

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1704

By: Sykes of the Senate

4 and

5 Jordan of the House

6
7 AS INTRODUCED

8 An Act relating to multiple versions of statutes;
9 amending, merging, consolidating, and repealing
10 multiple versions of statutes; amending 19 O.S. 2011,
11 Section 460.2a, as amended by Section 1, Chapter 48,
12 O.S.L. 2011; repealing 19 O.S. 2011, Section 460.2a,
13 as amended by Section 1, Chapter 35, O.S.L. 2011;
14 amending 21 O.S. 2011, Section 1835.2, as last
15 amended by Section 1, Chapter 142, O.S.L. 2011;
16 repealing 21 O.S. 2011, Section 1835.2, as last
17 amended by Section 1, Chapter 39, O.S.L. 2011;
18 amending 29 O.S. 2011, Section 7-209, as last amended
19 by Section 3, Chapter 142, O.S.L. 2011; repealing 29
20 O.S. 2011, Section 7-209, as last amended by Section
21 1, Chapter 116, O.S.L. 2011; amending 36 O.S. 2011,
22 Section 1435.29, as last amended by Section 25,
23 Chapter 278, O.S.L. 2011; repealing 36 O.S. 2011,
24 Section 1435.29, as last amended by Section 6,
Chapter 242, O.S.L. 2011; repealing 36 O.S. 2011,
Section 1435.29, as last amended by Section 6,
Chapter 293, O.S.L. 2011; amending 36 O.S. 2011,
Section 6217, as last amended by Section 34, Chapter
278, O.S.L. 2011; repealing 36 O.S. 2011, Section
6217, as last amended by Section 10, Chapter 242,
O.S.L. 2011; repealing 36 O.S. 2011, Section 6217, as
last amended by Section 10, Chapter 293, O.S.L. 2011;
amending 47 O.S. 2011, Section 11-902, as last
amended by Section 3, Chapter 350, O.S.L. 2011;
repealing 47 O.S. 2011, Section 11-902, as last
amended by Section 6, Chapter 373, O.S.L. 2011;
amending 59 O.S. 2011, Section 161.6, as last amended
by Section 1, Chapter 252, O.S.L. 2011; repealing 59
O.S. 2011, Section 161.6, as last amended by Section
2, Chapter 230, O.S.L. 2011; repealing 62 O.S. 2011,

1 Section 34.36, as last amended by Section 4, Chapter
2 347, O.S.L. 2011; amending 62 O.S. 2011, Section 46,
3 as last amended by Section 1, Chapter 273, O.S.L.
4 2011; repealing 62 O.S. 2011, Section 46, as last
5 amended by Section 6, Chapter 292, O.S.L. 2011;
6 repealing 70 O.S. 2011, Section 6-101.3, as last
7 amended by Section 1, Chapter 40, O.S.L. 2011;
8 repealing 70 O.S. 2011, Section 6-101.26, as last
9 amended by Section 3, Chapter 40, O.S.L. 2011;
10 amending 70 O.S. 2011, Section 17-116.2, as last
11 amended by Section 3, Chapter 203, O.S.L. 2011;
12 repealing 70 O.S. 2011, Section 17-116.2, as last
13 amended by Section 1, Chapter 179, O.S.L. 2011;
14 amending 70 O.S. 2011, Section 2603, as last amended
15 by Section 1, Chapter 351, O.S.L. 2011; repealing 70
16 O.S. 2011, Section 2603, as last amended by Section
17 1, Chapter 288, O.S.L. 2011; amending 70 O.S. 2011,
18 Section 2605, as last amended by Section 3, Chapter
19 351, O.S.L. 2011; repealing 70 O.S. 2011, Section
20 2605, as last amended by Section 2, Chapter 288,
21 O.S.L. 2011; amending 70 O.S. 2011, Section 3311, as
22 last amended by Section 1, Chapter 233, O.S.L. 2011;
23 repealing 70 O.S. 2011, Section 3311, as last amended
24 by Section 1, Chapter 10, O.S.L. 2011; and declaring
an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 460.2a, as
amended by Section 1, Chapter 48, O.S.L. 2011, is amended to read as
follows:

Section 460.2a. A. The board of directors of a circuit
engineering district, established pursuant to Section 687.1 et seq.
of Title 69 of the Oklahoma Statutes, may by resolution establish a
County Energy District Authority pursuant to the provisions of ~~this~~
~~act~~ the Oklahoma Energy Independence Act, for the district. The

1 authority shall be a public trust as provided for in Sections 176
2 through 180.3 of Title 60 of the Oklahoma Statutes.

3 B. The authority shall consist of the circuit engineering
4 district board of directors.

5 C. The chair of the board of directors of the circuit
6 engineering district shall serve as chair of the authority.

7 SECTION 2. REPEALER 19 O.S. 2011, Section 460.2a, as
8 amended by Section 1, Chapter 35, O.S.L. 2011, is hereby repealed.

9 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1835.2, as
10 last amended by Section 1, Chapter 142, O.S.L. 2011, is amended to
11 read as follows:

12 Section 1835.2. A. Notwithstanding the provisions of Section
13 1835 of this title, the following provisions apply to private land
14 that is primarily devoted to farming, ranching, or forestry
15 purposes:

16 1. Except as provided in this section, whoever willfully enters
17 private land of another that is primarily devoted to farming,
18 ranching, or forestry purposes without permission by the surface
19 owner, surface lessee, hunting lessee, or lawful occupant thereof
20 shall be deemed guilty of trespass and, upon conviction thereof,
21 shall be fined in any sum not less than Five Hundred Dollars
22 (\$500.00) nor more than One Thousand Five Hundred Dollars
23 (\$1,500.00), and in addition, the court shall order restitution for
24 actual damages incurred. Persons convicted of a second or

1 subsequent offense under this paragraph shall be guilty of a
2 misdemeanor and shall be punished by a fine in any sum not less than
3 One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two
4 Thousand Five Hundred Dollars (\$2,500.00), or by confinement in the
5 county jail for not less than thirty (30) days nor more than six (6)
6 months, or by both such fine and imprisonment, and in addition, the
7 court shall order restitution for actual damages incurred;

8 2. This provision shall not apply to peace officers as defined
9 in Section 99 of this title or any federal, state, or local
10 government employees engaged in the performance of their duties, or
11 to any firefighters, emergency medical personnel, or public utility
12 employees engaged in addressing an emergency that presents an
13 imminent danger to health, safety, or the environment in the
14 performance of their duties, or to parties engaged in oil and gas
15 operations, which shall include, without limitation, exploration,
16 drilling, production and sales activities, under authority of
17 mineral ownership, an oil and gas lease, seismic agreement or
18 permit, gas gathering, purchase, transportation, or treating
19 contracts, Corporation Commission order, or other lawful authority
20 from persons entitled to give the same. The provisions of this
21 section shall not prohibit railroad employees and emergency
22 equipment from entering such land to restore rail service following
23 an accident, derailment or natural disaster; nor the entrance of
24 utility employees or contractors while acting in the scope of their

1 employment; nor employees or contractors of valid easement or
2 license holders while acting in the scope of their employment;

3 3. The following persons may enter such land of another unless
4 forbidden to do so, either orally or in writing, by the owner or
5 lawful occupier thereof: registered land surveyors and registered
6 professional engineers for the purpose of land surveying in the
7 performance of their professional services; ~~persons in the sole~~
8 ~~process of retrieving their domestic livestock or other animals;~~
9 persons making a delivery, selling a product or service, conducting
10 a survey or poll, working on behalf of a candidate for political
11 office, or who otherwise have a legitimate reason for entering and
12 who, immediately upon entering, seek to conduct such business; and

13 4. Anyone who willfully or maliciously enters any such land of
14 another and therein commits or attempts to commit waste, theft, or
15 damage shall be deemed guilty of a misdemeanor and, upon conviction
16 thereof, shall be fined in any sum not less than Two Hundred Fifty
17 Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or
18 by confinement in the county jail for not less than thirty (30) days
19 nor more than six (6) months, or by both such fine and imprisonment,
20 and in addition, the court shall order restitution for actual
21 damages incurred. Persons convicted of a second or subsequent
22 offense under this paragraph shall be guilty of a misdemeanor and
23 shall be punished by a fine in any sum not less than Seven Hundred
24 Dollars (\$700.00) nor more than One Thousand Five Hundred Dollars

1 (\$1,500.00), or by confinement in the county jail for not less than
2 thirty (30) days nor more than six (6) months, or by both such fine
3 and imprisonment, and in addition, the court shall order restitution
4 for actual damages.

5 B. This section shall not be construed to prohibit acts that
6 are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the
7 Oklahoma Statutes.

8 C. 1. It shall be an affirmative defense to prosecution under
9 paragraph 1 of subsection A of this section that the accused had
10 express or implied permission or legal authority to be on the
11 property.

12 2. If an accused reasonably believed he or she was upon
13 property for which they had permission to be upon, it shall be an
14 affirmative defense to prosecution under paragraph 1 of subsection A
15 of this section that the accused had with him or her, on his or her
16 person, written permission from the surface owner, surface lessee,
17 hunting lessee, or lawful occupant to be upon such person's land
18 while the accused was upon any adjoining property. This defense
19 shall not be available to the accused if:

20 a. the accused has previously pled guilty, nolo
21 contendere, or has been convicted of any act of
22 trespass or has been found civilly liable of any act
23 of trespass, or
24

1 b. the accused, while the accused was upon the adjoining
2 property, does not have with him or her, on his or her
3 person, the written permission specified in this
4 paragraph.

5 SECTION 4. REPEALER 21 O.S. 2011, Section 1835.2, as
6 last amended by Section 1, Chapter 39, O.S.L. 2011, is hereby
7 repealed.

