STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

SENATE BILL 498 By: Coates

AS INTRODUCED

An Act relating to the State Auditor and Inspector; amending 74 O.S. 2001, Sections 212, 217 and 227.9, which relate to the Office of the State Auditor and Inspector; specifying certain duties of State Auditor and Inspector, State Treasurer and Oklahoma Tax Commission; specifying requirements for certain financial statements; requiring certain audits and specifying requirements therefor; requiring audits be delivered to certain persons; specifying time requirements for and scope of audits of certain state agencies; defining terms; modifying requirements for audits of office of district attorney and Department of Corrections; modifying requirements relating to costs of audit services; updating references to employees of State Auditor and Inspector; modifying amounts to be deposited to State Auditor and Inspector Revolving Fund; deleting obsolete language; amending 2 O.S. 2001, Sections 3-50.7, as last amended by Section 7, Chapter 211, O.S.L. 2006, 18-194 and 18-314 (2 O.S. Supp. 2008, Section 3-50.7), which relate to the board of directors of the Oklahoma Boll Weevil Eradication Organization, the Oklahoma Sheep and Wool Utilization, Research and Market Development Commission and the Oklahoma Wheat Utilization, Research and Market Development Commission; modifying duties of board of directors of Oklahoma Boll Weevil Eradication Organization; modifying requirements for audits of Oklahoma Sheep and Wool Utilization, Research and Market Development Commission and Oklahoma Wheat Utilization, Research and Market Development Commission; amending 3A O.S. 2001, Section 208.3, as last amended by Section 3, Chapter 274, O.S.L. 2006 (3A O.S. Supp. 2008, Section 208.3), which relates to the Oklahoma Breeding Development Fund Special Account; modifying

requirements for audit of Account; amending 27A O.S. 2001, Sections 2-10-805 and 2-11-401.6, as last amended by Section 3, Chapter 146, O.S.L. 207 (27A O.S. Supp. 2008, Section 2-11-401.6), which relate to the Solid Waste Facility Emergency Closure Special Account and the Waste Tire Recycling Indemnity Fund; modifying requirements for audit of Account and Fund; amending 47 O.S. 2001, Section 1104.1, as amended by Section 1, Chapter 504, O.S.L. 2004 (47 O.S. Supp. 2008, Section 1104.1), which relates to Adaptive Grant Program for Oklahomans with Mental Retardation Revolving Fund; modifying requirements for audit of Fund; amending 52 O.S. 2001, Section 288.5, which relates to the Oklahoma Energy Resources Board; clarifying statutory reference; modifying requirements for audit of certain records; amending 53 O.S. 2001, Section 167, as amended by Section 3, Chapter 187, O.S.L. 2007 (53 O.S. Supp. 2008, Section 167), which relates to the Oklahoma Arts Council; modifying requirements for audit of certain account; amending 57 O.S. 2001, Sections 537, as amended by Section 3, Chapter 171, O.S.L. 2008 and 539 (57 O.S. Supp. 2008, Section 537), which relate to the Department of Corrections; modifying requirements for audits of canteen system operations and accounts and certain internal periodic audits; amending 59 O.S. 2001, Sections 328.15, as last amended by Section 2, Chapter 106, O.S.L. 2006, 475.9, as amended by Section 2, Chapter 312, O.S.L. 2008, 587, 858-205, 1000.4, as last amended by Section 11, Chapter 405, O.S.L. 2008 and 1694, as amended by Section 6, Chapter 163, O.S.L. 2004 (59 O.S. Supp. 2008, Sections 328.15, 475.9, 1000.4 and 1694), which relate to the Board of Dentistry, Professional Engineers and Land Surveyors Board, Board of Examiners in Optometry, Oklahoma Real Estate Commission and Construction Industries Board; modifying requirements for certain audits; amending 62 O.S. 2001, Section 211, as amended by Section 2, Chapter 265, O.S.L. 2004 (62 O.S. Supp. 2008, Section 211), which relates to general provisions relating to audits of self-sustaining board; modifying certain audit requirements; amending 63 O.S. 2001, Sections 485.3, as amended by Section 1, Chapter 426, O.S.L. 2004 and 3221.1 (63 O.S. Supp. 2008, Section 485.3), which relate to the Oklahoma Cerebral Palsy Commission and the University Hospitals Marketing

Revolving Fund; modifying certain audit requirements; amending 69 O.S. 2001, Section 315, which relates to roads, bridges and ferries; modifying certain audit requirements; amending 74 O.S. 2001, Sections 19a, 128.3, 130.22, as amended by Section 12, Chapter 372, O.S.L. 2003 and 5060.22, as amended by Section 11, Chapter 484, O.S.L. 2002 (74 O.S. Supp. 2008, Sections 130.22 and 5060.22), which relate to the Attorney General, Capitol Building Maintenance and Repair Fund, Alternative Fuels Technician Certification Revolving Fund and Oklahoma Science and Technology Research and Development Board; clarifying reference; modifying certain audit requirements; repealing 62 O.S. 2001, Sections 89.10 and 212, 68 O.S. 2001, Section 106,, 69 O.S. 2001, Section 410 and 74 O.S. 2001, Sections 219, 226, as amended by Section 3, Chapter 257, O.S.L. 2003 and 2270 (74 O.S. Supp. 2008, Section 226), which relate to general auditing requirements, audits of the State Treasurer and the Oklahoma Tax Commission, and duties of the State Auditor and Inspector with respect to roads, bridges and ferries and bond issues; providing an effective date; and declaring an emergency.

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

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

Section 212. A. STATE TREASURER AND OKLAHOMA TAX COMMISSION

~~The State Auditor and Inspector shall examine without notice all books and accounts of the State Treasurer twice each year~~

1. The State Treasurer and the Oklahoma Tax Commission shall prepare annual financial statements in accordance with the reporting requirements set forth by the Governmental Accounting Standards Board (GASB). The State Treasurer and the Tax Commission shall

prescribe and implement sound internal control, accounting and recordkeeping practices consistent with and to facilitate compliance with all reporting requirements as set forth by law.

