

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1428

By: Lamons

4
5 AS INTRODUCED

6 An Act relating to the Oklahoma State Bureau of
7 Narcotics and Dangerous Drugs Control, the Oklahoma
8 State Bureau of Investigation and the Office of the
9 State Fire Marshal; abolishing the Oklahoma State
10 Bureau of Narcotics and Dangerous Drugs Control
11 Commission; transferring duties to the Director of
12 the Oklahoma State Bureau of Narcotics and Dangerous
13 Drugs Control; placing Director under the supervision
14 of the Cabinet Secretary of Safety and Security;
15 providing for interpretation of certain statutory
16 references; amending 63 O.S. 2001, Sections 2-103, as
17 last amended by Section 1, Chapter 359, O.S.L. 2008,
18 2-104.1, as last amended by Section 4, Chapter 229,
19 O.S.L. 2003, 2-110, as amended by Section 4, Chapter
20 359, O.S.L. 2008 and 2-508, as last amended by
21 Section 16, Chapter 168, O.S.L. 2004 (63 O.S. Supp.
22 2008, Sections 2-103, 2-104.1, 2-110 and 2-508),
23 which relate to the Uniform Controlled Dangerous
24 Substances Act; eliminating references to the
Oklahoma State Bureau of Narcotics and Dangerous
Drugs Control Commission; changing procedure of
appointment of Director; modifying duties and powers
of Director; abolishing the Board of Medicolegal
Investigations; transferring duties to the Chief
Medical Examiner; placing the Chief Medical Examiner
under the supervision of the Cabinet Secretary of
Safety and Security; providing for interpretation of
certain statutory references; amending 63 O.S. 2001,
Sections 932, 933, 934, 935, as last amended by
Section 5, Chapter 269, O.S.L. 2008, 936, 937, 941a,
947, 948, as amended by Section 1, Chapter 559,
O.S.L. 2004, Section 2, Chapter 559, O.S.L. 2004,
949, as amended by Section 1, Chapter 190, O.S.L.
2004, 950, 951 and 954 (63 O.S. Supp. 2008, Sections
935, 948, 948.1 and 949), which relate to medicolegal
investigations; eliminating references to the Board
of Medicolegal Investigations; changing procedure of

1 appointment of Chief Medical Examiner; providing
2 gender-neutral language; abolishing the Oklahoma
3 State Bureau of Investigation Commission;
4 transferring duties to the Director of the Oklahoma
5 State Bureau of Investigation; placing Director under
6 the supervision of the Cabinet Secretary of Safety
7 and Security; providing for interpretation of certain
8 statutory references; amending 74 O.S. 2001, Sections
9 150.2, as last amended by Section 1, Chapter 303,
10 O.S.L. 2006, 150.4, 150.5, as last amended by Section
11 1, Chapter 121, O.S.L. 2008, 150.6, as amended by
12 Section 14, Chapter 199, O.S.L. 2003, 150.7, as
13 amended by Section 1, Chapter 42, O.S.L. 2002,
14 150.10, as amended by Section 1, Chapter 106, O.S.L.
15 2005, 150.13, as amended by Section 1, Chapter 47,
16 O.S.L. 2007, 150.21, as amended by Section 3, Chapter
17 42, O.S.L. 2002 and 150.21a (74 O.S. Supp. 2008,
18 Sections 150.2, 150.5, 150.6, 150.7, 150.10, 150.13
19 and 150.21), which relate to the Oklahoma State
20 Bureau of Investigation; eliminating references to
21 the Oklahoma State Bureau of Investigation
22 Commission; changing procedure of appointment of
23 Director; modifying duties and powers of Director;
24 abolishing the State Fire Marshal Commission;
transferring duties to the State Fire Marshal of the
Office of the State Fire Marshal; placing State Fire
Marshal under the supervision of the Cabinet
Secretary of Safety and Security; providing for
interpretation of certain statutory references;
amending 3A O.S. 2001, Section 205.5, which relates
to the Oklahoma Horse Racing Act; eliminating
references to the State Fire Marshal Commission;
amending 19 O.S. 2001, Section 351, which relates to
organization of county fire departments; eliminating
reference to the State Fire Marshal Commission;
amending 19 O.S. 2001, Sections 863.44C and 863.44D,
which relate to the High-Rise Safety Act of 1975;
eliminating references to the State Fire Marshal
Commission; amending 63 O.S. 2001, Section 124.1,
which relates to the Oklahoma Explosives and Blasting
Regulation Act; eliminating reference to the State
Fire Marshal Commission; amending 68 O.S. 2001,
Section 1629, which relates to public display of
fireworks; eliminating reference to the State Fire
Marshal Commission; amending Section 11, Chapter 381,
O.S.L. 2005 (68 O.S. Supp. 2008, Section 2357.102),
which relates to tax credits for dry fire hydrants or

1 water storage; eliminating reference to the State
2 Fire Marshal Commission; amending 74 O.S. 2001,
3 Sections 317.1, 324.4, 324.5, 324.7, as amended by
4 Section 8, Chapter 168, O.S.L. 2003, 324.7a, as
5 amended by Section 9, Chapter 168, O.S.L. 2003,
6 324.8, as amended by Section 1, Chapter 119, O.S.L.
7 2005, 324.9, as amended by Section 2, Chapter 432,
8 O.S.L. 2004, 324.11a, 324.13, 324.14, 324.18 and
9 Section 2, Chapter 515, O.S.L. 2004 (74 O.S. Supp.
10 2008, Sections 324.7, 324.7a, 324.8, 324.9 and
11 325.1), which relate to the State Fire Marshal;
12 eliminating references to the State Fire Marshal
13 Commission; changing procedure of appointment of
14 State Fire Marshal; modifying duties and powers of
15 State Fire Marshal; modifying membership of certain
16 council; repealing 63 O.S. 2001, Section 931, as
17 amended by Section 1, Chapter 410, O.S.L. 2005 (63
18 O.S. Supp. 2008, Section 931), which relates to the
19 creation of the Board of Medicolegal Investigations;
20 repealing 74 O.S. 2001, Section 150.3, as last
21 amended by Section 7, Chapter 229, O.S.L. 2003 (74
22 O.S. Supp. 2008, Section 150.3), which relates to the
23 State Bureau of Investigation Commission; repealing
24 74 O.S. 2001, Sections 324.1 and 324.2, as amended by
Section 1, Chapter 52, O.S.L. 2005 (74 O.S. Supp.
2008, Section 324.2), which relate to the State Fire
Marshal Commission; providing for codification; and
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-104.2 of Title 63, unless
there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
Control Commission is hereby abolished. All duties and powers of
the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
Commission shall be assumed and be performed by the Director of the

1 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The
2 Director of the Oklahoma State Bureau of Narcotics and Dangerous
3 Drugs Control shall be under the general supervision of the Cabinet
4 Secretary of Safety and Security.

5 B. Any reference in the Oklahoma Statutes to the Oklahoma State
6 Bureau of Narcotics and Dangerous Drugs Control Commission shall be
7 deemed to be a reference to the Director of the Oklahoma State
8 Bureau of Narcotics and Dangerous Drugs Control.

9 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-103, as
10 last amended by Section 1, Chapter 359, O.S.L. 2008 (63 O.S. Supp.
11 2008, Section 2-103), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-104.1, as
2 last amended by Section 4, Chapter 229, O.S.L. 2003 (63 O.S. Supp.
3 2008, Section 2-104.1), is amended to read as follows:

4 Section 2-104.1 ~~A. There is hereby created an Oklahoma State~~
5 ~~Bureau of Narcotics and Dangerous Drugs Control Commission which~~
6 ~~shall consist of seven (7) members, not more than two of whom shall~~
7 ~~be from the same congressional district. However, when~~
8 ~~congressional districts are redrawn, each member appointed prior to~~
9 ~~July 1 of the year in which such modification becomes effective~~
10 ~~shall complete the current term of office and appointments made~~
11 ~~after July 1 of the year in which such modification becomes~~
12 ~~effective shall be based on the redrawn districts. No appointments~~
13 ~~may be made after July 1 of the year in which such modification~~
14 ~~becomes effective if such appointment would result in more than two~~
15 ~~members serving from the same modified district. The members shall~~
16 ~~be appointed by the Governor and confirmed by the Senate and shall~~
17 ~~be removable only for cause, as provided by law for the removal of~~
18 ~~officers not subject to impeachment. The term of office of each~~
19 ~~member shall be seven (7) years. The first appointments shall be~~
20 ~~for the following terms as designated by the Governor: one member~~
21 ~~for a term of one (1) year; one member for a term of two (2) years;~~
22 ~~one member for a term of three (3) years; one member for a term of~~
23 ~~four (4) years; one member for a term of five (5) years; one member~~
24 ~~for a term of six (6) years; and one member for a term of seven (7)~~

1 ~~years. A member may serve more than one term on the Commission.~~
2 ~~Each member shall continue to serve so long as the member is~~
3 ~~qualified until a successor has been appointed and confirmed by the~~
4 ~~Senate. Vacancies occurring during a term shall be filled for the~~
5 ~~unexpired portion of the term by the same procedure used to make the~~
6 ~~regular appointments.~~

7 ~~B. Four of the members shall represent the lay citizenry, one~~
8 ~~member shall be a district attorney while serving in that capacity,~~
9 ~~one member shall be a sheriff while serving in that capacity, and~~
10 ~~one member shall be a chief of police while serving in that~~
11 ~~capacity; provided that the sheriff and police chief members shall~~
12 ~~have successfully completed an approved course of instruction for~~
13 ~~peace officers as required by law.~~

14 ~~C. Annually the Commission shall select one of the Commission~~
15 ~~members to serve as chair and one member to serve as vice chair.~~
16 ~~The Commission shall meet at least quarterly. The chair shall~~
17 ~~preside at all meetings of the Commission and shall have the power~~
18 ~~to call meetings of the Commission. In addition, meetings of the~~
19 ~~Commission may be called by a majority of the members. The vice-~~
20 ~~chair shall perform these functions in the absence or incapacity of~~
21 ~~the chair. A quorum of four members of the Commission shall be~~
22 ~~necessary to conduct any official business. All actions taken by~~
23 ~~the Commission shall be by a simple majority vote of a quorum. In~~
24

1 ~~the event of a tie vote, the measure being voted upon shall be~~
2 ~~deemed to have failed.~~

3 ~~The Commission shall adopt rules of procedure for the orderly~~
4 ~~performance of its functions.~~

5 ~~D. Members of the Commission shall serve without salary but may~~
6 ~~be reimbursed for travel expenses in attending meetings and~~
7 ~~performing their duties in the manner provided for other state~~
8 ~~officers and employees under the State Travel Reimbursement Act. No~~
9 ~~other provisions of law shall be construed as prohibiting public~~
10 ~~officers from also serving as members of the Commission, nor shall~~
11 ~~any other provisions of law be construed as prohibiting public~~
12 ~~officers or public employees from performing services for the~~
13 ~~Commission without compensation. It is further provided that no~~
14 ~~town, city, county, or other subdivision or other agency of state~~
15 ~~government shall be prohibited from receiving a grant or from~~
16 ~~benefiting from grants or expenditures of the Commission for the~~
17 ~~reason that an officer or employee of such town, city, county, or~~
18 ~~other subdivision or agency of state government is a Commission~~
19 ~~member or employee.~~

20 ~~E. The Commission~~ Director, in addition to other duties
21 provided by law, shall have the following powers and duties and
22 responsibilities:
23
24

1 1. ~~To appoint the Director of the Oklahoma State Bureau of~~
2 ~~Narcotics and Dangerous Drugs Control, whose compensation shall be~~
3 ~~determined by the Legislature.~~

4 2. To hear any complaint against the Oklahoma State Bureau of
5 Narcotics and Dangerous Drugs Control or any of its employees
6 according to the following procedure:

7 a. only those complaints which have been submitted in
8 writing and are signed will be acted upon by the
9 ~~Commission.~~ Director,

10 b. all hearings on complaints shall be conducted in
11 executive sessions, and shall not be open to the
12 public.,

13 c. the ~~Commission~~ hearing examiners shall have limited
14 access to pertinent investigative files when
15 investigating a complaint. The Director shall provide
16 a procedure whereby the identification of all persons
17 named in any investigative file except the subject of
18 the complaint and the complaining witness shall not be
19 revealed to the ~~members of the Commission~~ hearing
20 examiners. Any consideration of files shall be in
21 executive session not open to the public. No
22 information or evidence received in connection with
23 the hearings shall be revealed to any person or
24 agency. Any violation hereof shall ~~be grounds for~~

1 ~~removal from the Commission, and shall constitute a~~
2 ~~misdemeanor;~~i

3 ~~3. 2.~~ To ~~make recommendations to the Director of~~ take any
4 needed disciplinary action necessary as a result of an investigation
5 conducted upon a complaint received;

6 ~~4. 3.~~ To establish general procedures with regard to assisting
7 law enforcement officers and district attorneys; and

8 ~~5. 4.~~ To establish a program of training for agents utilizing
9 such courses as the National Police Academy conducted by the Federal
10 Bureau of Investigation.

11 SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-110, as
12 amended by Section 4, Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2008,
13 Section 2-110), is amended to read as follows:

14 Section 2-110. The Director of the Oklahoma State Bureau of
15 Narcotics and Dangerous Drugs Control may employ attorneys, who
16 shall be unclassified employees of the state, or contract with
17 attorneys, as needed. These attorneys may advise the Director,~~the~~
18 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
19 ~~Commission~~ and Bureau personnel on all legal matters and shall
20 appear for and represent the Director,~~the Commission~~ and Bureau
21 personnel in all administrative hearings and all litigation or other
22 proceedings which may arise in the discharge of their duties. At
23 the request of the ~~Oklahoma State Bureau of Narcotics and Dangerous~~
24 ~~Drugs Control Commission~~ Director, such attorney shall assist the

1 district attorney in prosecuting charges of violators of the Uniform
2 Controlled Dangerous Substances Act or any felony relating to or
3 arising from a violation of the Uniform Controlled Dangerous
4 Substances Act. Attorneys for the Bureau who have been certified by
5 the Council on Law Enforcement Education and Training to carry a
6 concealed weapon or have been issued a concealed handgun license
7 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
8 allowed to carry weapons pursuant to paragraph 3 of subsection A of
9 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
10 pursuant to this provision, shall not be considered eligible to
11 participate in the Oklahoma Law Enforcement Retirement System. If a
12 conflict of interest would be created by such attorney representing
13 the Director, ~~the Commission~~ or Bureau personnel, additional counsel
14 may be hired upon approval of the ~~Oklahoma State Bureau of Narcotics~~
15 ~~and Dangerous Drugs Control Commission~~ Cabinet Secretary of Safety
16 and Security.

17 SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-508, as
18 last amended by Section 16, Chapter 168, O.S.L. 2004 (63 O.S. Supp.
19 2008, Section 2-508), is amended to read as follows:

20 Section 2-508. A. Except as otherwise provided, all property
21 described in paragraphs 1 and 2 of subsection A of Section 2-503 of
22 this title which is seized or surrendered pursuant to the provisions
23 of the Uniform Controlled Dangerous Substances Act shall be
24 destroyed. The destruction shall be done by or at the direction of

1 the Oklahoma State Bureau of Investigation, who shall have the
2 discretion prior to destruction to preserve samples of the substance
3 for testing. In any county with a population of four hundred
4 thousand (400,000) or more according to the latest Federal Decennial
5 Census, there shall be a located site, approved by the Oklahoma
6 State Bureau of Investigation, for the destruction of the property.
7 Any such property submitted to the Oklahoma State Bureau of
8 Investigation which it deems to be of use for investigative
9 training, educational, or analytical purposes may be retained by the
10 Oklahoma State Bureau of Investigation in lieu of destruction.

