STATE OF OKLAHOMA

2nd Session of the 52nd Legislature (2010)

HOUSE BILL 2689 By: Lamons

AS INTRODUCED

An Act relating to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma State Bureau of Investigation and the Office of the State Fire Marshal; abolishing the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission; transferring duties to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; placing Director under the supervision of the Cabinet Secretary of Safety and Security; providing for interpretation of certain statutory references; amending 63 O.S. 2001, Sections 2-103, as last amended by Section 1, Chapter 445, O.S.L. 2009, 2-104.1, as last amended by Section 4, Chapter 229, O.S.L. 2003, 2-110, as amended by Section 4, Chapter 359, O.S.L. 2008 and 2-508, as last amended by Section 15, Chapter 442, O.S.L. 2009 (63 O.S. Supp. 2009, Sections 2-103, 2-104.1, 2-110 and 2-508), which relate to the Uniform Controlled Dangerous 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. 2009, Sections 935, 948, 948.1 and 949), which relate to medicolegal investigations; eliminating references to the Board of Medicolegal Investigations; changing procedure of

appointment of Chief Medical Examiner; providing gender-neutral language; abolishing the Oklahoma State Bureau of Investigation Commission; transferring duties to the Director of the Oklahoma State Bureau of Investigation; placing Director under the supervision of the Cabinet Secretary of Safety and Security; providing for interpretation of certain statutory references; amending 74 O.S. 2001, Sections 150.2, as last amended by Section 1, Chapter 303, O.S.L. 2006, 150.4, 150.5, as last amended by Section 162, Chapter 234, O.S.L. 2009, 150.6, as amended by Section 14, Chapter 199, O.S.L. 2003, 150.7, as amended by Section 1, Chapter 42, O.S.L. 2002, 150.10, as amended by Section 1, Chapter 106, O.S.L. 2005, 150.13, as amended by Section 1, Chapter 47, O.S.L. 2007, 150.21, as amended by Section 3, Chapter 42, O.S.L. 2002 and 150.21a (74 O.S. Supp. 2009, Sections 150.2, 150.5, 150.6, 150.7, 150.10, 150.13 and 150.21), which relate to the Oklahoma State Bureau of Investigation; eliminating references to the Oklahoma State Bureau of Investigation Commission; changing procedure of appointment of Director; modifying duties and powers of Director; 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. 2009, Section 2357.102), which relates to tax credits for dry fire hydrants or

water storage; eliminating reference to the State Fire Marshal Commission; amending 74 O.S. 2001, Sections 317.1, 324.4, 324.5, 324.7, as last amended by Section 18, Chapter 439, O.S.L. 2009, 324.7a, as amended by Section 9, Chapter 168, O.S.L. 2003, 324.8, as last amended by Section 2, Chapter 80, O.S.L. 2009, 324.9, as last amended by Section 20, Chapter 439, O.S.L. 2009, 324.11a, 324.13, 324.14, 324.18 and Section 2, Chapter 515, O.S.L. 2004 (74 O.S. Supp. 2009, Sections 324.7, 324.7a, 324.8, 324.9 and 325.1), which relate to the State Fire Marshal; eliminating references to the State Fire Marshal Commission; changing procedure of appointment of State Fire Marshal; modifying duties and powers of State Fire Marshal; modifying membership of certain council; repealing 63 O.S. 2001, Section 931, as amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2009, Section 931), which relates to the creation of the Board of Medicolegal Investigations; repealing 74 O.S. 2001, Section 150.3, as last amended by Section 7, Chapter 229, O.S.L. 2003 (74 O.S. Supp. 2009, Section 150.3), which relates to the State Bureau of Investigation Commission; repealing 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. 2009, 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

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

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

SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-103, as last amended by Section 1, Chapter 445, O.S.L. 2009 (63 O.S. Supp. 2009, Section 2-103), is amended to read as follows:

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

of Chief of Law Enforcement Information and Technology, Public Information/Education Officer, Training Officer, Program Administrators, Grants Administrator, Criminal Analysts, Legal Secretary, and Typist Clerk/Spanish Transcriptionists. The positions shall be unclassified and exempt from the rules and procedures of the Office of Personnel Management, except leave regulations. The office of the Director shall be located at a suitable place in Oklahoma City, Oklahoma.

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

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

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

C. Agents appointed pursuant to the provisions of this section shall have the responsibility of investigating alleged violations and shall have the authority to arrest those suspected of having

violated the provisions of the Uniform Controlled Dangerous Substances Act.

