

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2311

By: Coffee

4
5
6 AS INTRODUCED

7 An Act relating to the Commissioners of the Land
8 Office; modernizing certain statutes; amending 64
9 O.S. 2001, Sections 1, 1.1, 2, 3, 10, 41, 43, 51,
10 Section 1, Chapter 190, O.S.L. 1007, 61, 64, 88, 90,
11 92, as amended by Section 1, Chapter 205, O.S.L.
12 2003, 92a, 92b, 101, 115, 123, 126, 130, 151, 153.1,
13 154, 155, 156, 158, 160, 181, 184, 192, 223, 224,
14 225.1, 226, 227, 228, 241, 244, 246, 249, 252, 259,
15 289, 290, 291, 293, 451, 454 and 459 (64 O.S. Supp.
16 2009, Sections 51.2 and 92), which relate to the
17 Department of Commissioners of the Land Office,
18 sales, leases, segregation and lease of oil and gas
19 lands and mineral leases and prospecting permits;
20 modifying authority, powers and duties of
21 Commissioners of the Land Office; specifying purpose
22 therefor; providing for administration of Land
23 Office; specifying duties, qualifications and term of
24 Secretary; providing procedures for appointment of
replacement; modifying procedures for selection and
duties of employees; deleting reference to Auditor;
modifying certain revolving fund; modifying purposes
for which revolving fund may be expended; creating
cash drawer change fund and specifying purpose;
limiting amount and providing procedures for
expenditures therefrom; prohibiting certain purchases
and transactions; specifying duties of Director of
Accounting for Land Office; providing procedures for
issuance of formal resolutions; modifying procedures
for investment of certain funds; limiting investment
in equity securities; specifying certain requirements
for out-of-state custodial banks; deleting definition
of fair market value; modifying duties and
prohibitions relating to appraisers for Commissioners
of Land Office; providing that certain communications
and information not records and not subject to

1 disclosure except under certain circumstances;
2 modifying prohibited acts and penalties; subjecting
3 certain persons to civil action and criminal
4 sanctions; providing for certain interest; modifying
5 property on which Commissioners of Land Office have
6 first lien; modifying procedures relating to sales of
7 oil and gas leases; deleting obsolete language;
8 modifying lands upon which Commissioners of Land
9 Office reserve oil, gas and other minerals; deleting
10 requirement for legislative approval of certain
11 sales; allowing Commissioners of Land Office to
12 refuse to accept certain bids, leases or contracts;
13 deleting authority to endorse certain instruments;
14 modifying certain civil liability; modifying form of
15 certain instruments; modifying procedures for
16 processing of mail and certain payments; allowing
17 Secretary to purchase certain services; allowing
18 Secretary to employ Internal Auditor; specifying
19 qualifications; deleting certain provisions relating
20 to county treasurer; deleting exception from certain
21 requirements for mortgages; modifying procedures
22 relating to meetings of Commissioners; specifying
23 duties of Accounting Division; requiring certain
24 financial statements; modifying procedures for audits
of accounts and records; allowing contracts therefor;
providing severability; providing for legal services;
modifying preference rights of lessee; subjecting
certain property to conditions of title; deleting
certain procedures relating to appeal of appraisal;
modifying procedures for auction and sale of certain
property; providing for exemption from and compliance
with certain local regulations and laws; modifying
procedures if lessee in default; modifying certain
fee; specifying procedures upon termination of lease;
providing exception; modifying required rental;
providing for distribution of certain rental income;
clarifying language and statutory references;
modifying procedures for issuance of prospecting
permits; amending 70 O.S. 2001, Section 614, which
relates to apportionment of certain funds; modifying
procedure and time requirements for certain
apportionment; amending 74 O.S. 2001, Section 840-
5.5, as last amended by Section 1, Chapter 300,
O.S.L. 2008 (74 O.S. Supp. 2009, Section 840-5.5),
which relates to the Oklahoma Personnel Act;
unclassifying certain employees; repealing 64 O.S.
2001, Sections 1.2, 1.3, as amended by Section 1,

1 Chapter 433, O.S.L. 2004, 9, 11, 12, 13, 14, 52, 56,
2 57, 58, 58.1, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72,
3 73, 74, 75, 76, 77, 78, 79, 80.1, 80.2, 80.3, 80.4,
4 81, 82, 82.1, 82.2, 83, 84, 86, 86.1, 87c, 89, 91,
5 93, 94, 95, 96, 97, 99, 100, 111, 112, 121, 124, 125,
6 127, 128, 129, 131, 132, 157, 159, 161, 162, 162.2,
7 163, 164, 165, 166, 187, 188, 189, 190, 191, 193,
8 195, 196, 214, 215, 216.1, 216.2, 216.3, 216.4,
9 216.5, 216.6, 216.7, 216.8, 229.1, 229.2, 229.3,
10 229.4, 229.5, 245, 248, 250, 251, 253, 254, 255, 256,
11 256.1, 260.1, 260.2, 294, 452, 453, 455, 456 (64 O.S.
12 Supp. 2009, Section 1.3), which relate to the
13 Department of Commissioners of the Land Office,
14 sales, leases, segregation and lease of oil and gas
15 lands and mineral leases and prospecting permits; and
16 declaring an emergency.

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

18 SECTION 1. AMENDATORY 64 O.S. 2001, Section 1, is
19 amended to read as follows:

20 Section 1. The Governor, Lieutenant Governor, State Auditor and
21 Inspector, Superintendent of Public Instruction, and the President
22 of the Board of Agriculture, shall constitute the Commissioners of
23 the Land Office, who shall have charge of the sale, purchase,
24 exchange, rental, disposal, and ~~managing~~ management of the school
lands and other public lands of the state, and of the funds and
proceeds derived therefrom as a sacred trust for the exclusive
benefit of the beneficiaries, and for the return of full value from
the use and disposition of the trust property, under the rules and
regulations prescribed by the Legislature to attain the trust goals
by protection of assets coupled with maximum return and provide

1 standards to foster even-handed and proper administration of the
2 trust.

3 SECTION 2. AMENDATORY 64 O.S. 2001, Section 1.1, is
4 amended to read as follows:

5 Section 1.1. In order that the state school lands may be
6 administered in a manner to assure their preservation as well as the
7 appreciation of the trust estate and the maximum return from the use
8 of state school lands for the support and maintenance of the common
9 schools of the state, the Commissioners of the Land Office, as
10 trustees of the state school lands, possess and retain all powers
11 and duties irrevocably granted by the Oklahoma Constitution, the
12 Enabling Act of June 16, 1906, 34 Stat. 267 and the rules of law
13 governing duties for the proper administration of trusts and are
14 hereby specifically authorized and empowered:

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

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

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

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

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

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

16 SECTION 3. AMENDATORY 64 O.S. 2001, Section 2, is
17 amended to read as follows:

18 Section 2. ~~The Department of the Commissioners of the Land~~
19 Office shall be administered by the Secretary under the supervision
20 of the Commissioners of the Land Office ~~by the Secretary~~ who shall
21 be appointed by the Governor with the advice and consent of the
22 Commissioners of the Land Office. It shall be the duty of the
23 Secretary to execute, under the supervision of the Commissioners of
24 the Land Office, the Enabling Act of June 16, 1906, 34 Stat. 267,

1 the Oklahoma Constitution and all laws, regulations and duties
2 pertaining to the Department of the Commissioners of the Land Office
3 and to carry into execution the will of the Commissioners of the
4 Land Office not in conflict with such laws. The Secretary shall
5 possess an advanced degree from an accredited college or university
6 and shall have five years experience in government, law or finance,
7 and shall meet the specific requirements as required by the
8 Commissioners. The Secretary shall serve, during good behavior, a
9 term of service concurrent with the Governor and the other elected
10 officials on the Commission. The Secretary may holdover until a
11 successor is appointed. If the Secretary resigns, is terminated,
12 becomes incapacitated or is unable to perform his duties for
13 whatever reason, the Commissioners may appoint an acting Secretary
14 until such time as a replacement may be appointed to complete the
15 term.

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

18 Section 3. ~~The Land Office shall be administered under the~~
19 ~~supervision of the Commissioners of the Land Office, by the~~
20 ~~Secretary of the Commission, who shall be appointed by the Governor.~~

21 ~~Providing that the~~ The Governor of the State of Oklahoma shall
22 be designated as chairman ex officio, ~~and the~~ of the Commissioners
23 of the Land Office. The Commissioners shall elect from their body a
24 vice-chairman whose duty it shall be to act as chairman in the

1 absence of the chairman or in case of his failure, neglect, or
2 refusal to act as chairman.

