1030 of Title 64 of the Oklahoma Statutes, unless there is created a
11 duplication in numbering.

12 SECTION 83. RECODIFICATION 64 O.S. 2001, Section 130, as
13 amended by Section 22 of this act, shall be recodified as Section
14 1031 of Title 64 of the Oklahoma Statutes, unless there is created a
15 duplication in numbering.

16 SECTION 84. RECODIFICATION 64 O.S. 2001, Section 151, as
17 amended by Section 23 of this act, shall be recodified as Section
18 1032 of Title 64 of the Oklahoma Statutes, unless there is created a
19 duplication in numbering.

20 SECTION 85. RECODIFICATION 64 O.S. 2001, Section 153.1,
21 as amended by Section 24 of this act, shall be recodified as Section
22 1033 of Title 64 of the Oklahoma Statutes, unless there is created a
23 duplication in numbering.

1 SECTION 86. RECODIFICATION 64 O.S. 2001, Section 154, as
2 amended by Section 25 of this act, shall be recodified as Section
3 1034 of Title 64 of the Oklahoma Statutes, unless there is created a
4 duplication in numbering.

5 SECTION 87. RECODIFICATION 64 O.S. 2001, Section 155, as
6 amended by Section 26 of this act, shall be recodified as Section
7 1035 of Title 64 of the Oklahoma Statutes, unless there is created a
8 duplication in numbering.

9 SECTION 88. RECODIFICATION 64 O.S. 2001, Section 156, as
10 amended by Section 27 of this act, shall be recodified as Section
11 1036 of Title 64 of the Oklahoma Statutes, unless there is created a
12 duplication in numbering.

13 SECTION 89. RECODIFICATION 64 O.S. 2001, Section 158, as
14 amended by Section 28 of this act, shall be recodified as Section
15 1037 of Title 64 of the Oklahoma Statutes, unless there is created a
16 duplication in numbering.

17 SECTION 90. RECODIFICATION 64 O.S. 2001, Section 160, as
18 amended by Section 29 of this act, shall be recodified as Section
19 1038 of Title 64 of the Oklahoma Statutes, unless there is created a
20 duplication in numbering.

21 SECTION 91. RECODIFICATION 64 O.S. 2001, Section 162.1,
22 shall be recodified as Section 1039 of Title 64 of the Oklahoma
23 Statutes, unless there is created a duplication in numbering.

1 SECTION 92. RECODIFICATION 64 O.S. 2001, Section 181, as
2 amended by Section 30 of this act, shall be recodified as Section
3 1040 of Title 64 of the Oklahoma Statutes, unless there is created a
4 duplication in numbering.

5 SECTION 93. RECODIFICATION 64 O.S. 2001, Section 182,
6 shall be recodified as Section 1041 of Title 64 of the Oklahoma
7 Statutes, unless there is created a duplication in numbering.

8 SECTION 94. RECODIFICATION 64 O.S. 2001, Section 183,
9 shall be recodified as Section 1042 of Title 64 of the Oklahoma
10 Statutes, unless there is created a duplication in numbering.

11 SECTION 95. RECODIFICATION 64 O.S. 2001, Section 184, as
12 amended by Section 31 of this act, shall be recodified as Section
13 1043 of Title 64 of the Oklahoma Statutes, unless there is created a
14 duplication in numbering.

15 SECTION 96. RECODIFICATION 64 O.S. 2001, Section 185,
16 shall be recodified as Section 1044 of Title 64 of the Oklahoma
17 Statutes, unless there is created a duplication in numbering.

18 SECTION 97. RECODIFICATION 64 O.S. 2001, Section 186,
19 shall be recodified as Section 1045 of Title 64 of the Oklahoma
20 Statutes, unless there is created a duplication in numbering.

21 SECTION 98. RECODIFICATION 64 O.S. 2001, Section 192, as
22 amended by Section 32 of this act, shall be recodified as Section

1 1046 of Title 64 of the Oklahoma Statutes, unless there is created a
2 duplication in numbering.

3 SECTION 99. RECODIFICATION 64 O.S. 2001, Section 194,
4 shall be recodified as Section 1047 of Title 64 of the Oklahoma
5 Statutes, unless there is created a duplication in numbering.

6 SECTION 100. RECODIFICATION 64 O.S. 2001, Section 221,
7 shall be recodified as Section 1048 of Title 64 of the Oklahoma
8 Statutes, unless there is created a duplication in numbering.

9 SECTION 101. RECODIFICATION 64 O.S. 2001, Section 222,
10 shall be recodified as Section 1049 of Title 64 of the Oklahoma
11 Statutes, unless there is created a duplication in numbering.

12 SECTION 102. RECODIFICATION 64 O.S. 2001, Section 223,
13 as amended by Section 33 of this act, shall be recodified as Section
14 1050 of Title 64 of the Oklahoma Statutes, unless there is created a
15 duplication in numbering.

16 SECTION 103. RECODIFICATION 64 O.S. 2001, Section 224,
17 as amended by Section 34 of this act, shall be recodified as Section
18 1051 of Title 64 of the Oklahoma Statutes, unless there is created a
19 duplication in numbering.