8 SECTION 5. AMENDATORY 29 O.S. 2011, Section 7-209, as
9 last amended by Section 3, Chapter 142, O.S.L. 2011, is amended to
10 read as follows:

11 Section 7-209. A. Any person who willfully enters a facility
12 licensed pursuant to the Oklahoma Farmed Cervidae Act or a
13 commercial hunting area licensed pursuant to Section 4-106 of this
14 title without permission by the owner shall be deemed guilty of
15 trespass and, upon conviction thereof, shall be fined in any sum not
16 to exceed ~~Two Hundred Fifty Dollars (\$250.00)~~ One Thousand Five
17 Hundred Dollars (\$1,500.00).

18 B. Any person who willfully enters a facility licensed pursuant
19 to the Oklahoma Farmed Cervidae Act or a big game commercial hunting
20 area licensed pursuant to Section 4-106 of this title or willfully
21 shoots from or across a public road, highway or railroad right-of-
22 way onto the facility or big game commercial hunting area and hunts,
23 takes or attempts to take a cervidae or wildlife without permission
24 by the owner shall be deemed guilty of a misdemeanor and, upon

1 conviction thereof, shall be punished by a fine of not less than Two
2 Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand
3 Dollars (\$10,000.00) or by imprisonment in the county jail not to
4 exceed sixty (60) days, or by both such fine and imprisonment, and
5 in addition, the court shall order restitution for actual damages
6 incurred. For purposes of this subsection, "actual damages"
7 includes, but is not limited to, damages to real or personal
8 property wherein the person willfully entering a licensed facility
9 hunts, shoots, shoots at, kills, attempts to kill, disturbs, hazes,
10 takes, or attempts to take any personal property of the owner
11 without permission from the owner.

12 SECTION 6. REPEALER 29 O.S. 2011, Section 7-209, as last
13 amended by Section 1, Chapter 116, O.S.L. 2011, is hereby repealed.

14 SECTION 7. AMENDATORY 36 O.S. 2011, Section 1435.29, as
15 last amended by Section 25, Chapter 278, O.S.L. 2011, is amended to
16 read as follows:

17 Section 1435.29. A. 1. Each insurance producer, with the
18 exception of title producers and aircraft title producers or any
19 other producer exempt by rule, shall, biennially, complete not less
20 than twenty-one (21) clock hours of continuing insurance education
21 ~~which shall cover subjects in the lines for which the insurance~~
22 ~~producer is licensed.~~ Such education may include a written or oral
23 examination.

24

1 2. Each customer service representative shall, biennially,
2 complete not less than ten (10) clock hours of continuing insurance
3 education ~~which shall cover subjects in the lines for which the~~
4 ~~licensee is authorized to conduct insurance-related business on~~
5 ~~behalf of the appointing agent, broker, or agency.~~

6 3. Licensees, with the exception of title producers and
7 aircraft title producers or any other producer exempt by rule, shall
8 complete, in addition to the foregoing, three (3) clock hours of
9 ethics course work in this same period.

10 4. Each title producer and aircraft title producer shall,
11 biennially, complete not less than sixteen (16) clock hours of
12 continuing insurance education, two (2) hours of which shall be
13 ethics course work, which shall cover the line for which the
14 producer is licensed. Such education may include a written or oral
15 examination.

16 B. 1. The Insurance Commissioner shall approve courses and
17 providers of ~~resident provisional producer prelicensing education~~
18 ~~and~~ continuing education. The Insurance Department may use one or
19 more of the following to review and provide a nonbinding
20 recommendation to the Insurance Commissioner on approval or
21 disapproval of courses and providers of ~~resident provisional~~
22 ~~producer prelicensing education and~~ continuing education:

- 23 a. employees of the Insurance Commissioner,
- 24 b. a continuing education advisory committee, or

1 c. an independent service whose normal business
2 activities include the review and approval of
3 continuing education courses and providers. The
4 Commissioner may negotiate agreements with such
5 independent service to review documents and other
6 materials submitted for approval of courses and
7 providers and provide the Commissioner with its
8 nonbinding recommendation. The Commissioner may
9 require such independent service to collect the fee
10 charged by the independent service for reviewing
11 materials provided for review directly from the course
12 providers.

13 The Insurance Commissioner has sole authority to approve courses
14 and providers of ~~resident provisional producer prelicensing~~
15 ~~education and~~ continuing education. If the Insurance Commissioner
16 uses one of the entities listed above to provide a nonbinding
17 recommendation, the Commissioner shall adopt or decline to adopt the
18 recommendation within thirty (30) days of receipt of the
19 recommendation. In the event the Insurance Commissioner takes no
20 action within said thirty-day period, the recommendation made to the
21 Commissioner will be deemed to have been adopted by the
22 Commissioner.

23 The Insurance Commissioner may certify providers and courses
24 offered for license examination study. The Insurance Department

1 shall use employees of the Insurance Commissioner to review and
2 certify license examination study program providers and courses.

3 2. Each insurance company shall be allowed to provide
4 continuing education to insurance producers and customer service
5 representatives as required by this section; provided that such
6 continuing education meets the general standards for education
7 otherwise established by the Insurance Commissioner.

8 3. An insurance producer who, during the time period prior to
9 renewal, participates in a professional designation program,
10 approved by the Insurance Commissioner, shall be deemed to have met
11 the biennial requirement for continuing education.

12 The curriculum for the program shall total a minimum of twenty-
13 four (24) hours within a twenty-four-month period. Each approved
14 professional designation program included in this section shall be
15 reviewed for quality and compliance every three (3) years in
16 accordance with standardized criteria promulgated by rule.
17 Continuation of approved status is contingent upon the findings of
18 the review. The list of professional designation programs approved
19 under this paragraph shall be made available to producers and
20 providers annually.

21 4. The Insurance Department may promulgate rules providing that
22 courses or programs offered by professional associations shall
23 qualify for presumptive continuing education credit approval. The
24 rules shall include standardized criteria for reviewing the

1 professional associations' mission, membership, and other relevant
2 information, and shall provide a procedure for the Department to
3 disallow all or part of a presumptively approved course.

4 Professional association courses approved in accordance with this
5 paragraph shall be reviewed every three (3) years to determine
6 whether they continue to qualify for continuing education credit.

7 5. Subject to approval by the Commissioner, the active
8 membership of the licensed producer or broker in local, regional,
9 state, or national professional insurance organizations or
10 associations may be approved for up to one (1) annual hour of
11 instruction. The hour shall be credited upon timely filing with the
12 Commissioner, or designee of the Commissioner, and appropriate
13 written evidence acceptable to the Commissioner of such active
14 membership in the organization or association.

15 6. The active service of a licensed producer as a member of a
16 continuing education advisory committee, as described in paragraph 1
17 of this subsection, shall be deemed to qualify for continuing
18 education credit on an hour-for-hour basis.

19 C. 1. Annual fees and course submission fees shall be set
20 forth as a rule by the Commissioner. The fees are payable to the
21 Insurance Commissioner. Provided, public-funded educational
22 institutions, federal agencies, nonprofit organizations, not-for-
23 profit organizations, and Oklahoma state agencies shall be exempt
24 from this subsection.

1 2. The Commissioner may assess a civil penalty, after notice
2 and opportunity for hearing, against a continuing education provider
3 who fails to comply with the requirements of the Oklahoma Producer
4 Licensing Act, of not less than One Hundred Dollars (\$100.00) nor
5 more than Five Hundred Dollars (\$500.00), for each occurrence. The
6 civil penalty may be enforced in the same manner in which civil
7 judgments may be enforced.

8 D. Failure of an insurance producer or customer service
9 representative to comply with the requirements of the Oklahoma
10 Producer Licensing Act may, after notice and opportunity for
11 hearing, result in censure, suspension, nonrenewal of license or a
12 civil penalty of up to Five Hundred Dollars (\$500.00) or by both
13 such penalty and civil penalty. Said civil penalty may be enforced
14 in the same manner in which civil judgments may be enforced.

15 E. Limited lines producers and nonresident agents who have
16 successfully completed an equivalent or greater requirement shall be
17 exempt from the provisions of this section.

18 F. Members of the Legislature shall be exempt from this
19 section.

20 G. The Commissioner shall adopt and promulgate such rules as
21 are necessary for effective administration of this section.

22 SECTION 8. REPEALER 36 O.S. 2011, Section 1435.29, as
23 last amended by Section 6, Chapter 242, O.S.L. 2011, is hereby
24 repealed.

1 SECTION 9. REPEALER 36 O.S. 2011, Section 1435.29, as
2 last amended by Section 6, Chapter 293, O.S.L. 2011, is hereby
3 repealed.

4 SECTION 10. AMENDATORY 36 O.S. 2011, Section 6217, as
5 last amended by Section 34, Chapter 278, O.S.L. 2011, is amended to
6 read as follows:

7 Section 6217. A. All licenses issued pursuant to the
8 provisions of the Insurance Adjusters Licensing Act shall continue
9 in force not longer than twenty-four (24) months. The renewal dates
10 for the licenses may be staggered throughout the year by notifying
11 licensees in writing of the expiration and renewal date being
12 assigned to the licensees by the Insurance Commissioner and by
13 making appropriate adjustments in the biennial licensing fee.

14 B. Any licensee applying for renewal of a license as an
15 adjuster shall have completed not less than twenty-four (24) clock
16 hours of continuing insurance education, of which three (3) hours
17 ~~must~~ shall be in ethics, within the previous twenty-four (24) months
18 prior to renewal of the license. ~~Such continuing education shall~~
19 ~~cover subjects in the classes of insurance for which the adjuster is~~
20 ~~licensed.~~ The Insurance Commissioner shall approve courses and
21 providers of continuing education for insurance adjusters as
22 required by this section.