3 The Secretary shall select such employees as may be deemed
4 necessary and appropriate to properly to operate the Land Office
5 ~~under the terms of this act,~~ except the attorneys and appraisers,
6 General Counsel for the Land Commission, who shall be selected by a
7 majority of the Commission; ~~provided further, that the Commissioners~~
8 ~~of the Land Office shall appoint not exceeding seven (7) appraisers~~
9 ~~to make appraisements for loans provided herein and assist in the~~
10 ~~collection of loans and interest thereon, and the rents from~~
11 ~~agricultural and grazing lands belonging to the Department, and such~~
12 ~~other duties as may be assigned to them by the Secretary of the~~
13 ~~Commission, who shall direct in each case their services; provided~~
14 ~~further that the Commissioners of the Land Office shall appoint one~~
15 ~~Title Examiner and not more than two Assistant Title Examiners to~~
16 ~~attend to any legal matters which the School Land Commission is~~
17 ~~charged to administer and enforce, and such other duties as may be~~
18 ~~assigned to them by the Secretary of the Commission, who shall~~
19 ~~direct in each case their services.~~

20 The employees of the Land Office whose duties require them to
21 handle funds, or securities, of the Department, shall be required to
22 give bond in an amount sufficient to protect the Department against
23 loss by reason of their negligence or willful misappropriation of
24 such funds and securities.

1 The Commissioners, by a majority vote, may remove the Secretary
2 ~~or any appraiser, or any attorney, of the Land Office, and the~~
3 General Counsel and the Secretary may discharge and remove any
4 employee, selected by him.

5 SECTION 5. AMENDATORY 64 O.S. 2001, Section 10, is
6 amended to read as follows:

7 Section 10. It is hereby made the mandatory duty of the
8 Secretary and the Auditor for the Commissioners of the Land Office,
9 to install modern forms and equipment for a system of accounting to
10 properly protect, preserve and account for all transactions made by
11 the Department of the Commissioners of the Land Office, the
12 ~~installation of all forms and equipment shall be under the~~
13 ~~supervision of the State Banking Department, which shall prescribe~~
14 ~~all records, forms and equipment to be installed and the~~
15 ~~Commissioners of the Land Office are hereby authorized and directed~~
16 ~~to approve such records, forms and equipment as may be prescribed by~~
17 ~~the State Banking Department. All books, forms and other necessary~~
18 ~~equipment and supplies for the installation and maintaining a proper~~
19 ~~system of accounting shall be paid for from the revolving fund for~~
20 ~~the Commissioners of the Land Office.~~

21 SECTION 6. AMENDATORY 64 O.S. 2001, Section 41, is
22 amended to read as follows:

23 Section 41. A. There is hereby created a revolving fund, which
24 shall be a continuing fund not subject to fiscal year limitations,

1 for ~~the Department of~~ the Commissioners of the Land Office, into
2 which fund shall be paid by the Secretary to the Commissioners of
3 the Land Office all fees that may be collected by the Commissioners
4 of the Land Office, including, but not limited to, attorney fees and
5 litigation or collection costs or expenses. ~~Monies from which shall~~
6 the fund may be made the payment used to pay for all books, forms,
7 information technology and other necessary equipment and supplies
8 for the installation and maintenance of a modern system of
9 ~~accounting; provided however, no patented accounting system wherein~~
10 ~~copyrighted or patented forms or books are used shall be bought,~~
11 ~~installed, or used,~~ and from which fund ~~shall~~ may also be paid the
12 expense of all necessary printing, ~~foreclosure~~ abstracts, refunds
13 and other expenses incidental to ~~foreclosure and the acceptance of~~
14 ~~warranty deeds~~ operation of the Land Office, and from which fund
15 ~~shall~~ may also be paid necessary communication and traveling
16 expenses incurred by the employees of the ~~Department of the~~
17 ~~Commissioners of the~~ Land Office. Provided further, that the
18 Commissioners of the Land Office are also authorized to incur out of
19 said revolving fund any expenses of the Land Office for personal
20 services, ~~including old age and survivor insurance,~~ litigation and
21 collection expenses, operating expenses and the purchase of
22 equipment necessary to carry out the ~~function~~ functions of the Land
23 Office. ~~The Commissioners of the Land Office are prohibited from~~
24 ~~expending any funds for rental, lease, or use of any building,~~

1 ~~office, or space.~~ All funds accruing to the fund are hereby
2 appropriated.

3 B. There is hereby created a cash drawer change fund for the
4 Commissioners of the Land Office. Said fund shall be used as cash
5 for the Land Office to make change for customers.

6 C. The amount of the Land Office cash drawer change fund shall
7 not exceed One Thousand Dollars (\$1,000.00) and the initial amount
8 shall be drawn by warrant from the revolving fund established
9 herein. All adjustment to the amount retained in the cash drawer
10 change fund shall be by withdrawal and deposit in the revolving fund
11 established in this section.

12 D. Purchases from the cash drawer change fund are prohibited.

13 E. Officers, employees or agents of the Land Office are
14 prohibited from receiving change from the cash drawer change fund.

15 F. The Director of Accounting for the Land Office with approval
16 of the Internal Auditor shall prescribe forms, systems and
17 procedures for the administration of the cash drawer change fund.

18 SECTION 7. AMENDATORY 64 O.S. 2001, Section 43, is
19 amended to read as follows:

20 Section 43. The Commissioners of the Land Office, by formal
21 resolution adopted by a majority vote of the members of said
22 Commission, shall fix a schedule of fees to be charged for services
23 rendered by the ~~Department~~ Land Office and except as otherwise
24 provided by law, said fees shall be collected and deposited in the

1 revolving fund for the ~~Department of the~~ Commissioners of the Land
2 Office. ~~Transfer of all fees earned and collected each month shall~~
3 ~~be made on or before the tenth day of the succeeding month~~ Formal
4 Resolutions by the Commissioners of the Land Office shall be issued
5 under the authority of the Commissioners of the Land Office by the
6 Secretary and need not be promulgated under the procedures outlines
7 in the Administrative Procedures Act.

8 SECTION 8. AMENDATORY 64 O.S. 2001, Section 51, is
9 amended to read as follows:

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

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

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

24 a. for the exclusive purpose of:

1 (1) providing maximum benefits to current and future
2 beneficiaries, and

3 (2) defraying reasonable expenses of administering
4 the trust funds,

5 b. with the care, skill, prudence and diligence under the
6 circumstances then prevailing that a prudent person
7 acting in a like enterprise of a like character and
8 with like aims would use, and

9 c. by diversifying the investments of the trust funds so
10 as to minimize the risk of large losses.

11 2. The permanent school fund and other educational funds may
12 only be invested in bonds issued in the United States and United
13 States dollar denominated or other investments settled in United
14 States dollars or traded on the United States exchange markets.

15 ~~Until July 1, 2001, the Commissioners of the Land Office shall not~~
16 ~~invest more than fifty percent (50%) of the permanent common school~~
17 ~~fund, other educational funds and public building funds in equity~~
18 ~~securities. On and after July 1, 2001, the investment in equity~~
19 ~~securities may be increased by five percent (5%) each year until the~~
20 ~~investment in equity securities reaches a maximum of sixty percent~~
21 ~~(60%)~~ Equity securities shall not exceed sixty percent (60%) of the
22 investments in the trust funds invested by the Commissioners of the
23 Land Office.

1 3. The Commissioners shall establish an investment committee.
2 The investment committee shall be composed of not more than three
3 (3) members of the Commissioners of the Land Office or their
4 designee. The committee shall make recommendations to the
5 Commissioners of the Land Office on all matters related to the
6 choice of managers of the assets of the funds, on the establishment
7 of investment and fund management guidelines, and in planning future
8 investment policy. The committee shall have no authority to act on
9 behalf of the Commissioners of the Land Office in any circumstances
10 whatsoever. No recommendations of the committee shall have effect
11 as an action of the Commissioners of the Land Office or take effect
12 without the approval of the Commissioners as provided by law. The
13 Commissioners shall promulgate and adopt on an annual basis an
14 investment plan. The investment plan shall state the criteria for
15 selecting investment managers, the allocation of assets among
16 investment managers, and established standards of investment and
17 fund management.

18 4. The Commissioners shall retain qualified investment managers
19 to provide for investment of the fund monies pursuant to the
20 investment plan. Investment managers shall be chosen by a
21 solicitation of proposals on a competitive bid basis pursuant to
22 standards set by the Commissioners. Subject to the investment plan,
23 each investment manager shall have full discretion in the management
24 of the funds allocated to said investment managers. The funds

1 allocated to investment managers shall be actively managed by them,
2 which may include selling investments and realizing losses if such
3 action is considered advantageous to longer term return
4 maximization. Because of the total return objective, no distinction
5 shall be made for management and performance evaluation purposes
6 between realized and unrealized capital gains and losses.

7 5. The Commissioners shall take such measures as they deem
8 appropriate to safeguard custody of securities and other assets of
9 the Trusts.

10 6. By August 1 of each year, the Commissioners shall develop a
11 written investment plan for the trust funds.