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

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

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

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

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

SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-104.1, as last amended by Section 4, Chapter 229, O.S.L. 2003 (63 O.S. Supp. 2009, Section 2-104.1), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~removal from the Commission, and shall~~ constitute a misdemeanor~~.~~;

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

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

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

SECTION 4. AMENDATORY 63 O.S. 2001, Section 2-110, as amended by Section 4, Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2009, Section 2-110), is amended to read as follows:

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

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

SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-508, as last amended by Section 15, Chapter 442, O.S.L. 2009 (63 O.S. Supp. 2009, Section 2-508), is amended to read as follows:

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

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

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

a. photograph the seized substance with identifying case numbers or other means of identification,

b. prepare a report describing the seized substance prior to the destruction,

c. retain at least one (1) pound of the substance randomly selected from the seized substance for the purpose of evidence, and

d. obtain and retain samples of the substance from enough containers, bales, bricks, or other units of substance seized to establish the presence of a weight of the substance necessary to establish a violation of the Trafficking in Illegal Drugs Act pursuant to subsection C of Section 2-415 of this title, if such a weight is present. If such weight is not present, samples of the substance from each container, bale, brick or other unit of substance seized shall be taken. Each sample taken pursuant to this section shall be large enough for the destroying agency and the defendant or suspect to have an independent test performed on the substance for purposes of identification.

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

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

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

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

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

C. All other property not otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State

Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Office of the Attorney General, or a district attorney may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the agency or district attorney, the agency or district attorney shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court except for laboratory equipment which may be forfeited when no longer needed in connection with litigation, unless the property is perishable. The Director or Commissioner of the agency, the Attorney General, or district attorney shall file a petition in the district court of Oklahoma County or in the case of a district attorney, the petition shall be filed in a county within the jurisdiction of the district attorney requesting the authority to:

1. Conduct a sale of the property; or

2. Convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, the Office of the Attorney General, or to the district attorney's office for the purposes provided for in subsection J, K or L of this section.

The Director, Commissioner, Attorney General or district attorney shall attach to the petition:

a. a list describing the property, including all identifying numbers and marks, if any,

b. the date the property came into the possession of the agency or district attorney, and

c. the name and address of the owner, if known.

For any item having an apparent value in excess of One Hundred Dollars ($100.00), but less than Five Hundred Dollars ($500.00), the notice of the hearing of the petition for the sale of the property, except laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the provisions of the Uniform Controlled Dangerous Substances Act, shall be given to every known owner, as set forth in the petition, by first-class mail to the last-known address of the owner at least ten (10) days prior to the date of the hearing. An affidavit of notice being sent shall be filed with the court by a representative of the agency, the Director or Commissioner of the agency, the Attorney General or district attorney. For items in excess of Five Hundred Dollars ($500.00), a notice of the hearing of the petition for the sale of said property shall be delivered to every known owner as set forth in the petition by certified mail. Notice of a hearing on a petition for forfeiture or sale of laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous

substances in violation of the Uniform Controlled Dangerous Substances Act shall not be required.

The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director, Commissioner, Attorney General, or district attorney to donate the property pursuant to subsection J, K or L of this section, to sell the property at a public auction to the highest bidder, or to convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections, or the Office of the Attorney General for the purposes provided for in subsection J, K or L of this section after at least ten (10) days of notice has been given by publication in one issue of a legal newspaper of the county. If the property is offered for sale at public auction and no bid is received that exceeds fifty percent (50%) of the value of the property, such value to be announced prior to the sale, the Director, Commissioner, Attorney General, or district attorney may refuse to sell the item pursuant to any bid received. The Director,

Commissioner, Attorney General, or district attorney shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased.

D. The money received from the sale of property by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be used for general drug enforcement purposes. These funds shall be transferred to the Bureau of Narcotics Revolving Fund established pursuant to Section 2-107 of this title or in the case of a district attorney, the revolving fund provided for in paragraph 3 of subsection L of Section 2-506 of this title.

E. At the request of the Department of Public Safety, the district attorney or a designee of the district attorney may conduct any forfeiture proceedings as described in Section 2-503 of this title on any property subject to forfeiture as described in subsection A, B or C of Section 2-503 of this title. The money received from the sale of property by the Department of Public Safety shall be deposited in the Department of Public Safety Revolving Fund and shall be expended for law enforcement purposes.

F. The money received from the sale of property by the Alcoholic Beverage Laws Enforcement Commission shall be deposited in the General Revenue Fund of the state.