23 The Insurance Department may use one or more of the following to
24 review and provide a nonbinding recommendation to the Insurance

1 Commissioner on approval or disapproval of courses and providers of
2 continuing education:

3 1. Employees of the Insurance Commissioner;

4 2. A continuing education advisory committee. The continuing
5 education advisory committee is separate and distinct from the
6 Advisory Board established by Section 6221 of this title;

7 3. An independent service whose normal business activities
8 include the review and approval of continuing education courses and
9 providers. The Commissioner may negotiate agreements with such
10 independent service to review documents and other materials
11 submitted for approval of courses and providers and present the
12 Commissioner with its nonbinding recommendation. The Commissioner
13 may require such independent service to collect the fee charged by
14 the independent service for reviewing materials provided for review
15 directly from the course providers.

16 C. An adjuster who, during the time period prior to renewal,
17 participates in an approved professional designation program shall
18 be deemed to have met the biennial requirement for continuing
19 education. Each course in the curriculum for the program shall
20 total a minimum of twenty (20) hours. Each approved professional
21 designation program included in this section shall be reviewed for
22 quality and compliance every three (3) years in accordance with
23 standardized criteria promulgated by rule. Continuation of approved
24 status is contingent upon the findings of the review. The list of

1 professional designation programs approved under this subsection
2 shall be made available to producers and providers annually.

3 D. A claims adjuster for any insurer duly authorized to
4 transact workers' compensation insurance shall complete six (6)
5 hours of continuing education relating to the Workers' Compensation
6 Act as part of the twenty-four (24) clock hours of continuing
7 insurance education.

8 E. The Insurance Department may promulgate rules providing that
9 courses or programs offered by professional associations shall
10 qualify for presumptive continuing education credit approval. The
11 rules shall include standardized criteria for reviewing the
12 professional associations' mission, membership, and other relevant
13 information, and shall provide a procedure for the Department to
14 disallow a presumptively approved course. Professional association
15 courses approved in accordance with this subsection shall be
16 reviewed every three (3) years to determine whether they continue to
17 qualify for continuing education credit.

18 F. The active service of a licensed adjuster as a member of a
19 continuing education advisory committee, as described in paragraph 2
20 of subsection B of this section, shall be deemed to qualify for
21 continuing education credit on an hour-for-hour basis.

22 G. 1. Each provider of continuing education shall, after
23 approval by the Commissioner, submit an annual fee. A fee may be
24 assessed for each course submission at the time it is first

1 submitted for review and upon submission for renewal at expiration.
2 Annual fees and course submission fees shall be set forth as a rule
3 by the Commissioner. The fees are payable to the Insurance
4 Commissioner and shall be deposited in the State Insurance
5 Commissioner Revolving Fund, created in Section 307.3 of this title,
6 for the purposes of fulfilling and accomplishing the conditions and
7 purposes of the Oklahoma Producer Licensing Act and the Insurance
8 Adjusters Licensing Act. Public-funded educational institutions,
9 federal agencies, nonprofit organizations, not-for-profit
10 organizations and Oklahoma state agencies shall be exempt from this
11 subsection.

12 2. The Commissioner may assess a civil penalty, after notice
13 and opportunity for hearing, against a continuing education provider
14 who fails to comply with the requirements of the Insurance Adjusters
15 Licensing Act, of not less than One Hundred Dollars (\$100.00) nor
16 more than Five Hundred Dollars (\$500.00), for each occurrence. The
17 civil penalty may be enforced in the same manner in which civil
18 judgments may be enforced.

19 H. Subject to the right of the Commissioner to suspend, revoke,
20 or refuse to renew a license of an adjuster, any such license may be
21 renewed by filing on the form prescribed by the Commissioner on or
22 before the expiration date a written request by or on behalf of the
23 licensee for such renewal and proof of completion of the continuing
24

1 education requirement set forth in subsection B of this section,
2 accompanied by payment of the renewal fee.

3 I. If the request, proof of compliance with the continuing
4 education requirement and fee for renewal of a license as an
5 adjuster are filed with the Commissioner prior to the expiration of
6 the existing license, the licensee may continue to act pursuant to
7 said license, unless revoked or suspended prior to the expiration
8 date, until the issuance of a renewal license or until the
9 expiration of ten (10) days after the Commissioner has refused to
10 renew the license and has mailed notice of said refusal to the
11 licensee. Any request for renewal filed after the date of
12 expiration may be considered by the Commissioner as an application
13 for a new license.

14 SECTION 11. REPEALER 36 O.S. 2011, Section 6217, as last
15 amended by Section 10, Chapter 242, O.S.L. 2011, is hereby repealed.

16 SECTION 12. REPEALER 36 O.S. 2011, Section 6217, as last
17 amended by Section 10, Chapter 293, O.S.L. 2011, is hereby repealed.

18 SECTION 13. AMENDATORY 47 O.S. 2011, Section 11-902, as
19 last amended by Section 3, Chapter 350, O.S.L. 2011, is amended to
20 read as follows:

21 Section 11-902. A. It is unlawful and punishable as provided
22 in this section for any person to drive, operate, or be in actual
23 physical control of a motor vehicle within this state, whether upon
24 public roads, highways, streets, turnpikes, other public places or

1 upon any private road, street, alley or lane which provides access
2 to one or more single or multi-family dwellings, who:

3 1. Has a blood or breath alcohol concentration, as defined in
4 Section 756 of this title, of eight-hundredths (0.08) or more at the
5 time of a test of such person's blood or breath administered within
6 two (2) hours after the arrest of such person;

7 2. Is under the influence of alcohol;

8 3. Is under the influence of any intoxicating substance other
9 than alcohol which may render such person incapable of safely
10 driving or operating a motor vehicle; or

11 4. Is under the combined influence of alcohol and any other
12 intoxicating substance which may render such person incapable of
13 safely driving or operating a motor vehicle.

14 B. The fact that any person charged with a violation of this
15 section is or has been lawfully entitled to use alcohol or a
16 controlled dangerous substance or any other intoxicating substance
17 shall not constitute a defense against any charge of violating this
18 section.

19 C. 1. Any person who is convicted of a violation of the
20 provisions of this section shall be guilty of a misdemeanor for the
21 first offense and shall:

22 a. participate in an assessment and evaluation pursuant to
23 subsection G of this section and shall follow all
24 recommendations made in the assessment and evaluation-

1 b. ~~Such person shall~~ be punished by imprisonment in jail for
2 not less than ten (10) days nor more than one (1) year,
3 and

4 c. be fined not more than One Thousand Dollars (\$1,000.00).

5 2. Any person who, during the period of any court-imposed
6 probationary term or within ten (10) years of the date following the
7 completion of the execution of any sentence or deferred judgment for
8 a violation of this section or a violation pursuant to the
9 provisions of any law of this state or another state prohibiting the
10 offenses provided in subsection A of this section, Section 11-904 of
11 this title or paragraph 4 of subsection A of Section 852.1 of Title
12 21 of the Oklahoma Statutes, commits a second offense pursuant to
13 the provisions of this section or has a prior conviction in a
14 municipal criminal court of record for the violation of a municipal
15 ordinance prohibiting the offense provided for in subsection A of
16 this section and within ten (10) years of the date following the
17 completion of the execution of such sentence or deferred judgment
18 commits a second offense pursuant to the provisions of this section
19 shall, upon conviction, be guilty of a felony and shall participate
20 in an assessment and evaluation pursuant to subsection G of this
21 section and shall be sentenced to:

22 a. follow all recommendations made in the assessment and
23 evaluation for treatment at the defendant's expense,
24 or

- 1 b. placement in the custody of the Department of
2 Corrections for not less than one (1) year and not to
3 exceed five (5) years and a fine of not more than Two
4 Thousand Five Hundred Dollars (\$2,500.00), or
5 c. treatment, imprisonment and a fine within the
6 limitations prescribed in subparagraphs a and b of
7 this paragraph.

8 However, if the treatment in subsection G of this section does
9 not include residential or inpatient treatment for a period of not
10 less than five (5) days, the person shall serve a term of
11 imprisonment of at least five (5) days.

12 3. Any person who is convicted of a second felony offense
13 pursuant to the provisions of this section or a violation pursuant
14 to the provisions of any law of this state or another state
15 prohibiting the offenses provided for in subsection A of this
16 section, Section 11-904 of this title or paragraph 4 of subsection A
17 of Section 852.1 of Title 21 of the Oklahoma Statutes shall
18 participate in an assessment and evaluation pursuant to subsection G
19 of this section and shall be sentenced to:

- 20 a. follow all recommendations made in the assessment and
21 evaluation for treatment at the defendant's expense,
22 two hundred forty (240) hours of community service and
23 use of an ignition interlock device, as provided by
24

1 subparagraph n of paragraph 1 of subsection A of
2 Section 991a of Title 22 of the Oklahoma Statutes, or

3 b. placement in the custody of the Department of
4 Corrections for not less than one (1) year and not to
5 exceed ten (10) years and a fine of not more than Five
6 Thousand Dollars (\$5,000.00), or

7 c. treatment, imprisonment and a fine within the
8 limitations prescribed in subparagraphs a and b of
9 this paragraph.

10 However, if the treatment in subsection G of this section does
11 not include residential or inpatient treatment for a period of not
12 less than ten (10) days, the person shall serve a term of
13 imprisonment of at least ten (10) days.