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

23 8. Before October 1 of each year, the Commissioners shall
24 publish an annual report of all Trust operations, presented in a

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

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

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

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

19 SECTION 9. AMENDATORY Section 1, Chapter 190, O.S.L.
20 2007 (64 O.S. Supp. 2008, Section 51.2), is amended to read as
21 follows:

22 Section 51.2. The Commissioners of the Land Office shall
23 utilize the procedures set forth in Section 129.4 of Title 74 of the
24 Oklahoma Statutes that are applicable for purposes of obtaining

1 appraisals and determining fair market value whenever the
2 Commissioners acquire real property from any department, board,
3 commission, institution or agency of this state. ~~For purposes of~~
4 ~~this section, fair market value shall be either the average or the~~
5 ~~median of the appraisals, whichever is lower.~~

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

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

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

18 1. Directly or indirectly solicit or accept any compensation,
19 gift, loan, entertainment, favor or service given for the purpose of
20 influencing such appraiser in the discharge of his official duties;

21 2. Use his official position to solicit or secure special
22 privileges or exemptions for himself or others, except as may be
23 provided by law;

24

1 3. Disclose or offer to disclose confidential information
2 acquired by reason of his official position to any person, group or
3 others not entitled to receive such confidential information, nor
4 shall he use such information for his personal gain or benefit;

5 4. Receive or solicit any compensation that would impair his
6 independence of judgment for his services as an appraiser for the
7 Commissioners of the Land Office, from any source other than the
8 Commissioners, unless otherwise provided by law; or

9 5. Accept or solicit other employment which would impair his
10 efficiency or independence of judgment in the performance of his
11 public duties.

12 B. Any appraiser violating this section shall be deemed guilty
13 of a misdemeanor.

14 C. All confidential communications and information obtained by
15 an appraiser for the Commissioners of the Land Office shall not be
16 considered public records and shall not be disclosed, except when
17 disclosure is determined to be in the best interest of the trust by
18 a majority of the Commissioners of the Land Office.

19 SECTION 11. AMENDATORY 64 O.S. 2001, Section 64, is
20 amended to read as follows:

21 Section 64. Any person who shall execute or make any sworn
22 statement or affidavit containing false information in connection
23 with any ~~loan to be~~ transaction made from the funds held by the
24 Commissioners of the Land Office shall be guilty of the felony of

1 perjury and, upon conviction thereof, shall be punished by a fine
2 not to exceed Five Thousand Dollars (\$5,000.00) or imprisonment in
3 the State Penitentiary for a term not to exceed one (1) year, or
4 both fine and imprisonment.

5 SECTION 12. AMENDATORY 64 O.S. 2001, Section 88, is
6 amended to read as follows:

7 Section 88. Any person, firm, business or other entity who
8 hereafter, without written authority from the Commissioners of the
9 Land Office, trespasses, uses, cuts timber, injures or destroys
10 surface or subsurface lands or improvements, removes anything of
11 value from the surface or subsurface, assumes possession without a
12 lease or other legal interest in the lands of the State of Oklahoma,
13 or who refuses to surrender possession at the expiration, rescission
14 or termination of his a lease term, or upon cancellation of a
15 ~~certificate of purchase on state-owned lands, shall be deemed guilty~~
16 ~~of a felony, and upon conviction thereof shall be punished by a fine~~
17 ~~of not less than One Hundred Dollars (\$100.00), nor more than One~~
18 ~~Thousand Dollars (\$1,000.00), or by imprisonment in the State~~
19 ~~Penitentiary for not less than one (1) year nor more than five (5)~~
20 ~~years, or by both such fine and imprisonment. The Commissioners of~~
21 ~~the Land Office are hereby given authority to issue a writ of~~
22 ~~ouster, after hearing upon ten (10) days' notice by registered mail~~
23 ~~to the occupant, over the signature of the Chairman or Vice Chairman~~
24 ~~and under the Seal of the Secretary, directed to the sheriff to oust~~

1 ~~and dispossess any such person or persons so unlawfully using or~~
2 ~~possessing any such state owned lands~~ or easement shall be subject
3 to a civil action for actual damages, possession of the land,
4 injunction, civil penalties equal to the amount of actual damages,
5 attorney fees, litigation expenses, sheriff fees and court costs.
6 Damage claims carry sixteen percent (16%) interest from the date of
7 injury. Said person, business or other entity shall also be subject
8 to criminal sanctions as may be provided by law.

9 SECTION 13. AMENDATORY 64 O.S. 2001, Section 90, is
10 amended to read as follows:

11 Section 90. The Commissioners of the Land Office shall have a
12 first lien upon all crops produced on ~~state-owned~~ leased lands,
13 ~~either preference right or nonpreference right,~~ to secure rentals
14 payable for the use of said lands.

15 SECTION 14. AMENDATORY 64 O.S. 2001, Section 92, as
16 amended by Section 1, Chapter 205, O.S.L. 2003 (64 O.S. Supp. 2008,
17 Section 92), is amended to read as follows:

18 Section 92. The Commissioners of the Land Office ~~are hereby~~
19 ~~authorized to~~ may sell oil and gas or other mineral leases on any of
20 the public lands under their control and supervision whether the
21 same was acquired by federal grant, donation, foreclosure or
22 otherwise. The Commissioners of the Land Office shall publish
23 notice of the lease sale one time not less than thirty (30) days
24 prior to the lease sale date in two newspapers authorized by law to

1 publish legal notices. One of the newspapers shall be published in
2 the county where the land is located or other newspaper as
3 authorized by Section 106 of Title 25 of the Oklahoma Statutes. The
4 other shall be a newspaper of general circulation in this state.
5 The leasing shall require and the advertisement shall specify in
6 each case a fixed royalty to be paid by the successful bidder, in
7 addition to any bonus offered for the lease, ~~and all proceeds from~~
8 ~~leases shall be covered into the fund to which that shall properly~~
9 ~~belong,~~ and no transfer or assignment of any lease shall be valid or
10 confer any right in the assignee without the prior consent of the
11 Commissioners of the Land Office in writing; provided, however, that
12 agricultural lessees in possession of such lands shall be reimbursed
13 ~~by the mining lessees~~ for all damage done to said agricultural
14 lessees' interest ~~therein by reason of such mining operations.~~ The
15 Commissioners of the Land Office have the right to reject any and
16 all bids for such leases. The Commissioners of the Land Office
17 shall provide any other notice of oil and gas lease sales to all
18 interested parties by any means it determines is needed to attract
19 the best competition.

20 SECTION 15. AMENDATORY 64 O.S. 2001, Section 92a, is
21 amended to read as follows:

22 Section 92a. The Commissioners of the Land Office are hereby
23 authorized to charge a fee on natural gas sold to the state or
24 political subdivisions thereof. Said fee shall be for the purpose

1 of funding the administrative costs of the Commissioners of the Land
2 Office for selling and marketing the gas. ~~For the fiscal year 1990~~
3 ~~the total amount charged pursuant to the provisions of this section~~
4 ~~shall not exceed One Hundred Forty nine Thousand Seven Hundred Fifty~~
5 ~~Dollars (\$149,750.00).~~

6 SECTION 16. AMENDATORY 64 O.S. 2001, Section 92b, is
7 amended to read as follows:

8 Section 92b. The Commissioners of the Land Office shall reserve
9 and retain one hundred percent (100%) of all oil, gas and other
10 minerals under any school lands ~~designated as grazing lands pursuant~~
11 ~~to Section 99 of Title 64 of the Oklahoma Statutes, economic~~
12 ~~development parks pursuant to Section 13 of Title 64 of the Oklahoma~~
13 ~~Statutes, except as otherwise provided for in this section, lands~~
14 ~~acquired by deficiency judgements pursuant to Section 82 of Title 64~~
15 ~~of the Oklahoma Statutes, lands sold on sales contract denominated~~
16 ~~as Certificate of Purchase pursuant to Section 96 of Title 64 of the~~
17 ~~Oklahoma Statutes, or any other designated tracts of land under the~~
18 ~~jurisdiction or authority of the Commissioners of the Land Office.~~
19 ~~Except for school land sold for homesites or tracts of nonproducing~~
20 ~~foreclosed lands, the Commissioners of the Land Office shall reserve~~
21 ~~and retain one hundred percent (100%) of all oil, gas and other~~
22 ~~minerals under any designated tract of school land that is sold for~~
23 ~~any purpose. The Commissioners of the Land Office shall reserve and~~
24 ~~retain one hundred percent (100%) of all oil, gas and other mineral~~

1 ~~interest under the jurisdiction or authority of the Commissioners~~
2 ~~that is located beneath surface acreages not under the jurisdiction~~
3 ~~or authority of the Commissioners. Except as otherwise provided for~~
4 ~~in this section, the Commissioners of the Land Office~~ and shall not
5 sell any oil, gas or other mineral interest under the authority or
6 jurisdiction of the Commissioners ~~without prior approval of the~~
7 ~~Oklahoma Legislature.~~

8 SECTION 17. AMENDATORY 64 O.S. 2001, Section 101, is
9 amended to read as follows:

10 Section 101. A. The Commissioners of the Land Office are
11 authorized to grant commercial leases and agricultural leases in
12 trust property.

13 Commercial leases shall not exceed fifty-five (55) years. The
14 granting of any commercial lease in excess of three (3) years shall
15 be by public bidding at not less than fair market value. All
16 commercial leases shall provide for fair market value throughout the
17 term of the lease.

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

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

23

24

1 Any permanent improvement made on commercial trust property from
2 and after the passage of this act shall revert to the trust at the
3 end of the lease.

4 B. In connection with any such leases, the Commissioners of the
5 Land Office shall, unless otherwise exempted by the Constitution or
6 laws of Oklahoma:

7 1. Require payment of ad valorem property taxes on any
8 improvements and structures on state school land, which would
9 otherwise be subject to ad valorem property taxation if constructed
10 on privately owned land; and

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

14 C. The Commissioners of the Land Office ~~shall~~ may refuse to
15 accept any bid or lease on a commercial, agricultural or mineral
16 lease where the party ~~placing the bid~~ is in default of any ~~annual~~
17 ~~installment~~ installments due or in violation of any provisions
18 contained in a prior or current lease contract.