11 B. 1. With respect to controlled dangerous substances seized
12 or surrendered pursuant to the provisions of the Uniform Controlled
13 Dangerous Substances Act, municipal police departments, sheriffs,
14 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
15 ~~Commission~~, the Oklahoma Highway Patrol, and the Oklahoma State
16 Bureau of Investigation shall have the authority to destroy seized
17 controlled dangerous substances when the amount seized in a single
18 incident exceeds ten (10) pounds. The destroying agency shall:

- 19 a. photograph the seized substance with identifying case
20 numbers or other means of identification,
21 b. prepare a report describing the seized substance prior
22 to the destruction,

23

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- 1 c. retain at least one (1) pound of the substance
2 randomly selected from the seized substance for the
3 purpose of evidence, and
- 4 d. obtain and retain samples of the substance from enough
5 containers, bales, bricks, or other units of substance
6 seized to establish the presence of a weight of the
7 substance necessary to establish a violation of the
8 Trafficking in Illegal Drugs Act pursuant to
9 subsection C of Section 2-415 of this title, if such a
10 weight is present. If such weight is not present,
11 samples of the substance from each container, bale,
12 brick or other unit of substance seized shall be
13 taken. Each sample taken pursuant to this section
14 shall be large enough for the destroying agency and
15 the defendant or suspect to have an independent test
16 performed on the substance for purposes of
17 identification.

18 2. If a defendant or suspect is known to the destroying agency,
19 the destroying agency shall give at least seven (7) days' written
20 notice to the defendant, suspect or counsel for the defendant or
21 suspect of:

- 22 a. the date, the time, and the place where the
23 photographing will take place and notice of the right
24 to attend the photographing, and

1 b. the right to obtain samples of the controlled
2 dangerous substance for independent testing and use as
3 evidence.

4 3. The written notice shall also inform the defendant, suspect
5 or counsel for the defendant or suspect that the destroying agency
6 must be notified in writing within seven (7) days from receipt of
7 the notice of the intent of the suspect or defendant to obtain
8 random samples and make arrangements for the taking of samples. The
9 samples for the defendant or suspect must be taken by a person
10 licensed by the Drug Enforcement Administration. If the defendant
11 or counsel for the defendant fails to notify the destroying agency
12 in writing of an intent to obtain samples and fails to make
13 arrangements for the taking of samples, a sample taken pursuant to
14 subparagraph d of paragraph 1 of this subsection shall be made
15 available upon request of the defendant or suspect.

16 The representative samples, the photographs, the reports, and
17 the records made under this section and properly identified shall be
18 admissible in any court or administrative proceeding for any
19 purposes for which the seized substance itself would have been
20 admissible.

21 C. All other property not otherwise provided for in the Uniform
22 Controlled Dangerous Substances Act which has come into the
23 possession of the Oklahoma State Bureau of Narcotics and Dangerous
24 Drugs Control or a district attorney may be disposed of by order of

1 the district court when no longer needed in connection with any
2 litigation. If the owner of the property is unknown to the Bureau
3 or district attorney, the Bureau shall hold the property for at
4 least six (6) months prior to filing a petition for disposal with
5 the district court except for laboratory equipment which may be
6 forfeited when no longer needed in connection with litigation,
7 unless the property is perishable. The Director or district
8 attorney shall file a petition in the district court of Oklahoma
9 County or in the case of a district attorney, the petition shall be
10 filed in a county within the district attorney's jurisdiction
11 requesting the authority to:

12 1. Conduct a sale of the property;

13 2. Convert title of the property to the Oklahoma State Bureau
14 of Narcotics and Dangerous Drugs Control or to the district
15 attorney's office for donation or transfer in accordance with
16 subsection I or K of this section; or

17 3. Convert title of the property to the Oklahoma State Bureau
18 of Narcotics and Dangerous Drugs Control for the purpose of leasing
19 the property in accordance with subsection J of this section.

20 The Director or district attorney shall attach to the petition a
21 list describing the property, including all identifying numbers and
22 marks, if any, the date the property came into the possession of the
23 Bureau or district attorney, and the name and address of the owner,
24 if known. The notice of the hearing of the petition for the sale of

1 the property, except laboratory equipment used in the processing,
2 manufacturing or compounding of controlled dangerous substances in
3 violation of the provisions of the Uniform Controlled Dangerous
4 Substances Act, shall be given to every known owner, as set forth in
5 the petition, by certified mail to the last-known address of the
6 owner at least ten (10) days prior to the date of the hearing.
7 Notice of a hearing on a petition for forfeiture or sale of
8 laboratory equipment used in the processing, manufacturing or
9 compounding of controlled dangerous substances in violation of the
10 Uniform Controlled Dangerous Substances Act shall not be required.
11 The notice shall contain a brief description of the property, and
12 the location and date of the hearing. In addition, notice of the
13 hearing shall be posted in three public places in the county, one
14 such place being the county courthouse at the regular place assigned
15 for the posting of legal notices. At the hearing, if no owner
16 appears and establishes ownership of the property, the court may
17 enter an order authorizing the Director or district attorney to
18 donate the property pursuant to subsection I of this section, to
19 sell the property at a public auction to the highest bidder, or to
20 convert title of the property to the Oklahoma State Bureau of
21 Narcotics and Dangerous Drugs Control for the purpose of leasing or
22 transferring the property pursuant to subsection J or K of this
23 section after at least ten (10) days' notice has been given by
24 publication in one issue of a legal newspaper of the county. If the

1 property is offered for sale at public auction and no bid is
2 received that exceeds fifty percent (50%) of the value of the
3 property, such value to be announced prior to the sale, the Director
4 or district attorney may refuse to sell the item pursuant to any bid
5 received. The Director or district attorney shall make a return of
6 the sale and, when confirmed by the court, the order confirming the
7 sale shall vest in the purchaser title to the property so purchased.
8 The money received from the sale shall be used for the purpose of
9 purchasing controlled dangerous substances to be used as evidence in
10 narcotic cases and fees for informers, or employees and other
11 associated expenses necessary to apprehend and convict violators of
12 the laws of the State of Oklahoma regulating controlled dangerous
13 substances. These funds shall be transferred to the agency special
14 account established pursuant to Section 7.2 of Title 62 of the
15 Oklahoma Statutes or the Bureau of Narcotics Revolving Fund or in
16 the case of a district attorney, the revolving fund in that district
17 for drug education and enforcement. The Director of the Bureau of
18 Narcotics and Dangerous Drugs Control and the Director of State
19 Finance are hereby authorized and directed to promulgate in writing
20 the necessary rules and regulations requiring strict accountability
21 relative to the expenditure of the above funds. In the case of a
22 district attorney, the accountability relative to the expenditure of
23 the fund shall be according to rules already existing for county
24 revolving funds.

1 D. At the request of the Department of Public Safety, the
2 district attorney or a designee of the district attorney may conduct
3 any forfeiture proceedings as described in Section 2-503 of this
4 title on any property subject to forfeiture as described in
5 subsection A, B, or C of Section 2-503 of this title. Except as
6 provided in subsection A of this section, all other property not
7 otherwise provided for in the Uniform Controlled Dangerous
8 Substances Act which has come into the possession of the Oklahoma
9 Department of Public Safety may be disposed of by order of the
10 district court when no longer needed in connection with any
11 litigation. If the owner of the property is unknown to the
12 Department, the Department shall hold the property for at least six
13 (6) months prior to filing a petition for disposal with the district
14 court, unless the property is perishable. The Commissioner of
15 Public Safety shall file a petition in the district court of
16 Oklahoma County requesting the authority to conduct a sale of the
17 property or to convert title of the property to the Oklahoma
18 Department of Public Safety. The Commissioner of Public Safety
19 shall attach to the petition a list describing the property,
20 including all identifying numbers and marks, if any, the date the
21 property came into the possession of the Department, and the name
22 and address of the owner, if known. The notice of the hearing of
23 the petition for the sale of the property shall be given to every
24 known owner, as set forth in the petition, by certified mail to the

1 last-known address of the owner and party in last possession if
2 applicable, at least ten (10) days prior to the date of the hearing.
3 The notice shall contain a brief description of the property, and
4 the location and date of the hearing. In addition, notice of the
5 hearing shall be posted in three public places in the county, one
6 such place being the county courthouse at the regular place assigned
7 for the posting of legal notices. At the hearing, if no owner
8 appears and establishes ownership of the property, the court may
9 enter an order authorizing the Commissioner of Public Safety to
10 donate the property pursuant to subsection I of this section, to
11 sell the property to the highest bidder, or convert title of the
12 property to the Oklahoma Department of Public Safety for the purpose
13 of leasing or transferring the property pursuant to subsection J or
14 K of this section after at least five (5) days' notice has been
15 given by publication in one issue of a legal newspaper of the
16 county. The Commissioner of Public Safety shall make a return of
17 the sale and, when confirmed by the court, the order confirming the
18 sale shall vest in the purchaser title to the property so purchased.
19 The money received from the sale shall be deposited in the
20 Department of Public Safety Revolving Fund and shall be expended for
21 law enforcement purposes.

22 E. Except as provided in subsection A of this section, all
23 other property not otherwise provided for in the Uniform Controlled
24 Dangerous Substances Act which has come into the possession of the

1 Alcoholic Beverage Laws Enforcement Commission may be disposed of by
2 order of the district court when no longer needed in connection with
3 any litigation. If the owner of the property is unknown to the
4 Alcoholic Beverage Laws Enforcement Commission, the Commission shall
5 hold the property for at least six (6) months prior to filing a
6 petition for disposal with the district court, unless the property
7 is perishable. The Director of the Alcoholic Beverage Laws
8 Enforcement Commission shall file a petition in the district court
9 of Oklahoma County requesting the authority to conduct a sale of the
10 property or to convert title of the property to the Alcoholic
11 Beverage Laws Enforcement Commission. The Director of the Alcoholic
12 Beverage Laws Enforcement Commission shall attach to the petition a
13 list describing the property, including all identifying numbers and
14 marks, if any, the date the property came into the possession of the
15 Alcoholic Beverage Laws Enforcement Commission, and the name and
16 address of the owner, if known. The notice of the hearing of the
17 petition for the sale of the property shall be given to every known
18 owner, as set forth in the petition, by certified mail to the
19 last-known address of the owner at least ten (10) days prior to the
20 date of the hearing. The notice shall contain a brief description
21 of the property, and the location and date of the hearing. In
22 addition, notice of the hearing shall be posted in three public
23 places in the county, one such place being the county courthouse at
24 the regular place assigned for the posting of legal notices. At the

1 hearing, if no owner appears and establishes ownership of the
2 property, the court may enter an order authorizing the Director of
3 the Alcoholic Beverage Laws Enforcement Commission to donate the
4 property pursuant to subsection I of this section or to sell the
5 property to the highest bidder after at least five (5) days' notice
6 has been given by publication in one issue of a legal newspaper of
7 the county. The Director of the Alcoholic Beverage Laws Enforcement
8 Commission shall make a return of the sale and, when confirmed by
9 the court, the order confirming the sale shall vest in the purchaser
10 title to the property so purchased. The money received from the
11 sale shall be deposited in the General Revenue Fund of the state.

12 F. Except as provided in subsection A of this section, all
13 other property not otherwise provided for in the Uniform Controlled
14 Dangerous Substances Act which has come into the possession of the
15 Oklahoma State Bureau of Investigation may be disposed of by order
16 of the district court when no longer needed in connection with any
17 litigation. If the owner of the property is unknown to the Bureau,
18 the Bureau shall hold the property for at least six (6) months prior
19 to filing a petition for disposal with the district court, unless
20 the property is perishable. The Director of the Oklahoma State
21 Bureau of Investigation shall file a petition in the district court
22 of Oklahoma County requesting the authority to conduct a sale of the
23 property or to convert title of the property to the Oklahoma State
24 Bureau of Investigation. The Director of the Oklahoma State Bureau

1 of Investigation shall attach to the petition a list describing the
2 property, including all identifying numbers and marks, if any, the
3 date the property came into the possession of the Bureau, and the
4 name and address of the owner, if known. The notice of the hearing
5 of the petition for the sale of the property shall be given to every
6 known owner, as set forth in the petition, by certified mail to the
7 last-known address of the owner and party in last possession if
8 applicable, at least ten (10) days prior to the date of the hearing.
9 The notice shall contain a brief description of the property, and
10 the location and date of the hearing. In addition, notice of the
11 hearing shall be posted in three public places in the county, one
12 such place being the county courthouse at the regular place assigned
13 for the posting of legal notices. At the hearing, if no owner
14 appears and establishes ownership of the property, the court may
15 enter an order authorizing the Director of the Oklahoma State Bureau
16 of Investigation to donate the property pursuant to subsection I of
17 this section, to sell the property to the highest bidder, or convert
18 title of the property to the Oklahoma State Bureau of Investigation
19 for the purpose of leasing or transferring the property pursuant to
20 subsection J or K of this section after at least five (5) days'
21 notice has been given by publication in one issue of a legal
22 newspaper of the county. The Director of the Oklahoma State Bureau
23 of Investigation shall make a return of the sale and, when confirmed
24 by the court, the order confirming the sale shall vest in the

1 purchaser title to the property so purchased. The money received
2 from the sale shall be deposited in the OSBI Revolving Fund and
3 shall be expended for law enforcement purposes.

4 G. Except as provided in subsection A of this section, all
5 other property not otherwise provided for in the Uniform Controlled
6 Dangerous Substances Act which has come into the possession of the
7 Oklahoma Department of Corrections after being seized from persons
8 not in the custody or supervision of the Department of Corrections
9 may be disposed of by order of the district court when no longer
10 needed in connection with any litigation. If the owner of the
11 property is unknown to the Department, the Department shall hold the
12 property for at least six (6) months prior to filing a petition for
13 disposal with the district court, unless the property is perishable.
14 The Director of the Oklahoma Department of Corrections shall file a
15 petition in the district court of the county of seizure requesting
16 the authority to conduct a sale of the property or to convert title
17 to the property to the Oklahoma Department of Corrections. The
18 Director of the Oklahoma Department of Corrections shall attach to
19 the petition a list describing the property, including all
20 identifying numbers and marks, if any, the date the property came
21 into possession of the Department and the name and address of the
22 owner, if known. The notice of the hearing of the petition for the
23 sale of the property shall be given to every known owner, as set
24 forth in the petition, by certified mail to the last-known address

1 of the owner and party in last possession if applicable, at least
2 ten (10) days prior to the date of the hearing. The notice shall
3 contain a brief description of the property and the location and
4 date of the hearing. In addition, notice of the hearing shall be
5 posted in three public places in the county, one such place being
6 the county courthouse at the regular place assigned for the posting
7 of legal notices. At the hearing, if no owner appears and
8 establishes ownership of the property, the court may enter an order
9 authorizing the Director of the Oklahoma Department of Corrections
10 to donate the property pursuant to subsection I of this section, to
11 sell the property to the highest bidder or convert title of the
12 property to the Oklahoma Department of Corrections after at least
13 five (5) days' notice has been given by publication in one issue of
14 a legal newspaper of the county. The Director of the Oklahoma
15 Department of Corrections shall make a return of the sale and when
16 confirmed by the court, the order confirming the sale shall vest in
17 the purchaser title to the property so purchased. Twenty-five
18 percent (25%) of the money received from the sale shall be disbursed
19 to a revolving fund in the office of the county treasurer of the
20 county wherein the property was seized, said fund to be used as a
21 revolving fund solely for enforcement of controlled dangerous
22 substances laws, drug abuse prevention and drug abuse education.
23 The remaining seventy-five percent (75%) shall be deposited in the
24 Department of Corrections Revolving Fund to be expended for

1 equipment for probation and parole officers and correctional
2 officers.