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

3. The State Auditor and Inspector shall perform an audit of the annual financial statements of the State Treasurer and the Tax Commission for each state fiscal year. Such audits shall be conducted in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards, latest revised edition, issued by the Comptroller General of the United States. The State Auditor and Inspector shall complete the audits not later than ninety (90) calendar days after the financial statements are delivered to the State Auditor and Inspector. The annual audit reports and related financial statements shall be delivered by the State Auditor and Inspector to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives. The annual audit report and related financial statements of the State Treasurer shall also be delivered to the Attorney General and the members of the Cash Management and Investment Oversight Commission created by Section 71.1 of Title 62 of the Oklahoma Statutes. The

annual audit report and related financial statements of the Tax Commission shall also be delivered to the Director of State Finance and the Legislative Service Bureau. The State Auditor and Inspector shall conduct unannounced cash audits of the State Treasury at least once each quarter.

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

B. STATE ~~OFFICERS~~ AGENCIES

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

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

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

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

a. "financial audit", which means an audit of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles or any other comprehensive basis of accounting, as defined by the American Institute of Certified Public Accountants' Professional Standards, latest revised edition. Financial audits must be conducted in

accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards, latest revised edition, issued by the Comptroller General of the United States,

b. "operational audit", which means an audit conducted in accordance with applicable Government Auditing Standards, the purpose of which is to evaluate management's performance in administering assigned responsibilities in accordance with applicable laws, administrative rules, and other policies and guidelines and to determine the extent to which the internal control, as designed and placed in operation, promotes and encourages the achievement of management's control objectives in the categories of compliance, reliability of financial records and reports, and safeguarding of assets,

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

d. "special or investigative audit", which means an audit with respect to a particular situation which may, but is not required to, be conducted in accordance with applicable Government Auditing Standards, and

e. any other type of engagement conducted in accordance with Government Auditing Standards.

C. GUBERNATORIAL REQUEST

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

D. COUNTY TREASURER

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

E. DISTRICT ATTORNEYS

1. The State Auditor and Inspector shall ~~make continuous examination and~~ annually audit ~~of~~ the books and accounts of the several offices of the district attorneys of this state ~~and the District Attorneys Council~~. The audits shall be reported in separate reports for each entity. The audit may include, but shall not be limited to, the audit of the financial records, performance measures, and compliance with state or federal statutes and rules,

and compliance with any regulations of state or federal programs. The expense of the audits shall be paid by the entity audited.

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

F. DEPARTMENT OF CORRECTIONS

The State Auditor and Inspector shall ~~make continuous examination and~~ perform an annual audit, as defined in paragraph 4 of subsection B of this section, of the books and accounts of the ~~several divisions of the~~ Department of Corrections. The scope of the audit shall be determined by the State Auditor and Inspector using a risk-based approach. ~~The audits shall be reported in separate reports for each division.~~ The audit may include, but shall not be limited to, the audit of the financial records, performance measures, and compliance with any state or federal statutes and rules, and compliance with any regulations of state or federal programs. The expense of the audits shall be paid by the ~~entity audited~~ Department of Corrections.

G. OKLAHOMA STATE AND EDUCATION EMPLOYEES GROUP INSURANCE BOARD

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

H. DISTRICT ATTORNEY REQUEST

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

I. COUNTY OFFICERS BY REQUEST

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

J. AUDITORS

The State Auditor and Inspector shall have power to employ auditors. No auditor shall examine the books or records of the

county of the auditor's residence in counties of under two hundred thousand (200,000) population according to the most recent Federal Decennial Census. The State Auditor and Inspector may employ on an as-needed basis only, legal counsel to carry out the statutory duties of the Office of the State Auditor and Inspector.

K. EXAMINATION OF LEVIES

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

L. PETITION AUDITS

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

2. The petition must contain the number of signatures equivalent to ten percent (10%) of the registered voters of the subdivision as determined by the county election board or, if the county election board determines that the number of registered voters in the subdivision cannot be determined due to boundary lines

not conforming to precinct lines, the required number of petitioners shall be twenty-five percent (25%) of the total number of persons voting in the last subdivision-wide general election held in the subdivision. If the subdivision is a public trust, the required number of petitioners shall be the same as those required for an audit of its beneficiary. The appropriate county election board shall provide the number of signatures so required upon request.

3. The petition shall be in the form of an affidavit wherein the signatory shall declare upon oath or affirmation that the information given is true and correct and that he or she is a citizen of the entity to be audited. The petition shall clearly state that falsely signing shall constitute perjury. It shall include the signature of the individual, the name of the signatory in printed form, the individual's residential address, the date of signing, the public entity to be audited and the anticipated range of the cost of the audit provided by the State Auditor and Inspector.

4. Any person desiring to petition for an audit shall list the areas, items or concerns they want to be audited, and request from the State Auditor and Inspector the anticipated range of cost of the audit. Within thirty (30) days from the receipt of the request, the State Auditor and Inspector shall mail a petition form to the person requesting the information which shall state the anticipated range of the cost and the items or concerns to be audited. The

circulators of the petition shall have thirty (30) days from the date the petition is mailed by the State Auditor and Inspector to obtain the requisite number of signatures and return it to the State Auditor and Inspector.

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

6. The county election board shall determine whether the signers of the petition are registered voters of the county in which the subdivision to be audited is located and whether the petition has the requisite number of signatures of such registered voters. The county election board shall certify the petition as having the required number of signatures or as failing to have the required number of signatures and return it to the State Auditor and Inspector.

7. The cost of the audit shall be borne by the public entity audited. Upon notification by the State Auditor and Inspector of receipt of the petition, certified by the county election board as having the required number of signatures, the public entity shall encumber funds in an amount specified by the State Auditor and Inspector, which shall be within the range of anticipated cost

stated on the petition from any funds not otherwise specifically appropriated or allocated. Payment for the audit from such encumbered funds shall be made as work progresses, and final payment shall be made on or before its publication.

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

M. PENALTIES FOR NONPAYMENT

The cost of any services provided by the State Auditor and Inspector or as specified in an audit contract shall be borne by the entity or fund audited, unless otherwise specifically provided by law, and shall be due and payable upon ~~the publication of the audit~~ receipt of progress billing during the course of an audit. Any such costs not paid within ninety (90) days of the date of ~~publication~~ billing shall incur a penalty of Ten Dollars ($10.00) per day for each day from the date of ~~publication~~ billing.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 217, is amended to read as follows:

Section 217. If by reason of sickness, absence or other cause, the State Auditor and Inspector is temporarily unable to perform the duties of ~~his~~ the office, the ~~said assistant~~ Deputy State Auditor and Inspector shall perform the duties of the office of State

Auditor and Inspector until such disability ceases, whenever the same will not be inconsistent with the Constitution.