19 D. The Commissioners of the Land Office may refuse to accept
20 any bid or lease contract where the interested party cannot show
21 adequate credit worthiness as determined by the Land Office.

22 SECTION 18. AMENDATORY 64 O.S. 2001, Section 115, is
23 amended to read as follows:

24

1 Section 115. Any employee of the Commissioners of the Land
2 Office who shall knowingly and without authority and in violation of
3 the records destruction policy destroy, forge, falsify, steal,
4 mutilate, hide or intentionally misplace any of the records files,
5 computer data or any other property of the Commissioners of the Land
6 Office, or who knowingly permits or causes such unlawful
7 destruction, forgery, falsifying, stealing, mutilating, hiding or
8 intentional misplacing of any of such records of the Commissioners
9 of the Land Office, shall be deemed guilty of a felony, and upon
10 conviction shall be punished by imprisonment in the State
11 Penitentiary not exceeding five (5) years and in addition thereto
12 shall be immediately discharged by the Commissioners of the Land
13 Office upon the discovery of such acts.

14 SECTION 19. AMENDATORY 64 O.S. 2001, Section 123, is
15 amended to read as follows:

16 Section 123. The Cash Journal shall be balanced daily and the
17 total of each day's receipts shall be deposited with the State
18 Treasurer as now required by the State Depository Law. It shall be
19 the duty of the Commissioners of the Land Office to notify each
20 debtor to make their checks, drafts, or other transfer of monies
21 payable to the order of the Commissioners of the Land Office. ~~No~~
22 ~~person shall have authority to endorse such checks, drafts or orders~~
23 ~~for monies unless specifically authorized by a resolution of a~~
24 ~~majority of the Commissioners.~~ The endorsements on the checks,

1 drafts or other evidence of transfers of monies shall be in the
2 following words:

3 "Pay to the order of the Treasury of the State of Oklahoma, for
4 credit only to the Commissioners of the Land Office", ~~and shall be~~
5 ~~signed by the person so designated by the Commissioners of the Land~~
6 ~~Office for such purpose.~~ No person, firm or corporation shall cash
7 or pay out on any such check, voucher, draft, money order or other
8 evidence of transfers of money, or its equivalent, without said
9 endorsements, and the endorsement of the State Treasurer appearing
10 thereon.

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

21 All checks or vouchers drawn against any Special Agency Account
22 by the Commissioners of the Land Office shall be issued only by the
23 principal fiscal officer upon written application of the head of the
24 division of the School Land Department, said check or voucher shall

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

14 SECTION 20. AMENDATORY 64 O.S. 2001, Section 126, is
15 amended to read as follows:

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

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

24

1 SECTION 21. AMENDATORY 64 O.S. 2001, Section 130, is
2 amended to read as follows:

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

13 SECTION 22. AMENDATORY 64 O.S. 2001, Section 151, is
14 amended to read as follows:

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

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

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

22 Section 153.1. All instruments, ~~except mortgages,~~ vesting any
23 right, title or interest in lands or minerals and mineral rights, in
24 the Commissioners of the Land Office, and all instruments to adjust

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

8 SECTION 24. AMENDATORY 64 O.S. 2001, Section 154, is
9 amended to read as follows:

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

22 SECTION 25. AMENDATORY 64 O.S. 2001, Section 155, is
23 amended to read as follows:

24

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

23 SECTION 26. AMENDATORY 64 O.S. 2001, Section 156, is
24 amended to read as follows:

1 Section 156. The accounts and records of the ~~State School Land~~
2 ~~Department Office~~ shall ~~be audited~~ annually have an audit conducted
3 in accordance with auditing standards generally accepted in the
4 United States of America and the standards applicable to financial
5 audits contained in Government Auditing Standards, issued by the
6 Comptroller General of the United States by an independent Oklahoma
7 certified public accountant. ~~The audit and the return thereof shall~~
8 ~~contain a statement of inventory of all property owned by the State~~
9 ~~School Land Department, together with the appraised value thereof.~~
10 ~~A commission consisting of the Governor, the President Pro Tempore~~
11 ~~of the Senate, and the Speaker of the House is hereby authorized to~~
12 ~~contract for such audits~~ The Secretary is hereby authorized to
13 contract for such audits. Copies of the audits shall be filed with
14 the Governor, the Commissioners of the Land Office, the State
15 Senate, ~~and~~ the House of Representatives, the State Auditor and
16 Inspector and the Director of State Finance in accordance with the
17 requirements set forth for financial statement audits in Section
18 212A of Title 74 of the Oklahoma Statutes.

19 SECTION 27. AMENDATORY 64 O.S. 2001, Section 158, is
20 amended to read as follows:

21 Section 158. The provisions of this ~~act~~ title are severable,
22 and if any section, part or portion ~~hereof~~ thereof shall be held
23 unconstitutional, void, invalid or inoperative the invalidity of
24

1 such section, part or portion shall not affect or impair any of the
2 remaining sections, parts or portions thereof.

3 SECTION 28. AMENDATORY 64 O.S. 2001, Section 160, is
4 amended to read as follows:

5 Section 160. The Commissioners of the Land Office are hereby
6 authorized and empowered to employ attorneys or to engage private
7 attorneys to bring or defend suits in the name of the Commissioners
8 of the Land Office and on behalf of the State of Oklahoma in all
9 matters affecting the public lands of the state, and in all matters
10 affecting the loaning, investing or collecting of school land and
11 state land monies, of, and belonging to the state; and it shall be
12 the duty of the Attorney General of the state, when requested by the
13 Commissioners of the Land Office, to represent the Commissioners of
14 the Land Office, and the state in the prosecution or defense of any
15 suit or action so instituted, brought or defended, ~~provided, this~~
16 ~~act shall not abolish the office of Law and Executive Clerk of the~~
17 ~~Commissioners of the Land Office, which was created by Chapter 211,~~
18 ~~of the Session Laws of 1919.~~

19 SECTION 29. AMENDATORY 64 O.S. 2001, Section 181, is
20 amended to read as follows:

21 Section 181. The Commissioners of the Land Office shall dispose
22 of, sell and convey, subject to the limitations, exceptions,
23 conditions, rules, regulations and instructions, provided by law,
24 except where same is embraced in any reservation specifically

1 reserved from sale for any special purpose, all the following
2 enumerated and described school and public lands of this state:

3 All lands owned by this state, reserved, granted, and taken in
4 lieu of sections numbered sixteen, thirty-six, thirteen and thirty-
5 three and known as indemnity lands: Provided, that when such lands
6 or any part thereof are sold and conveyed, the proceeds derived
7 therefrom shall be prorated among the several funds as their
8 interest may appear, and used as provided by law; also all lands
9 embraced in sections numbered thirty-three in that part of the state
10 formerly known as Oklahoma Territory, and granted to the state for
11 charitable and penal institutions and public buildings: Provided,
12 further, that all the money derived from the sale of any or all of
13 such lands, shall be apportioned and disposed of as may be provided
14 by law; also all lands granted to this state by the United States
15 under and by virtue of Section 12 of the Enabling Act for the
16 following purposes, namely: for the benefit of the Oklahoma
17 University, two hundred fifty thousand (250,000) acres; for the
18 benefit of Oklahoma State University, two hundred fifty thousand
19 (250,000) acres; for the benefit of the University Preparatory
20 School, one hundred fifty thousand (150,000) acres; for the benefit
21 of Langston University, one hundred thousand (100,000) acres; for
22 the benefit of the normal schools now established or hereafter to be
23 established, three hundred thousand (300,000) acres. Provided, that
24 all money derived from the sale of any of such lands shall be

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

17 | SECTION 30. AMENDATORY 64 O.S. 2001, Section 184, is
18 | amended to read as follows:

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

1 SECTION 31. AMENDATORY 64 O.S. 2001, Section 192, is
2 amended to read as follows:

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

9 SECTION 32. AMENDATORY 64 O.S. 2001, Section 223, is
10 amended to read as follows:

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

15 SECTION 33. AMENDATORY 64 O.S. 2001, Section 224, is
16 amended to read as follows:

17 ~~Section 224. Upon the sale of such lands as provided herein, if~~
18 If any lessee having preference right to purchase fails or refuses
19 to pay the highest bona fide bid thereof, said lessee shall be
20 entitled to be reimbursed for the improvements placed on the
21 preference right lease by him at their value fixed by the appraisers
22 selected by the Commissioners of the Land Office to appraise the
23 same and shall surrender possession of the said lease immediately
24 following the sale of the land and payment for improvements.