3 H. Except as provided in subsection A of this section, all
4 other property not otherwise provided for in the Uniform Controlled
5 Dangerous Substances Act which has come into the possession of the
6 Office of the Attorney General may be disposed of by order of the
7 district court when no longer needed in connection with any
8 litigation. If the owner of the property is unknown to the Office,
9 the Office shall hold the property for at least six (6) months prior
10 to filing a petition for disposal with the district court, unless
11 the property is perishable. The Office of the Attorney General
12 shall file a petition in the district court of Oklahoma County
13 requesting the authority to conduct a sale of the property or to
14 convert title of the property to the Office of the Attorney General.
15 The Office of the Attorney General shall attach to the petition a
16 list describing the property, including all identifying numbers and
17 marks, if any, the date the property came into the possession of the
18 Office, and the name and address of the owner, if known. The notice
19 of the hearing of the petition for the sale of the property shall be
20 given to every known owner, as set forth in the petition, by
21 certified mail to the last-known address of the owner and party in
22 last possession, if applicable, at least ten (10) days prior to the
23 date of the hearing. The notice shall contain a brief description
24 of the property and the location and date of the hearing. In

1 addition, notice of the hearing shall be posted in three public
2 places in the county, one such place being the county courthouse at
3 the regular place assigned for the posting of legal notices. At the
4 hearing, if no owner appears and establishes ownership of the
5 property, the court may enter an order authorizing the Attorney
6 General to donate the property pursuant to subsection I of this
7 section, to sell the property to the highest bidder, or convert
8 title of the property to the Office of the Attorney General for the
9 purpose of leasing or transferring the property pursuant to
10 subsection J or K of this section after at least five (5) days'
11 notice has been given by publication in one issue of a legal
12 newspaper of the county. The Attorney General shall make a return
13 of the sale and, when confirmed by the court, the order confirming
14 the sale shall vest in the purchaser title to the property so
15 purchased. The money received from the sale shall be deposited in
16 the Attorney General Law Enforcement Revolving Fund and shall be
17 expended for law enforcement purposes. The Office of the Attorney
18 General may enter into agreements with municipal, county or state
19 agencies to return to such an agency a percentage of proceeds of the
20 sale of any property seized by the agency and forfeited under the
21 provisions of this section.

22 I. Any property, including but not limited to uncontaminated
23 laboratory equipment used in the processing, manufacturing or
24 compounding of controlled dangerous substances in violation of the

1 provisions of the Uniform Controlled Dangerous Substances Act, upon
2 a court order, may be donated for classroom or laboratory use by the
3 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
4 Oklahoma Department of Public Safety, district attorney, the
5 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma
6 Department of Corrections, or the Office of the Attorney General to
7 any public secondary school or technology center school in this
8 state or any institution of higher education within The Oklahoma
9 State System of Higher Education.

10 J. Any vehicle or firearm which has come into the possession
11 and title vested in the Oklahoma State Bureau of Narcotics and
12 Dangerous Drugs Control, the Oklahoma Department of Public Safety,
13 the Oklahoma State Bureau of Investigation, or the Office of the
14 Attorney General, may be offered for lease to any sheriff's office
15 or police department in this state on an annual basis to assist with
16 the enforcement of the provisions of the Uniform Controlled
17 Dangerous Substances Act. Each agency shall promulgate rules,
18 regulations and procedures for leasing vehicles and firearms. No
19 fully automatic weapons will be subject to the leasing agreement.
20 All firearms leased may be utilized only by C.L.E.E.T. certified
21 officers who have received training in the type and class of weapon
22 leased. Every lessee shall be required to submit an annual report
23 to the leasing agency stating the condition of all leased property.
24 A lease agreement may be renewed annually at the option of the

1 leasing agency. Upon termination of a lease agreement, the property
2 shall be returned to the leasing agency for sale or other
3 disposition. All funds derived from lease agreements or other
4 disposition of property no longer useful to law enforcement shall be
5 deposited in the agency's revolving fund and shall be expended for
6 law enforcement purposes.

7 K. Before disposing of any property pursuant to subsections C
8 through F of this section, the Oklahoma State Bureau of Narcotics
9 and Dangerous Drugs Control, the Department of Public Safety, the
10 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State
11 Bureau of Investigation, the Office of the Attorney General, or a
12 district attorney shall notify the Department of Corrections and the
13 Oklahoma Department of Career and Technology Education of the
14 identity of any such property in their possession. The Department
15 of Corrections and the Oklahoma Department of Career and Technology
16 Education must respond within ten (10) days of such notification, as
17 to whether or not such property could be used in the operations or
18 training programs of either agency. Upon receipt of the response,
19 the agency or district attorney that issued the notification shall
20 negotiate as to which agency will be entitled to the use of the
21 property, the purpose of the use and the duration of such use. Upon
22 return of the property, the property may be disposed of as otherwise
23 provided in this section. The agencies and any district attorney
24 that are parties to any transfer of property pursuant to this

1 subsection shall enter into written agreements to carry out any such
2 transfer of property. Any such agreement may also provide for the
3 granting of title to any property being transferred as the parties
4 deem appropriate.

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 931a of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The Board of Medicolegal Investigations is hereby abolished.
9 All duties and powers of the Board of Medicolegal Investigations
10 shall be assumed and be performed by the Chief Medical Examiner.
11 The Chief Medical Examiner shall be under the general supervision of
12 the Cabinet Secretary of Safety and Security.

13 B. Any reference in the Oklahoma Statutes to the Board of
14 Medicolegal Investigations shall be deemed to be a reference to the
15 Chief Medical Examiner.

16 SECTION 7. AMENDATORY 63 O.S. 2001, Section 932, is
17 amended to read as follows:

18 Section 932. The ~~Board~~ Cabinet Secretary of Safety and Security
19 is hereby authorized to promulgate rules and regulations necessary
20 or appropriate to carry out effectively the provisions of this act.
21 Such rules and regulations shall be filed with the Secretary of
22 State and shall not be effective until ten (10) days after the date
23 of filing. The ~~Board~~ Cabinet Secretary of Safety and Security
24 shall, on the date of filing, send a copy of the rules and

1 regulations by the United States mail to the state regulatory board
2 the licensees of which are affected thereby.

3 SECTION 8. AMENDATORY 63 O.S. 2001, Section 933, is
4 amended to read as follows:

5 Section 933. The Office of the Chief Medical Examiner of the
6 State of Oklahoma is hereby established to be operated under the
7 control and supervision of the ~~Board~~ Cabinet Secretary of Safety and
8 Security. The Office shall be directed by the Chief Medical
9 Examiner, and the Chief Medical Examiner may employ such other staff
10 members as the ~~Board~~ Cabinet Secretary of Safety and Security shall
11 specify.

12 SECTION 9. AMENDATORY 63 O.S. 2001, Section 934, is
13 amended to read as follows:

14 Section 934. The ~~Board of Medicolegal Investigations~~ Cabinet
15 Secretary of Safety and Security shall appoint a Chief Medical
16 Examiner who shall be a physician licensed to practice in Oklahoma
17 and a diplomate of the American Board of Pathology or the American
18 Osteopathic Board of Pathology in forensic pathology. The Chief
19 Medical Examiner shall serve at the pleasure of the ~~Board~~ Cabinet
20 Secretary of Safety and Security. In addition to the duties
21 prescribed by law, the Chief Medical Examiner may teach in any
22 medical school in this state and conduct special classes for law
23 enforcement officers.

24

1 SECTION 10. AMENDATORY 63 O.S. 2001, Section 935, as
2 last amended by Section 5, Chapter 269, O.S.L. 2008 (63 O.S. Supp.
3 2008, Section 935), is amended to read as follows:

4 Section 935. The Chief Medical Examiner shall be directly
5 responsible to the ~~Board~~ Cabinet Secretary of Safety and Security
6 for the performance of the duties provided for in this act and for
7 the administration of the ~~office~~ Office of the Chief Medical
8 Examiner. The Chief Medical Examiner may, however, delegate
9 specific duties to competent and qualified deputies who may act for
10 the Chief Medical Examiner within the scope of the express authority
11 granted by the Chief Medical Examiner, subject, however, to such
12 rules as the ~~Board~~ Cabinet Secretary of Safety and Security may
13 prescribe.

14 SECTION 11. AMENDATORY 63 O.S. 2001, Section 936, is
15 amended to read as follows:

16 Section 936. The ~~Board~~ Cabinet Secretary of Safety and Security
17 shall provide for a central office for the Chief Medical Examiner
18 and shall see that there is maintained a laboratory suitably
19 equipped with facilities for performance of the duties imposed by
20 this act.

21 SECTION 12. AMENDATORY 63 O.S. 2001, Section 937, is
22 amended to read as follows:

23 Section 937. The Chief Medical Examiner shall appoint medical
24 examiners for each county of the state. Each medical examiner so

1 appointed shall be a Doctor of Medicine or Osteopathy and Surgery,
2 shall hold a valid license to practice his or her profession in
3 Oklahoma, and shall hold office at the pleasure of the ~~Board~~ Cabinet
4 Secretary of Safety and Security. In the event there is no
5 qualified person in the county or no person willing to serve as a
6 medical examiner, or in the event the medical examiner is absent
7 from the county in which he or she serves, or is ill or disqualified
8 by personal interest, the Chief Medical Examiner may in his or her
9 discretion appoint as a medical examiner for such county a qualified
10 person from another county, or may direct a medical examiner from
11 another county to perform the duties of a medical examiner in both
12 counties. Nothing in this section or act shall prohibit or restrict
13 the Chief Medical Examiner from appointing a medical examiner and
14 directing him or her to cross a county line. A medical examiner
15 shall not be precluded from holding other public offices created by
16 the laws of the state.

17 SECTION 13. AMENDATORY 63 O.S. 2001, Section 941a, is
18 amended to read as follows:

19 Section 941a. Within three (3) hours after the death of any
20 person who is at the time of death attended by a licensed medical or
21 osteopathic physician, the body of the deceased shall be released,
22 upon demand, to the person legally entitled to the custody thereof,
23 or his or her representative, unless:
24

1 1. A release is signed by the person legally entitled to the
2 custody of the body; or

3 2. The attending physician has notified the Chief Medical
4 Examiner of the State of Oklahoma, or ~~his~~ designee, of the need for
5 further investigation into the cause of death, or has notified the
6 appropriate district attorney of such need; or

7 3. The laws of this state or the regulations of the ~~Board of~~
8 Medicolegal Investigations Office of the Chief Medical Examiner
9 require additional information or examination that cannot be
10 obtained or completed within the above period of time.

11 SECTION 14. AMENDATORY 63 O.S. 2001, Section 947, is
12 amended to read as follows:

13 Section 947. A. The certification of death of any person whose
14 death is investigated under this act shall be made by the Chief
15 Medical Examiner, his designee, or the medical examiner who
16 conducted the investigation, upon a medical examiner death
17 certificate provided by the State Registrar of Vital Statistics.
18 Such death certificates shall be valid only when signed by a duly
19 appointed medical examiner, the Chief Medical Examiner, or his
20 designee. Copies of all such certificates shall be forwarded
21 immediately upon receipt by the State Registrar of Vital Statistics
22 to the Office of the Chief Medical Examiner.

23 B. Any certification of death by an attending physician may be
24 referred by the State Registrar of Vital Statistics to the Chief

1 Medical Examiner for investigation and the amending of the original
2 certificate of death by the filing of a medical examiner death
3 certificate by the medical examiner or Chief Medical Examiner when
4 the death is determined by the Chief Medical Examiner to be one
5 properly requiring investigation under Section 938 of this title.

6 C. Medical examiner death certificates will not be required in
7 cases investigated solely for the purpose of issuing a permit for
8 transport of a body out of state.

9 D. ~~The Board of Medicolegal Investigations~~ Office of the Chief
10 Medical Examiner shall not charge a fee for out-of-state shipment of
11 human remains whenever the Office ~~of the Chief Medical Examiner~~ has
12 not been required to conduct an investigation of the death.

13 SECTION 15. AMENDATORY 63 O.S. 2001, Section 948, as
14 amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2008,
15 Section 948), is amended to read as follows:

16 Section 948. A. For each investigation or partial
17 investigation in which the medical examiner is relieved by the Chief
18 Medical Examiner or a designee, the medical examiner shall receive
19 compensation for such services as provided in the rules approved and
20 promulgated by the ~~Board of Medicolegal Investigations~~ Cabinet
21 Secretary of Safety and Security, from funds appropriated to the
22 ~~Board of Medicolegal Investigations~~ Office of the Chief Medical
23 Examiner. Where, in the opinion of the Chief Medical Examiner, it
24 is necessary to designate a consultant pathologist to perform an

1 autopsy, such pathologist shall be entitled to a reasonable fee.
2 Such fees shall be payable from funds appropriated to the ~~Board of~~
3 ~~Medicolegal Investigations~~ Office of the Chief Medical Examiner.

4 B. The Office of the Chief Medical Examiner (OCME) shall store
5 biological specimens in the control of the OCME for the potential
6 purpose of independent analyses in matters of civil law, only upon
7 receipt of a written request for such storage and payment of a
8 storage fee. The fee shall be paid by the person requesting storage
9 to the Office of the Chief Medical Examiner. The ~~Board~~ Cabinet
10 Secretary of Safety and Security shall promulgate rules establishing
11 a fee for storage of such biological specimens which shall not
12 exceed One Hundred Dollars (\$100.00) per year. All fees collected
13 pursuant to the provisions of this subsection shall be deposited to
14 the credit of the Office of the Chief Medical Examiner Toxicology
15 Laboratory Revolving Fund.

16 C. 1. The Office of the Chief Medical Examiner (OCME) is
17 authorized to perform drug screens on specimens in the custody of
18 the OCME, provided the request is made by an agency or party
19 authorized to receive such information. The OCME may limit drug
20 screens within the technical and physical capabilities of the OCME.

21 2. The authorization for drug screens shall apply only to
22 specimens from cases already within the jurisdiction of the OCME and
23 only when the analyses are deemed by the Chief Medical Examiner or
24

1 Deputy Chief Medical Examiner not to conflict with any investigation
2 of the case by the state.

3 3. The ~~Board of Medicolegal Investigations~~ Cabinet Secretary of
4 Safety and Security shall establish a fee for drug screen services
5 by rule. All fees collected pursuant to the provisions of this
6 subsection shall be deposited to the Chief Medical Examiner
7 Toxicology Laboratory Revolving Fund.

8 SECTION 16 AMENDATORY Section 2, Chapter 559, O.S.L.
9 2004 (63 O.S. Supp. 2008, Section 948.1), is amended to read as
10 follows:

11 Section 948.1 A. The ~~Board of Medicolegal Investigations~~
12 Cabinet Secretary of Safety and Security may establish a fee
13 schedule for forensic services, permits and reports rendered to
14 members of the public and other agencies.