The State Auditor and Inspector, and ~~his clerical and stenographic assistants~~ employees thereof, shall be reimbursed actual and necessary travel expenses when traveling on official state business as provided by the State Travel Reimbursement Act.

If ~~said~~ the State Auditor and Inspector, or any deputy, or employee, shall at any time, directly or indirectly receive compensation for ~~his~~ service, or neglect of service, other than that provided for in this article, ~~he~~ such person shall be guilty of a felony. The making of a false report knowingly by the State Auditor and Inspector, or any assistant or deputy, authorized by this article, of the financial condition of any office or institution required or authorized to be examined by this article, shall be a felony, and any failure to perform the duties required of them to be performed by this article shall constitute a misdemeanor.

SECTION 3. AMENDATORY 74 O.S. 2001, Section 227.9, is amended to read as follows:

Section 227.9 ~~Effective July 1, 1970, there~~ There is hereby created in the State Treasury a revolving fund for the Office of the State Auditor and Inspector to be designated the "State Auditor and Inspector Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all money paid to and received by the State Auditor and Inspector from state

agencies, boards and commissions authorized by statute to pay the expense of audits and consulting services, money received for performance of audits and consulting services pursuant to contract entered into under the authority of Section 227.8 of this title, funds received from state agencies, boards and commissions receiving federal grants of funds which require periodic audits under said grants or any federal regulations, all money received from counties, cities, towns and public trusts in payment of audit expense, funds appropriated to state agencies, boards and commissions for payment of audit expense, and fees collected pursuant to Section 212A of this title~~, and fees received by the State Auditor and Inspector pursuant to the Oklahoma Abstractors Law, Section 227.10 et seq. of this title~~. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Office of the State Auditor and Inspector for expenses necessary for the performance of duties imposed upon the Office of the State Auditor and Inspector by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment. The State Auditor and Inspector shall at the close of each fiscal year pay into the General Revenue Fund of the state any unencumbered balance remaining in said revolving fund in excess of Five Hundred Thousand Dollars ($500,000.00).

SECTION 4. AMENDATORY 2 O.S. 2001, Section 3-50.7, as last amended by Section 7, Chapter 211, O.S.L. 2006 (2 O.S. Supp. 2008, Section 3-50.7), is amended to read as follows:

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

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

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

a. neglect of duty,

b. willful misconduct,

c. malpractice in office,

d. self-dealing,

e. incompetence,

f. gross inefficiency, or

g. any other unbecoming conduct that can or may affect the ability of the Oklahoma Boll Weevil Eradication Organization to satisfactorily perform its duties or carry out its mission as a public body.

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

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

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

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

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

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

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

4. Determine and establish the assessment annually for the following crop year pursuant to the Boll Weevil Eradication Act and the program enabling referendum. The assessment shall be determined upon a fair and equitable system that is based on cotton production and infestation factors. The assessment shall be a flexible rate not to exceed Seven Dollars and fifty cents ($7.50) per acre and one cent ($.01) per pound of lint produced. Upon any change in the assessment rate, the board shall immediately notify growers and cotton gins of the new rate;

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

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

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

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

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

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

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

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

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

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

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

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

a. The bonds may:

(1) be issued in one or more series,

(2) bear the date or dates,

(3) mature at time or times not exceeding twenty (20) years from their date,

(4) be in denomination or denominations,

(5) be in form, either coupon or registered,

(6) carry registration and conversion privileges,

(7) be executed in a proper manner,

(8) be payable in medium of payment at a place or places,

(9) be subject to terms of redemption with or without premium, and

(10) bear rate or rates of interest, as may be provided by resolution or resolutions to be adopted by the Board within limits provided by

law, and be sold in a manner and at a price or prices as may be considered by the Board to be advisable.

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

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

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

e. The board of directors may enter into any agreement or contracts with the United States of America or the State of Oklahoma or any agency or instrumentality thereof which it may consider advisable or necessary

in order to obtain a grant of funds or other aid to be used in connection with the proceeds of the bonds.

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

g. Any bank, trust, or insurance company organized under the laws of Oklahoma may invest its capital, surplus, and reserves in bonds issued under the provisions of the Boll Weevil Eradication Act;

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

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

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

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

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

19. Reexamine the number and composition of the existing election districts in order to ensure fair and equitable geographic areas based upon cotton production density. If the board of

directors ~~determine~~ determines that the number or composition of the election districts should be reestablished, the board of directors shall:

a. fairly and equitably establish the election districts necessary utilizing geographic areas based upon cotton production density as the primary factor,

b. conduct the election of the next board of directors consistent with this section,

c. hold public hearings regarding the establishment of election districts,

d. facilitate the expeditious transfer of authority to the newly elected board of directors, and

e. establish terms of office for the new board consistent with this section.

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

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

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

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

E. The board of directors shall:

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

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

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

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

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

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

a. errors in judgment,

b. mistakes, or

c. omissions.

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

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

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

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

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

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

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

D. No general revenue funds shall be appropriated to carry out the provisions of the Oklahoma Sheep and Wool Producers Act. Funds collected by the Commission shall not be subject to state budget and expenditure limitations. Such funds shall at no time become monies of the state or become part of the general budget of the state.

Debts or obligations of the Commission shall not be construed to be debts or obligations of this state.

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

SECTION 6. AMENDATORY 2 O.S. 2001, Section 18-314, is amended to read as follows:

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

~~B. The books, records and accounts of the Commission, and the Oklahoma Wheat Research Foundation in respect to the funds allocated to it under the provisions of the Oklahoma Wheat Resources Act, shall be audited annually by the State Auditor and Inspector. The cost of the respective audits shall be paid from the funds of the organization for whom the audit is made.~~

SECTION 7. AMENDATORY 3A O.S. 2001, Section 208.3, as last amended by Section 3, Chapter 274, O.S.L. 2006 (3A O.S. Supp. 2008, Section 208.3), is amended to read as follows:

Section 208.3 A. There is hereby created in the State Treasury an agency special account for the Oklahoma Horse Racing Commission, to be designated the "Oklahoma Breeding Development Fund Special Account". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission for deposit in the fund pursuant to Section 205.6 of this title and from revenue received as breakage and from unclaimed pari-mutuel tickets. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the Commission for the purposes specified in subsection B of this section. Expenditures from ~~said~~ the fund shall be made upon vouchers prescribed by the State Treasurer and issued by the Commission against the Oklahoma Breeding Development Fund Special Account. The official registering agency designated by the Commission pursuant to subsection D of this section shall verify the current eligibility of a participating horse prior to distributing any purse supplement, stake, reward or award from the Oklahoma Breeding Development Fund Special Account. Any person entitled to monies from the Oklahoma Breeding Development Fund Special Account as a purse supplement, stake, reward, or award (~~"~~awards~~"~~), will forfeit such monies if that person fails to comply with all

requirements necessary for earning the awards. Further, any such person will forfeit such monies if, within one (1) year from the date of the race in which such award was earned, that person does not submit the state voucher for payment or for replacement in the event of an expired voucher, or if that person fails to submit all documentation required by the Oklahoma Horse Racing Commission. In such event, monies accrued from forfeiture will be returned to the Oklahoma Breeding Development Fund for expenditure by the Commission for the purposes specified in subsection B of this section.