20 SECTION 104. RECODIFICATION 64 O.S. 2001, Section 225.1,
21 as amended by Section 35 of this act, shall be recodified as Section
22 1052 of Title 64 of the Oklahoma Statutes, unless there is created a
23 duplication in numbering.

1 SECTION 105. RECODIFICATION 64 O.S. 2001, Section 226,
2 as amended by Section 36 of this act, shall be recodified as Section
3 1053 of Title 64 of the Oklahoma Statutes, unless there is created a
4 duplication in numbering.

5 SECTION 106. RECODIFICATION 64 O.S. 2001, Section 227,
6 as amended by Section 37 of this act, shall be recodified as Section
7 1054 of Title 64 of the Oklahoma Statutes, unless there is created a
8 duplication in numbering.

9 SECTION 107. RECODIFICATION 64 O.S. 2001, Section 228,
10 as amended by Section 38 of this act, shall be recodified as Section
11 1055 of Title 64 of the Oklahoma Statutes, unless there is created a
12 duplication in numbering.

13 SECTION 108. RECODIFICATION 64 O.S. 2001, Section 241,
14 as amended by Section 39 of this act, shall be recodified as Section
15 1056 of Title 64 of the Oklahoma Statutes, unless there is created a
16 duplication in numbering.

17 SECTION 109. RECODIFICATION 64 O.S. 2001, Section 244,
18 as amended by Section 40 of this act, shall be recodified as Section
19 1057 of Title 64 of the Oklahoma Statutes, unless there is created a
20 duplication in numbering.

21 SECTION 110. RECODIFICATION 64 O.S. 2001, Section 246,
22 as amended by Section 41 of this act, shall be recodified as Section

1 1058 of Title 64 of the Oklahoma Statutes, unless there is created a
2 duplication in numbering.

3 SECTION 111. RECODIFICATION 64 O.S. 2001, Section 249,
4 as amended by Section 42 of this act, shall be recodified as Section
5 1059 of Title 64 of the Oklahoma Statutes, unless there is created a
6 duplication in numbering.

7 SECTION 112. RECODIFICATION 64 O.S. 2001, Section 252,
8 as amended by Section 43 of this act, shall be recodified as Section
9 1060 of Title 64 of the Oklahoma Statutes, unless there is created a
10 duplication in numbering.

11 SECTION 113. RECODIFICATION 64 O.S. 2001, Section 259,
12 as amended by Section 44 of this act, shall be recodified as Section
13 1061 of Title 64 of the Oklahoma Statutes, unless there is created a
14 duplication in numbering.

15 SECTION 114. RECODIFICATION 64 O.S. 2001, Section 260,
16 shall be recodified as Section 1062 of Title 64 of the Oklahoma
17 Statutes, unless there is created a duplication in numbering.

18 SECTION 115. RECODIFICATION 64 O.S. 2001, Section 281,
19 as amended by Section 2, Chapter 205, O.S.L. 2003 (64 O.S. Supp.
20 2009, Section 281), shall be recodified as Section 1063 of Title 64
21 of the Oklahoma Statutes, unless there is created a duplication in
22 numbering.

1 SECTION 116. RECODIFICATION 64 O.S. 2001, Section 282,
2 shall be recodified as Section 1064 of Title 64 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 117. RECODIFICATION 64 O.S. 2001, Section 283,
5 shall be recodified as Section 1065 of Title 64 of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 118. RECODIFICATION 64 O.S. 2001, Section 285,
8 shall be recodified as Section 1066 of Title 64 of the Oklahoma
9 Statutes, unless there is created a duplication in numbering.

10 SECTION 119. RECODIFICATION 64 O.S. 2001, Section 287,
11 shall be recodified as Section 1067 of Title 64 of the Oklahoma
12 Statutes, unless there is created a duplication in numbering.

13 SECTION 120. RECODIFICATION 64 O.S. 2001, Section 288,
14 shall be recodified as Section 1068 of Title 64 of the Oklahoma
15 Statutes, unless there is created a duplication in numbering.

16 SECTION 121. RECODIFICATION 64 O.S. 2001, Section 289,
17 as amended by Section 45 of this act, shall be recodified as Section
18 1069 of Title 64 of the Oklahoma Statutes, unless there is created a
19 duplication in numbering.

20 SECTION 122. RECODIFICATION 64 O.S. 2001, Section 290,
21 as amended by Section 46 of this act, shall be recodified as Section
22 1070 of Title 64 of the Oklahoma Statutes, unless there is created a
23 duplication in numbering.

1 SECTION 123. RECODIFICATION 64 O.S. 2001, Section 291,
2 as amended by Section 47 of this act, shall be recodified as Section
3 1071 of Title 64 of the Oklahoma Statutes, unless there is created a
4 duplication in numbering.

5 SECTION 124. RECODIFICATION 64 O.S. 2001, Section 292,
6 shall be recodified as Section 1072 of Title 64 of the Oklahoma
7 Statutes, unless there is created a duplication in numbering.