14 4. Any person who is convicted of a third or subsequent felony
15 offense pursuant to the provisions of this section or a violation
16 pursuant to the provisions of any law of this state or another state
17 prohibiting the offenses provided for in subsection A of this
18 section, Section 11-904 of this title or paragraph 4 of subsection A
19 of Section 852.1 of Title 21 of the Oklahoma Statutes shall
20 participate in an assessment and evaluation pursuant to subsection G
21 of this section and shall be sentenced to:

22 a. follow all recommendations made in the assessment and
23 evaluation for treatment at the defendant's expense,
24 followed by not less than one (1) year of supervision

1 and periodic testing at the defendant's expense, four
2 hundred eighty (480) hours of community service, and
3 use of an ignition interlock device, as provided by
4 subparagraph n of paragraph 1 of subsection A of
5 Section 991a of Title 22 of the Oklahoma Statutes, for
6 a minimum of thirty (30) days, or

7 b. placement in the custody of the Department of
8 Corrections for not less than one (1) year and not to
9 exceed twenty (20) years and a fine of not more than
10 Five Thousand Dollars (\$5,000.00), or

11 c. treatment, imprisonment and a fine within the
12 limitations prescribed in subparagraphs a and b of
13 this paragraph.

14 However, if the person does not undergo residential or inpatient
15 treatment pursuant to subsection G of this section the person shall
16 serve a term of imprisonment of at least ten (10) days.

17 5. Any person who, after a previous conviction of a violation
18 of murder in the second degree or manslaughter in the first degree
19 in which the death was caused as a result of driving under the
20 influence of alcohol or other intoxicating substance, is convicted
21 of a violation of this section shall be guilty of a felony and shall
22 be punished by imprisonment in the custody of the Department of
23 Corrections for not less than five (5) years and not to exceed
24

1 twenty (20) years, and a fine of not more than Ten Thousand Dollars
2 (\$10,000.00).

3 6. Provided, however, a conviction from another state shall not
4 be used to enhance punishment pursuant to the provisions of this
5 subsection if that conviction is based on a blood or breath alcohol
6 concentration of less than eight-hundredths (0.08).

7 7. In any case in which a defendant is charged with a second or
8 subsequent driving under the influence of alcohol or other
9 intoxicating substance offense within any municipality with a
10 municipal court other than a court of record, the charge shall be
11 presented to the county's district attorney and filed with the
12 district court of the county within which the municipality is
13 located.

14 D. Any person who is convicted of a violation of driving under
15 the influence with a blood or breath alcohol concentration of
16 fifteen-hundredths (0.15) or more pursuant to this section shall be
17 deemed guilty of aggravated driving under the influence. A person
18 convicted of aggravated driving under the influence shall
19 participate in an assessment and evaluation pursuant to subsection G
20 of this section and shall comply with all recommendations for
21 treatment. Such person shall be sentenced to ~~not~~ :

22 1. Not less than one (1) year of supervision and periodic
23 testing at the defendant's expense ; and ~~an~~

24

1 2. An ignition interlock device or devices, as provided by
2 subparagraph n of paragraph 1 of subsection A of Section 991a of
3 Title 22 of the Oklahoma Statutes, for a minimum of ninety (90)
4 days.

5 Nothing in this subsection shall preclude the defendant from
6 being charged or punished as provided in paragraph 1, 2, 3, 4 or 5
7 of subsection C of this section. Any person who is convicted
8 pursuant to the provisions of this subsection shall be guilty of a
9 misdemeanor for a first offense and shall be punished as provided in
10 paragraph 1 of subsection C of this section. Any person who, during
11 the period of any court-imposed probationary term or within ten (10)
12 years of the completion of the execution of any sentence or deferred
13 judgment, commits a second violation of this subsection shall, upon
14 conviction, be guilty of a felony and shall be punished as provided
15 in paragraph 2 of subsection C of this section. Any person who
16 commits a second felony offense pursuant to this subsection shall,
17 upon conviction, be guilty of a felony and shall be punished as
18 provided in paragraph 3 of subsection C of this section. Any person
19 who commits a third or subsequent felony offense pursuant to the
20 provisions of this subsection shall, upon conviction, be guilty of a
21 felony and shall be punished as provided in paragraph 4 of
22 subsection C of this section.

23 E. When a person is sentenced to imprisonment in the custody of
24 the Department of Corrections, the person shall be processed through

1 the Lexington Assessment and Reception Center or at a place
2 determined by the Director of the Department of Corrections. The
3 Department of Corrections shall classify and assign the person to
4 one or more of the following:

5 1. The Department of Mental Health and Substance Abuse Services
6 pursuant to paragraph 1 of subsection A of Section 612 of Title 57
7 of the Oklahoma Statutes; or

8 2. A correctional facility operated by the Department of
9 Corrections with assignment to substance abuse treatment.

10 F. The Department of Public Safety is hereby authorized to
11 reinstate any suspended or revoked driving privilege when the person
12 meets the statutory requirements which affect the existing driving
13 privilege.

14 G. Any person who is found guilty of a violation of the
15 provisions of this section shall be ordered to participate in an
16 alcohol and drug substance abuse evaluation and assessment program
17 offered by a certified assessment agency or certified assessor for
18 the purpose of evaluating and assessing the receptivity to treatment
19 and prognosis of the person and shall, at the expense of the
20 defendant, follow all recommendations made in the assessment and
21 evaluation for treatment. The court shall order the person to
22 reimburse the agency or assessor for the evaluation and assessment.
23 The fee for an evaluation and assessment shall be the amount
24 provided in subsection C of Section 3-460 of Title 43A of the

1 Oklahoma Statutes. The evaluation and assessment shall be conducted
2 at a certified assessment agency, the office of a certified assessor
3 or at another location as ordered by the court. The agency or
4 assessor shall, within seventy-two (72) hours from the time the
5 person is evaluated and assessed, submit a written report to the
6 court for the purpose of assisting the court in its sentencing
7 determination. The court shall, as a condition of any sentence
8 imposed, including deferred and suspended sentences, require the
9 person to participate in and successfully complete all
10 recommendations from the evaluation, such as an alcohol and
11 substance abuse treatment program pursuant to Section 3-452 of Title
12 43A of the Oklahoma Statutes. If such report indicates that the
13 evaluation and assessment shows that the defendant would benefit
14 from a ten-hour or twenty-four-hour alcohol and drug substance abuse
15 course or a treatment program or both, the court shall, as a
16 condition of any sentence imposed, including deferred and suspended
17 sentences, require the person to follow all recommendations
18 identified by the evaluation and assessment and ordered by the
19 court. No person, agency or facility operating an evaluation and
20 assessment program certified by the Department of Mental Health and
21 Substance Abuse Services shall solicit or refer any person evaluated
22 and assessed pursuant to this section for any treatment program or
23 substance abuse service in which such person, agency or facility has
24 a vested interest; however, this provision shall not be construed to

1 prohibit the court from ordering participation in or any person from
2 voluntarily utilizing a treatment program or substance abuse service
3 offered by such person, agency or facility. If a person is
4 sentenced to imprisonment in the custody of the Department of
5 Corrections and the court has received a written evaluation report
6 pursuant to the provisions of this subsection, the report shall be
7 furnished to the Department of Corrections with the judgment and
8 sentence. Any evaluation and assessment report submitted to the
9 court pursuant to the provisions of this subsection shall be handled
10 in a manner which will keep such report confidential from the
11 general public's review. Nothing contained in this subsection shall
12 be construed to prohibit the court from ordering judgment and
13 sentence in the event the defendant fails or refuses to comply with
14 an order of the court to obtain the evaluation and assessment
15 required by this subsection. If the defendant fails or refuses to
16 comply with an order of the court to obtain the evaluation and
17 assessment, the Department of Public Safety shall not reinstate
18 driving privileges until the defendant has complied in full with
19 such order. Nothing contained in this subsection shall be construed
20 to prohibit the court from ordering judgment and sentence and any
21 other sanction authorized by law for failure or refusal to comply
22 with an order of the court.

23 H. Any person who is found guilty of a violation of the
24 provisions of this section may be required by the court to attend a

1 victims impact panel program, if such a program is offered in the
2 county where the judgment is rendered, and to pay a fee, not less
3 than Fifteen Dollars (\$15.00) nor more than Twenty-five Dollars
4 (\$25.00) as set by the governing authority of the program and
5 approved by the court, to the program to offset the cost of
6 participation by the defendant, if in the opinion of the court the
7 defendant has the ability to pay such fee.

8 I. Any person who is found guilty of a felony violation of the
9 provisions of this section shall be required to submit to electronic
10 monitoring as authorized and defined by Section 991a of Title 22 of
11 the Oklahoma Statutes.

12 J. Any person who is found guilty of a violation of the
13 provisions of this section who has been sentenced by the court to
14 perform any type of community service shall not be permitted to pay
15 a fine in lieu of performing the community service.

16 K. When a person is found guilty of a violation of the
17 provisions of this section, the court shall order, in addition to
18 any other penalty, the defendant to pay a one-hundred-dollar
19 assessment to be deposited in the Drug Abuse Education and Treatment
20 Revolving Fund created in Section 2-503.2 of Title 63 of the
21 Oklahoma Statutes, upon collection.

22 L. 1. When a person is eighteen (18) years of age or older,
23 and is the driver, operator, or person in physical control of a
24 vehicle, and is convicted of violating any provision of this section

1 while transporting or having in the motor vehicle any child less
2 than eighteen (18) years of age, the fine shall be enhanced to
3 double the amount of the fine imposed for the underlying driving
4 under the influence (DUI) violation which shall be in addition to
5 any other penalties allowed by this section.

6 2. Nothing in this subsection shall prohibit the prosecution of
7 a person pursuant to Section 852.1 of Title 21 of the Oklahoma
8 Statutes who is in violation of any provision of this section or
9 Section 11-904 of this title.