G. The money received from the sale of property from the Oklahoma State Bureau of Investigation shall be deposited in the

OSBI Revolving Fund and shall be expended for law enforcement purposes.

H. The Director of the Oklahoma Department of Corrections shall make a return of the sale and when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. Twenty-five percent (25%) of the money received from the sale shall be disbursed to a revolving fund in the office of the county treasurer of the county wherein the property was seized, said fund to be used as a revolving fund solely for enforcement of controlled dangerous substances laws, drug abuse prevention and drug abuse education. The remaining seventy-five percent (75%) shall be deposited in the Department of Corrections Revolving Fund to be expended for equipment for probation and parole officers and correctional officers.

I. The money received from the sale of property from the Office of the Attorney General shall be deposited in the Attorney General Law Enforcement Revolving Fund and shall be expended for law enforcement purposes. The Office of the Attorney General may enter into agreements with municipal, county or state agencies to return to such an agency a percentage of proceeds of the sale of any property seized by the agency and forfeited under the provisions of this section.

J. Any property, including but not limited to uncontaminated laboratory equipment used in the processing, manufacturing or

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

K. Any vehicle or firearm which has come into the possession and title vested in the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation, or the Office of the Attorney General, may be transferred, donated or offered for lease to any sheriff's office, tribal law enforcement agency, campus police department pursuant to the provisions of the Oklahoma Campus Security Act, or police department in this state on an annual basis to assist with the enforcement of the provisions of the Uniform Controlled Dangerous Substances Act. Each agency shall promulgate rules, regulations and procedures for leasing vehicles and firearms. No fully automatic weapons will be subject to the leasing agreement. All firearms leased may be utilized only by C.L.E.E.T. certified officers who have received training in the type and class of weapon

leased. Every lessee shall be required to submit an annual report to the leasing agency stating the condition of all leased property. A lease agreement may be renewed annually at the option of the leasing agency. Upon termination of a lease agreement, the property shall be returned to the leasing agency for sale or other disposition. All funds derived from lease agreements or other disposition of property no longer useful to law enforcement shall be deposited in the agency's revolving fund and shall be expended for law enforcement purposes.

L. Before disposing of any property pursuant to subsections C through I of this section, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State Bureau of Investigation, the Department of Corrections, the Office of the Attorney General, or a district attorney may transfer or donate the property to another state agency, tribal law enforcement agency, or school district for use upon request. In addition to the provisions of this section, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may transfer or donate property for any purpose pursuant to Section 2-106.2 of this title. The agencies and any district attorney that are parties to any transfer of property pursuant to this subsection shall enter into written agreements to carry out any such transfer of property. Any such agreement may also provide for the granting of title to any property being

transferred as the parties deem appropriate. If the transfer of property is to a school district, a written agreement shall be entered into with the superintendent of the school district. No weapons may be transferred to a school district except as provided for in subsection K of this section.

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

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

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

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

Section 932. The ~~Board~~ Cabinet Secretary of Safety and Security is hereby authorized to promulgate rules and regulations necessary or appropriate to carry out effectively the provisions of this act. Such rules and regulations shall be filed with the Secretary of State and shall not be effective until ten (10) days after the date of filing. The ~~Board~~ Cabinet Secretary of Safety and Security

shall, on the date of filing, send a copy of the rules and regulations by the United States mail to the state regulatory board the licensees of which are affected thereby.

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

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

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

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

SECTION 10. AMENDATORY 63 O.S. 2001, Section 935, as last amended by Section 5, Chapter 269, O.S.L. 2008 (63 O.S. Supp. 2009, Section 935), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 15. AMENDATORY 63 O.S. 2001, Section 948, as amended by Section 1, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2009, Section 948), is amended to read as follows:

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

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

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

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

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

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

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

SECTION 16 AMENDATORY Section 2, Chapter 559, O.S.L. 2004 (63 O.S. Supp. 2009, Section 948.1), is amended to read as follows:

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

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

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

a. permit for cremations that occur within the state: One Hundred Dollars ($100.00) to Two Hundred Dollars ($200.00),

b. forensic science service: One Hundred Dollars ($100.00) to Three Thousand Dollars ($3,000.00),

c. report copies: Ten Dollars ($10.00) for report of investigation, including toxicology, and Twenty Dollars ($20.00) for an autopsy report, including toxicology,

d. x-rays: Fifteen Dollars ($15.00) each,

e. microscopic slides, Hematoxilyn and Eosin (H&E): Ten Dollars ($10.00) each,

f. special stains: Fifteen Dollars ($15.00) each, and

g. photographs: Twenty-five Dollars ($25.00) per computer diskette (CD).