8 SECTION 125. RECODIFICATION 64 O.S. 2001, Section 293,
9 as amended by Section 48 of this act, shall be recodified as Section
10 1073 of Title 64 of the Oklahoma Statutes, unless there is created a
11 duplication in numbering.

12 SECTION 126. RECODIFICATION 64 O.S. 2001, Section 351,
13 shall be recodified as Section 1074 of Title 64 of the Oklahoma
14 Statutes, unless there is created a duplication in numbering.

15 SECTION 127. RECODIFICATION 64 O.S. 2001, Section 352,
16 shall be recodified as Section 1075 of Title 64 of the Oklahoma
17 Statutes, unless there is created a duplication in numbering.

18 SECTION 128. RECODIFICATION 64 O.S. 2001, Section 353,
19 shall be recodified as Section 1076 of Title 64 of the Oklahoma
20 Statutes, unless there is created a duplication in numbering.

21 SECTION 129. RECODIFICATION 64 O.S. 2001, Section 354,
22 shall be recodified as Section 1077 of Title 64 of the Oklahoma
23 Statutes, unless there is created a duplication in numbering.

1 SECTION 130. RECODIFICATION 64 O.S. 2001, Section 355,
2 shall be recodified as Section 1078 of Title 64 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 131. RECODIFICATION 64 O.S. 2001, Section 371,
5 as amended by Section 1, Chapter 323, O.S.L. 2007 (64 O.S. Supp.
6 2009, Section 371), shall be recodified as Section 1079 of Title 64
7 of the Oklahoma Statutes, unless there is created a duplication in
8 numbering.

9 SECTION 132. RECODIFICATION 64 O.S. 2001, Section 381,
10 shall be recodified as Section 1080 of Title 64 of the Oklahoma
11 Statutes, unless there is created a duplication in numbering.

12 SECTION 133. RECODIFICATION 64 O.S. 2001, Section 405,
13 shall be recodified as Section 1081 of Title 64 of the Oklahoma
14 Statutes, unless there is created a duplication in numbering.

15 SECTION 134. RECODIFICATION 64 O.S. 2001, Section 406,
16 shall be recodified as Section 1082 of Title 64 of the Oklahoma
17 Statutes, unless there is created a duplication in numbering.

18 SECTION 135. RECODIFICATION 64 O.S. 2001, Section 407,
19 shall be recodified as Section 1083 of Title 64 of the Oklahoma
20 Statutes, unless there is created a duplication in numbering.

21 SECTION 136. RECODIFICATION 64 O.S. 2001, Section 408,
22 shall be recodified as Section 1084 of Title 64 of the Oklahoma
23 Statutes, unless there is created a duplication in numbering.

1 SECTION 137. RECODIFICATION 64 O.S. 2001, Section 421,
2 shall be recodified as Section 1085 of Title 64 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 138. RECODIFICATION 64 O.S. 2001, Section 422,
5 shall be recodified as Section 1086 of Title 64 of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 139. RECODIFICATION 64 O.S. 2001, Section 423,
8 shall be recodified as Section 1087 of Title 64 of the Oklahoma
9 Statutes, unless there is created a duplication in numbering.

10 SECTION 140. RECODIFICATION 64 O.S. 2001, Section 424,
11 shall be recodified as Section 1088 of Title 64 of the Oklahoma
12 Statutes, unless there is created a duplication in numbering.

13 SECTION 141. RECODIFICATION 64 O.S. 2001, Section 425,
14 shall be recodified as Section 1089 of Title 64 of the Oklahoma
15 Statutes, unless there is created a duplication in numbering.

16 SECTION 142. RECODIFICATION 64 O.S. 2001, Section 451,
17 as amended by Section 49 of this act, shall be recodified as Section
18 1090 of Title 64 of the Oklahoma Statutes, unless there is created a
19 duplication in numbering.

20 SECTION 143. RECODIFICATION 64 O.S. 2001, Section 454,
21 shall be recodified as Section 1091 of Title 64 of the Oklahoma
22 Statutes, unless there is created a duplication in numbering.

1 SECTION 144. RECODIFICATION 64 O.S. 2001, Section 457,
2 shall be recodified as Section 1092 of Title 64 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 145. RECODIFICATION 64 O.S. 2001, Section 458,
5 shall be recodified as Section 1093 of Title 64 of the Oklahoma
6 Statutes, unless there is created a duplication in numbering.

7 SECTION 146. RECODIFICATION 64 O.S. 2001, Section 459,
8 shall be recodified as Section 1094 of Title 64 of the Oklahoma
9 Statutes, unless there is created a duplication in numbering.

10 SECTION 147. RECODIFICATION 64 O.S. 2001, Section 460,
11 shall be recodified as Section 1095 of Title 64 of the Oklahoma
12 Statutes, unless there is created a duplication in numbering.

13 SECTION 148. It being immediately necessary for the
14 preservation of the public peace, health and safety, an emergency is
15 hereby declared to exist, by reason whereof this act shall take
16 effect and be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-22-10 - DO
18 PASS.