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

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

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

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

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

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

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

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

C. By rule the Commission shall:

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

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

3. Provide for the registration of Oklahoma-domiciled mares and stallions and Oklahoma-bred horses. No such horse shall compete in the races limited to Oklahoma-bred horses unless registered with the Commission. The Commission may prescribe such forms as are

necessary to determine the eligibility of such horses; provided, breeding stallions shall be eligible for registration in the Oklahoma-bred breeding program until July 1 of the breeding year. No person shall knowingly prepare or cause preparation of an application for registration of such foals which contains false information;

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

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

D. The Commission may contract with and designate an official registering agency to implement the registration of horses and the payment of awards from the Oklahoma Breeding Development Fund Special Account. The official registering agency shall operate under the supervision of the Commission and be subject to the rules and regulations of the Commission. The official registering agency

shall receive no compensation except fees received for registration of horses. In the event the Commission elects to perform as the official registering agency rather than contracting for such services, the Commission shall deposit all registration fees from the registration of Oklahoma-bred horses into the Oklahoma Breeding Development Fund Special Account.

~~E. The State Auditor and Inspector shall audit the Oklahoma Breeding Development Fund Special Account on an annual basis. The expense of the audit shall be paid from said Special Account.~~

SECTION 8. AMENDATORY 27A O.S. 2001, Section 2-10-805, is amended to read as follows:

Section 2-10-805. A. There is hereby created in the State Treasury a revolving fund for the Department of Environmental Quality to be designated the "Solid Waste Facility Emergency Closure Fund Special Account". The fund account shall be a continuing fund account, not subject to fiscal year limitations. All monies accruing to the credit of said fund account are hereby appropriated and may be budgeted and expended by the Department for the purpose specified by this section.

B. The Fund shall contain only monies appropriated by the Legislature and specifically designated for deposit to the fund.

C. Expenditures from the fund account shall be made upon vouchers prescribed by the State Treasurer and issued by the

Department against the Solid Waste Facility Emergency Closure Fund Special Account.

D. No monies shall be expended by the Department from the Solid Waste Facility Emergency Closure Fund Special Account except for closure and monitoring activities at landfill disposal sites where the owner or operator has failed to adequately provide closure and postclosure care and where the financial assurance, as specified in Section 2-10-701 of ~~Title 27A of the Oklahoma Statutes~~ this title, is insufficient to properly close or monitor the site as required by the rules, and for any action determined to be necessary by the Department for the pursuit of cost recovery as required by this section.

E. ~~The State Auditor and Inspector shall audit the Solid Waste Facility Emergency Closure Fund Special Account on an annual basis. The expense of the audit shall be paid from the Special Account.~~

~~F.~~ The Department shall expeditiously pursue all remedies available to compel the legally responsible parties to perform closure and postclosure monitoring and care as required by the rules, and to seek the recovery of any funds expended by the Department under this section. The Department shall utilize staff or outside counsel to assure such expeditious pursuit of remedies.

~~G.~~ F. Nothing in this section shall be construed as a state mechanism for the financial assurance required of disposal site

owners and operators under Section 2-10-701 of ~~Title 27A of the Oklahoma Statutes~~ this title.

SECTION 9. AMENDATORY 27A O.S. 2001, Section 2-11-401.6, as last amended by Section 3, Chapter 146, O.S.L. 2007 (27A O.S. Supp. 2008, Section 2-11-401.6), is amended to read as follows:

Section 2-11-401.6 A. 1. The Oklahoma Tax Commission shall promulgate rules to carry out the provisions of the Oklahoma Waste Tire Recycling Act which pertain to the remittance of fees and to the payment of monies accruing to the Waste Tire Recycling Indemnity Fund.

2. Upon receipt of any referral from the Department of Environmental Quality, as set out in paragraph 7 of subsection B of this section, it shall be the duty of the Tax Commission to promptly undertake proceedings in accordance with the recommendations of the Department. The Tax Commission shall timely report the results of the proceedings to the Department.

3. On a monthly basis, the Tax Commission shall provide to the Department a report of the fees remitted by each tire dealer and motor license agent pursuant to Section 2-11-401.2 of this title.

B. 1. The Department of Environmental Quality shall prescribe forms, containing documentation as required by the Oklahoma Waste Tire Recycling Act, to be used by a waste tire facility, TDF facility, or person, corporation or other legal entity authorized to receive reimbursement.

2. On at least a monthly basis, the Department shall evaluate and process applications and shall report to the Tax Commission compliance and allocation information necessary for the Tax Commission to issue payment of monies from the Fund.

3. The Department shall make periodic inspections of applicants for compensation to ensure compliance with the provisions of Section 2-11-401.4 of this title. The Department shall submit a summary of the results of those inspections in an annual report to the office of the State Auditor and Inspector.

4. The Environmental Quality Board shall promulgate rules for the permitting of waste tire facilities under the Oklahoma Solid Waste Management Act and for the certification of any entity to receive compensation under the provisions of the Oklahoma Waste Tire Recycling Act.

5. The Department shall file a report with the Legislature and the Governor detailing the administration of the Oklahoma Waste Tire Recycling Act and its effectiveness in bringing about the cleanup of existing waste tire dumps and in preventing the development of new dumps. The first report shall be filed by no later than December 31, 1992. Subsequent reports shall be filed every three (3) years thereafter.

6. In developing the priority cleanup list, the Department shall prioritize those dumps where the landowner was a victim of illegal dumping. Any other tire dump may be placed on the priority

cleanup list in cases where the administrative enforcement process has been exhausted, and in such case, the Department may provide for the cleanup of the dump pursuant to Section 2-11-401.7 of this title.