10 M. Any plea of guilty, nolo contendere or finding of guilt for
11 a violation of this section or a violation pursuant to the
12 provisions of any law of this state or another state prohibiting the
13 offenses provided for in subsection A of this section, Section 11-
14 904 of this title, or paragraph 4 of subsection A of Section 852.1
15 of Title 21 of the Oklahoma Statutes, shall constitute a conviction
16 of the offense for the purpose of this section for a period of ten
17 (10) years following the completion of any court-imposed
18 probationary term.

19 N. If qualified by knowledge, skill, experience, training or
20 education, a witness shall be allowed to testify in the form of an
21 opinion or otherwise solely on the issue of impairment, but not on
22 the issue of specific alcohol concentration level, relating to the
23 following:
24

1 1. The results of any standardized field sobriety test
2 including, but not limited to, the horizontal gaze nystagmus (HGN)
3 test administered by a person who has completed training in
4 standardized field sobriety testing; or

5 2. Whether a person was under the influence of one or more
6 impairing substances and the category of such impairing substance or
7 substances. A witness who has received training and holds a current
8 certification as a drug recognition expert shall be qualified to
9 give the testimony in any case in which such testimony may be
10 relevant.

11 SECTION 14. REPEALER 47 O.S. 2011, Section 11-902, as
12 last amended by Section 6, Chapter 373, O.S.L. 2011, is hereby
13 repealed.

14 SECTION 15. AMENDATORY 59 O.S. 2011, Section 161.6, as
15 last amended by Section 1, Chapter 252, O.S.L. 2011, is amended to
16 read as follows:

17 Section 161.6. A. Pursuant to and in compliance with Article I
18 of the Administrative Procedures Act, the Board of Chiropractic
19 Examiners shall have the power to formulate, adopt and promulgate
20 rules as may be necessary to regulate the practice of chiropractic
21 in this state and to implement and enforce the provisions of the
22 Oklahoma Chiropractic Practice Act.

23 B. The Board is authorized and empowered to:
24

1 1. Establish and maintain a procedure or system for the
2 certification or accreditation of chiropractic physicians who are
3 qualified in chiropractic post-doctorate Diplomate and all other
4 chiropractic specialties;

5 2. Establish a registration system and adopt and enforce
6 standards for the education and training of chiropractic physicians
7 who engage in the business of issuing professional opinions on the
8 condition, prognosis or treatment of a patient;

9 3. Adopt and enforce standards governing the professional
10 conduct of chiropractic physicians, consistent with the provisions
11 of the Oklahoma Chiropractic Practice Act, for the purpose of
12 establishing and maintaining a high standard of honesty, dignity,
13 integrity and proficiency in the profession;

14 4. Lease office space for the purpose of operating and
15 maintaining a state office, and pay the rent thereon; provided,
16 however, such state office shall not be located in or directly
17 adjacent to the office of any practicing chiropractic physician;

18 5. Purchase office furniture, equipment and supplies;

19 6. Employ, direct, reimburse, evaluate, and dismiss such office
20 personnel, as may be necessary, in accordance with state procedures;

21 7. Employ legal counsel, as needed, to represent the Board in
22 all legal matters and to assist authorized state officers in
23 prosecuting or restraining violations of the Oklahoma Chiropractic
24 Practice Act, and pay the fees for such services;

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

5 9. Employ or contract with one or more investigators, as
6 needed, for the sole purpose of investigating written complaints
7 regarding the conduct of chiropractic physicians, and fix and pay
8 their salaries or wages. Any investigator shall be certified as a
9 peace officer by the Council on Law Enforcement Education and
10 Training and shall have statewide jurisdiction to perform the duties
11 authorized by this section;

12 10. Pay the costs of such research programs in chiropractic as
13 in the determination of the Board would be beneficial to the
14 chiropractic physicians in this state;

15 11. Establish minimum standards for continuing education
16 programs administered by chiropractic associations pursuant to
17 Section 161.11 of this title;

18 12. Make such other expenditures as may be necessary in the
19 performance of its duties;

20 13. Establish appropriate fees and charges to implement the
21 provisions of the Oklahoma Chiropractic Practice Act;

22 14. Establish policies for Board operations;

23

24

1 15. Determine and direct Board operating administrative,
2 personnel and budget policies and procedures in accordance with
3 applicable statutes;

4 16. Provide travel expenses for at least the Executive Director
5 and provide travel expenses for members of the Board to attend an
6 annual national conference. The Board shall give each member the
7 opportunity to attend the annual national conference;

8 17. Assess chiropractic applicants the cost for a criminal
9 background check. The criminal background checks required by this
10 section shall follow the requirements of Section 1-1950.1 of Title
11 63 of the Oklahoma Statutes;

12 18. Out-of-state licensed chiropractic physicians may travel
13 into Oklahoma to treat patients for special events including, but
14 not limited to, sporting events and state emergencies within the
15 borders of Oklahoma after properly registering with the Board of
16 Chiropractic Examiners; and

17 19. The Board of Chiropractic Examiners, by rule, shall
18 promulgate a code of ethics.

19 C. The Board shall promulgate rules regarding continuing
20 education seminars or courses or license renewal seminars or courses
21 including, but not limited to, the qualifications of an applicant,
22 association or entity seeking to sponsor a seminar or course, where
23 the association or entity is domiciled, whether the association or
24 entity is classified as a nonprofit organization, and the

1 educational experience of instructors applying to conduct a seminar
2 or course. The Board shall also promulgate rules regarding
3 certified chiropractic assistants.

4 D. 1. The Board shall appoint an Advisory Committee of a
5 minimum of four and no more than six chiropractic physicians and one
6 lay member representing the public who may advise and assist the
7 Board in:

- 8 a. investigating the qualifications of applicants for an
9 original license to practice chiropractic in this state,
- 10 b. investigating written complaints regarding the conduct
11 of chiropractic physicians, including alleged violations
12 of the Oklahoma Chiropractic Practice Act or of the
13 rules of the Board, and
- 14 c. such other matters as the Board shall delegate to them.

15 2. The Advisory Committee shall be selected from a list of ten
16 chiropractic physicians and three lay persons submitted by each
17 chiropractic association or society in this state or any
18 unaffiliated chiropractic physician desiring to submit a list. The
19 term of service for members of the Advisory Committee shall be
20 determined by the Board. Members of the Advisory Committee shall be
21 reimbursed for all actual and necessary expenses incurred in the
22 performance of their duties in accordance with the State Travel
23 Reimbursement Act.

24

1 E. 1. After an initial complaint is received by the Board, the
2 Advisory Committee specified in subsection D of this section shall
3 meet and determine whether the complaint merits further
4 investigation. The focus and scope of an investigation shall
5 pertain only to the subject of the complaint.

6 2. The Advisory Committee may utilize the services of an
7 investigator employed or contracted by the Board pursuant to this
8 section. An investigator shall have the authority to investigate a
9 complaint only upon directive of a simple majority of the Advisory
10 Committee or the chair of the Advisory Committee.

11 3. The findings of the investigator shall be presented to the
12 Advisory Committee. The Advisory Committee shall review and
13 determine whether the findings of the investigator and/or the
14 Advisory Committee shall be presented to the Board for possible
15 further action.

16 F. The Board shall promulgate rules regarding the issuance of
17 field citations and the assessment of administrative penalties no
18 later than July 1, 2012. Administrative penalties for field
19 citations shall not exceed Two Hundred Fifty Dollars (\$250.00) for a
20 first offense and One Thousand Dollars (\$1,000.00) for a second or
21 subsequent offense.

22 SECTION 16. REPEALER 59 O.S. 2011, Section 161.6, as
23 last amended by Section 2, Chapter 230, O.S.L. 2011, is hereby
24 repealed.

1 SECTION 17. REPEALER 62 O.S. 2011, Section 34.36, as
2 last amended by Section 4, Chapter 347, O.S.L. 2011, is hereby
3 repealed.

4 SECTION 18. AMENDATORY 62 O.S. 2011, Section 46, as last
5 amended by Section 1, Chapter 273, O.S.L. 2011, is amended to read
6 as follows:

7 Section 46. A. This act shall be known and may be cited as the
8 "Taxpayer Transparency Act".

9 B. As used in the Taxpayer Transparency Act:

10 1. "Single website" means a website that allows the public to
11 access information identified in subsection C of this section
12 without any fee or charge to the public for such access;

13 2. "Expenditure of state funds" means the disbursement of all
14 state funds regardless of amount of expenditure, whether
15 appropriated or nonappropriated, excluding:

- 16 a. the transfer of funds between two state agencies,
- 17 b. payments of state or federal assistance to an
18 individual,
- 19 c. child support payments, and
- 20 d. refunds issued by the Oklahoma Tax Commission
21 resulting from the overpayment of tax;

22 3. "Incentive payments" means payments made under the Oklahoma
23 Quality Jobs Program Act, Saving Quality Jobs Act, Oklahoma Quality
24 Jobs Incentive Leverage Act, Small Employer Quality Jobs Incentive

1 Act, Oklahoma Specialized Quality Investment Act and Oklahoma
2 Quality Investment Act;

3 4. "Tax credit" means a credit pursuant to the Oklahoma Income
4 Tax Act against tax liability which is taken by a taxpayer,
5 excluding credits authorized under paragraphs 1 and 2 of subsection
6 B of Section 2357 and Sections 2357.29 and 2357.43 of Title 68 of
7 the Oklahoma Statutes; and

8 5. "Stimulus funds expenditure" means the disbursement by state
9 agencies of federal funds received pursuant to the federal American
10 Recovery and Reinvestment Act of 2009.

11 C. No later than January 1, 2008, the Office of State Finance
12 shall develop and operate a single website accessible by the public.
13 The website shall include aggregate information on state revenue,
14 expenditures and incentive payments and information on state tax
15 preferences as contained in the tax expenditure report published by
16 the Oklahoma Tax Commission pursuant to subsection E of Section 205
17 of Title 68 of the Oklahoma Statutes. No later than January 1,
18 2009, the website shall include search capabilities.