15 1. No fee schedule may be established or amended by the ~~Board~~
16 Cabinet Secretary of Safety and Security except during a regular
17 legislative session. The ~~Board~~ Cabinet Secretary of Safety and
18 Security shall comply with the Administrative Procedures Act for
19 adoption of rules and establishing or amending any such fee
20 schedule.

21 2. Except as otherwise specified in this section, the ~~Board~~
22 Cabinet Secretary of Safety and Security shall charge fees only
23 within the following ranges:
24

- 1 a. permit for cremations that occur within the state:
2 One Hundred Dollars (\$100.00) to Two Hundred Dollars
3 (\$200.00),
- 4 b. forensic science service: One Hundred Dollars
5 (\$100.00) to Three Thousand Dollars (\$3,000.00),
- 6 c. report copies: Ten Dollars (\$10.00) for report of
7 investigation, including toxicology, and Twenty
8 Dollars (\$20.00) for an autopsy report, including
9 toxicology,
- 10 d. x-rays: Fifteen Dollars (\$15.00) each,
- 11 e. microscopic slides, Hematoxilyn and Eosin (H&E): Ten
12 Dollars (\$10.00) each,
- 13 f. special stains: Fifteen Dollars (\$15.00) each, and
- 14 g. photographs: Twenty-five Dollars (\$25.00) per
15 computer diskette (CD).

16 B. The ~~Board~~ Cabinet Secretary of Safety and Security shall
17 base the fee schedule for forensic science services, permits and
18 reports upon reasonable costs of review, investigation and forensic
19 science service delivery; provided, however, the fee schedule shall
20 be within the ranges specified in subsection A of this section. The
21 ~~Board~~ Office of the Chief Medical Examiner shall continue a system
22 of basic and continuing educational service and training for all
23 personnel who render forensic science services in order to ensure
24 uniform statewide application of the rules of the ~~Board~~ Office. The

1 ~~Board~~ Cabinet Secretary of Safety and Security shall consider the
2 reasonable costs associated with such training and continuing
3 education in setting the forensic science service fees.

4 C. The ~~Board~~ Cabinet Secretary of Safety and Security may
5 exempt by rule any agency or class of individuals from the
6 requirements of the fee schedule if the ~~Board~~ Cabinet Secretary of
7 Safety and Security determines that the fees would cause an
8 unreasonable economic hardship or would otherwise hinder or conflict
9 with an agency's responsibilities.

10 D. All statutory fees currently in effect for permits or
11 forensic science services administered by the Chief Medical Examiner
12 ~~and the Board of Medicolegal Investigations~~ within the jurisdiction
13 of the Office of the Chief Medical Examiner shall remain in effect
14 until such time as the ~~Board~~ Cabinet Secretary of Safety and
15 Security acts to implement new schedules pursuant to the provisions
16 of this act.

17 SECTION 17. AMENDATORY 63 O.S. 2001, Section 949, as
18 amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2008,
19 Section 949), is amended to read as follows:

20 Section 949.

21 A. 1. a. The Office of the Chief Medical Examiner shall keep
22 full and complete records, properly indexed, giving
23 the name, if known, of every person whose death is
24 investigated, the place where the body was found, the

1 date, cause, and manner of death and all other
2 relevant information concerning the death. The full
3 report and detailed findings of the autopsy, if any,
4 shall be a part of the record in each case.

5 b. The Chief Medical Examiner shall track and forward,
6 within seventy-two (72) hours after the examination,
7 demographic information on sudden, unexpected and
8 nontraumatic infant deaths including, but not limited
9 to, Sudden Infant Death Syndrome (SIDS), to the
10 Oklahoma SIDS Coordinator at the State Department of
11 Health and the SIDS Foundation of Oklahoma. As used
12 in this subparagraph, "Sudden Infant Death Syndrome
13 (SIDS)" means the sudden, unexpected death of an
14 apparently healthy infant less than one (1) year of
15 age which remains unexplained following a complete
16 medicolegal analysis and death scene investigation.
17 The Chief Medical Examiner shall follow up with
18 further notification upon final determination of a
19 cause of death. Such notification shall be for
20 statistical reporting purposes only.

21 2. The office shall promptly deliver to each district attorney
22 having jurisdiction of the case, copies of all records relating to a
23 death for which further investigation may be advisable. Any
24 district attorney or other law enforcement official may, upon

1 request, obtain copies of such records or other information deemed
2 necessary to the performance of such district attorney's or other
3 law enforcement official's official duties.

4 B. No report, findings, testimony, or other information of a
5 medical examiner shall be admitted in evidence in any civil action
6 in any court in this state, except under the following
7 circumstances:

8 1. Certified copies of reports pertaining to the factual
9 determinations of views and examination of or autopsies upon the
10 bodies of deceased persons by the Chief Medical Examiner, a medical
11 examiner, consultant pathologist, or anyone under their supervision
12 or control may be admitted in evidence in any civil case in a court
13 of competent jurisdiction in this state by stipulation of all
14 parties in the case;

15 2. If a party refuses to stipulate to admission, the reports
16 may be requested by any party seeking to admit the records as
17 evidence. The request shall be made to the Office of the Chief
18 Medical Examiner, who shall furnish same;

19 3. The party seeking admission of the reports shall then serve
20 interrogatories concerning the facts to be answered under oath by
21 the person preparing the records. The interrogatories and answers
22 thereto shall be subject to the rules of evidence and may be
23 admissible in evidence in any civil case in a court of competent
24 jurisdiction. Objections to the interrogatories shall be made by

1 any party in accordance with law just as if the interrogatories had
2 been served on the objecting party. Cross interrogatories shall be
3 submitted and shall be answered and admitted in evidence in the same
4 manner as interrogatories;

5 4. The taking of depositions shall then be allowed pursuant to
6 the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;
7 provided, however, depositions shall take place at the Office of the
8 Chief Medical Examiner, a medical examiner, consultant pathologist,
9 or anyone under their supervision or control whose testimony is
10 sought, unless all parties, including the medical examiner, agree
11 the deposition can be taken elsewhere;

12 5. No other testimony of the Chief Medical Examiner, a medical
13 examiner, consultant pathologist, or anyone under their supervision
14 and control shall be admitted in evidence in any civil action in any
15 court of this state, unless timely application is made to the court
16 by an interested party or litigant and timely notice of the
17 application is given to the medical examiner. After a hearing, the
18 court, for good cause shown, may order the appearance of the Chief
19 Medical Examiner, a medical examiner, consultant pathologist, or
20 anyone under their supervision and control for the purpose of
21 testifying and may order that a subpoena be issued for that
22 appearance; provided, however, that such order by the court shall be
23 the exception and not the rule; and

24

1 6. The cost of the records or certified copies thereof shall be
2 paid by the party requesting same. The reasonable fee charged by
3 the Chief Medical Examiner, a medical examiner, consultant
4 pathologist, or anyone under their supervision and control for
5 answering interrogatories or cross interrogatories, submitting to
6 depositions, or providing testimony shall be paid by the party
7 submitting same. This fee shall be in place of any other witness
8 fee allowed by law.

9 C. Certified copies of reports and findings, exclusive of
10 hearsay evidence, may be admitted in evidence in preliminary
11 hearings and criminal trials by stipulation.

12 D. Certified copies of reports of investigations by a medical
13 examiner, laboratory reports and/or autopsy reports may be furnished
14 to the next of kin or others having need for them upon written
15 statement and payment of a reasonable fee set by the ~~Board of~~
16 ~~Medicolegal Investigations~~ Cabinet Secretary of Safety and Security.

17 E. 1. In a case in which possible SIDS is determined as the
18 cause of death of an infant less than one (1) year of age, the
19 medical examiner shall explain to the newly bereaved family that
20 support services are available and can be rendered more efficiently
21 if the family signs a waiver to allow release of confidential
22 information. The medical examiner shall provide such waiver to the
23 family for signatures.

24

1 2. The medical examiner shall document receipt of the signed
2 waiver form and shall forward such documentation to the State
3 Department of Health and the SIDS Foundation of Oklahoma, along with
4 information related to the possible SIDS death including, but not
5 limited to, the infant's name, date of birth, date of death, race,
6 parents' names, address and phone number.

7 3. As used in this subsection, "possible SIDS" means the sudden
8 unexpected, nontraumatic death of an apparently healthy infant less
9 than one (1) year of age.

10 SECTION 18. AMENDATORY 63 O.S. 2001, Section 950, is
11 amended to read as follows:

12 Section 950. In the event it is necessary or advisable to
13 perform an autopsy under the provisions of this act in some place
14 other than the laboratories of the Chief Medical Examiner, said
15 examiner may authorize payment of a reasonable fee for the use of an
16 appropriate place for the performing of an autopsy, which payment
17 shall be made upon a claim and submitted to the ~~Board of Medicolegal~~
18 ~~Investigations~~ Office of the Chief Medical Examiner.

19 SECTION 19. AMENDATORY 63 O.S. 2001, Section 951, is
20 amended to read as follows:

21 Section 951. The Chief Medical Examiner, ~~his~~ a designee, or a
22 medical examiner shall be authorized to transport bodies of deceased
23 persons of whose death he or she is officially informed to an
24 appropriate place for autopsy or for the performance of scientific

1 tests; provided that, after said autopsy shall have been performed
2 or such tests made, the bodies of such deceased persons shall be
3 returned to the county from which they were brought, or, when so
4 authorized by the district attorney of said county and upon request
5 of the nearest relative of the deceased or other person who may be
6 responsible for burial, the body may be transported to some place
7 other than said county. The Chief Medical Examiner or ~~his~~ designee
8 may authorize payment for the services in transporting the body to
9 the place designated for autopsy, which shall be submitted upon a
10 claim filed with the ~~Board of Medicolegal Investigations~~ Office of
11 the Chief Medical Examiner.

12 SECTION 20. AMENDATORY 63 O.S. 2001, Section 954, is
13 amended to read as follows:

14 Section 954. A. The ~~Board of Medicolegal Investigations~~ Office
15 of the Chief Medical Examiner is authorized to accept grants, gifts,
16 fees or funds from persons, associations, corporations, or
17 foundations for any purpose authorized by the ~~Board~~ Cabinet
18 Secretary of Safety and Security.

19 B. There is hereby created in the State Treasury a revolving
20 fund for the Office of the Chief Medical Examiner to be designated
21 the "Chief Medical Examiner Revolving Fund". The fund shall be a
22 continuing fund, not subject to fiscal year limitations, and shall
23 consist of all ~~moneys~~ monies received from:

24

- 1 1. Laboratory analysis fees pursuant to the provisions of
- 2 Section 1313.2 of Title 20 of the Oklahoma Statutes;
- 3 2. Grants, gifts, fees or funds from persons, associations,
- 4 corporations or foundations pursuant to this section;
- 5 3. Document fees pursuant to the Oklahoma Open Records Act,
- 6 ~~Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes;~~ and
- 7 4. Cremation, burial at sea or other recognized means of
- 8 dissolution permit fees pursuant to Section 1-329.1 of this title.

9 All monies accruing to the credit of said fund are hereby
10 appropriated and may be budgeted and expended by the Office of the
11 Chief Medical Examiner for the duties imposed upon the ~~Board of~~
12 ~~Medicolegal Investigations~~ Office of the Chief Medical Examiner by
13 law. Expenditures from said fund shall be made upon warrants issued
14 by the State Treasurer against claims filed as prescribed by law
15 with the Director of State Finance for approval and payment.

16 SECTION 21. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 150.4a of Title 74, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Oklahoma State Bureau of Investigation Commission is
20 hereby abolished. All duties and powers of the Oklahoma State
21 Bureau of Investigation Commission shall be assumed and be performed
22 by the Director of the Oklahoma State Bureau of Investigation. The
23 Director of the Oklahoma State Bureau of Investigation shall be

24

1 under the general supervision of the Cabinet Secretary of Safety and
2 Security.

3 B. Any reference in the Oklahoma Statutes to the Oklahoma State
4 Bureau of Investigation Commission shall be deemed to be a reference
5 to the Director of the Oklahoma State Bureau of Investigation.

6 SECTION 22. AMENDATORY 74 O.S. 2001, Section 150.2, as
7 last amended by Section 1, Chapter 303, O.S.L. 2006 (74 O.S. Supp.
8 2008, Section 150.2), is amended to read as follows:

9 Section 150.2 The Oklahoma State Bureau of Investigation shall
10 have the power and duty to:

11 1. Maintain a nationally accredited scientific laboratory to
12 assist all law enforcement agencies in the discovery and detection
13 of criminal activity;

14 2. Maintain fingerprint and other identification files
15 including criminal history records, juvenile identification files,
16 and DNA profiles;

17 3. Establish, coordinate and maintain the automated
18 fingerprinting identification system (AFIS) and the deoxyribonucleic
19 acid (DNA) laboratory;

20 4. Operate teletype, mobile and fixed radio or other
21 communications systems;

22 5. Conduct schools and training programs for the agents, peace
23 officers, and technicians of this state charged with the enforcement
24 of law and order and the investigation and detection of crime;

1 6. Assist the Director of the Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,
3 and all law enforcement officers and district attorneys when such
4 assistance is requested, ~~in accordance with the policy determined by~~
5 ~~the Oklahoma State Bureau of Investigation Commission established in~~
6 ~~Section 150.3 of this title;~~

7 7. Investigate and detect criminal activity when directed to do
8 so by the Governor;

9 8. Investigate, detect, institute and maintain actions
10 involving vehicle theft pursuant to Section 150.7a of this title or
11 oil, gas or oil field equipment theft pursuant to Sections 152.2
12 through 152.9 of this title;

13 9. Investigate any criminal threat made to the physical safety
14 of elected or appointed officials of this state or any political
15 subdivision of the state and forward the results of that
16 investigation to the Department of Public Safety, and provide
17 security to foreign elected or appointed officials while they are in
18 this state on official business;

19 10. Investigate and detect violations of the Oklahoma Computer
20 Crimes Act; and

21 11. Investigate and enforce all laws relating to any crime
22 listed as an exception to the definition of "nonviolent offense" as
23 set forth in section 571 of Title 57 of the Oklahoma Statutes that
24 occur on the turnpikes.

1 SECTION 23. AMENDATORY 74 O.S. 2001, Section 150.4, is
2 amended to read as follows:

3 Section 150.4 ~~The Commission~~ Director of the Oklahoma State
4 Bureau of Investigation, in addition to other duties provided by
5 law, shall have the following powers and duties and
6 responsibilities:

7 1. ~~To appoint the Director of the Oklahoma State Bureau of~~
8 ~~Investigation, whose compensation shall be determined by the~~
9 ~~Legislature.~~

10 2. To hear any complaint against the Bureau or any of its
11 employees according to the following procedure:

12 a. only those complaints which have been submitted in
13 writing and are signed will be acted upon by the
14 ~~Commission.~~ Director,

15 b. all hearings on complaints shall be conducted in
16 executive sessions, and shall not be open to the
17 public,

18 c. ~~The Commission~~ hearing examiners shall have limited
19 access to pertinent investigative files when
20 investigating a complaint. The Director shall provide
21 a procedure whereby the identification of all persons
22 named in any investigative file except the subject of
23 the complaint and the complaining witness shall not be
24 revealed to the ~~members of the Commission~~ hearing

1 examiners. Any consideration of files shall be in
2 executive session not open to the public. No
3 information or evidence received in connection with
4 the hearings shall be revealed to any person or
5 agency. Any violation hereof shall ~~be grounds for~~
6 ~~removal from the Commission, and shall constitute a~~
7 ~~misdemeanor~~;

8 ~~3. 2.~~ To ~~make recommendations to the Director of~~ take any
9 needed disciplinary action necessary as a result of an investigation
10 conducted upon a complaint received;

11 ~~4. 3.~~ To establish general procedures with regard to assisting
12 law enforcement officers and district attorneys; and

13 ~~5. 4.~~ To establish a program of training for agents utilizing
14 such courses as the National Police Academy conducted by the Federal
15 Bureau of Investigation.