7. The Department shall make periodic inspections of tire dealers and motor license agents throughout this state to ensure compliance with the provisions of Section 2-11-401.2 of this title. Upon a finding of any failure to properly remit the appropriate fee to the Tax Commission, the Department shall give written notice to the alleged violator and may commence administrative enforcement proceedings or civil proceedings in conformance with the provisions of Sections 2-3-502 and 2-3-504 of this title. If the Department determines that the fee has not been paid and there is no reasonable cause for the nonpayment, the Department may assess a penalty of double the amount that should have been remitted, to be added to the delinquent fee. If the Department determines any tire dealer or motor license agent has demonstrated a flagrant or repeated disregard of the provisions of Section 2-11-401.2 of this title, it shall refer such determination to the Tax Commission.

C. 1. By August 1, 1994, and every even year thereafter, the State Auditor and Inspector shall ~~conduct~~ perform or shall contract with an auditor or auditing company to ~~conduct~~ perform an independent audit, as defined in paragraph 4 of subsection B of Section 212 of Title 74 of the Oklahoma Statutes, of the books,

records, files and other such documents of the Tax Commission and the Department pertaining to the administration of the Fund. The audit shall include, but shall not be limited to, a review of agency and claimant compliance with state statutes regarding the Fund, internal control procedures, adequacy of claim process expenditures from and debits of the Fund regarding reimbursements, administration, personnel, operating and other expenses charged by the Tax Commission and Department, and the duties performed in detail by agency personnel and Fund personnel for which payment is made from the Fund. In addition the audit shall include recommendations for improving claim processing, equipment needed for claim processing, internal control or structure for administering the Fund, and such other areas deemed necessary by the State Auditor and Inspector.

2. The cost of the audit shall be borne by the Fund, pursuant to the limits and provisions of Section 2-11-401.4 of this title.

3. Copies of the audit shall be submitted to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Chairs of the Appropriations Committee of both the Oklahoma House of Representatives and the Oklahoma State Senate.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 1104.1, as amended by Section 1, Chapter 504, O.S.L. 2004 (47 O.S. Supp. 2008, Section 1104.1), is amended to read as follows:

Section 1104.1 A. Twenty-three Dollars ($23.00) of the fee authorized by Section ~~14~~ 1135.5 of this ~~act~~ title for university or college supporter license plates which are received each year by the Oklahoma Tax Commission or its motor license agents shall be apportioned as follows:

1. Twenty Dollars ($20.00) of the fee for each license plate designating a particular state university or college shall be apportioned to the particular state university or college so designated on the license plate. Twenty Dollars ($20.00) of the fee for each license plate designating a particular private university or college shall be apportioned to the particular private university or college so designated on the license plate and may be used by the private university or college as compensation for use of the symbols, words, or letters authorized by the private university or college for use on the license plate; and

2. Three Dollars ($3.00) shall be deposited to the Adaptive Grant Program for Oklahomans with Mental Retardation Revolving Fund created by this section to be used for educational purposes.

B. There is hereby created in the State Treasury a revolving fund for the Department of Human Services to be designated the "Adaptive Grant Program for Oklahomans with Mental Retardation Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds deposited therein pursuant to the provisions of paragraph 2 of subsection A of

this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Human Services for the administration of the Adaptive Grant Program for Oklahomans with Mental Retardation.

C. The Department of Human Services is hereby directed to promulgate rules to create the Adaptive Grant Program for Oklahomans with Mental Retardation Program to provide financial assistance in adaptation of furnishings, fixtures, vehicles, equipment or structures in order to meet any special needs of Oklahomans with mental retardation; provided, recipients of grants awarded pursuant to the program shall be limited to those programs, projects or persons not otherwise qualifying for state or federal funding. The Department of Human Services is authorized to contract with a statewide private, nonprofit foundation certified to be a 501(c)(3) organization by the Internal Revenue Service for administration of the program.

D. ~~On or before January 1, 1991, and each year thereafter:~~

~~1.~~ The Department of Human Services shall prepare an annual report on the Program~~; and~~

~~2. The State Auditor and Inspector shall conduct an audit of the funds of the Program~~. Such report ~~and audit~~ shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 11. AMENDATORY 52 O.S. 2001, Section 288.5, is amended to read as follows:

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

1. To administer and enforce the provisions of the Oklahoma Energy Education and Marketing Act;

2. To establish an office for the Board within the State of Oklahoma;

3. To elect a chairperson and whatever other officers may be necessary to direct operations of the Board;

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

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

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

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

8. To enter into contracts or agreements for studies, research projects, experimental work, supplies or other services to carry out the purposes of the Oklahoma Energy Education and Marketing Act, and

incur those expenses necessary to carry out ~~said purpose~~ those purposes. Any such contract or agreement shall provide that:

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

b. the person entering the contract or agreement shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Board of activities conducted, and such other reports as the Board may require;

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

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

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

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

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

SECTION 12. AMENDATORY 53 O.S. 2001, Section 167, as amended by Section 3, Chapter 187, O.S.L. 2007 (53 O.S. Supp. 2008, Section 167), is amended to read as follows:

Section 167. The Oklahoma Arts Council may apply for, accept and use any gift, grant or bequest from any source for the purpose of discharging its duties. All monetary gifts, grants or bequests shall be deposited in the State Treasury to the credit of the Council and shall be disbursed as provided by the Oklahoma Budget Law of 1947, as amended, upon proper claims approved by the secretary or other person designated by the Council. ~~The State Auditor and Inspector shall audit and report on this account.~~

SECTION 13. AMENDATORY 57 O.S. 2001, Section 537, as amended by Section 3, Chapter 171, O.S.L. 2008 (57 O.S. Supp. 2008, Section 537), is amended to read as follows:

Section 537. A. There shall be established a Canteen System Board of Directors for all canteen system services operated within the Department of Corrections. The members of the Canteen System

Board shall be appointed by the Director of the Department of Corrections. All canteen system operations shall be under the control of the Canteen System Board and shall operate pursuant to written guidelines established by the Board. The overall canteen operation composed of all correctional facility canteen operations, inmate telephone systems and inmate electronic mail systems shall be collectively called the Canteen System and such system shall be required to be self-supporting from sales receipts.