19 D. Effective January 1, 2011, the Office of State Finance shall
20 update the website with "Open Books 2.0," an expanded online
21 database through which each individual expenditure shall be listed
22 individually separate of aggregated amount. The information shall
23 be searchable by term including name of recipient, entity making
24 expenditure and date of expenditure. The website shall allow

1 members of the public to export sets of data produced by search
2 query in a standardized exportable form. No later than eighteen
3 (18) months after "Open Books 2.0" is online, the Office of State
4 Finance shall create an online archive for each fiscal year,
5 beginning with Fiscal Year 2011, which shall be accessible and
6 searchable to online users.

7 E. As soon as practicable after January 1, 2008, such website
8 shall also include, but not be limited to:

- 9 1. For the expenditure of state funds or incentive payments:
- 10 a. the name and principal location of the entity and/or
 - 11 recipients of the funds, excluding release of
 - 12 information relating to an individual's place of
 - 13 residence, release of information prohibited by
 - 14 subsection D of Section 24A.7 of Title 51 of the
 - 15 Oklahoma Statutes or by federal law relating to
 - 16 privacy rights,
 - 17 b. the amount of state funds expended,
 - 18 c. the type of transaction,
 - 19 d. the funding or expending agency, and
 - 20 e. a descriptive purpose of the funding action or
 - 21 expenditure;

22 2. For stimulus fund expenditures:

23

24

- a. a link to the name and principal location of the entity and/or recipients of the funds regardless of amount,
- b. the amount of stimulus funds expended,
- c. the funding or expending agency, and
- d. a descriptive purpose of the funding action or expenditure; and

3. For each tax credit, information, including but not limited to:

- a. the name of each taxpayer to which a credit has been granted,
- b. the amount of such credit, and
- c. the specific provision under which a credit has been granted.

F. The single website provided for in subsection C of this section shall include data on state revenue, expenditures and incentive payments for the fiscal year 2007 and each fiscal year thereafter, on state tax credits for tax year 2007 and each tax year thereafter, and on stimulus fund expenditures for the fiscal year 2009 and each fiscal year thereafter. Such data shall be available on the single website no later than one hundred twenty (120) days after the last day of the preceding fiscal year; provided, data on stimulus fund expenditures for the fiscal year 2009 shall be

1 available on the single website within one hundred twenty (120) days
2 after the effective date of this act.

3 G. No later than January 1, 2012, the single website provided
4 for in subsection C of this section shall include a section specific
5 to data on road funding in this state. This section of the website
6 shall include but not be limited to historical as well as current
7 revenue collections and apportionment data on the following:

8 1. Diesel fuel and gasoline excise tax collected pursuant to
9 Sections 500.4 and 603 of Title 68 of the Oklahoma Statutes;

10 2. Gross production tax collected pursuant to Section 1001 of
11 Title 68 of the Oklahoma Statutes;

12 3. Motor vehicle collections collected pursuant to Sections 6-
13 101, 6-114, 14-116 and 1105 et seq. of Title 47 of the Oklahoma
14 Statutes; and

15 4. Motor vehicle excise tax collected pursuant to Sections
16 2103, 2104.3 and 2110 of Title 68 of the Oklahoma Statutes.

17 H. No later than January 1, 2012, the Office of State Finance
18 shall include as part of the single website all spending data
19 subject to publication by the "School District Transparency Act" in
20 Title 70 of the Oklahoma Statutes.

21 I. The Oklahoma Tax Commission, the Office of the State
22 Treasurer, all institutions of The Oklahoma State System of Higher
23 Education and any other state agency shall provide to the Office of
24

1 State Finance such information as is necessary to accomplish the
2 purposes of the Taxpayer Transparency Act.

3 ~~F.~~ J. So that the Tax Commission may fulfill its obligations as
4 required by this section, all recipients of tax credits, as that
5 term is defined herein, shall file their reports or returns claiming
6 the tax credits in an electronic format, as may be required by the
7 Tax Commission. The Tax Commission may disallow any claim of a
8 person for a tax credit due to its failure to file a report or
9 return as required under the authority of this subsection.

10 ~~J.~~ K. Nothing in the Taxpayer Transparency Act shall require
11 the disclosure of information which is required to be kept
12 confidential by state or federal law.

13 ~~K.~~ L. The disclosure of information required by this section
14 shall create no liability whatsoever, civil or criminal, to the
15 State of Oklahoma or any member of the Office of State Finance or
16 any employee thereof for disclosure of the information or for any
17 error or omission in the disclosure.

18 ~~L.~~ M. The State Auditor and Inspector shall maintain a website
19 providing public access to the documentation of stimulus funding
20 pursuant to the requirements of this section. The website shall
21 provide a list of all stimulus fund expenditures regardless of
22 amount. The entire list of stimulus fund expenditures and each of
23 the related content requirements as detailed in subsection D of this
24 section shall be available for export in standardized formats

1 including but not limited to eXtensible Markup Language (XML) and
2 Comma Separated Value (CSV) formats. The list of expenditures shall
3 include searchable functionality including but not limited to the
4 ability to search the expenditures by the name of the entity
5 receiving funding, name of entity processing funding and name of
6 entity benefiting from funding.

7 M. N. Information about tax credits subject to disclosure
8 pursuant to this section shall include the identity of all taxpayers
9 or organizations having any part in the chain of custody or claim to
10 the credit or credits at any time during the credit's existence.

11 SECTION 19. REPEALER 62 O.S. 2011, Section 46, as last
12 amended by Section 6, Chapter 292, O.S.L. 2011, is hereby repealed.

13 SECTION 20. REPEALER 70 O.S. 2011, Section 6-101.3, as
14 last amended by Section 1, Chapter 40, O.S.L. 2011, is hereby
15 repealed.

16 SECTION 21. REPEALER 70 O.S. 2011, Section 6-101.26, as
17 last amended by Section 3, Chapter 40, O.S.L. 2011, is hereby
18 repealed.

19 SECTION 22. AMENDATORY 70 O.S. 2011, Section 17-116.2,
20 as last amended by Section 3, Chapter 203, O.S.L. 2011, is amended
21 to read as follows:

22 Section 17-116.2. A. 1. Beginning July 1, 1987, and prior to
23 July 1, 1995, a member who retires on or after the member's normal
24 retirement age or whose retirement is because of disability shall

1 receive an annual allowance for life, payable monthly, in an amount
2 equal to two percent (2%) of the member's highest three-year average
3 salary upon which member contributions were made, multiplied by the
4 number of the member's years of creditable service.

5 A classified member who retired prior to July 1, 1986, shall
6 have ~~his~~ the member's retirement allowance calculated on a minimum
7 average salary of Eleven Thousand Five Hundred Dollars (\$11,500.00)
8 or on ~~his~~ the member's current minimum average salary plus Two
9 Thousand Dollars (\$2,000.00), whichever is greater. Beginning July
10 1, 1994, a classified member who retired prior to July 1, 1993,
11 shall have the member's retirement allowance calculated on the
12 member's current minimum average salary plus Five Hundred Fifty
13 Dollars (\$550.00). An unclassified member who retired prior to July
14 1, 1986, shall have ~~his~~ the member's retirement allowance calculated
15 on a minimum average salary of Nine Thousand Five Hundred Dollars
16 (\$9,500.00) or on ~~his~~ the member's current minimum average salary
17 plus One Thousand Dollars (\$1,000.00), whichever is greater.
18 Beginning July 1, 1994, an unclassified member who retired prior to
19 July 1, 1993, shall have the member's retirement allowance
20 calculated on the member's current minimum average salary plus Two
21 Hundred Seventy-five Dollars (\$275.00). Those individuals receiving
22 benefits pursuant to subsection (3) of Section 17-105 of this title
23 whose benefits commenced prior to July 1, 1993, shall receive an
24

1 increase in benefits of two and one-half percent (2 1/2%). No
2 retirement benefit payments shall be made retroactively.

3 Except for those members retiring because of a disability, the
4 retirement allowance:

5 a. for those members whose first creditable service with
6 the retirement system occurs prior to November 1,
7 2011, shall be subject to adjustment for those members
8 retiring before normal retirement age in accordance
9 with the actuarial equivalent factors adopted by the
10 Board of Trustees, and

11 b. for those members whose first creditable service with
12 the retirement system occurs on or after November 1,
13 2011, shall be adjusted according to the following
14 schedule:

15		Percentage of Normal
16	Age	Retirement Benefit
17	65	100.00%
18	64	93.00%
19	63	86.00%
20	62	80.00%
21	61	73.00%
22	60	65.00%

23 2. Beginning July 1, 1995, a member, who has no service
24 performed on or after July 1, 1995, for an entity or institution

1 within The Oklahoma State System of Higher Education, who retires on
2 or after the member's normal retirement age or whose retirement is
3 because of disability shall receive an annual allowance for life,
4 payable monthly as follows:

5 a. if the member becomes a member after June 30, 1995,
6 and was not eligible to become a member prior to July
7 1, 1995, in an amount equal to two percent (2%) of the
8 member's average salary upon which member
9 contributions were made, multiplied by the number of
10 the member's years of creditable service, or

11 b. if the member became a member or is eligible to become
12 a member prior to July 1, 1995, and elected to have a
13 maximum compensation level in excess of Twenty-five
14 Thousand Dollars (\$25,000.00) pursuant to paragraph 1
15 of subsection C of this section or pursuant to
16 subsection E of this section, or if the member's
17 salary has never exceeded Twenty-five Thousand Dollars
18 (\$25,000.00) prior to July 1, 1995, in an amount equal
19 to:

20 (1) two percent (2%) of the member's average salary
21 upon which member contributions were made not to
22 exceed Forty Thousand Dollars (\$40,000.00),
23 multiplied by the number of the member's years of
24 credited service authorized and performed prior

1 to July 1, 1995, plus any years of prior service
2 authorized under this title, plus

3 (2) two percent (2%) of the member's average salary
4 upon which member contributions were made,
5 multiplied by the number of the member's years of
6 credited service authorized and performed after
7 June 30, 1995, or

8 c. if the member became a member or is eligible to become
9 a member prior to July 1, 1995, and was eligible to
10 elect to have a maximum compensation level in excess
11 of Twenty-five Thousand Dollars (\$25,000.00) and did
12 not elect or elected not to have a maximum
13 compensation level of Forty Thousand Dollars
14 (\$40,000.00) pursuant to paragraph 1 of subsection C
15 of this section or pursuant to subsection E of this
16 section, in an amount equal to:

17 (1) two percent (2%) of the member's average salary
18 upon which member contributions were made not to
19 exceed Twenty-five Thousand Dollars (\$25,000.00),
20 multiplied by the number of the member's years of
21 credited service authorized and performed prior
22 to July 1, 1995, plus any years of prior service
23 authorized under this title, plus
24

1 (2) two percent (2%) of the member's average salary
2 upon which member contributions were made,
3 multiplied by the number of the member's years of
4 credited service authorized and performed after
5 June 30, 1995.

6 B. Except as otherwise provided for in this section, the amount
7 contributed by each member to the retirement system shall be:

8 1. Beginning July 1, 1992, through June 30, 1996, six percent
9 (6%) of the regular annual compensation of such member not in excess
10 of Twenty-five Thousand Dollars (\$25,000.00) and beginning July 1,
11 1995, through June 30, 1996, six percent (6%) of the maximum
12 compensation level; and

13 2. Beginning July 1, 1996, through June 30, 1997, six and one-
14 half percent (6 1/2%) of the regular annual compensation of members,
15 who are not employed by an entity or institution within The Oklahoma
16 State System of Higher Education not in excess of Twenty-five
17 Thousand Dollars (\$25,000.00) and beginning July 1, 1996, through
18 June 30, 1997, six and one-half percent (6 1/2%) of the regular
19 annual compensation of members, who are employed by an entity or
20 institution within The Oklahoma State System of Higher Education,
21 not in excess of Twenty-five Thousand Dollars (\$25,000.00);

22 3. Beginning July 1, 1997, seven percent (7%) of the regular
23 annual compensation of the member not in excess of any applicable
24 maximum compensation level of the member; and

1 4. All public schools in this state shall treat the employee
2 contributions as being picked-up under the provisions of Section 414
3 (h) (2) of the Internal Revenue Code of 1986 in determining tax
4 treatment.

5 C. 1. Prior to July 1, 1995, an active member of the System
6 may elect to have a maximum compensation level of Forty Thousand
7 Dollars (\$40,000.00). Such an election shall be made in writing and
8 filed with the System. Members whose salaries are in excess of
9 Twenty-five Thousand Dollars (\$25,000.00) on ~~the effective date of~~
10 ~~this act~~ July 20, 1987, shall file the election with the System
11 prior to January 1, 1988. Members whose salaries exceed Twenty-five
12 Thousand Dollars (\$25,000.00) after ~~the effective date of this act~~
13 July 20, 1987, shall file the election when the salary exceeds
14 Twenty-five Thousand Dollars (\$25,000.00). If a member makes such
15 an election, the member shall contribute the following amounts:

- 16 a. beginning July 1, 1992, through June 30, 1993, eleven
17 percent (11%) of the regular annual compensation of
18 such member that is in excess of Twenty-five Thousand
19 Dollars (\$25,000.00) and is not in excess of Forty
20 Thousand Dollars (\$40,000.00),
21 b. beginning July 1, 1993, through June 30, 1994, nine
22 percent (9%) of the regular annual compensation of
23 such member that is in excess of Twenty-five Thousand
24

1 Dollars (\$25,000.00) and is not in excess of Forty
2 Thousand Dollars (\$40,000.00), and

3 c. beginning July 1, 1994, through June 30, 1995, eight
4 percent (8%) of the regular annual compensation of
5 such member that is in excess of Twenty-five Thousand
6 Dollars (\$25,000.00) and is not in excess of Forty
7 Thousand Dollars (\$40,000.00). Except as provided in
8 subsection E of this section, any such election shall
9 be irrevocable.

10 2. After June 30, 1995, in addition to the amount contributed
11 by each member to the retirement system pursuant to subsection B of
12 this section, the total amount contributed by each member to the
13 retirement system shall include, beginning July 1, 1995, through
14 June 30, 1997, seven percent (7%) of the regular annual compensation
15 of each member, who is not employed by an entity or institution
16 within The Oklahoma State System of Higher Education, that is in
17 excess of Twenty-five Thousand Dollars (\$25,000.00) and beginning
18 July 1, 1996, through June 30, 1997, seven percent (7%) of the
19 regular annual compensation of each member who is employed by an
20 entity or institution within The Oklahoma State System of Higher
21 Education in excess of Twenty-five Thousand Dollars (\$25,000.00),
22 but not in excess of any applicable maximum compensation level of
23 the member.

1 D. For purposes of Section 17-101 et seq. of this title,
2 regular annual compensation shall include:

3 1. Salary which accrues on a regular basis in proportion to the
4 service performed, including payments for staff development;

5 2. Amounts that would otherwise qualify as salary under
6 paragraph 1 of this subsection but are not received directly by the
7 member pursuant to a good faith, voluntary written salary reduction
8 agreement in order to finance payments to a deferred compensation or
9 tax-sheltered annuity program or to finance benefit options under a
10 cafeteria plan qualifying under the United States Internal Revenue
11 Code, 26 U.S.C., Section 101 et seq.; and

12 3. Group health and disability insurance, group term life
13 insurance, annuities and pension plans, provided on a periodic basis
14 to all qualified employees of the employer, which qualify as fringe
15 benefits under the United States Internal Revenue Code.

16 4. Excluded from regular annual compensation are expense
17 reimbursement payments, office, vehicle, housing or other
18 maintenance allowances, the flexible benefit allowance provided
19 pursuant to Section 26-105 of this title, payment for unused
20 vacation and sick leave, any payment made for reason of termination
21 or retirement not specifically provided for in paragraphs 1 through
22 3 of this subsection, maintenance or other nonmonetary compensation,
23 payment received as an independent contractor or consultant,
24 pursuant to a lawful contract which complies with the requirements

1 of subsection B of Section 6-101.2 of this title, any benefit
2 payments not made pursuant to a valid employment agreement, or any
3 compensation not described in paragraphs 1 through 3 of this
4 subsection.

5 E. 1. Any member who was a contributing member of the
6 Retirement System between July 1, 1987, and June 30, 1995, who at
7 the time the member was eligible to make an election to increase the
8 maximum compensation level of the member, failed to make an election
9 or chose not to increase the maximum compensation level of the
10 member to Forty Thousand Dollars (\$40,000.00), may elect to make
11 back contributions to the Retirement System. The member shall
12 complete a new election form and file with the Board of Trustees,
13 the form and a payment equaling the difference between the amount
14 contributed at the twenty-five-thousand-dollar level and the
15 appropriate contribution on compensation in excess of Twenty-five
16 Thousand Dollars (\$25,000.00) up to a maximum of Forty Thousand
17 Dollars (\$40,000.00) shall be made prior to the official retirement
18 date of the member. The required payment shall include any
19 contribution required by the employing school district, and shall
20 include interest compounded annually at ten percent (10%) per annum
21 of both employer and employee contributions.

22 2. Any changes made pursuant to this subsection shall be
23 irrevocable.

24

1 F. 1. An individual who withdrew from the Teachers' Retirement
2 System and whose salary was in excess of Seven Thousand Eight
3 Hundred Dollars (\$7,800.00) and had elected to contribute only on
4 Seven Thousand Eight Hundred Dollars (\$7,800.00) before his or her
5 withdrawal shall contribute on the earning ceiling as provided for
6 in this section on his or her reentry into membership in the
7 Teachers' Retirement System.

8 2. An individual who elected to contribute on a maximum of
9 Seven Thousand Eight Hundred Dollars (\$7,800.00) per annum shall,
10 beginning July 1, 1979, contribute on his or her earning ceiling as
11 provided for in this section.

12 3. Any member who elected to contribute on Seven Thousand Eight
13 Hundred Dollars (\$7,800.00) prior to January 1, 1978, and whose
14 salary was more than Seven Thousand Eight Hundred Dollars
15 (\$7,800.00) during the school years 1974-75 through 1978-79 may
16 elect to make back contributions to the retirement system by paying
17 the five percent (5%) contributions on the difference between Seven
18 Thousand Eight Hundred Dollars (\$7,800.00) and the actual salary of
19 the member, not to exceed Ten Thousand Dollars (\$10,000.00) for each
20 applicable school year, plus interest compounded annually at ten
21 percent (10%) per annum. Such payment shall be made prior to the
22 official retirement date of the member.

23 G. Each employer shall cause to be deducted from the salary of
24 each member on each and every payroll of such employer for each and

1 every payroll period, the proper percentage of his or her earnable
2 compensation as provided for in subsection B or subsection C of this
3 section.