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

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

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

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

SECTION 17. AMENDATORY 63 O.S. 2001, Section 949, as amended by Section 1, Chapter 190, O.S.L. 2004 (63 O.S. Supp. 2009, Section 949), is amended to read as follows:

Section 949.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Laboratory analysis fees pursuant to the provisions of Section 1313.2 of Title 20 of the Oklahoma Statutes;

2. Grants, gifts, fees or funds from persons, associations, corporations or foundations pursuant to this section;

3. Document fees pursuant to the Oklahoma Open Records Act~~, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes~~; and

4. Cremation, burial at sea or other recognized means of dissolution permit fees pursuant to Section 1-329.1 of this title.

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

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

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

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

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

SECTION 22. AMENDATORY 74 O.S. 2001, Section 150.2, as last amended by Section 1, Chapter 303, O.S.L. 2006 (74 O.S. Supp. 2009, Section 150.2), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 24. AMENDATORY 74 O.S. 2001, Section 150.5, as last amended by Section 162, Chapter 234, O.S.L. 2009 (74 O.S. Supp. 2009, Section 150.5), is amended to read as follows:

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

a. the Governor,

b. the Attorney General,

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

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

e. the Director of the Department of Human Services, or designee, as authorized by Section 1-2-105 of Title 10A of the Oklahoma Statutes, or

f. a district court judge as authorized by Section 1-2-103 of Title 10A of the Oklahoma Statutes.

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

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

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

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

a. officers and agents of federal, state, county, or municipal law enforcement agencies and to district attorneys, in the furtherance of criminal investigations within their respective jurisdictions,

b. employees of the Department of Human Services in the furtherance of child abuse investigations, and

c. appropriate accreditation bodies for the purposes of the Bureau's obtaining or maintaining accreditation.

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

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

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

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

SECTION 25. AMENDATORY 74 O.S. 2001, Section 150.6, as amended by Section 14, Chapter 199, O.S.L. 2003 (74 O.S. Supp. 2009, Section 150.6), is amended to read as follows:

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

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

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

SECTION 26. AMENDATORY 74 O.S. 2001, Section 150.7, as amended by Section 1, Chapter 42, O.S.L. 2002 (74 O.S. Supp. 2009, Section 150.7), is amended to read as follows:

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

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

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

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

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

a. what types of investigations are pending,

b. what new types of investigations have been opened,

c. what types of investigations have been closed, and

d. what criminal charges have been filed as a result of Bureau investigations.

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

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

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

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

SECTION 27. AMENDATORY 74 O.S. 2001, Section 150.10, as amended by Section 1, Chapter 106, O.S.L. 2005 (74 O.S. Supp. 2009, Section 150.10), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

SECTION 28. AMENDATORY 74 O.S. 2001, Section 150.13, as amended by Section 1, Chapter 47, O.S.L. 2007 (74 O.S. Supp. 2009, Section 150.13), is amended to read as follows:

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

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

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

SECTION 29. AMENDATORY 74 O.S. 2001, Section 150.21, as amended by Section 3, Chapter 42, O.S.L. 2002 (74 O.S. Supp. 2009, Section 150.21), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. to manage and conduct the business affairs of such county fire department,

b. to make and execute all necessary contracts,

c. to purchase or lease-purchase and maintain all necessary and convenient engines, hoses, hose carts or other appliances and supplies for the full equipment of a fire company or department from available funds,

d. to appoint the fire chief, fire company officers and employees (whether paid or volunteer), sufficient to maintain and operate the equipment owned by the county fire department,

e. to take by grant, purchase, gift, devise or lease, and to dispose of real or personal property of every kind necessary for the operation of the county fire department,

f. to construct or otherwise acquire from available funds suitable firehouses and other buildings or structures suitable for the housing of equipment and supplies of the county fire department, or for carrying on its own business and affairs,

g. to employ such officers and employees as may be required from available funds, fix their compensation and prescribe their duties,

h. to establish rules for such county fire department and for the prevention of fires and conflagrations within the department's boundaries and for the protection of property at and during any fire,

i. to do any and all other things necessary and proper in the management and operation of the county fire department for the purpose of protecting property within its boundaries from fire, and

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

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

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

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

a. Fire chief.