B. Each correctional facility may have a canteen system operation. Each facility canteen system when established shall require the warden of such facility or a designee to oversee the day-to-day canteen system operations according to the guidelines set by the Canteen System Board. The Chief Financial Officer of the Department shall act as custodian of all canteen system funds and be responsible for all expenditures from the canteen system accounts. The Chief Financial Officer shall make daily deposits of all sales receipts in the canteen system accounts. Canteen system profits generated by items or services for resale shall be identified monthly by the Chief Financial Officer and transferred periodically from the canteen system account to the Department of Corrections Inmate and Employee Welfare and Canteen System Support Revolving Fund. All disbursements made from the canteen system account shall be by voucher approved by the Chief Financial Officer and shall be payable through the Office of the State Treasurer. Documentation of

each disbursement shall be kept on file by the Department. Canteen system records may be disposed of in accordance with the records disposition schedule approved by the Archives and Records Commission. The Department shall notify the State Records Administrator thirty (30) days in advance of its intent to dispose of any canteen records. The Department shall follow accounting procedures in accordance with state fiscal accounting procedures in administering canteen system funds. All profits from the canteen system shall be used exclusively for the benefit of the inmates of the various institutions and personnel of the Department of Corrections and support of canteen system operations as determined by the Canteen System Board of Directors pursuant to subsection A of this section.

C. Employees utilized in the operation of the canteen services at each institution shall be state employees. Inmates may work in a correctional facility canteen and shall receive reimbursement for such work through the institution incentive pay program.

D. ~~All correctional facilities canteen system operations and canteen system accounts shall be subject to an annual audit by the Office of the State Auditor and Inspector. Reports of the audit shall be provided to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Legislative Service Bureau, the Department of Corrections, and~~ Any audit of canteen system operations and accounts conducted by the

State Auditor and Inspector shall be provided to the warden of the concerned institution.

E. Merchandise and services to be purchased for resale or distribution through the canteen system, inmate telephone equipment or services, and inmate electronic mail equipment and services shall be purchased by voucher drawn against canteen system accounts and all such purchases of goods and services shall be exempted from the provisions of The Oklahoma Central Purchasing Act. All revenues from canteen operations, inmate telephone system services and inmate electronic mail system operations shall be used exclusively for the benefit of the inmates of the various institutions and personnel of the Department of Corrections as determined by the Canteen System Board of Directors.

SECTION 14. AMENDATORY 57 O.S. 2001, Section 539, is amended to read as follows:

Section 539. The Director of the Department of Corrections ~~will within thirty (30) days of the effective date of this act~~ shall:

1. Establish and implement a classification program that will insure the maximum utilization, by qualified inmates, of the vocational training facilities that exist within designated institutions;

2. Establish a system of identifying the current vocational-technical job skills of inmates upon reception at the Lexington Assessment and Reception Center and any other place of reception;

3. Establish a system of assigning inmates with vocational-technical job skills in lieu of using outside contractors for internal projects or repairs; and

4. Establish a system of internal periodic audits that will encompass all items of equipment, supplies, materials, livestock and poultry, purchased or produced, within the Department of Corrections and its institutions. Audits shall also include all continuing and special funds and special accounts. ~~The State Auditor and Inspector shall conduct an annual audit of all such areas of accountability.~~

SECTION 15. AMENDATORY 59 O.S. 2001, Section 328.15, as last amended by Section 2, Chapter 106, O.S.L. 2006 (59 O.S. Supp. 2008, Section 328.15), is amended to read as follows:

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

B. The Board is authorized and empowered to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. Enter into contracts;

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

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

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

SECTION 16. AMENDATORY 59 O.S. 2001, Section 475.9, as last amended by Section 2, Chapter 312, O.S.L. 2008 (59 O.S. Supp. 2008, Section 475.9), is amended to read as follows:

Section 475.9 A. The Executive Director of the State Board of Licensure for Professional Engineers and Land Surveyors shall be responsible for accounting for all monies derived under the provisions of Section 475.1 et seq. of this title. This fund shall be known as the "Professional Engineers and Land Surveyors Fund", and shall be deposited with the State Treasurer, and shall be paid out only upon requisitions submitted by the Secretary or Executive

Director. All monies in this fund are hereby specifically appropriated for the use of the Board, and the Board shall pay into the General Revenue Fund of the state an amount equal to ten percent (10%) of all funds received at the end of each fiscal year.

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

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

SECTION 17. AMENDATORY 59 O.S. 2001, Section 587, is amended to read as follows:

Section 587. The fee for such examinations shall be set by rules promulgated by the Board of Examiners in Optometry ~~rule~~, not to be less than One Hundred Dollars ($100.00) and not to exceed Two Hundred Dollars ($200.00), and a yearly license fee set by rules promulgated by the Board of Examiners in Optometry ~~rule~~, not to be less than Sixty-five Dollars ($65.00) and not to exceed Two Hundred Dollars ($200.00), shall be paid each fiscal year by all persons holding a license to practice optometry in this state, and shall be paid not later than the 30th day of June of each year. In the event of default of payment of such license fee by any person, his or her certificate shall be revoked by the Board of Examiners who shall take such action only after notifying the person in default by registered mail and allowing him or her fifteen (15) days in which to comply with this requirement. The Board shall be paid travel expenses as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. The secretary-treasurer shall receive a compensation fixed by the Board, of not to exceed Two Hundred Dollars ($200.00) per month. All fees and charges collected by the secretary-treasurer of the Board shall be paid on the first day of each month into a revolving fund in the

State Treasury to be designated as the "Optometry Board Revolving Fund". This fund shall consist of all monies received by the Board of Optometry other than appropriated funds. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Board of Optometry. Expenditures from this fund shall be made pursuant to the purposes of Sections 581 through 606 of this title and without legislative approval. Warrants for expenditures shall be drawn by the State Treasurer based on claims signed by an authorized employee or employees of the Board of Optometry and approved for payment by the Director of State Finance. ~~The revolving fund shall be audited at least once each year by the State Auditor and Inspector.~~

SECTION 18. AMENDATORY 59 O.S. 2001, Section 858-205, is amended to read as follows:

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

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

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

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

SECTION 19. AMENDATORY 59 O.S. 2001, Section 1000.4, as last amended by Section 11, Chapter 405, O.S.L. 2008 (59 O.S. Supp. 2008, Section 1000.4), is amended to read as follows:

Section 1000.4 A. 1. ~~Beginning September 1, 2001, pursuant~~ Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Construction Industries Board shall have the power to adopt, amend, repeal, and promulgate rules as may be

necessary to regulate the plumbing, electrical and mechanical trades, building and construction inspectors and~~, beginning November 1, 2008,~~ home inspectors. ~~Rules authorized under this section shall not become effective prior to January 1, 2002.~~

2. ~~Beginning January 1, 2002, the~~ The Board shall have the power to enforce the provisions of the Construction Industries Board Act, ~~The~~ the Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act and~~, beginning November 1, 2008,~~ the Home Inspection Licensing Act.