16 ~~6. To require the Director to advise the Commission on the~~
17 ~~progress of pending investigations. All discussions of pending~~
18 ~~investigations shall be conducted in executive session not open to~~
19 ~~the public and no minutes of such sessions shall be kept. The~~
20 ~~Director shall not reveal the identity of any witnesses interviewed~~
21 ~~or the substance of their statements. No information received by~~
22 ~~the Commission shall be revealed to any person or agency by any~~
23 ~~Commission member. Any violation of this paragraph by a Commission~~

1 ~~member shall be grounds for removal from the Commission and shall~~
2 ~~constitute a misdemeanor.~~

3 SECTION 24. AMENDATORY 74 O.S. 2001, Section 150.5, as
4 last amended by Section 1, Chapter 121, O.S.L. 2008 (74 O.S. Supp.
5 2008, Section 150.5), is amended to read as follows:

6 Section 150.5. A. 1. Oklahoma State Bureau of Investigation
7 investigations not covered under Section 150.2 of this title shall
8 be initiated at the request of the following persons:

9 a. the Governor,

10 b. the Attorney General,

11 c. the Council on Judicial Complaints upon a vote by a
12 majority of the Council,

13 d. the chair of any Legislative Investigating Committee
14 which has been granted subpoena powers by resolution,
15 upon authorization by a vote of the majority of the
16 Committee,

17 e. the Director of the Department of Human Services, or
18 designee, as authorized by Section 7106 of Title 10 of
19 the Oklahoma Statutes, or

20 f. a district court judge as authorized by Section 7104.1
21 of Title 10 of the Oklahoma Statutes.

22 2. Requests for investigations shall be submitted in writing
23 and shall contain specific allegations of wrongdoing under the laws
24 of the State of Oklahoma.

1 B. The Governor may initiate special background investigations
2 with the written consent of the person who is the subject of the
3 investigation.

4 C. The chair of any Senate committee which is fulfilling the
5 statutory responsibility for approving nominations made by the
6 Governor may, upon a vote by a majority of the committee and with
7 the written consent of the person who is to be the subject of the
8 investigation, initiate a special background investigation of any
9 nominee for the Oklahoma Horse Racing Commission as established by
10 Section 201 of Title 3A of the Oklahoma Statutes or any nominee for
11 the Board of Trustees of the Oklahoma Lottery Commission as
12 established by Section 704 of Title 3A of the Oklahoma Statutes.
13 The Bureau shall submit a report to the committee within thirty (30)
14 days of the receipt of the request. Any consideration by the
15 committee of a report from the Bureau shall be for the exclusive use
16 of the committee and shall be considered only in executive session.

17 D. 1. All records relating to any investigation being
18 conducted by the Bureau, including any records of laboratory
19 services provided to law enforcement agencies pursuant to paragraph
20 1 of Section 150.2 of this title, shall be confidential and shall
21 not be open to the public ~~or to the Commission except as provided in~~
22 ~~Section 150.4 of this title~~; provided, however, officers and agents
23 of the Bureau may disclose, at the discretion of the Director, such
24 investigative information to:

- 1 a. officers and agents of federal, state, county, or
2 municipal law enforcement agencies and to district
3 attorneys, in the furtherance of criminal
4 investigations within their respective jurisdictions,
5 b. employees of the Department of Human Services in the
6 furtherance of child abuse investigations, and
7 c. appropriate accreditation bodies for the purposes of
8 the Bureau's obtaining or maintaining accreditation.

9 2. Any unauthorized disclosure of any information contained in
10 the confidential files of the Bureau shall be a misdemeanor. The
11 person or entity authorized to initiate investigations in this
12 section, and the Attorney General in the case of investigations
13 initiated by the Insurance Commissioner, shall receive a report of
14 the results of the requested investigation. The person or entity
15 requesting the investigation may give that information only to the
16 appropriate prosecutorial officer or agency having statutory
17 authority in the matter if that action appears proper from the
18 information contained in the report, and shall not reveal or give
19 such information to any other person or agency. Violation hereof
20 shall be deemed willful neglect of duty and shall be grounds for
21 removal from office.

22 E. It shall not be a violation of this section to reveal
23 otherwise confidential information to outside agencies or
24 individuals who are providing interpreter services, questioned

1 document analysis, and other laboratory services that are necessary
2 in the assistance of Bureau investigations. Individuals or agencies
3 receiving the confidential and investigative information or records
4 or results of laboratory services provided to the Bureau by those
5 agencies or individuals, shall be subject to the confidentiality
6 provisions and requirements established in subsection D of this
7 section.

8 F. The State Treasurer shall initiate a complete background
9 investigation of the positions with the written consent of the
10 persons who are the subject of the investigation pursuant to
11 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
12 The Bureau shall advise the State Treasurer and the Cash Management
13 and Investment Oversight Commission in writing of the results of the
14 investigation.

15 SECTION 25. AMENDATORY 74 O.S. 2001, Section 150.6, as
16 amended by Section 14, Chapter 199, O.S.L. 2003 (74 O.S. Supp. 2008,
17 Section 150.6), is amended to read as follows:

18 Section 150.6 A. The Oklahoma State Bureau of Investigation
19 shall be under the operational control of a Director. The Director
20 shall be appointed or dismissed by ~~a majority vote of the total~~
21 ~~membership of the Commission~~ the Cabinet Secretary of Safety and
22 Security. The Director shall be a professional law enforcement
23 officer who possesses a bachelor's degree from an accredited college
24 or university and who shall have a minimum of five (5) years'

1 experience in criminal investigation and/or law enforcement or five
2 (5) years' experience as an agent with said Bureau and must have at
3 least two (2) years' experience in an administrative position.

4 B. Any Director appointed on or after July 1, 2003, may
5 participate in either the Oklahoma Public Employees Retirement
6 System or in the Oklahoma Law Enforcement Retirement System and
7 shall make an irrevocable election in writing to participate in one
8 of the two retirement systems.

9 SECTION 26. AMENDATORY 74 O.S. 2001, Section 150.7, as
10 amended by Section 1, Chapter 42, O.S.L. 2002 (74 O.S. Supp. 2008,
11 Section 150.7), is amended to read as follows:

12 Section 150.7 The Director of the Oklahoma State Bureau of
13 Investigation shall have the following powers, duties and
14 responsibilities:

15 1. To appoint or dismiss a Deputy Director who shall have the
16 same qualifications as the Director;

17 2. To supervise the maintaining of all reports and records of
18 the Bureau and to promulgate administrative rules concerning the
19 destruction and retention of such records. Such records shall not
20 be transferred to the custody or control of the State Archives
21 Commission or be subject to the provisions of Section 590 of Title
22 21 of the Oklahoma Statutes. The Director may, pursuant to adopted
23 and promulgated administrative rule, order destruction of records
24 deemed to be no longer of value to the Bureau, excluding

1 criminalistic and investigative records which shall forever be kept
2 and maintained;

3 3. To report to the ~~Commission at each regular meeting, or as~~
4 ~~directed by the Commission,~~ Cabinet Secretary of Safety and Security
5 on a quarterly basis the current workload of the Bureau. Such
6 reports shall be submitted by category of the persons or entities
7 authorized to initiate investigations as provided for in subsection
8 A of Section 150.5 of this title, and any other category the
9 ~~Commission~~ Cabinet Secretary of Safety and Security may request
10 which does not violate the confidentiality restrictions imposed in
11 Sections 150.1 through 152.9 of this title. Such reports shall
12 contain the following information:

- 13 a. what types of investigations are pending,
- 14 b. what new types of investigations have been opened,
- 15 c. what types of investigations have been closed, and
- 16 d. what criminal charges have been filed as a result of
17 Bureau investigations.

18 The reports shall not contain any information on the individual
19 subjects of the investigation or persons questioned in connection
20 with an investigation. These reports shall be open for public
21 inspection;

22 4. To designate positions, appoint employees and fix salaries
23 of the Bureau, other than the salaries established by subsection A
24

1 of Section 150.6a of this title, and to authorize the payment of
2 necessary certification expenses for the employees; and

3 5. To authorize the purchase and issuance of uniforms for all
4 law enforcement officers, criminalists, and other personnel of the
5 Bureau as designated by the Director and to purchase and issue
6 necessary equipment for all employees of the Bureau. All uniforms
7 and equipment shall be used only in the performance of the official
8 duties of the officers, criminalists or other personnel and shall
9 remain the property of the Bureau except as otherwise provided by
10 law.

11 SECTION 27. AMENDATORY 74 O.S. 2001, Section 150.10, as
12 amended by Section 1, Chapter 106, O.S.L. 2005 (74 O.S. Supp. 2008,
13 Section 150.10), is amended to read as follows:

14 Section 150.10 A. A uniform crime reporting system shall be
15 established by the Oklahoma State Bureau of Investigation. The
16 Director shall have the power and duty, ~~when directed by the~~
17 ~~Commission,~~ to collect and gather such information from such state
18 agencies as may be prescribed in Section 150.1 et seq. of this
19 title.

20 B. The Oklahoma State Bureau of Investigation is hereby
21 designated as the agency which shall collect, gather, assemble and
22 collate such information as is prescribed by this section.

23 C. 1. All state, county, city and town law enforcement
24 agencies shall submit reports to the Oklahoma State Bureau of

1 Investigation on forms prescribed by the Bureau. The reports shall
2 contain the number and nature of offenses committed within their
3 respective jurisdictions, the disposition of such matters, and such
4 other information as the Bureau may require, respecting information
5 relating to the cause and prevention of crime, recidivism, the
6 rehabilitation of criminals and the proper administration of
7 criminal justice.

8 2. Any information taken from such information, data, records
9 or reports submitted to the uniform crime reporting system and used
10 to prepare the Uniform Crime Report shall be an open record pursuant
11 to the Oklahoma Open Records Act. Requests for such information
12 shall be submitted to the Bureau.

13 3. Any request under the Oklahoma Open Records Act for any
14 other information, data, records or reports submitted to the uniform
15 crime reporting system by the Oklahoma State Bureau of Investigation
16 shall be directed to the Bureau pursuant to Section 24A.20 of Title
17 51 of the Oklahoma Statutes. Such information, data, records or
18 reports shall be considered investigative records of the Bureau and
19 shall be subject to discovery and disclosure only in compliance with
20 Section 150.5 of this title or other applicable statute.

21 4. Any request under the Oklahoma Open Records Act for any
22 information, data, records or reports submitted by a law enforcement
23 agency other than the Oklahoma State Bureau of Investigation to the
24 uniform crime reporting system shall be directed to the law

1 enforcement agency submitting the information, data, records or
2 reports to the Bureau unit pursuant to Section 24A.20 of Title 51 of
3 the Oklahoma Statutes. Such information, data, records or reports
4 shall be considered law enforcement records and shall be subject to
5 discovery and disclosure only in compliance with Section 24A.8 of
6 Title 51 of the Oklahoma Statutes or other applicable statute.

7 D. Upon receipt of such information the Director shall have
8 such data collated and formulated and shall compile such statistics
9 as the Director may deem necessary in order to present a proper
10 classification and analysis of the volume and nature of crime and
11 the administration of criminal justice within this state.

12 E. Refusal or persistent failure of any law enforcement agency
13 to submit reports required by this section may result in
14 discontinued access to Bureau information and assistance.

15 SECTION 28. AMENDATORY 74 O.S. 2001, Section 150.13, as
16 amended by Section 1, Chapter 47, O.S.L. 2007 (74 O.S. Supp. 2008,
17 Section 150.13), is amended to read as follows:

18 Section 150.13 A. The Director of the Oklahoma State Bureau of
19 Investigation is hereby authorized to appoint, ~~with the approval of~~
20 ~~the Commission,~~ not to exceed twenty special officers, who shall not
21 be salaried employees of the Bureau of Investigation but who shall
22 at all times be subject to the orders and directions of the
23 Director; provided that the special officers shall not have
24 authority to enforce any laws except the provisions of the Oklahoma

1 Statutes relating to larceny of domestic animals, livestock or farm
2 and ranch equipment or supplies, with respect to which they shall
3 have the same authority as any other peace officer. These officers
4 shall be known as rangers.

5 B. Rangers shall not receive any compensation or expenses from
6 the State of Oklahoma or any of its departments, agencies or
7 subdivisions for their services. Before the issuance of a special
8 commission each ranger shall enter into a good and sufficient bond
9 executed by a surety company authorized to do business in the State
10 of Oklahoma in the sum of Five Hundred Thousand Dollars
11 (\$500,000.00), and approved by the Director, to indemnify all
12 persons against damages accruing as a result of any illegal or
13 unlawful acts on the part of the rangers; provided that all special
14 commissions shall expire on January 1 of the odd-numbered year after
15 the appointment. The Director may renew, suspend or revoke any
16 special commission at any time.

17 SECTION 29. AMENDATORY 74 O.S. 2001, Section 150.21, as
18 amended by Section 3, Chapter 42, O.S.L. 2002 (74 O.S. Supp. 2008,
19 Section 150.21), is amended to read as follows:

20 Section 150.21 The Oklahoma State Bureau of Investigation shall
21 establish or provide for a legal division and the Director may
22 employ two attorneys as needed, which attorneys, in addition to
23 advising the Director, ~~the Commission~~ and employees of the Bureau on
24 legal matters, may appear for and represent the Director, ~~the~~

1 ~~Commission~~ and employees of the Bureau in administrative hearings
2 and other legal actions and proceedings. No Bureau attorney shall
3 enter an appearance in a criminal action nor engage in private
4 practice of the law while in the employment of the Oklahoma State
5 Bureau of Investigation, except for the purpose of representing the
6 agency in motions to quash subpoenas, other discovery matters,
7 expungement applications, evidentiary hearings, and forfeiture
8 proceedings. It shall continue to be the duty of the Attorney
9 General to give official opinions to and to prosecute and defend
10 actions for the Director, ~~Commission~~ and employees of the Bureau, if
11 requested to do so.

12 SECTION 30. AMENDATORY 74 O.S. 2001, Section 150.21a, is
13 amended to read as follows:

14 Section 150.21a A. The Director of the Oklahoma State Bureau
15 of Investigation may establish a crimes information unit within the
16 Bureau.