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

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

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

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

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

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

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

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

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

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

b. Assistant fire chief.

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

c. Company officers.

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

(1) their knowledge of firefighting,

(2) their leadership ability, and

(3) their knowledge of firefighting equipment.

d. Secretary-treasurer.

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

(1) calling the roll at the opening of each meeting,

(2) keeping the minutes of each meeting, and

(3) collecting any money due the department by the members.

e. New members.

(1) An applicant of a participating county fire department of the Oklahoma Firefighters Pension and Retirement System shall meet the membership requirements of the Oklahoma Firefighters Pension and Retirement System before he or she may be appointed as a new member of the county fire department.

(2) A new member shall be on probation for one (1) year after his or her appointment.

(3) A new member of a participating county fire department of the Oklahoma Firefighters Pension and Retirement System shall be immediately enrolled as a member of the Oklahoma Firefighters Pension and Retirement System regardless of whether such member has completed his or her probation period.

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

f. Bylaws.

The bylaws of the department shall include:

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

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

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

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

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

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

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

(a) conduct unbecoming a firefighter,

(b) any act of insubordination,

(c) neglect of duty,

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

(e) conviction of a felony.

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

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

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

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

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

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

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

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

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

Section 863.44C As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 38. AMENDATORY Section 11, Chapter 381, O.S.L. 2005 (68 O.S. Supp. 2009, Section 2357.102), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 42. AMENDATORY 74 O.S. 2001, Section 324.7, as last amended by Section 18, Chapter 439, O.S.L. 2009 (74 O.S. Supp. 2009, Section 324.7), is amended to read as follows:

Section 324.7 A. Except as otherwise specified by subsection B of this section, the Office of the State Fire Marshal ~~Commission~~ shall have the power and duty to prescribe, adopt, and promulgate, in the manner set forth in this act, such reasonable rules, regulations, or specifications on matters relating to the safeguarding of life and property from the hazards of fire and explosion arising from storage, handling, and use of flammable and combustible materials, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, as are deemed just and reasonable and in accordance with the codes as last adopted by the Oklahoma Uniform Building Code Commission, and not inconsistent with this act, and to revoke, amend, or supersede the

same. Exceptions to these standards shall be granted to detention and correction facilities in existence on November 1, 1985, when noncompliance would not result in a life-threatening condition to inmates incarcerated in such facilities. All such rules, regulations, and specifications or any revisions or amendments thereto shall not become effective until promulgated in accordance with the provisions of the Administrative Procedures Act.

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

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

C. For the purpose of this section:

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

2. "Service station" means any facility including but not limited to businesses serving the public, marinas and airports where flammable liquids are stored in aboveground tanks and dispensed for retail sales into the fuel tanks of airplanes, vessels or motor vehicles of the public; and

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

SECTION 43. AMENDATORY 74 O.S. 2001, Section 324.7a, as amended by Section 9, Chapter 168, O.S.L. 2003 (74 O.S. Supp. 2009, Section 324.7a), is amended to read as follows:

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

B. ~~Upon the request of the Commission, the~~ The Office of the State Fire Marshal shall assist ~~the Commission with~~ in the training of ~~its enforcement~~ employees or agents in the standards and

practices on matters relating to the safeguarding of life and property from the hazards of fire and explosions arising from storage, handling, and use of flammable liquids located at service stations.

SECTION 44. AMENDATORY 74 O.S. 2001, Section 324.8, as last amended by Section 2, Chapter 80, O.S.L. 2009 (74 O.S. Supp. 2009, Section 324.8), is amended to read as follows:

Section 324.8 The rules promulgated pursuant to Section ~~324.1 et seq.~~ 324.4 through 324.21 of this title shall have uniform force and effect throughout the state and no municipality or subdivision shall enact or enforce any ordinances, rules for construction of or major alterations to buildings with standards other than the International Building Code last adopted by the Office of the State Fire Marshal ~~Commission~~, except that a municipality or subdivision which requires permits for construction of or major alterations to buildings may elect to adopt, by ordinance, a renovation code for existing buildings approved by the Office of the State Fire Marshal as an equivalent code to the existing building provisions of the state-adopted building code, or any other recognized national building code, in lieu of the International Building Code. Provided, nothing in this act shall prevent or take away from any city, town or county, the authority to enact and enforce rules containing higher standards and requirements than those provided herein nor prevent or take away from any city, town or county the

authority to amend such adopted codes to make changes necessary to accommodate local conditions. And provided further, that nothing in this act shall in any way impair the power of any municipality, county or subdivision to regulate the use of land by zoning, building codes or restricted fire district regulations. And provided further, that this act shall not apply to municipalities that have adopted a national building code recognized in Section 14-107 of Title 11 of the Oklahoma Statutes.