3. In addition to rules promulgated by the Construction Industries Board, rules promulgated by the State Board of Health prior to January 1, 2002, shall be the rules of the Construction Industries Board and shall continue in effect until such rules are amended or repealed by rules promulgated by the Construction Industries Board.

4. Any order made or action taken prior to January 1, 2002, by the State Board of Health, the State Department of Health, or the State Commissioner of Health pursuant to the provisions of, or rules promulgated pursuant to, ~~The~~ the Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act or, any order made or action taken prior to November 1, 2008, pursuant to the Home Inspection Licensing Act, shall be considered valid and in effect unless rescinded by the Construction Industries Board.

B. The Board shall have the following powers:

1. Exercise all incidental powers and duties which are necessary to effectuate the provisions of ~~The~~ the Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act and the Home Inspection Licensing Act;

2. Serve as a code variance and appeals board for the trades and industries it regulates which do not have statutory code variance and appeals boards;

3. Order or subpoena the attendance of witnesses, the inspection of records and premises, and the production of relevant books and papers for the investigation of matters that may come before the Board;

4. Initiate disciplinary proceedings, request prosecution of and initiate injunctive proceedings against any person who violates any of the provisions of the Plumbing License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, the Mechanical Licensing Act and the Home Inspection Licensing Act;

5. Maintain an administrative staff including, but not limited to, a Construction Industries Administrator whose appointment shall be made as provided in Section 1000.6 of this title;

6. Establish and levy administrative fines against any person or entity denying the Board or its representatives access to a job site for purposes of enforcing any of the provisions of the Plumbing

License Law of 1955, the Oklahoma Inspectors Act, the Electrical License Act, and the Mechanical Licensing Act; and

7. Direct such other expenditures as may be necessary in the performance of its duties including, but not limited to, expenditures for office space, equipment, furnishings and contracts for legal services. All expenditures shall be made pursuant to the Oklahoma Central Purchasing Act.

C. ~~After July 1, 2004, the~~ The Board shall account for all receipts and expenditures of the monies of the Board, including annually preparing and publishing a statement of receipts and expenditures of the Board for each fiscal year. The Board's annual statement of receipts and expenditures shall be audited by the State Auditor and Inspector or an independent accounting firm in accordance with the provisions of subsection B of Section 212 of Title 74 of the Oklahoma Statutes, and the audit report shall be certified to the Governor of this state to be true and correct, under oath, by the chair and vice-chair of the Board.

D. ~~Effective January 1, 2002, all~~ All powers, duties, responsibilities, employees, records, and equipment of the State Board of Health, the State Department of Health, and the State Commissioner of Health relating exclusively to the regulation of the plumbing, electrical and mechanical trades, building and construction inspectors and~~, beginning November 1, 2008,~~ home inspectors shall be placed under the authority of the Construction

Industries Board. To the extent practicable, this shall include all computer hardware and software used in regulating industries listed in this section. ~~Until July 1, 2004, the State Department of Health shall provide all necessary administrative support, including, but not limited to, office space, equipment, furnishings, and legal staff support for the Board and may manage the Board's funds, subject to Board approval.~~ The Construction Industries Board may contract for additional legal and administrative services as necessary, pursuant to the Central Purchasing Act. Employees shall be under the direction of the Construction Industries Administrator and the Construction Industries Board.

E. The Construction Industries Board and the State Board of Health may enter into an agreement for the transfer of personnel into the unclassified service under the direction of the Construction Industries Board effective January 1, 2002, and for personnel exclusively related to the regulation of home inspectors, effective November 1, 2008. No employee shall be transferred into the unclassified service under the direction of the Construction Industries Board except on the freely given written consent of the employee. All classified employees under the Merit System of Personnel Administration who are not transferred into the unclassified service as provided shall retain the status in the class occupied by the employee on July 1, 2001, and for personnel exclusively related to the regulation of home inspectors, occupied

by the employee on November 1, 2008, as allocated by the Office of Personnel Management. The salary of such an employee shall not be reduced as a result of such position allocation. Employees who are transferred as provided shall not be required to accept a lesser grade or salary than that in effect on July 1, 2001, and for personnel exclusively related to the regulation of home inspectors, than that in effect on November 1, 2008. All employees shall retain leave, sick and annual time earned, and any retirement and longevity benefits which have accrued during their tenure in the classified service. The transfer of personnel shall be coordinated with the Office of Personnel Management.

SECTION 20. AMENDATORY 59 O.S. 2001, Section 1694, as amended by Section 6, Chapter 163, O.S.L. 2004 (59 O.S. Supp. 2008, Section 1694), is amended to read as follows:

Section 1694. All monies received by the Construction Industries Board under the Electrical License Act, including the administrative fines authorized by Section 1695 of this title, shall be deposited with the State Treasurer and credited to the "Electrical Revolving Fund". The revolving fund shall be a continuing fund not subject to fiscal year limitations and may be budgeted and expended by the Construction Industries Board. Expenditures from this fund shall be made pursuant to the purposes of the Electrical License Act and shall include, but not be limited to, payment of operating costs and the costs of programs designed to

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

SECTION 21. AMENDATORY 62 O.S. 2001, Section 211, as amended by Section 2, Chapter 265, O.S.L. 2004 (62 O.S. Supp. 2008, Section 211), is amended to read as follows:

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

SECTION 22. AMENDATORY 63 O.S. 2001, Section 485.3, as amended by Section 1, Chapter 426, O.S.L. 2004 (63 O.S. Supp. 2008, Section 485.3), is amended to read as follows:

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

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

2. Set fees and charges for patient services;

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

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

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

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

B. The Commission shall be charged with the duties of management and control of the J.D. McCarty Center for Children with Developmental Disabilities and shall~~:~~

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

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

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

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

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

SECTION 23. AMENDATORY 63 O.S. 2001, Section 3221.1, is amended to read as follows:

Section 3221.1 A. There is hereby created in the State Treasury a revolving fund for the University Hospitals, to be designated the "University Hospitals Marketing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the University Hospitals pursuant to the provisions of this section. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the University Hospitals for the purpose of marketing research and planning, public

education, special events customary to the health care industry, advertising and promotion of special and general services provided or sponsored by the University Hospitals and such other purposes specifically authorized by the Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. An amount equal to one-tenth of one percent (1/10 of 1%) of the total annual operating budget of the University Hospitals and such other funds as may be specifically designated for deposit to the fund shall be deposited in the University Hospitals Marketing Revolving Fund.