17 B. With authorization from the Director of the Bureau, the
18 crimes information unit or any employee of the Bureau may:

19 1. Investigate organized crime, criminal conspiracies, and
20 threats of violent crime;

21 2. Collect information concerning the activity and identity of
22 individuals reasonably believed to be engaged in organized crime,
23 criminal conspiracies, or threatening violent crime;

24

1 3. Analyze collected information and disseminate such
2 information to other law enforcement agencies for the purposes of
3 criminal investigation and crime prevention;

4 4. Coordinate the effort of this state with local, state and
5 federal agencies to protect its citizens against organized crime,
6 criminal conspiracies and threats of violent crime by creating a
7 clearinghouse of crime-related information for use by local, state
8 and federal law enforcement agencies; and

9 5. Provide training to peace officers of this state concerning
10 the legal collection, preservation and dissemination of crime-
11 related information.

12 C. Release of information compiled pursuant to this section
13 shall be prohibited except for release of information to law
14 enforcement officers and prosecutorial authorities for the purpose
15 of criminal investigation, criminal prosecution, and crime
16 prevention. Unauthorized release or unauthorized use of this
17 information shall be a misdemeanor and shall be punishable by
18 incarceration in the county jail not exceeding one (1) year or a
19 fine not exceeding Fifty Thousand Dollars (\$50,000.00), or by both
20 such fine and imprisonment. As used in this section, "unauthorized
21 release" or "unauthorized use" shall include, but not be limited to,
22 giving the information to any person who is not a law enforcement
23 officer unless necessitated by an ongoing criminal investigation, or
24 release of information to a law enforcement officer who is not

1 engaged in a criminal investigation requiring the information or who
2 is not authorized by his or her agency to receive such information,
3 or release of information in violation of any rules promulgated by
4 the Bureau. Information collected and compiled under the authority
5 of this section shall be privileged and not discoverable nor subject
6 to subpoena or order for production issued by any court, other than
7 production in a district court criminal proceeding for the
8 prosecution of crimes which are the subject of the information
9 sought. ~~The Director of OSBI shall make a quarterly report to the~~
10 ~~OSBI Commission of all information collected and compiled under the~~
11 ~~authority of this section.~~

12 SECTION 31. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 324.2a of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The State Fire Marshal Commission is hereby abolished. All
16 duties and powers of the State Fire Marshal Commission shall be
17 assumed and be performed by the State Fire Marshal of the Office of
18 the State Fire Marshal. The State Fire Marshal shall be under the
19 general supervision of the Cabinet Secretary of Safety and Security.

20 B. Any reference in the Oklahoma Statutes to the State Fire
21 Marshal Commission shall be deemed to be a reference to the State
22 Fire Marshal of the Office of the State Fire Marshal.

23 SECTION 32. AMENDATORY 3A O.S. 2001, Section 205.5, is
24 amended to read as follows:

1 Section 205.5 A. Prior to commencing construction, remodeling,
2 or alteration of grandstand or other spectator areas, including but
3 not limited to clubs, lounges, and restaurants, plans and
4 specifications shall be presented to the State Fire Marshal for
5 approval. Life safety provisions of the National Fire Protection
6 Association "Life Safety Code", No. 101, as adopted by the Office of
7 the State Fire Marshal Commission, shall be the state standard for
8 regulation of fire safety in grandstand facilities.

9 B. Prior to commencing construction, remodeling, or alteration
10 of stables, dormitories, barns, and other buildings in the stabling
11 areas, plans and specifications shall be presented to the State Fire
12 Marshal for approval.

13 C. The Office of the State Fire Marshal Commission shall adopt
14 rules and regulations for conducting fire safety inspections on a
15 regular basis at operating tracks.

16 SECTION 33. AMENDATORY 19 O.S. 2001, Section 351, is
17 amended to read as follows:

18 Section 351. A. The board of county commissioners of each
19 county of this state is hereby authorized to provide firefighting
20 service in the county and for such purpose to use county funds to
21 rent, lease or purchase firefighting equipment and to rent or
22 construct and equip and operate fire stations and to employ
23 necessary personnel to provide such service. The board of county
24 commissioners shall also have the authority to determine and collect

1 charges for firefighting services performed by the county from any
2 person to whom such services are provided.

3 B. The board of county commissioners of each county of this
4 state shall have the power to take by grant, purchase, gift, devise
5 or lease, and to dispose of, any real property for the purpose of
6 acquiring right-of-ways and easements necessary in providing
7 firefighting services to the county, including the construction and
8 maintenance of roads and the installation of dry hydrants. The
9 board may use county funds and equipment to construct and maintain
10 such roads and to install such dry hydrants. Provided, nothing in
11 this subsection shall be construed to prohibit the installation of
12 dry hydrants on privately owned property by the owner thereof at the
13 expense of the owner.

14 C. The board of county commissioners of each county of this
15 state shall have the authority to use county personnel operating
16 county equipment to fight fires in situations where an emergency is
17 determined to exist, provided the firefighting service is requested
18 by the county civil defense director or upon a request of a rural
19 fire department.

20 D. 1. A corporate fire department organized pursuant to the
21 provisions of Section 592 of Title 18 of the Oklahoma Statutes or a
22 county fire department organized pursuant to the provisions of
23 subsection A of this section may petition the board of county
24 commissioners of the county in which the fire department provides

1 protection to convert to a county fire department organized pursuant
2 to the provisions of this subsection. The petition shall set forth
3 and particularly describe the proposed boundaries of such county
4 fire department and shall be accompanied by a map of such proposed
5 fire department, drawn to a scale of not less than one (1) inch to a
6 mile. The petition shall also set forth the administration, control
7 and ownership of all the corporate fire department's assets in the
8 event such petition is approved. Such petition shall be filed with
9 the county clerk of such county who shall present it to the board of
10 county commissioners at their next regular or special meeting. Upon
11 presentation of such petition, the board of county commissioners
12 shall set the same for hearing at a time not less than twenty (20)
13 days nor more than forty (40) days from the date of presentation and
14 shall direct the county clerk to give notice of such hearing by
15 publication in a newspaper of general circulation in the county in
16 which the proposed county fire department is located. Such notice
17 shall describe the boundaries of the proposed county fire
18 department, shall state the time and place of the hearing, and shall
19 state that any person may appear and protest the organization of the
20 county fire department or the proposed boundaries thereof. The
21 board of county commissioners shall hold the hearing described in
22 said notice, and it shall have jurisdiction to hear and determine
23 all protests to the creation of such county fire department and all
24 matters pertaining to the same. It may amend the plan of such

1 proposed county fire department by excluding from within its
2 boundaries any lands which it may deem will not be benefited by the
3 formation of such county fire department, or by including other
4 lands as a part thereof upon application of the owners of such land;
5 provided, however, it shall not exclude from such district any
6 unincorporated lands which are completely surrounded by lands which
7 are included in the proposed county fire department. If the board
8 of county commissioners determines that the conversion of such
9 corporate fire department to a county fire department will be
10 conducive to the public safety of the affected area therein, then
11 said board shall give such proposed county fire department a name
12 and shall authorize and approve the organization of said county fire
13 department.

14 2. To be eligible to convert to a county fire department formed
15 pursuant to this subsection, a fire department shall have a Public
16 Protection Classification of nine (9) or better from ISO Commercial
17 Risk Services, Inc., limit the size of such volunteer county fire
18 department to not less than six or more than twenty members per fire
19 station, and shall be subject to the laws of the State of Oklahoma
20 regarding the administration and operation of a fire department,
21 including, but not limited to, the laws of the State Department of
22 Labor and the Office of the State Fire Marshal Commission. For
23 purposes of this subsection, a volunteer fire department is one
24

1 which has in its employ not more than two full-time salaried
2 firefighters.

3 3. Directors of a county fire department organized pursuant to
4 this subsection shall be owners of real property in and residents of
5 said district. At the time of making its order organizing such
6 county fire department, the board of county commissioners shall
7 appoint five directors, one of which shall hold his or her
8 respective office for a term of five (5) years, one of which shall
9 hold his or her respective office for a term of four (4) years, one
10 of which shall hold his or her respective office for a term of three
11 (3) years, one of which shall hold his or her respective office for
12 a term of two (2) years, and one of which shall hold his or her
13 respective office for a term of one (1) year. On or before January
14 1, 2002, the board of county commissioners shall, for fire
15 departments which operate more than five fire stations, appoint
16 additional directors of a county fire department until the number of
17 directors equals the number of fire stations operated by that county
18 fire department. Each additional director shall be appointed by the
19 board of county commissioners for a term that matches the term of
20 one of the first five directors appointed. Whenever a new fire
21 station is added to a county fire department which has five or more
22 fire stations, the board of county commissioners shall appoint an
23 additional director from that district in which the new fire station
24 has been added. Each year thereafter, there shall be appointed by

1 the board of county commissioners for a term of five (5) years so
2 many members as are necessary to replace all members whose terms are
3 expiring on the board of directors for such county fire department.

4 4. The board of directors of a county fire department organized
5 pursuant to this subsection shall select one of its members to serve
6 as chair and shall appoint a clerk and a treasurer. The board of
7 directors shall fix the term and duties of the chair, clerk and
8 treasurer. The chair and members of the board of directors shall
9 serve without compensation. The treasurer shall give an official
10 bond, in an amount fixed and with sureties approved by the board of
11 county commissioners, conditioned upon the faithful accounting for
12 all money pertaining to the county fire department and coming into
13 his or her hands.

14 5. The board of directors of a county fire department organized
15 pursuant to this subsection shall have the following powers and
16 duties:

- 17 a. to manage and conduct the business affairs of such
18 county fire department,
- 19 b. to make and execute all necessary contracts,
- 20 c. to purchase or lease-purchase and maintain all
21 necessary and convenient engines, hoses, hose carts or
22 other appliances and supplies for the full equipment
23 of a fire company or department from available funds,
24

- 1 d. to appoint the fire chief, fire company officers and
2 employees (whether paid or volunteer), sufficient to
3 maintain and operate the equipment owned by the county
4 fire department,
- 5 e. to take by grant, purchase, gift, devise or lease, and
6 to dispose of real or personal property of every kind
7 necessary for the operation of the county fire
8 department,
- 9 f. to construct or otherwise acquire from available funds
10 suitable firehouses and other buildings or structures
11 suitable for the housing of equipment and supplies of
12 the county fire department, or for carrying on its own
13 business and affairs,
- 14 g. to employ such officers and employees as may be
15 required from available funds, fix their compensation
16 and prescribe their duties,
- 17 h. to establish rules for such county fire department and
18 for the prevention of fires and conflagrations within
19 the department's boundaries and for the protection of
20 property at and during any fire,
- 21 i. to do any and all other things necessary and proper in
22 the management and operation of the county fire
23 department for the purpose of protecting property
24 within its boundaries from fire, and

1 j. to prepare an annual budget and follow existing laws
2 pertaining to the budget process such as public
3 notice, public hearings, protest periods and filing
4 requirements in the same manner as they apply to other
5 forms of government in Oklahoma.

6 6. The board of directors of a county fire department organized
7 pursuant to this subsection may submit an application to include the
8 firefighters of such county fire department in the Oklahoma
9 Firefighters Pension and Retirement System. The application for
10 participation in the Oklahoma Firefighters Pension and Retirement
11 System shall be submitted in accordance with subsection A of Section
12 49-105.2 of Title 11 of the Oklahoma Statutes. For purposes of
13 complying with Sections 49-103 and 49-104 of Title 11 of the
14 Oklahoma Statutes, the chair, clerk and treasurer of the board of
15 directors of the county fire department shall serve on the local
16 firefighters pension and retirement board along with three
17 firefighters of such county fire department elected by the members
18 of the county fire department. The chair of the board of directors
19 of the county fire department shall be the chair of the local board
20 of the county fire department and the clerk of the board of
21 directors of the county fire department shall be the secretary of
22 the local board of the county fire department. The chair of the
23 local board of the county fire department shall have a casting vote
24 with the members of the local board of the county fire department

1 only when necessary to avoid a tie vote. The local board of the
2 county fire department shall promulgate such rules as may be
3 necessary to ensure the orderly conduct of a local board meeting.
4 While participating in the Oklahoma Firefighters Pension and
5 Retirement System, the board of directors, local board and fire
6 chief of the county fire department shall perform all administrative
7 requirements of the pension system.

8 7. Any board of directors of a county fire department organized
9 pursuant to this subsection having volunteers enrolled as members of
10 such county fire department shall adopt a code of minimum rules and
11 regulations in substantial compliance with the following:

12 a. Fire chief.

13 (1) The fire chief shall be at the head of the
14 department, subject to the laws of the State of
15 Oklahoma, rules of the board of directors, and
16 the rules and regulations herein adopted.

17 (2) The fire chief shall be held responsible for the
18 general condition and efficient operation of the
19 department, the training of members, and the
20 performance of all other duties imposed upon him
21 or her by law or the board of directors.

22 (3) The fire chief may inspect or cause to be
23 inspected by members of the department, the fire
24

1 hydrants, cisterns and other sources of water
2 supply at least twice a year.

3 (4) The fire chief shall maintain a library or file
4 of publications on fire prevention and fire
5 protection and shall make use of the library or
6 file to the best advantage of all members.

7 (5) The fire chief shall make every effort to attend
8 all fires and direct the officers and members of
9 the fire department in the performance of their
10 duties.

11 (6) The fire chief shall see that the citizens are
12 kept informed on fire hazards within the
13 boundaries of the department and on the
14 activities of the department.

15 (7) The fire chief shall see that each fire is
16 carefully investigated to determine its cause,
17 and in the case of suspicion of incendiarism
18 shall notify proper authorities. The fire chief
19 shall secure and preserve all possible evidence
20 for future use in the case of a suspicious
21 incendiarism.

22 (8) The fire chief shall file the appropriate
23 activity report forms with the Office of the
24 State Fire Marshal in Oklahoma City on an annual

1 basis. The activity report forms shall be
2 designed by the State Fire Marshal and shall
3 include, but not be limited to, the amount of
4 property and vehicle fire loss, types of fires,
5 inspections and investigations. The report shall
6 include notification of all fire-related civilian
7 deaths and injuries in the respective
8 jurisdiction and of firefighter deaths in the
9 line of duty and of firefighter injuries in the
10 line of duty requiring the services of a hospital
11 or physician or both.

12 b. Assistant fire chief.

13 In the absence of the fire chief, the assistant fire
14 chief on duty shall command the department and be held
15 responsible therefore in all respects with the full
16 powers and responsibilities of the fire chief.

17 c. Company officers.

18 The company officers shall be selected upon their
19 ability to meet the following requirements:

- 20 (1) their knowledge of firefighting,
- 21 (2) their leadership ability, and
- 22 (3) their knowledge of firefighting equipment.

23 d. Secretary-treasurer.

24

1 One member elected by the fire department shall be
2 secretary-treasurer. His or her duties shall consist
3 of the following:

- 4 (1) calling the roll at the opening of each meeting,
- 5 (2) keeping the minutes of each meeting, and
- 6 (3) collecting any money due the department by the
7 members.

8 e. New members.

- 9 (1) An applicant of a participating county fire
10 department of the Oklahoma Firefighters Pension
11 and Retirement System shall meet the membership
12 requirements of the Oklahoma Firefighters Pension
13 and Retirement System before he or she may be
14 appointed as a new member of the county fire
15 department.
- 16 (2) A new member shall be on probation for one (1)
17 year after his or her appointment.
- 18 (3) A new member of a participating county fire
19 department of the Oklahoma Firefighters Pension
20 and Retirement System shall be immediately
21 enrolled as a member of the Oklahoma Firefighters
22 Pension and Retirement System regardless of
23 whether such member has completed his or her
24 probation period.

1 (4) The majority of the fire department members must
2 approve new volunteer members upon completion of
3 their probation period.