1 SECTION 34. AMENDATORY 64 O.S. 2001, Section 225.1, is
2 amended to read as follows:

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

1 ~~to the Commissioners shall be filed within ten (10) days after~~
2 ~~receiving notice of the appraisement fixed by the appraisers.~~

3 SECTION 35. AMENDATORY 64 O.S. 2001, Section 226, is
4 amended to read as follows:

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

15 SECTION 36. AMENDATORY 64 O.S. 2001, Section 227, is
16 amended to read as follows:

17 Section 227. Before selling the lands and improvements herein
18 authorized to be sold, the Commissioners of the Land Office shall
19 advertise such sale by publication calculated to bring the highest
20 and best bids and said advertisement shall be at a minimum published
21 in a newspaper of general circulation in the county in which such
22 land is situate for fifteen (15) days prior to the date of sale.
23 Such notice shall state the time and place of sale and the quantity
24 of land to be sold and the purposes of the sale.

1 SECTION 37. AMENDATORY 64 O.S. 2001, Section 228, is
2 amended to read as follows:

3 Section 228. The Commissioners of the Land Office upon
4 completion of the sale of land and improvements and receipt of the
5 purchase price shall issue a deed to the purchaser thereof which
6 shall contain a provision therein reserving the oil, gas and other
7 minerals ~~as herein provided~~.

8 SECTION 38. AMENDATORY 64 O.S. 2001, Section 241, is
9 amended to read as follows:

10 Section 241. Except as otherwise provided by law, all the
11 public lands of this state shall be subject to lease in the manner
12 provided herein. The Commissioners of the Land Office shall have
13 charge of the leasing of such lands. Surface and subsurface estates
14 in land, which are administered by the Commissioners of the Land
15 Office, are exempt from local, county or other inferior zoning and
16 land use regulations or laws. The Secretary may require compliance
17 with local regulations, ordinances or law where compliance is not
18 contrary to trust obligations.

19 SECTION 39. AMENDATORY 64 O.S. 2001, Section 244, is
20 amended to read as follows:

21 Section 244. If the lessee of any of the lands ~~enumerated~~
22 ~~herein~~ or mineral interests owned by the State shall be in default
23 of the ~~annual~~ rental payments due the state ~~for a period of six (6)~~
24 ~~months~~ State of Oklahoma, the Commissioners of the Land Office shall

1 ~~within ninety (90) days after such delinquency, cause notice to be~~
2 ~~given such delinquent lessee, and person in possession of the lands,~~
3 ~~that if such delinquency is not paid within thirty (30) days from~~
4 ~~the service of such notice, his lease will be declared forfeited to~~
5 ~~the state by the Commissioners of the Land Office. If the amounts~~
6 ~~due are not paid within thirty (30) days from the date of the~~
7 ~~service of such notice, the said lease shall be declared forfeited~~
8 ~~and the possession of the land therein described shall revert to the~~
9 ~~state, the same as though such lease had never been made. The order~~
10 ~~making such forfeiture shall be spread upon the records of the~~
11 ~~Commissioners of the Land Office. The service of the notice herein~~
12 ~~provided shall be made by registered mail; in case the post office~~
13 ~~address of the owner of such lease be unknown, the notice herein~~
14 ~~provided shall be served upon the person in possession and shall be~~
15 ~~published in two consecutive issues of some weekly newspaper~~
16 ~~published in or of general circulation in the county where the land~~
17 ~~is situated. The forfeiture shall be entered by said board after~~
18 ~~thirty (30) days from the date of the first publication or~~
19 ~~registered notice; provided, the lessee of any land so forfeited may~~
20 ~~redeem the same within thirty (30) days after the first notice to~~
21 ~~him, his agent or sublessee, by paying all delinquencies, fees and~~
22 ~~costs of forfeiture at any time before the expiration of thirty (30)~~
23 ~~days, as aforesaid, and as provided by this article; provided,~~
24 ~~further, the Commissioners of the Land Office are required to serve~~

1 ~~notice of delinquencies and proceed with forfeiture as stated~~
2 ~~herein, at least once each year.~~

3 ~~The improvements on lands so reverting to the state shall be~~
4 ~~sold under the direction of the Commissioners of the Land Office, at~~
5 ~~public sale, after appraisalment, upon due notice to the lessee, and~~
6 ~~sublessee, and the proceeds received therefrom shall inure to the~~
7 ~~holder of the delinquent lease after paying to the state all~~
8 ~~delinquencies and rents and expenses incurred in making such sale,~~
9 ~~provided, further, the Secretary to the Commissioners of the Land~~
10 ~~Office is hereby authorized at all such sales of the improvements on~~
11 ~~lands so reverting to the state, in case there are no other bidders~~
12 ~~to bid off such improvements offered at said sale at a reasonable~~
13 ~~figure, in the name of the state for the benefit of the fund to~~
14 ~~which said lands so reverting to the state belong, the state~~
15 ~~acquiring all the rights, both legal and equitable, that any other~~
16 ~~purchaser could acquire by reason of said purchase.~~

17 ~~If the lessee of any tract, block or parcel of state school or~~
18 ~~other public lands shall fail, neglect or refuse, for a period of~~
19 ~~fifteen (15) days, to enter into a renewal lease and execute the~~
20 ~~notes for the annual rentals as provided by law, at the expiration~~
21 ~~of any agricultural lease after any appraisalment for rental purposes~~
22 ~~has been approved by the Commissioners of the Land Office, the~~
23 ~~Commissioners of the Land Office shall cause notice to be given to~~
24 ~~such agricultural lessee that if such agricultural lease and notes~~

1 ~~for the annual rentals are not executed and delivered within ten~~
2 ~~(10) days from the service of such notice, his preference right to~~
3 ~~re-lease will be declared forfeited to the state by the~~
4 ~~Commissioners of the Land Office. If said agricultural lessee shall~~
5 ~~fail, neglect or refuse to enter into a renewal lease and execute~~
6 ~~the rental notes as provided by law, within ten (10) days of the~~
7 ~~date of service of such notice, the said agricultural lessee's~~
8 ~~preference right to re-lease shall be declared forfeited and the~~
9 ~~land therein described shall revert to the state, the same as though~~
10 ~~no such lease had ever been made. Provided, however, the lessee may~~
11 ~~appeal to the district court of the county within ten (10) days, by~~
12 ~~making bond in double the amount of the appraised value of the~~
13 ~~lease, and provided, however, that if the agricultural lessee shall~~
14 ~~appeal from the order of the Commissioners of the Land Office~~
15 ~~approving the appraisement for rental purposes, to the district~~
16 ~~court of the county in which the land is so located, then no action~~
17 ~~shall be taken by the Commissioners of the Land Office pending a~~
18 ~~review of the appraisement made by the Commissioners of the Land~~
19 ~~Office in the said district court, until after ten (10) days from~~
20 ~~the date the order of the district court fixing the amount of said~~
21 ~~appraisement shall become final. The order making such forfeiture~~
22 ~~shall be spread upon the records of the Commissioners of the Land~~
23 ~~Office. The improvements on land so reverting to the state shall be~~
24 ~~sold under the direction of the Commissioners of the Land Office, at~~

1 ~~public sale, upon ten (10) days notice to the lessee, and the~~
2 ~~proceeds received therefrom shall inure to the owner of said~~
3 ~~improvements after payment shall have been made to the state for all~~
4 ~~rentals at the rental fixed by law, and all costs for the time said~~
5 ~~lands are withheld from the state, together with the expenses~~
6 ~~incurred in the making of such sale. The service of the notice~~
7 ~~herein provided, the time of entering said order of forfeiture, and~~
8 ~~the right of the preference right lessee to redeem, shall be as~~
9 ~~provided herein.~~

10 ~~That in all cases where improvements on lands reverting to the~~
11 ~~state under Sections 1 and 2, of this act, and are bid off by the~~
12 ~~Secretary of the Commissioners of the Land Office for the amount of~~
13 ~~delinquent rentals, interest and costs of forfeiture due and payable~~
14 ~~thereon, shall revert to the proper funds and the Commissioners of~~
15 ~~the Land Office may sell the improvements, on any tract of such~~
16 ~~lands at public auction. Provided, however, that before any such~~
17 ~~sale be made, the Commissioners of the Land Office shall cause legal~~
18 ~~notice to be published for two (2) consecutive weeks prior to the~~
19 ~~date of said sale, in the county in which said lands are located.~~
20 ~~The proceeds from such sales shall be credited to the earnings of~~
21 ~~the fund to which said lands belonged institute collection~~
22 ~~proceedings, including any and all commercial or governmental~~
23 ~~procedures and proceedings permitted to the full extent of the law.~~
24 ~~Any and all notices, summons, subpoenas or other official documents~~

1 may be served by any employee of the Commissioners of the Land
2 Office, who may serve without special designation for service of
3 process in any Court within the State of Oklahoma.

4 SECTION 40. AMENDATORY 64 O.S. 2001, Section 246, is
5 amended to read as follows:

6 Section 246. No assignment of a school land lease as security
7 shall be valid unless filed for record in the office of the
8 Commissioners of the Land Office within thirty (30) days after the
9 execution thereof, and ~~the Commissioners of the Land Office shall~~
10 ~~charge a fee of One Dollar (\$1.00)~~ set by the Commissioners of the
11 Land Office for entering and recording each assignment; provided,
12 that no assignments of the lease which is the home of the family
13 shall be valid unless executed by both husband and wife.