~~C. The University Hospitals Marketing Revolving Fund shall be audited annually by the State Auditor and Inspector. The University Hospitals shall reimburse the State Auditor and Inspector from the University Hospitals Marketing Revolving Fund for any expenses incurred in auditing said fund.~~

SECTION 24. AMENDATORY 69 O.S. 2001, Section 315, is amended to read as follows:

Section 315. ~~The State Auditor and Inspector shall audit the books, records and files of the Commission and the Department and shall file his report thereof not later than December 15 following the close of each fiscal year. Such audit shall be continuous in nature and shall contain a report on the several divisions and the~~

~~activities thereof. The State Auditor and Inspector shall make his report of such audits in quadruplicate, one copy thereof to be filed with the Governor, one copy with the State Director of Finance, one copy with the Commission, and shall retain one copy as a public record in his office. The copies shall be filed in each of such divisions as soon as they are received by them.~~ The expenses of ~~such~~ audits of the State Transportation Commission and the Oklahoma Department of Transportation shall be paid by the Commission out of the State Highway Construction and Maintenance Fund upon the presentation of sworn and itemized claims, which claims shall have been duly approved by the State Auditor and Inspector. A sum equivalent to one-tenth of one percent (1/10 of 1%) of the warrants issued during the previous fiscal year shall be allotted and appropriated annually from such Fund for the expense of this audit. If such sum is found to be inadequate for the purposes above set forth, then the Commission may allot and appropriate from such Fund such additional sums as may be necessary.

SECTION 25. AMENDATORY 74 O.S. 2001, Section 19a, is amended to read as follows:

Section 19a. Disbursements may be made from the ~~fund provided by this act~~ Attorney General's Evidence Fund to the Attorney General upon appropriate voucher and claim for the purpose of paying fees and expenses of a confidential nature. The Attorney General shall retain written receipts for all expenditures so made and promulgate

written rules to provide strict accountability for such expenditures. ~~The fund provided by this act shall be fully audited by the State Auditor and Inspector at least once in each fiscal year.~~

SECTION 26. AMENDATORY 74 O.S. 2001, Section 128.3, is amended to read as follows:

Section 128.3 After payment of all costs incurred in the inventory and appraisal and advertisement and costs of sale, the remaining proceeds therefrom, and any monies derived from leasing ~~said~~ the property described in Section 128.1 of this title, shall be deposited in a special "Capitol Building Maintenance and Repair Fund". The fund shall be used for the maintenance and repair of all State Capitol Buildings, grounds, shrubbery, boulevards, and streets surrounding the same. The funds shall be paid upon claims made therefor by the Office of Public Affairs and approved by the ~~State Auditor and Inspector~~ Director of State Finance. The leasing for oil and gas purposes of any such lands and the proceeds therefrom shall be conducted and handled by ~~said~~ the Office of Public Affairs pursuant to Section 107 of this title.

SECTION 27. AMENDATORY 74 O.S. 2001, Section 130.22, as amended by Section 12, Chapter 372, O.S.L. 2003 (74 O.S. Supp. 2008, Section 130.22), is amended to read as follows:

Section 130.22 All monies received by the Department of Central Services under the Alternative Fuels Technician Certification Act

shall be deposited with the State Treasurer and credited to the "Alternative Fuels Technician Certification Revolving Fund". The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Department of Central Services. Expenditures from this fund shall be made pursuant to the purposes of the Alternative Fuels Technician Certification Act and shall include, but not be limited to, payment of operating costs, costs of programs designed to promote public awareness of the alternative fuels industry, expenditures for the preparation and printing of regulations, bulletins or other documents and the furnishing of copies of the documents to those persons engaged in the alternative fuels industry or the public, and expenses the Department incurs to support program operations. Warrants for expenditures shall be drawn by the State Treasurer based on claims signed by the Department of Central Services and approved for payment by the Director of State Finance. ~~The revolving fund shall be audited at least once each year by the State Auditor and Inspector.~~

SECTION 28. AMENDATORY 74 O.S. 2001, Section 5060.22, as amended by Section 11, Chapter 484, O.S.L. 2002 (74 O.S. Supp. 2008, Section 5060.22), is amended to read as follows:

Section 5060.22 A. The Oklahoma Science and Technology Research and Development Board is authorized and instructed to make an annual report no later than November 1 to the Governor, the

President Pro Tempore of the Senate, and the Speaker of the House of Representatives that shall describe the accomplishments, the expenditures, and the activities of the prior fiscal year. The report shall include elements the Board identifies as hampering the state's economic progress and recommendations for changes. The report shall include an independent audit in accordance with ~~generally accepted accounting principals~~ auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards, latest revised edition, issued by the Comptroller General of the United States, which shall examine, among other things, actions governed by the administrative policies adopted by the Board on behalf of the Center and the Institute. The annual report shall specifically account for the ways in which the need, mission and programs of the Center and the Institute have been carried out, including but not limited to a review of the results of the operations and transactions according to objective measures set forth in the business plan. The report shall recommend specific changes in the activities of the Center or Institute which are necessary to better carry out the need and mission described in ~~this act~~ Section 5060.2 et seq. of this title. The Board shall distribute its annual report by such means that will make it widely available to those innovative enterprises of special importance to the Oklahoma economy.

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

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

D. The Board, on behalf of the Center and Institute, shall fund areas of research and development that the Board selects as most likely to stimulate information technology, biotechnology, genetics, meteorology and climate studies, and emerging or developing technology and related jobs; foster patents; result in new patents, copyrights, trademarks, and licenses of value; pursue world-class research teams that support the state's primary economic development thrusts or focus areas; and stimulate private and public investments with the intent to encourage economic development in Oklahoma.

SECTION 29. REPEALER 62 O.S. 2001, Sections 89.10 and 212, are hereby repealed. 68 O.S. 2001, Section 106, is hereby repealed. 69 O.S. 2001, Section 410, is hereby repealed. 74 O.S. 2001, Sections 219, 226, as amended by Section 3, Chapter 257, O.S.L. 2003 and 2270 (74 O.S. Supp. 2008, Section 226), are hereby repealed.

SECTION 30. This act shall become effective July 1, 2009.

SECTION 31. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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