4 f. Bylaws.

5 The bylaws of the department shall include:

6 (1) All volunteer firefighters are required, when
7 notified, to respond to fire alarms and other
8 emergencies.

9 (2) A volunteer firefighter is required to be present
10 at all regular meetings, call meetings and
11 schools presented for the benefit of the
12 firefighters.

13 (3) There shall be at least one regular business
14 meeting each month.

15 (4) Any volunteer firefighter having two unexcused
16 absences in succession or three unexcused
17 absences in a period of three (3) months will be
18 dropped from the fire department rolls.

19 (5) Volunteer firefighters leaving the boundaries of
20 the department for an extended period of time
21 will be required to notify the fire chief.

22 (6) Any volunteer firefighter refusing to attend
23 training classes provided for him or her will be
24 dropped from the fire department rolls.

1 (7) Any volunteer member of the fire department shall
2 be dropped from the fire department rolls for the
3 following offenses:

4 (a) conduct unbecoming a firefighter,

5 (b) any act of insubordination,

6 (c) neglect of duty,

7 (d) any violation of rules and regulations
8 governing the fire department, or

9 (e) conviction of a felony.

10 8. a. A county fire department organized pursuant to the
11 provisions of this subsection shall maintain,
12 according to its own accounting needs, some or all of
13 the funds and account groups in its system of accounts
14 that are consistent with legal and operating
15 requirements and as prescribed by the State Auditor
16 and Inspector. The required funds may include, but
17 not be limited to:

18 (1) a general fund, to account for all monies
19 received and disbursed for general department
20 purposes, including all assets, liabilities,
21 reserves, fund balances, revenues and
22 expenditures which are not accounted for in any
23 other fund or special ledger account,
24

1 (2) special revenue funds, as required, to account
2 for the proceeds of specific revenue sources that
3 are restricted by law to expenditures for
4 specific purposes,

5 (3) a capital improvement fund, to account for
6 financial resources segregated for acquisition,
7 construction or other improvement related to
8 capital facilities, and

9 (4) a ledger or group of accounts in which to record
10 the details relating to the general fixed assets
11 of the county or department.

12 b. Funds raised by a nonprofit organization for the
13 purpose of supporting the fire protection services of
14 a county fire department organized pursuant to the
15 provisions of this subsection, whether such funds were
16 raised before or after a corporate fire department
17 converts to a county fire department, shall not be
18 commingled with public funds and shall be used only
19 for designated benevolent or charitable purposes,
20 including, but not limited to, fire protection
21 purposes.

22 c. No expenditure may be authorized or made by any
23 employee or member of the board of directors of a
24 county fire department organized pursuant to the

1 provisions of this subsection which exceeds any fund
2 balance of any fund of the budget as adopted or
3 amended or which exceeds the appropriation for any
4 fund of the budget as adopted or amended. Any balance
5 remaining in a fund at the end of the budget year
6 shall be carried forward to the credit of the fund for
7 the next budget year. It shall be unlawful for any
8 employee or member of the board of directors of a
9 county fire department organized pursuant to the
10 provisions of this subsection in any budget year to
11 create or authorize creation of a deficit in any fund.

12 SECTION 34. AMENDATORY 19 O.S. 2001, Section 863.44C, is
13 amended to read as follows:

14 Section 863.44C As used in this act:

15 1. High-rise building shall mean any building more than
16 seventy-five (75) feet in height measured from the lowest level of
17 access by fire-fighting equipment, the normal use of which is
18 intended for occupancy by human beings, excluding hospital treatment
19 or operating rooms.

20 2. Water sprinkler system shall mean a water distribution
21 system designed in accordance with standards adopted by the ~~Oklahoma~~
22 Office of the State Fire Marshal Commission. Provided nothing
23 herein shall be construed as prohibiting the alternative use of
24

1 other high-rise life protection systems which are equivalent to and
2 in accordance with a nationally recognized building code.

3 SECTION 35. AMENDATORY 19 O.S. 2001, Section 863.44D, is
4 amended to read as follows:

5 Section 863.44D Every high-rise building to be constructed
6 within this state after the effective date of this act must be
7 equipped with a water sprinkler system as defined herein, provided
8 this act shall not apply to buildings primarily housing electric
9 generating or transforming equipment or to buildings primarily
10 housing telephone company equipment of public utilities or public
11 service corporations which are subject to regulation by the State
12 Corporation Commission, but such buildings shall contain fire
13 prevention devices of near equal safety factors as may be required
14 by the Office of the State Fire Marshal ~~Commission~~.

15 SECTION 36. AMENDATORY 63 O.S. 2001, Section 124.1, is
16 amended to read as follows:

17 Section 124.1 The Office of the State Fire Marshal ~~Commission~~
18 shall:

19 1. Promulgate rules for the administration and enforcement of
20 this division;

21 2. Administer the provisions hereof, pursuant to said rules;
22 and

23 3. Employ such agents and clerical help as may be necessary for
24 such purpose.

1 SECTION 37. AMENDATORY 68 O.S. 2001, Section 1629, is
2 amended to read as follows:

3 Section 1629. Nothing in this act shall be construed as
4 applying to shipping, sale, possession or use of fireworks for Class
5 B Display by holders of a permit for a public display to be
6 conducted in accordance with the rules and regulations of the Office
7 of the State Fire Marshal Commission.

8 Applications for permits for Class B Displays must be submitted
9 in writing five (5) days prior to date of display to the clerk of
10 the city or town where display is to occur. If the display is in an
11 area outside the jurisdiction of a city or town, application for
12 permit shall be made to the State Fire Marshal. Every display shall
13 be under the direction of a competent, responsible operator of legal
14 age and the person or organization making application for permit
15 must show financial liability coverage in minimum amounts of Five
16 Thousand Dollars (\$5,000.00) per person, Ten Thousand Dollars
17 (\$10,000.00) personal injuries from any single accident, and Five
18 Thousand Dollars (\$5,000.00) property damage, or in the amount set
19 forth by ordinance. Before a permit is granted, a local fire
20 inspector or an agent of the State Fire Marshal shall inspect and
21 approve or reject the site of the display. No permit so granted
22 shall be transferable.

23

24

1 SECTION 38. AMENDATORY Section 11, Chapter 381, O.S.L.
2 2005 (68 O.S. Supp. 2008, Section 2357.102), is amended to read as
3 follows:

4 Section 2357.102 A. For taxable years beginning after December
5 31, 2005, there shall be allowed a credit against the tax imposed by
6 Section 2355 of ~~Title 68 of the Oklahoma Statutes~~ this title for the
7 cost of the purchase of a dry fire hydrant or the cost to provide an
8 acceptable means of water storage for such dry fire hydrant
9 including a pond, tank, or other storage facility with the primary
10 purpose of fire protection within the State of Oklahoma. The credit
11 shall be equal to fifty percent (50%) of the purchase price of the
12 dry fire hydrant or the actual expenditure for any new water storage
13 construction, equipment, development and installation of the dry
14 hydrant, including pipes, valves, hydrants, and labor for each
15 installation of a dry hydrant or new water storage facility but in
16 no event shall the amount of the credit exceed Five Thousand Dollars
17 (\$5,000.00) for each taxpayer.

18 B. In order to qualify for the tax credit provided for in
19 subsection A of this section, the dry fire hydrant or new water
20 storage facility must meet the following minimum requirements:

21 1. Each body of water or water storage structure must be able
22 to provide two hundred fifty (250) gallons per minute for a
23 continuous two-hour period during a fifty-year drought or freeze at
24 a vertical lift of eighteen (18) feet;

1 2. Each dry fire hydrant must be located within twenty-five
2 (25) feet of an all-weather roadway and must be accessible to fire
3 protection equipment; and

4 3. Dry fire hydrants shall be located a reasonable distance
5 from other dry or pressurized hydrants.

6 C. In no event shall the amount of the credit exceed the amount
7 of any tax liability of the taxpayer.

8 D. Any credits allowed but not used in any tax year may be
9 carried over, in order, to each of the four (4) years following the
10 year of qualification.

11 E. The Oklahoma Tax Commission and the Office of the State Fire
12 Marshal Commission shall promulgate rules to establish the
13 requirements for the construction of a dry fire hydrant or new water
14 storage facility and permit verification of eligibility of a dry
15 fire hydrant or new water storage facility for the credit provided
16 for in subsection A of this section.

17 F. As used in this section, "dry fire hydrant" means
18 nonpressurized pipes permanently installed in lakes, farm ponds, and
19 streams that provide a ready means of drawing water.

20 SECTION 39. AMENDATORY 74 O.S. 2001, Section 317.1, is
21 amended to read as follows:

22 Section 317.1 A. The following bed and breakfast
23 establishments shall be exempt from standards adopted by the Office
24 of the State Fire Marshal Commission, including but not limited to

1 standards published by the National Fire Protection Association, the
2 Building Officials and Code Administrators (BOCA) National Building
3 Code and the Life Safety Code, as it relates to sprinkler system and
4 exit requirements only:

5 1. Bed and breakfast establishments which are open for business
6 prior to ~~the effective date of this act~~ July 1, 1995; and

7 2. Bed and breakfast establishments which open for business on
8 or after ~~the effective date of this act~~ July 1, 1995, and which
9 provide sleeping accommodations of four rooms or less.

10 B. Municipalities may enact ordinances for bed and breakfast
11 establishments which are the same as or different from the rules
12 adopted by the Office of the State Fire Marshal ~~Commission~~ relating
13 to sprinkler system and exit requirements only.

14 C. For purposes of this section, "bed and breakfast
15 establishment" means a private house where sleeping accommodations
16 are available for transient guests for pay, maximum guest occupancy
17 in general not to exceed the total of two guests per room, and where
18 breakfast only is included in the rent.

19 SECTION 40. AMENDATORY 74 O.S. 2001, Section 324.4, is
20 amended to read as follows:

21 Section 324.4 A. ~~The State Fire Marshal Commission~~ Cabinet
22 Secretary of Safety and Security shall appoint a full-time State
23 Fire Marshal. The State Fire Marshal shall administer and enforce
24 the provisions of law pertaining to the Office of the State Fire

1 Marshal to include, but not be limited to, fire and arson
2 investigations, code enforcement, and public education under the
3 supervision of the ~~State Fire Marshal Commission~~ and in accordance
4 ~~with Commission policies~~ Cabinet Secretary of Safety and Security.
5 The State Fire Marshal shall be a person of good moral character and
6 a resident of Oklahoma at the time of appointment. The State Fire
7 Marshal must have a minimum of ten (10) years' experience in fire
8 protection, fire prevention, investigation, or criminal justice,
9 which may include experience with any state, county, municipal,
10 federal, military, or industrial fire protection or criminal justice
11 agency. Successful completion of a degree in fire protection and
12 prevention, criminal justice or administration from an accredited
13 college or university, may be substituted for experience on a year-
14 to-year basis. The State Fire Marshal shall possess administrative
15 ability and experience. The State Fire Marshal may be required to
16 obtain certification as a peace officer in the State of Oklahoma
17 from the Council on Law Enforcement Education and Training, and
18 shall be subject to an extensive background investigation,
19 psychological testing, and drug testing. The ~~Commission~~ Cabinet
20 Secretary of Safety and Security may also require additional
21 qualifications. The State Fire Marshal must have or be able to
22 obtain a valid Oklahoma driver license and be a citizen of the
23 United States.

24

1 B. The ~~Commission~~ Cabinet Secretary of Safety and Security
2 shall appoint a full-time Assistant State Fire Marshal upon
3 recommendation from the State Fire Marshal. The Assistant State
4 Fire Marshal must have a minimum of seven (7) years experience in
5 fire protection, fire prevention, investigations or criminal
6 justice, which may include experience with any state, county,
7 municipal, federal, military, or industrial fire protection or
8 criminal justice agency. Successful completion of a degree in fire
9 protection and prevention, criminal justice, or administration from
10 an accredited college or university, may be substituted for
11 experience on a year-to-year basis. The Assistant State Fire
12 Marshal shall possess administrative ability and experience. The
13 Assistant State Fire Marshal may be required to obtain certification
14 as a peace officer from the Council on Law Enforcement and Education
15 Training, and shall be subject to an extensive background
16 investigation, psychological testing, and drug testing. The
17 ~~Commission~~ Cabinet Secretary of Safety and Security may require
18 additional qualifications. The Assistant State Fire Marshal must
19 have or be able to obtain a valid Oklahoma driver license and be a
20 citizen of the United States.

21 SECTION 41. AMENDATORY 74 O.S. 2001, Section 324.5, is
22 amended to read as follows:

23 Section 324.5 Office of State Fire Marshal agents shall be
24 appointed by and subject to the supervision and control of the State

1 Fire Marshal or designee. All agents are employees of the State of
2 Oklahoma and subject to the provisions of the Oklahoma Merit System
3 of Personnel Administration. All agents shall be required to obtain
4 and maintain peace officer certification from the Council on Law
5 Enforcement Education and Training and must have or be able to
6 obtain a valid Oklahoma driver license and be citizens of the United
7 States. The State Fire Marshal ~~Commission~~ shall have the authority
8 to appoint such other employees as shall be necessary in discharging
9 the duties of ~~their~~ said office.

10 SECTION 42. AMENDATORY 74 O.S. 2001, Section 324.7, as
11 amended by Section 8, Chapter 168, O.S.L. 2003 (74 O.S. Supp. 2008,
12 Section 324.7), is amended to read as follows:

13 Section 324.7 A. Except as otherwise specified by subsection B
14 of this section, the Office of the State Fire Marshal ~~Commission~~
15 shall have the power and duty to prescribe, adopt, and promulgate,
16 in the manner set forth in this act, such reasonable rules,
17 regulations, or specifications consistent with nationally recognized
18 codes, standards, or practices on matters relating to the
19 safeguarding of life and property from the hazards of fire and
20 explosion arising from storage, handling, and use of flammable and
21 combustible materials, and from conditions hazardous to life or
22 property in the use or occupancy of buildings or premises, as are
23 deemed just and reasonable and in accordance with nationally
24 recognized standards, and not inconsistent with this act, and to

1 revoke, amend, or supersede the same. For the purpose of this act,
2 standards published by the National Fire Protection Association
3 shall be deemed as meeting the intent of this act. Exceptions to
4 these standards shall be granted to detention and correction
5 facilities in existence on November 1, 1985, when noncompliance
6 would not result in a life-threatening condition to inmates
7 incarcerated in such facilities. All such rules, regulations, and
8 specifications or any revisions or amendments thereto shall not
9 become effective until promulgated in accordance with the provisions
10 of the Administrative Procedures Act.

11 B. 1. Liquefied petroleum gas defined by Section 420.1 of
12 Title 52 of the Oklahoma Statutes shall be regulated by the Oklahoma
13 Liquefied Petroleum Gas Board.

14 2. Flammable liquids stored in tanks at service stations shall
15 be regulated by the Corporation Commission.

16 C. For the purpose of this section:

17 1. "Flammable liquids" means all petroleum products used as
18 motor fuel and all grades of gasoline, kerosene, diesel fuel and
19 aviation fuel having a vapor pressure not exceeding forty (40)
20 pounds per square inch absolute at one hundred (100) degrees
21 Fahrenheit;

22 2. "Service station" means any facility including but not
23 limited to businesses serving the public, marinas and airports where
24 flammable liquids are stored in aboveground tanks and dispensed for

1 retail sales into the fuel tanks of airplanes, vessels or motor
2 vehicles of the public; and

3 3. "Aboveground tank" means any stationary vessel at a service
4 station and is located above the surface of the ground or on the
5 ground which is designed to contain an accumulation of flammable
6 liquids and which is constructed of nonearthen materials that
7 provide structural support.