14 SECTION 41. AMENDATORY 64 O.S. 2001, Section 249, is
15 amended to read as follows:

16 Section 249. Any lessee may, at the termination of his lease,
17 remove any or all of his improvements, and he shall have the right
18 to harvest or remove any growing crop thereon on or before the date
19 specified by the Land Office: Provided, however, that in case the
20 lessee is in default ~~for nonpayment for any rental or assessment of~~
21 ~~any nature, he~~ of any terms of the lease, the lessee shall not be
22 allowed to remove such improvement or make such entry to secure
23 crops until all ~~arrears~~ arrears, including but not limited
24 to interest, costs and attorney fees, are fully satisfied; said

1 improvements, that are movable, shall then be moved ~~immediately~~
2 ~~within sixty (60) days from termination~~ before expiration of his the
3 lease.

4 SECTION 42. AMENDATORY 64 O.S. 2001, Section 252, is
5 amended to read as follows:

6 Section 252. All of the records in possession, control, care
7 and custody of the Commissioners of the Land Office, except as
8 otherwise provided by law, are hereby declared to be public records,
9 and certified copies thereof are admissible in evidence in the
10 courts of this state. Any person shall be entitled to receive a
11 certified copy of any instrument on record with the Commissioners of
12 the Land Office on the payment of a fee as prescribed by the
13 ~~Commission~~ Commissioners.

14 SECTION 43. AMENDATORY 64 O.S. 2001, Section 259, is
15 amended to read as follows:

16 Section 259. Any lands leased by the Commissioners of the Land
17 Office for agricultural and/or grazing purposes shall be leased for
18 a period not to exceed five (5) years under such terms and
19 conditions and at such annual rental as may be fixed by the
20 Commissioners of the Land Office after appraisement and public
21 auction.

22 SECTION 44. AMENDATORY 64 O.S. 2001, Section 289, is
23 amended to read as follows:

24

1 Section 289. The proceeds derived in bonuses and royalties and
2 from other inducements and considerations for the execution and
3 operation of the oil and gas leases in this article provided, except
4 oil and gas leases on state-owned lands set apart and designated for
5 the use, benefit, and occupancy of state educational institutions,
6 shall be ~~carried into the several funds,~~ for the use and benefit of
7 which such lands were granted by the United States to the State of
8 Oklahoma, and to the territory now comprising the area embraced
9 within the said state, under the provisions of the Enabling Act, and
10 any and all other Acts of Congress. ~~For the uses and purposes, and~~
11 ~~upon the conditions, and under the limitations for which the same~~
12 ~~were granted, and the money resulting from such lease and from the~~
13 ~~operation thereof shall be handled, disposed of and used in like~~
14 ~~manner as the other monies belonging to said several funds under the~~
15 ~~laws of this state.~~ Bonus and delay rental income received by the
16 Land Office shall be distributed to current beneficiaries in like
17 manner as lease income received from surface leases, except that if
18 determined to be in the best interests of the trust, the
19 distributions may be made upon a schedule determined by a five-year
20 rolling average of bonus and delay rental income. The proceeds
21 derived in bonuses, royalties, and from other inducements and
22 considerations for the execution and operation of the oil and gas
23 leases on state-owned lands set apart and designated for the use,
24 benefit, and occupancy of state educational institutions shall be

1 paid to the State Treasurer, and by him deposited to the credit of
2 the General Revenue Fund of the State of Oklahoma, which shall at
3 the next session of the Legislature be appropriated for the use and
4 benefit of such institutions.

5 SECTION 45. AMENDATORY 64 O.S. 2001, Section 290, is
6 amended to read as follows:

7 Section 290. The Commissioners of the Land Office are hereby
8 authorized to lease for oil and gas purposes all lands between mean
9 high water mark in all streams or rivers of two chains or over, ~~all~~.
10 All such streams are declared the property of the State of Oklahoma.

11 SECTION 46. AMENDATORY 64 O.S. 2001, Section 291, is
12 amended to read as follows:

13 Section 291. ~~Said~~ The lands are to be leased under the same
14 provisions as the school and other lands of the State of Oklahoma.

15 SECTION 47. AMENDATORY 64 O.S. 2001, Section 293, is
16 amended to read as follows:

17 Section 293. The royalty proceeds derived from the sale of oil
18 or gas production under any oil and gas lease granted by the
19 Commissioners of the Land Office shall be paid to the Commissioners
20 pursuant to the terms of the Production Revenue Standards Act, ~~7~~
21 ~~Sections 1 through 15 of this act.~~

22 SECTION 48. AMENDATORY 64 O.S. 2001, Section 451, is
23 amended to read as follows:

24

1 Section 451. To further the development of mineral resources in
2 the State of Oklahoma, particularly with regard to valuable
3 minerals, including uranium, the Commissioners of the Land Office
4 are hereby authorized to issue prospecting permits ~~to citizens of~~
5 ~~the United States,~~ under procedures, fees and rules as may be
6 promulgated by the Commissioners granting an exclusive right to
7 prospect for any minerals owned by the state, under the jurisdiction
8 and control of the Commissioners of the Land Office; ~~provided, that~~
9 ~~all such permits shall be for a period of not to exceed one (1) year~~
10 ~~and no permit shall cover more than one hundred sixty (160) acres of~~
11 ~~land.~~

12 SECTION 49. AMENDATORY 64 O.S. 2001, Section 454, is
13 amended to read as follows:

14 Section 454. ~~Should~~ If the Commissioners of the Land Office
15 find that the state owns a valuable mineral, they shall offer the
16 necessary mineral lease for sale on competitive bids, and notice of
17 such sale shall be published in at least one newspaper, authorized
18 by law to publish legal notices, in the county in which the land is
19 located. The notice shall state the terms and conditions under
20 which sale will be made; the annual rental and/or royalty which will
21 be acceptable to the Commissioners, and that the Commissioners have
22 the right to reject any and all bids.

23 SECTION 50. AMENDATORY 64 O.S. 2001, Section 459, is
24 amended to read as follows:

1 Section 459. Any person who prospects for minerals owned by ~~the~~
2 ~~State of Oklahoma~~ this state, under the jurisdiction and control of
3 the Commissioners of the Land Office, without a prospecting permit,
4 or who removes any such minerals without a lease contract, contrary
5 to the provisions of this act, or who violates any other terms or
6 provisions of this act, shall be guilty of a felony and upon
7 conviction shall be punished by a fine of not less than Fifty
8 Dollars (\$50.00) and not to exceed Fifty Thousand Dollars
9 (\$50,000.00), or by imprisonment for not less than thirty (30) days
10 and not to exceed ten (10) years, or by both such fine and
11 imprisonment.

12 SECTION 51. AMENDATORY 70 O.S. 2001, Section 614, is
13 amended to read as follows:

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

23
24

1 SECTION 52. AMENDATORY 74 O.S. 2001, Section 840-5.5, as
2 last amended by Section 1, Chapter 300, O.S.L. 2008 (74 O.S. Supp.
3 2009, Section 840-5.5), is amended to read as follows:

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

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

11 2. Members of boards and commissions, and heads of agencies;
12 also one principal assistant or deputy and one executive secretary
13 for each state agency;

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

15 4. Persons employed with one-time, limited duration, federal or
16 other grant funding that is not continuing or indefinitely
17 renewable. The length of the unclassified employment shall not
18 exceed the period of time for which that specific federal funding is
19 provided;

20 5. All officers and employees of The Oklahoma State System of
21 Higher Education, State Board of Education and Oklahoma Department
22 of Career and Technology Education;

23 6. Persons employed in a professional or scientific capacity to
24 make or conduct a temporary and special inquiry, investigation, or

1 examination on behalf of the Legislature or a committee thereof or
2 by authority of the Governor. These appointments and authorizations
3 shall terminate on the first day of the regular legislative session
4 immediately following the appointment, if not terminated earlier.
5 However, nothing in this paragraph shall prevent the reauthorization
6 and reappointment of any such person. Any such appointment shall be
7 funded from the budget of the appointing authority;

8 7. Election officials and employees;

9 8. Temporary employees employed to work less than one thousand
10 (1,000) hours in any twelve-month period, and seasonal employees
11 employed by the Oklahoma Tourism and Recreation Department pursuant
12 to Section 2241 of this title who work less than one thousand six
13 hundred (1,600) hours in any twelve-month period;

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

16 a. administrative aides to the Commissioner,

17 b. executive secretaries to the Commissioner,

18 c. the Governor's representative of the Oklahoma Highway
19 Safety Office who shall be appointed by the Governor,

20 d. Highway Patrol Colonel,

21 e. Highway Patrol Lieutenant Colonel,

22 f. Director of Finance,

23 g. noncommissioned pilots,

24 h. Information Systems Administrator,

- 1 i. Law Enforcement Telecommunications System Specialist,
- 2 j. Director of Driver Compliance,
- 3 k. Director of Transportation Division,
- 4 l. Director of the Oklahoma Highway Safety Office,
- 5 m. Civil Rights Administrator,
- 6 n. Budget Analyst,
- 7 o. Comptroller,
- 8 p. Chaplain,
- 9 q. Helicopter Mechanic,
- 10 r. Director of Safety Compliance,
- 11 s. Human Resources Director,
- 12 t. Administrator of Department Services, and