SECTION 45. AMENDATORY 74 O.S. 2001, Section 324.9, as last amended by Section 20, Chapter 439, O.S.L. 2009 (74 O.S. Supp. 2009, Section 324.9), is amended to read as follows:

Section 324.9 A. The State Fire Marshal or deputies of the State Fire Marshal may make investigations to determine the origin and cause of fires, explosions, or suspected arson, and violations of other related laws and codes. The State Fire Marshal and the agents of the State Fire Marshal shall be peace officers and have and exercise all the powers and authority of other peace officers, with responsibility for the enforcement of statutes relating to the State Fire Marshal. This shall include the authority to enforce, issue citations for violations of state and city-adopted codes, and make arrests for felony offenses relevant to the duties of the State Fire Marshal. All reports and all results of investigations relevant to the State Fire Marshal statutes shall be available and

shall be freely interchanged between the Office of the State Fire Marshal and the Oklahoma State Bureau of Investigation.

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

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

Section 324.11a A. Any person, partnership, corporation, organization, the state, or city, town, county, or other subdivision of this state, owning a building or structure used as a hospital, church, theater, hotel, motel, apartment house, rooming house, dormitory, rest home, nursing home, day nursery, convalescent home, auditorium, or child care institution, existing or constructed in the State of Oklahoma, shall install in such building or structure a smoke detector or detectors in accordance with the nationally recognized codes, standards, or practices adopted by the Office of the State Fire Marshal ~~Commission~~ to safeguard life and property from the hazards of smoke and fire.

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

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

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

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

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

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

D. Beginning November 1, 1997, all new construction or remodeling of residential dwellings which require a building permit shall include the installment of smoke detectors or the electrical wiring necessary for the installment of electrical smoke detectors.

E. Any person who violates any provision of subsection A of this section or any person who tampers with, removes, destroys,

disconnects or removes power from any installed smoke detector, except in the course of inspection, maintenance or replacement of the detector, upon conviction, is guilty of a misdemeanor and may be fined not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00).

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

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

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

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

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

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

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

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

Section 324.18 The Office of the State Fire Marshal ~~Commission~~ shall adopt rules relating to the fire-resistant qualities of thermal insulating materials. The rules and regulations shall be consistent with the nationally recognized codes, standards or practices as may be available. No person, firm or corporation shall distribute or sell at wholesale or retail, in this state, any thermal insulating material for loose fill application unless the material has been approved by the State Fire Marshal as being in accordance with the rules and regulations of the Office of the State Fire Marshal ~~Commission~~. The State Fire Marshal's approval shall be manifested in an annual certificate signed by the State Fire Marshal which he shall give to the person, firm or corporation as a sign of his or her approval. Upon the request of any state or local building or fire official, the person, firm or corporation shall

produce the certificate as proof of the State Fire Marshal's approval.

SECTION 50. AMENDATORY Section 2, Chapter 515, O.S.L. 2004 (74 O.S. Supp. 2009, Section 325.1), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. The Council shall be responsible for:

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

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

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

H. The Council shall advise the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the State Senate and the Oklahoma State Fire Service on fire and emergency service training needs for the state. The Council shall submit an annual report or recommendations regarding fire and emergency service training needs to the Governor, the Speaker of the House of

Representatives and the President Pro Tempore of the State Senate not later than December 31 each year.

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

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

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

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

M. The Council shall conduct four meetings annually. Meetings of the Council shall be held at a location and time to be determined by the chair. The chair shall have the discretion to cancel or reschedule any regular meeting by written notice within a reasonable time prior to the meeting. Council members shall be notified of the

time and place of all such meetings at least seven (7) days prior to the meeting date.

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

SECTION 51. REPEALER 63 O.S. 2001, Section 931, as amended by Section 1, Chapter 410, O.S.L. 2005 (63 O.S. Supp. 2009, Section 931), is hereby repealed.

SECTION 52. REPEALER 74 O.S. 2001, Section 150.3, as last amended by Section 7, Chapter 229, O.S.L. 2003 (74 O.S. Supp. 2009, Section 150.3), is hereby repealed.

SECTION 53. REPEALER 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. 2009, Section 324.2), are hereby repealed.

SECTION 54. This act shall become effective November 1, 2010.

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