8 SECTION 43. AMENDATORY 74 O.S. 2001, Section 324.7a, as
9 amended by Section 9, Chapter 168, O.S.L. 2003 (74 O.S. Supp. 2008,
10 Section 324.7a), is amended to read as follows:

11 Section 324.7a A. The Office of the State Fire Marshal in
12 pursuance of its duties to protect the health, safety and welfare of
13 the public and property from the hazards of fire and explosion
14 arising from the storage, handling, and use of flammable and
15 combustible materials shall assist and cooperate with the ~~Commission~~
16 Cabinet Secretary of Safety and Security in the performance of its
17 duties under this act by making investigations, fire fighting,
18 gathering evidence and filing reports or complaints with the
19 ~~Commission~~ Cabinet Secretary of Safety and Security concerning
20 flammable liquids stored in aboveground tanks. The Office of the
21 State Fire Marshal shall report any violations of the Oklahoma
22 Aboveground Tank Regulation Act or rules promulgated pursuant
23 thereto to the ~~Commission~~ Cabinet Secretary of Safety and Security.

24

1 B. ~~Upon the request of the Commission, the~~ The Office of the
2 State Fire Marshal shall assist ~~the Commission with~~ in the training
3 of ~~its enforcement~~ employees or agents in the standards and
4 practices on matters relating to the safeguarding of life and
5 property from the hazards of fire and explosions arising from
6 storage, handling, and use of flammable liquids located at service
7 stations.

8 SECTION 44. AMENDATORY 74 O.S. 2001, Section 324.8, as
9 amended by Section 1, Chapter 119, O.S.L. 2005 (74 O.S. Supp. 2008,
10 Section 324.8), is amended to read as follows:

11 Section 324.8 The rules promulgated pursuant to Section ~~324.1~~
12 ~~et seq.~~ 324.4 through 324.21 of this title shall have uniform force
13 and effect throughout the state and no municipality or subdivision
14 shall enact or enforce any ordinances, rules for construction of or
15 major alterations to buildings with standards other than the
16 Building Officials and Code Administrators (BOCA) National Building
17 Code, as last adopted by the Office of the State Fire Marshal
18 ~~Commission~~, except that a municipality or subdivision which requires
19 permits for construction of or major alterations to buildings may
20 elect to adopt, by ordinance, a renovation code for existing
21 buildings approved by the Office of the State Fire Marshal as an
22 equivalent code to the existing building provisions of the state-
23 adopted building code, or any other recognized national building
24 code, in lieu of the Building Officials and Code Administrators

1 (BOCA) National Building Code. Provided, nothing in this act shall
2 prevent or take away from any city, town or county, the authority to
3 enact and enforce rules containing higher standards and requirements
4 than those provided herein nor prevent or take away from any city,
5 town or county the authority to amend such adopted codes to make
6 changes necessary to accommodate local conditions. And provided
7 further, that nothing in this act shall in any way impair the power
8 of any municipality, county or subdivision to regulate the use of
9 land by zoning, building codes or restricted fire district
10 regulations. And provided further, that this act shall not apply to
11 municipalities that have adopted a national building code recognized
12 in Section 14-107 of Title 11 of the Oklahoma Statutes.

13 SECTION 45. AMENDATORY 74 O.S. 2001, Section 324.9, as
14 amended by Section 2, Chapter 432, O.S.L. 2004 (74 O.S. Supp. 2008,
15 Section 324.9), is amended to read as follows:

16 Section 324.9 A. The State Fire Marshal or deputies of the
17 State Fire Marshal may make investigations to determine the origin
18 and cause of fires, explosions, or suspected arson, and violations
19 of other related laws and codes. The State Fire Marshal and the
20 agents of the State Fire Marshal shall be peace officers and have
21 and exercise all the powers and authority of other peace officers,
22 with responsibility for the enforcement of statutes relating to the
23 State Fire Marshal. This shall include the authority to enforce,
24 issue citations for violations of city-adopted codes, and make

1 arrests for felony offenses relevant to the duties of the State Fire
2 Marshal. All reports and all results of investigations relevant to
3 the State Fire Marshal statutes shall be available and shall be
4 freely interchanged between the Office of the State Fire Marshal and
5 the Oklahoma State Bureau of Investigation.

6 B. The Office of the State Fire Marshal ~~Commission~~ may
7 establish fees, fines, and administrative penalties for inspections,
8 plan reviews, and permits ~~as provided in the adopted codes of the~~
9 ~~Commission~~, as long as the fees, fines, and administrative penalties
10 do not conflict with any applicable state law. All fees, fines, and
11 administrative penalties shall be adopted in accordance with the
12 Administrative Procedures Act.

13 SECTION 46. AMENDATORY 74 O.S. 2001, Section 324.11a, is
14 amended to read as follows:

15 Section 324.11a A. Any person, partnership, corporation,
16 organization, the state, or city, town, county, or other subdivision
17 of this state, owning a building or structure used as a hospital,
18 church, theater, hotel, motel, apartment house, rooming house,
19 dormitory, rest home, nursing home, day nursery, convalescent home,
20 auditorium, or child care institution, existing or constructed in
21 the State of Oklahoma, shall install in such building or structure a
22 smoke detector or detectors in accordance with the nationally
23 recognized codes, standards, or practices adopted by the Office of

24

1 the State Fire Marshal ~~Commission~~ to safeguard life and property
2 from the hazards of smoke and fire.

3 B. For the purpose of this section, the term smoke detector
4 means a device which is:

5 1. Designed to detect visible or invisible products of
6 combustion;

7 2. Designed with an alarm audible to the rooms it serves;

8 3. Powered by either battery, alternating current, or other
9 power source; and

10 4. Tested and listed for use as a smoke detector by a
11 recognized testing laboratory.

12 C. Any person, partnership, corporation, state, municipality,
13 county, or other subdivision of this state who is a lessor of a
14 residential rental property shall explain to the lessee or tenant
15 the method of testing the smoke detector to ensure that it is in
16 working order. The responsibility for checking a smoke detector to
17 find out whether such detector is in working order is with the
18 tenant or lessee leasing or renting a one- or two-family dwelling,
19 including an apartment in each apartment house, and not with the
20 person, partnership, corporation, state, municipality, county, or
21 other subdivision of this state who is a lessor of the residential
22 rental property to the lessee or tenant.

23 D. Beginning November 1, 1997, all new construction or
24 remodeling of residential dwellings which require a building permit

1 shall include the installment of smoke detectors or the electrical
2 wiring necessary for the installment of electrical smoke detectors.

3 E. Any person who violates any provision of subsection A of
4 this section or any person who tampers with, removes, destroys,
5 disconnects or removes power from any installed smoke detector,
6 except in the course of inspection, maintenance or replacement of
7 the detector, upon conviction, is guilty of a misdemeanor and may be
8 fined not less than Fifty Dollars (\$50.00) nor more than One Hundred
9 Dollars (\$100.00).

10 F. Nothing in this section shall be construed to allow any
11 political subdivision in this state to enact laws imposing upon
12 owners of any dwelling described in subsection A of this section a
13 greater duty with regard to the installation, testing, repair and
14 replacement of smoke detectors than is required by this section.

15 G. The Office of the State Fire Marshal ~~Commission~~ shall
16 prescribe, adopt, and promulgate the rules necessary to effectuate
17 the provisions of this section which shall include a practical time
18 table for compliance with the provisions of this ~~act~~ section.

19 H. Municipalities may enact ordinances in order to enforce the
20 rules of the Office of the State Fire Marshal ~~Commission~~ as provided
21 by this section.

22 SECTION 47. AMENDATORY 74 O.S. 2001, Section 324.13, is
23 amended to read as follows:

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1 Section 324.13 The Office of the State Fire Marshal Commission
2 and the State Fire Marshal shall be subject to the provisions of the
3 Administrative Procedures Act, Section 250 et seq. of Title 75 of
4 the Oklahoma Statutes.

5 SECTION 48. AMENDATORY 74 O.S. 2001, Section 324.14, is
6 amended to read as follows:

7 Section 324.14 The Attorney General shall be the legal advisor
8 for the Office of the State Fire Marshal ~~and the Fire Marshal~~
9 ~~Commission~~ and shall appear for and represent the State Fire
10 Marshal, ~~the Fire Marshal Commission~~ and any of his or her deputies
11 or agents in any and all litigation that may arise in the discharge
12 of their respective duties.

13 SECTION 49. AMENDATORY 74 O.S. 2001, Section 324.18, is
14 amended to read as follows:

15 Section 324.18 The Office of the State Fire Marshal Commission
16 shall adopt rules relating to the fire-resistant qualities of
17 thermal insulating materials. The rules and regulations shall be
18 consistent with the nationally recognized codes, standards or
19 practices as may be available. No person, firm or corporation shall
20 distribute or sell at wholesale or retail, in this state, any
21 thermal insulating material for loose fill application unless the
22 material has been approved by the State Fire Marshal as being in
23 accordance with the rules and regulations of the Office of the State
24 Fire Marshal ~~Commission~~. The State Fire Marshal's approval shall be

1 manifested in an annual certificate signed by the State Fire Marshal
2 which he shall give to the person, firm or corporation as a sign of
3 his or her approval. Upon the request of any state or local
4 building or fire official, the person, firm or corporation shall
5 produce the certificate as proof of the State Fire Marshal's
6 approval.

7 SECTION 50. AMENDATORY Section 2, Chapter 515, O.S.L.
8 2004 (74 O.S. Supp. 2008, Section 325.1), is amended to read as
9 follows:

10 Section 325.1 A. There is hereby established the Oklahoma
11 Council on Firefighter Training.

12 B. The Council shall consist of nine (9) members, two of whom
13 shall be ex officio and nonvoting, as follows:

14 1. One member to be appointed by the Oklahoma State
15 Firefighters Association who shall be a member of an Oklahoma fire
16 department representing all members of paid, volunteer and
17 combination fire departments;

18 2. One member to be appointed by the Professional Fire Fighters
19 of Oklahoma who shall be a fire union officer, chief officer, or
20 fire service instructor from a full-time paid fire department;

21 3. One member to be appointed by the Oklahoma Fire Chiefs'
22 Association who shall be a chief officer or fire service instructor
23 from an Oklahoma combination fire department;

24

1 4. One member to be appointed by the ~~State Fire Marshal~~
2 ~~Commission~~ Cabinet Secretary of Safety and Security who shall be a
3 representative of the Oklahoma Fire Service with commensurate skills
4 in arson investigation or code enforcement;

5 5. One member to be appointed by the Oklahoma Rural Fire
6 Coordinators who shall be a chief officer or fire service instructor
7 from a volunteer fire department;

8 6. One member to be appointed by the Director of the State
9 Department of Health-Emergency Medical Services Division who shall
10 be a chief officer or fire service EMS instructor from an Oklahoma
11 fire department;

12 7. One member to be appointed by the Director of the Oklahoma
13 Department of Homeland Security who shall be a municipal emergency
14 management official;

15 8. The Director of Fire Service Training, Oklahoma State
16 University, ex officio and nonvoting; and

17 9. The Director of Fire Service Publications, Oklahoma State
18 University, ex officio and nonvoting.

19 C. The initial term of office for the members of the Council
20 shall be:

21 1. Three (3) years for persons appointed pursuant to paragraphs
22 1 through 3 of subsection B of this section;

23 2. Two (2) years for persons appointed pursuant to paragraphs 4
24 and 5 of subsection B of this section; and

1 3. One (1) year for persons appointed pursuant to paragraphs 6
2 and 7 of subsection B of this section.

3 D. After the expiration of the initial terms of office
4 prescribed by subsection C of this section, the term of office for
5 each member of the Council shall be for a period of three (3) years.

6 E. Each member of the Council shall serve at the pleasure of
7 the appointing authority.

8 F. Appointments made to fill a vacancy in any position shall be
9 for the period of time remaining for such appointed position and
10 shall be made in the same manner as for the original appointment.
11 Any vacancy in the Council shall be filled in the same manner as
12 provided for in the original appointment.

13 G. The Council shall be responsible for:

14 1. Identifying firefighter training needs and setting the
15 firefighter training goals for the State of Oklahoma;

16 2. Interacting with the Homeland Security Department's
17 Preparedness and Awareness Division on firefighter training and
18 grants; and

19 3. Administering and maintaining the incentive and recognition
20 programs established for Oklahoma firefighters.

21 H. The Council shall advise the Governor, the Speaker of the
22 House of Representatives, the President Pro Tempore of the State
23 Senate and the Oklahoma State Fire Service on fire and emergency
24 service training needs for the state. The Council shall submit an

1 annual report or recommendations regarding fire and emergency
2 service training needs to the Governor, the Speaker of the House of
3 Representatives and the President Pro Tempore of the State Senate
4 not later than December 31 each year.

5 I. After the initial appointments to the Council have been made
6 and at the beginning of each fiscal year thereafter, the Council
7 shall select from among its membership a chairperson.

8 J. At least four members of the Council must be present to
9 constitute a quorum at the meetings of the Council. A simple
10 majority of the members in attendance and voting shall constitute
11 passage of any vote.

12 K. The chair of the Council shall recommend to the appointing
13 authority the replacement of any Council member who misses more than
14 two consecutive regular meetings or who attends less than fifty
15 percent (50%) of the Council's regularly scheduled meetings in a
16 twelve-month period without an excused absence.

17 L. The staff of the Oklahoma State Firefighters Association
18 shall provide the Council with administrative, professional and
19 clerical services as funding permits. Functions of the Council that
20 may be paid for from other sources shall be paid using such other
21 sources as may be authorized by law.

22 M. The Council shall conduct four meetings annually. Meetings
23 of the Council shall be held at a location and time to be determined
24 by the chair. The chair shall have the discretion to cancel or

1 reschedule any regular meeting by written notice within a reasonable
2 time prior to the meeting. Council members shall be notified of the
3 time and place of all such meetings at least seven (7) days prior to
4 the meeting date.

5 N. Special meetings of the Council may be called at the
6 discretion of the chair or by a written request of at least three
7 members of the Council. An agenda, together with a written notice
8 of the time and place of any such meeting must be provided to the
9 Council members at least seven (7) days in advance. Only matters
10 contained in the agenda shall be voted on at any special meeting.
11 The chair shall have the discretion to cancel any special meeting;
12 provided, that such meetings called by the members of the Council
13 are canceled only with their consent.

14 SECTION 51. REPEALER 63 O.S. 2001, Section 931, as
15 amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2008,
16 Section 931), is hereby repealed.

17 SECTION 52. REPEALER 74 O.S. 2001, Section 150.3, as
18 last amended by Section 7, Chapter 229, O.S.L. 2003 (74 O.S. Supp.
19 2008, Section 150.3), is hereby repealed.

20 SECTION 53. REPEALER 74 O.S. 2001, Sections 324.1 and
21 324.2, as amended by Section 1, Chapter 52, O.S.L. 2005 (74 O.S.
22 Supp. 2008, Section 324.2), are hereby repealed.

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SECTION 54. This act shall become effective November 1, 2009.

52-1-5087 GRS 12/30/08