13 u. a maximum of seven (7) positions for the purpose of
14 administering programs in the Oklahoma Highway Safety
15 Office, within full-time employee limitations of the
16 Department, employed with federal funding that is
17 continuing or indefinitely renewable. The
18 authorization for such positions shall be terminated
19 if the federal funding for positions is discontinued;

20 provided, any person appointed to a position prescribed in
21 subparagraph d or e of this paragraph shall have a right of return
22 to the classified commissioned position without any loss of rights,
23 privileges or benefits immediately upon completion of the duties in
24 the unclassified commissioned position;

1 10. Professional trainees only during the prescribed length of
2 their course of training or extension study;

3 11. Students who are employed on a part-time basis, which shall
4 be seventy-five percent (75%) of a normal forty-hour work week or
5 thirty (30) hours per week, or less, or on a full-time basis if the
6 employment is pursuant to a cooperative education program such as
7 that provided for under Title I IV-D of the Higher Education Act of
8 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
9 enrolled in:

10 a. an institution of higher learning within The Oklahoma
11 State System of Higher Education,

12 b. an institution of higher learning qualified to become
13 coordinated with The Oklahoma State System of Higher
14 Education. For purposes of this section, a student
15 shall be considered a regularly enrolled student if
16 the student is enrolled in a minimum of five (5) hours
17 of accredited graduate courses or a minimum of ten
18 (10) hours of accredited undergraduate courses,
19 provided, however, the student shall only be required
20 to be enrolled in a minimum of six (6) hours of
21 accredited undergraduate courses during the summer, or

22 c. high school students regularly enrolled in a high
23 school in Oklahoma and regularly attending classes
24 during such time of enrollment;

1 12. The spouses of personnel who are employed on a part-time
2 basis to assist or work as a relief for their spouses in the
3 Oklahoma Tourism and Recreation Department;

4 13. Service substitute attendants who are needed to replace
5 museum and site attendants who are unavoidably absent. Service
6 substitutes may work as part-time or full-time relief for absentees
7 for a period of not more than four (4) weeks per year in the
8 Oklahoma Historical Society sites and museums; such substitutes will
9 not count towards the agency's full-time-equivalent (FTE) employee
10 limit;

11 14. Employees of the Oklahoma House of Representatives, the
12 State Senate, or the Legislative Service Bureau;

13 15. Corporation Commission personnel occupying the following
14 offices and positions:

- 15 a. Administrative aides, and executive secretaries to the
16 Commissioners,
- 17 b. Directors of all the divisions, personnel managers and
18 comptrollers,
- 19 c. General Counsel,
- 20 d. Public Utility Division Chief Engineer,
- 21 e. Public Utility Division Chief Accountant,
- 22 f. Public Utility Division Chief Economist,
- 23 g. Public Utility Division Deputy Director,
- 24 h. Secretary of the Commission,

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

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

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

- 22 a. Director of Facility,
- 23 b. Deputy Director for Administration,
- 24 c. Clinical Services Director,

1 d. Executive Secretary to Director, and

2 e. Directors or Heads of Departments or Services;

3 18. Office of State Finance personnel occupying the following
4 offices and positions:

5 a. State Comptroller,

6 b. Administrative Officers,

7 c. Alternator Claims Auditor,

8 d. Employees hired to fulfill state compliance agency
9 requirements under Model Tribal Gaming Compacts,

10 e. Employees of the Budget Division,

11 f. Employees of the Fiscal and Research Division,

12 g. Employees hired to work on the CORE Systems Project;
13 and

14 h. The following employees of the Information Services
15 Division:

16 (1) Information Services Division Manager,

17 (2) Network Manager,

18 (3) Network Technicians,

19 (4) Security Manager,

20 (5) Contracts/Purchasing Manager,

21 (6) Operating and Applications Manager,

22 (7) Project Manager,

23 (8) Help Desk Manager,

24 (9) Help Desk Technicians,

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

1 22. The following positions and employees of the Oklahoma
2 School of Science and Mathematics:

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

14 23. Office of Personnel Management employees occupying the
15 following positions:

- 16 a. the Carl Albert Internship Program Coordinator,
- 17 b. one Administrative Assistant,
- 18 c. one Workforce Planning Manager,
- 19 d. Assistant Administrators,
- 20 e. one Associate Administrator, and
- 21 f. Division Directors;

22 24. Department of Labor personnel occupying the following
23 offices and positions:

- 24 a. two Deputy Commissioners,

- 1 b. two Executive Secretaries to the Commissioner,
- 2 c. Chief of Staff,
- 3 d. two Administrative Assistants,
- 4 e. Information Systems Administrator,
- 5 f. three Safety and Health Directors,
- 6 g. Research Director,
- 7 h. Employment Standards Director,
- 8 i. Asbestos Director,
- 9 j. General Counsel,
- 10 k. one Legal Secretary,
- 11 l. one Docket Clerk, and
- 12 m. two Information Systems Application Specialists;
- 13 25. The State Bond Advisor and his or her employees;
- 14 26. The Oklahoma Employment Security Commission employees
- 15 occupying the following positions:
- 16 a. Associate Director,
- 17 b. Secretary to the Associate Director, and
- 18 c. Assistant to the Executive Director;
- 19 27. Oklahoma Human Rights Commission personnel occupying the
- 20 position of Administrative Assistant;
- 21 28. Officers and employees of the State Banking Department;
- 22 29. Officers and employees of the University Hospitals
- 23 Authority except personnel in the state classified service pursuant
- 24 to Section 3211 of Title 63 of the Oklahoma Statutes and members of

1 the University Hospitals Authority Model Personnel System created
2 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
3 Statutes or as otherwise provided for in Section 3213.2 of Title 63
4 of the Oklahoma Statutes;

5 30. Alcoholic Beverage Laws Enforcement Commission employees
6 occupying the following positions:

7 a. three Administrative Service Assistant positions,
8 however, employees in such positions who are in the
9 unclassified service on June 4, 2003, may make an
10 election to be in the classified service without a
11 loss in salary by September 1, 2003, and

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

14 31. The Oklahoma State Bureau of Investigation employees
15 occupying the following positions:

16 a. five assistant directors,

17 b. six special investigators,

18 c. one information representative,

19 d. one federally funded physical evidence technician,

20 e. four federally funded laboratory analysts,

21 f. a maximum of fourteen positions employed for the
22 purpose of managing the automated information systems
23 of the agency,

24

- 1 g. one executive secretary in addition to the one
- 2 authorized pursuant to paragraph 2 of this subsection,
- 3 h. Child Abuse Response Team (CART) investigator, and
- 4 i. Child Abuse Response Team (CART) forensic interviewer;

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

- 6 a. Director of the Oklahoma Aeronautics Commission,
- 7 b. five Department of Transportation Assistant Director
- 8 positions,
- 9 c. eight field division engineer positions,
- 10 d. one pilot position,
- 11 e. five Project Manager Positions, and
- 12 f. five Transportation Coordinators;

13 33. Commissioners of the Land Office employees occupying the
14 following positions:

- 15 a. Director of the Investments Division,
- 16 b. Assistant Director of the Investments Division,
- 17 c. one Administrative Assistant,
- 18 d. one Audit Tech position,
- 19 e. one Auditor I position,
- 20 f. two Accounting Tech I positions,
- 21 g. two Administrative Assistant I positions,
- 22 h. two Imaging Specialist positions, ~~and~~
- 23 i. one Information Systems Specialist position,
- 24 j. Director of Communications,

- 1 k. Director of Royalty Compliance,
- 2 l. Director of Mineral Management,
- 3 m. Director of Accounting,
- 4 n. Chief of Staff,
- 5 o. First Assistant Secretary,
- 6 p. Director of Real Estate Management,
- 7 q. one executive secretary,
- 8 r. one legal secretary, and
- 9 s. one legal assistant;

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

- 12 a. six Narcotics Agent positions and three Typist
13 Clerk/Spanish transcriptionists, including a Typist
14 Clerk Supervisor/Spanish transcriptionist, provided,
15 authorization for such positions shall be terminated
16 if the federal funding for the positions is
17 discontinued,
- 18 b. one executive secretary in addition to the one
19 authorized pursuant to paragraph 2 of this subsection,
- 20 c. one fiscal officer,
- 21 d. one full-time Programmer, and
- 22 e. one full-time Network Engineer;

23 35. The Military Department of the State of Oklahoma is
24 authorized such unclassified employees within full-time employee

1 limitations to work in any of the Department of Defense directed
2 youth programs, the State of Oklahoma Juvenile Justice youth
3 programs, those persons reimbursed from Armory Board or Billeting
4 Fund accounts, and skilled trade positions;

5 36. Within the Oklahoma Commission on Children and Youth the
6 following unclassified positions:

- 7 a. one Oversight Specialist and one Community Development
8 Planner,
- 9 b. one State Plan Grant Coordinator, provided
10 authorization for the position shall be terminated
11 when federal support for the position by the United
12 States Department of Education Early Intervention
13 Program is discontinued,
- 14 c. one executive secretary in addition to the one
15 authorized pursuant to paragraph 2 of this subsection,
16 and
- 17 d. one Programs Manager;

18 37. The following positions and employees of the Department of
19 Central Services:

- 20 a. one Executive Secretary in addition to the Executive
21 Secretary authorized by paragraph 2 of this
22 subsection,
- 23 b. the Director of Central Purchasing,
- 24 c. one Alternate Fuels Administrator,

- 1 d. one Director of Special Projects,
- 2 e. three postauditors,
- 3 f. four high-technology contracting officers,
- 4 g. one Executive Assistant to the Purchasing Director,
- 5 h. four Contracts Managers,
- 6 i. one Associate Director,
- 7 j. one specialized HiTech/Food Contracting Officer,
- 8 k. one State Use Contracting Officer,
- 9 l. one Property Distribution Administrator,
- 10 m. three licensed architects assigned to the Construction
- 11 and Properties Division,
- 12 n. three licensed engineers assigned to the Construction
- 13 and Properties Division,
- 14 o. eight construction consultants assigned to the
- 15 Construction and Properties Division,
- 16 p. one attorney assigned to the Construction and
- 17 Properties Division,
- 18 q. three positions assigned to the Information Services
- 19 Division, which shall include one Information
- 20 Technology Manager, one Applications Specialist and
- 21 one Data Planning Specialist, and
- 22 r. four positions assigned to Fleet Management, which
- 23 shall include one Deputy Fleet Manager and three
- 24 Management Analysts;

1 38. Oklahoma Water Resources Board personnel occupying the
2 following offices and positions:

- 3 a. four Water Quality Assistant Division Chiefs,
- 4 b. four Water Resources Division Chiefs, and
- 5 c. Director of Water Planning;

6 39. J.D. McCarty Center for Children with Developmental
7 Disabilities personnel occupying the following offices and
8 positions:

- 9 a. Physical Therapists,
- 10 b. Physical Therapist Assistants,
- 11 c. Occupational Therapists,
- 12 d. Certified Occupational Therapist Aides, and
- 13 e. Speech Pathologists;

14 40. The Development Officer, the Director of the State Museum
15 of History and the Cherokee Strip Regional Heritage Center Director
16 within the Oklahoma Historical Society;

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

- 19 a. one Executive Secretary in addition to the Executive
20 Secretary authorized by paragraph 2 of this subsection
21 and one Executive Assistant,
- 22 b. nineteen Agricultural Marketing Coordinator III
23 positions,

24

1 c. temporary fire suppression personnel, regardless of
2 the number of hours worked, who are employed by the
3 Oklahoma Department of Agriculture, Food, and
4 Forestry; provided, however, notwithstanding the
5 provisions of any other section of law, the hours
6 worked by such employees shall not entitle such
7 employees to any benefits received by full-time
8 employees,

9 d. one Information Technology Specialist,

10 e. one Director of Administrative Services,

11 f. one Water Quality Consumer Complaint Coordinator,

12 g. one hydrologist position,

13 h. Public Information Office Director,

14 i. one Information Technology Technician,

15 j. Legal Services Director,

16 k. Animal Industry Services Director,

17 l. Agricultural Environmental Management Services
18 Director,

19 m. Forestry Services Director,

20 n. Plant Industry and Consumer Services Director,

21 o. one Grants Administrator position,

22 p. Director of Laboratory Services,

23 q. Chief of Communications,

24 r. Public Information Manager,

- s. Inventory/Supply Officer,
- t. five Agriculture Field Inspector positions assigned the responsibility for conducting inspections and audits of agricultural grain storage warehouses. All other Agriculture Field Inspector positions and employees of the Oklahoma Department of Agriculture, Food, and Forestry shall be classified and subject to the provisions of the Merit System of Personnel Administration. On November 1, 2002, all other unclassified Agriculture Field Inspectors shall be given status in the classified service as provided in Section 840-4.2 of this title,
- u. Rural Fire Coordinator,
- v. one Agricultural Marketing Coordinator I,
- w. Food Safety Division Director,
- x. two Environmental Program Specialists,
- y. two Scale Technicians, and
- z. two Plant Protection Specialists;

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

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

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

1 a. Educational Program Director, and

2 b. Data Processing Manager;

3 45. A Chief Consumer Credit Examiner for the Department of
4 Consumer Credit;

5 46. All officers and employees of the Oklahoma Capitol Complex
6 and Centennial Commemoration Commission;

7 47. All officers and employees of the Oklahoma Motor Vehicle
8 Commission;

9 48. One Museum Archivist of The Will Rogers Memorial
10 Commission;

11 49. One Fire Protection Engineer of the Office of the State
12 Fire Marshal;

13 50. Acting incumbents employed pursuant to Section 209 of Title
14 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
15 be included in any limitation on full-time equivalency imposed by
16 law on an agency. Permanent classified employees may request a
17 leave of absence from classified status and accept an unclassified
18 appointment and compensation as an acting incumbent with the same
19 agency; provided, the leave shall expire no later than two (2) years
20 from the date of the acting incumbent appointment. An appointing
21 authority may establish unclassified positions and appoint
22 unclassified employees to perform the duties of a permanent
23 classified employee who is on leave of absence from a classified
24 position to serve as an acting incumbent. All unclassified

1 appointments created pursuant to this paragraph shall expire no
2 later than two (2) years from the date of appointment. Classified
3 employees accepting unclassified appointments and compensation
4 pursuant to this paragraph shall be entitled to participate without
5 interruption in any benefit programs available to classified
6 employees, including retirement and insurance programs. Immediately
7 upon termination of an unclassified appointment pursuant to this
8 paragraph, an employee on assignment from the classified service
9 shall have a right to be restored to the classified service and
10 reinstated to the former job family level and compensation plus any
11 adjustments and increases in salary or benefits which the employee
12 would have received but for the leave of absence;

13 51. The Oklahoma Homeland Security Director and all other
14 positions assigned the responsibilities of working in the Oklahoma
15 Office of Homeland Security;

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

- 18 a. one surveillance supervisor,
- 19 b. one surveillance project monitor,
- 20 c. two bilingual interviewers,
- 21 d. eight senior interviewers, and
- 22 e. six interviewers;

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1 53. State Board of Registration for Professional Engineers and
2 Land Surveyors personnel occupying the following offices and
3 positions:

- 4 a. one Director of Enforcement, and
- 5 b. two Board Investigators;

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

8 55. Two Management Information Systems positions of the Office
9 of Juvenile Affairs.

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

- 13 1. Licensed medical doctors, osteopathic physicians, dentists,
14 psychologists, and nurses;
- 15 2. Certified public accountants;
- 16 3. Licensed attorneys;
- 17 4. Licensed veterinarians; and
- 18 5. Licensed pharmacists.

19 C. Effective July 1, 1996, authorization for unclassified
20 offices, positions, or personnel contained in a bill or joint
21 resolution shall terminate June 30 of the ensuing fiscal year after
22 the authorization unless the authorization is codified in the
23 Oklahoma Statutes or the termination is otherwise provided in the
24 legislation.

1 D. The appointing authority of agencies participating in the
2 statewide information systems project may establish unclassified
3 positions and appoint unclassified employees to the project as
4 needed. Additional unclassified positions may be established, if
5 required, to appoint an unclassified employee to perform the duties
6 of a permanent classified employee who is temporarily absent from a
7 classified position as a result of assignment to this project. All
8 unclassified appointments under this authority shall expire no later
9 than December 31, 2007, and all unclassified positions established
10 to support the project shall be abolished. Both the positions and
11 appointments resulting from this authority shall be exempt from any
12 agency FTE limitations and any limits imposed on the number of
13 unclassified positions authorized. Permanent classified employees
14 may request a leave of absence from classified status and accept an
15 unclassified appointment and compensation with the same agency under
16 the provisions of this subsection; provided, the leave shall expire
17 no later than December 31, 2007. Employees accepting the
18 appointment and compensation shall be entitled to participate
19 without interruption in any benefit programs available to classified
20 employees, including retirement and insurance programs. Immediately
21 upon termination of an unclassified appointment pursuant to this
22 subsection, an employee on assignment from the classified service
23 shall have a right to be restored to the classified service and
24 reinstated to the former job family level and compensation plus any

1 adjustments and increases in salary or benefits which the employee
2 would have received but for the leave of absence.

3 SECTION 53. REPEALER 64 O.S. 2001, Sections 1.2, 1.3, as
4 amended by Section 1, Chapter 433, O.S.L. 2004, 9, 11, 12, 13, 14,
5 52, 56, 57, 58, 58.1, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73,
6 74, 75, 76, 77, 78, 79, 80.1, 80.2, 80.3, 80.4, 81, 82, 82.1, 82.2,
7 83, 84, 86, 86.1, 87c, 89, 91, 93, 94, 95, 96, 97, 99, 100, 111,
8 112, 121, 124, 125, 127, 128, 129, 131, 132, 157, 159, 161, 162,
9 162.2, 163, 164, 165, 166, 187, 188, 189, 190, 191, 193, 195, 196,
10 214, 215, 216.1, 216.2, 216.3, 216.4, 216.5, 216.6, 216.7, 216.8,
11 229.1, 229.2, 229.3, 229.4, 229.5, 245, 248, 250, 251, 253, 254,
12 255, 256, 256.1, 260.1, 260.2, 294, 452, 453, 455, 456 (64 O.S.
13 Supp. 2009, Section 1.3), are hereby repealed.

14 SECTION 54. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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