4 1. Deductions shall begin with the first payroll period of the
5 school year. In determining the amount earnable by a member in a
6 payroll period, the Board of Trustees shall consider the rate of
7 annual compensation payable to such member on the first day of the
8 payroll period as continuing throughout such payroll period, and it
9 may omit deductions from compensation for any period less than a
10 full period, and to facilitate the making of deductions, it may
11 modify the deduction required of any member by such an amount as
12 shall not exceed one-tenth of one percent (1/10 of 1%) of the annual
13 compensation upon the basis of which such deduction is to be made.
14 Prior to January 1, 1991, any active contributing member who joined
15 the System subsequent to July 1, 1943, may pay the normal cost,
16 which shall mean the single sum which would have been paid under
17 existing statutes at the time the service was performed, plus
18 interest, for years of teaching service in Oklahoma from the date of
19 establishment of the System in 1943 to date of membership, in a lump
20 sum, or in installments equal to establishing one (1) year of
21 creditable service. Effective January 1, 1991, any active
22 contributing member who joined the System subsequent to July 1,
23 1943, may pay the amount determined by the Board of Trustees
24 pursuant to Section 17-116.8 of this title for years of teaching

1 service in Oklahoma from the date of establishment of the System in
2 1943 to date of membership, in a lump sum, or in installments equal
3 to establishing one (1) year of creditable service. For purposes of
4 this option, teaching service in Oklahoma shall include the teaching
5 of vocational agricultural courses within Oklahoma for the federal
6 government. Years for which contributions are paid shall count as
7 membership service under this plan. A member may receive credit for
8 not more than five (5) years of teaching service rendered while in
9 the Peace Corps or in the public schools of a territory of the
10 United States or the public schools, American Military Dependent
11 Schools or state colleges or state universities outside this state
12 by paying his or her contributions, plus interest, and membership
13 fees to the retirement system, subject to the regulations of the
14 Board of Trustees, providing he or she is not receiving and is not
15 eligible to receive retirement credit or benefits from said service
16 in any other public retirement system of this state, or any other
17 state or territory of the United States subject to the following
18 provisions:

- 19 a. the member is required to have two (2) years of
20 employed service teaching earned in Oklahoma for each
21 year of Peace Corps, territorial, out-of-state,
22 noncovered in-state or military membership credit
23 granted.

24

1 b. prior to January 1, 1991, the out-of-state or
2 noncovered in-state payment shall be the normal cost,
3 which means the single sum which would have been paid
4 under existing law at the time the service was
5 performed, plus interest, on the basis of what his or
6 her annual salary would have been in Oklahoma or out
7 of state, whichever is greater, had he or she been
8 employed as a teacher. Effective January 1, 1991, the
9 Peace Corps, territorial, out-of-state or noncovered
10 in-state payment shall be the amount determined by the
11 Board of Trustees pursuant to Section 17-116.8 of this
12 title.

13 2. In addition to the deductions hereinabove provided for, any
14 member who becomes a member of the Armed Forces of the United States
15 of America during any period of national emergency, including World
16 War II, the Korean conflict, the Vietnam conflict or others as may
17 be determined by the Board of Trustees, or whose entrance into or
18 training for the teaching profession was interrupted by his or her
19 entrance into the Armed Forces, and who was or shall have become a
20 member of the Teachers' Retirement System shall be granted the
21 privilege of making up his or her five percent (5%) contributions as
22 provided for in this section until January 1, 1991, for not to
23 exceed five (5) years of service in the Armed Forces by electing to
24 pay said contributions on the basis of the rate of pay in his or her

1 contract as a teacher at the time his or her service in the Armed
2 Forces commenced or in the case of a teacher who was not teaching
3 prior to entering the Armed Forces, on the basis of the salary of
4 the first year of teaching after being honorably discharged from the
5 Armed Forces. Effective January 1, 1991, the member will receive
6 such service upon payment of the amount determined by the Board of
7 Trustees pursuant to Section 17-116.8 of this title. Such
8 contributions shall be credited in the regular manner, and the
9 period for which said contributions were paid shall be counted as
10 creditable years of service and allocated to the period during which
11 the military service was rendered, except that the period for which
12 contributions were paid must have been continuous and shall be
13 credited in the aggregate, regardless of fiscal year limitations.
14 Notwithstanding any provision herein to the contrary, contributions,
15 benefits and service credit with respect to qualified military
16 service as defined by Section 414(u) of the Internal Revenue Code of
17 1986, shall be provided in accordance with Section 414(u) of the
18 Internal Revenue Code.

19 3. Retirement benefits for all service credits purchased
20 pursuant to this subsection shall be determined in accordance with
21 the provisions of paragraph 2 of this subsection.

22 H. Effective July 1, 2004, the total creditable service of a
23 member who retires or terminates employment and elects a vested
24 benefit shall include not to exceed one hundred twenty (120) days of

1 unused sick leave accumulated subsequent to August 1, 1959. Twenty
2 (20) days of unused sick leave shall equal one (1) month for
3 purposes of creditable service credit. If the member becomes a
4 member or was eligible to become a member prior to July 1, 1995, the
5 year of credit received in this section shall be treated as service
6 earned prior to July 1, 1995. This subsection shall apply to
7 members retiring or vesting on or after the effective date of this
8 act and shall not be retroactive.

9 I. Any member who:

10 1. Shall be absent from the teaching service because of
11 election to the State Legislature or appointment to the executive
12 branch in an education-related capacity shall be allowed thirty (30)
13 days from the date as of which the person is officially elected or
14 appointed to file an election with the Teachers' Retirement System
15 to retain his or her membership in the Teachers' Retirement System
16 upon payment of the contribution required of other members and
17 employers of said members as provided for in this section and his or
18 her service credits shall continue to be accumulated during such
19 absence, provided he or she is not receiving retirement credits or
20 benefits from said service beginning after July 1, 1992, in other
21 public retirement systems; or

22 2. Became an employee of the Oklahoma Commission for Teacher
23 Preparation on or subsequent to June 1, 2001, but prior to July 1,
24 2002, who was previously employed by a participating employer within

1 the Teachers' Retirement System of Oklahoma, may elect to cancel any
2 accumulated service credit accrued within the Oklahoma Public
3 Employees Retirement System on or after June 1, 2001, but prior to
4 July 1, 2002, by filing an election with the Oklahoma Public
5 Employees Retirement System for the cancellation of such service
6 credit. The election shall be irrevocable and shall require the
7 Oklahoma Public Employees Retirement System to transfer all
8 accumulated employer and employee contributions made on behalf of or
9 by the person making such election to the Teachers' Retirement
10 System for such period of time. The Teachers' Retirement System
11 shall compute the employee contributions that would have been made
12 to the System by such employee if the contributions had been
13 computed pursuant to this section. In order to receive the full
14 amount of creditable service for the period of time on or after June
15 1, 2001, but not later than June 30, 2002, the employee shall be
16 required to pay any difference between the transferred employee
17 contributions and the amount computed by the Teachers' Retirement
18 System. The employee may make payment of any required amount in the
19 manner provided by and subject to the requirements of Section 17-
20 116.8 of this title. After payment of all required employee
21 contributions, the Teachers' Retirement System shall credit the
22 period of time represented by the transferred employee contributions
23 as creditable service within the meaning of Section 17-101 of this
24 title. After the transfer of the employee contributions, the

1 Oklahoma Public Employees Retirement System shall cancel any service
2 credit previously accumulated for the period of time represented by
3 such transferred employee contributions. Any person who makes the
4 election provided for by this paragraph, and who continues
5 employment with the Oklahoma Commission for Teacher Preparation on
6 or after July 1, 2002, shall continue to accrue service credit in
7 the Teachers' Retirement System of Oklahoma. The employer shall
8 make employer contributions according to the requirements of Section
9 17-108.1 of this title and shall provide for the deduction of
10 employee contributions as required by this section.

11 J. Any member who shall be absent from the teaching service
12 because of election or appointment as a local, state or national
13 education association officer, prior to January 1, 2011, shall be
14 allowed to retain his or her membership in the Teachers' Retirement
15 System upon payment of the contribution required of other members
16 and employers of said members as provided for in this section and
17 his or her service credits shall continue to be accumulated during
18 such absence. Provided, however, any one such absence shall not
19 exceed ~~eight (8)~~ twelve (12) continuous years. No member who has
20 less than ten (10) years of contributory service on July 1, 1994,
21 may make this election after June 30, 1994. Members contributing to
22 the System on July 1, 1994, may continue to contribute under this
23 subsection until they have completed eight (8) years allowed by this
24 subsection. The member may file for retirement when otherwise

1 eligible for retirement as provided by Section 17-105 of this title.
2 ~~Conditioned upon receiving a favorable determination letter or~~
3 ~~private letter ruling from the Internal Revenue Service, the~~
4 ~~eligible absence and participation continuation in the Teachers'~~
5 ~~Retirement System of Oklahoma pursuant to this subsection shall be~~
6 ~~increased to twelve (12) years. The Teachers' Retirement System of~~
7 ~~Oklahoma shall make any necessary efforts in obtaining an Internal~~
8 ~~Revenue Service determination letter or private letter ruling~~
9 ~~concerning such increase.~~

10 K. A member may receive credit for those years of service
11 accumulated by the member while employed by an entity which is a
12 participating employer in the Oklahoma Firefighters Pension and
13 Retirement System, the Oklahoma Police Pension and Retirement
14 System, the Uniform Retirement System for Justices and Judges, the
15 Oklahoma Law Enforcement Retirement System, or the Oklahoma Public
16 Employees Retirement System, if the member is not receiving or
17 eligible to receive retirement credit or benefits from said service
18 in any other public retirement system. A member also may receive
19 credit for those years of service with the Department of Wildlife
20 Conservation or with an employer that is a participating employer
21 within one of the state retirement systems specifically referred to
22 in this section when at the time of such service by the member the
23 employer was not such a participating employer, if the member is not
24 receiving or eligible to receive retirement credit or benefits from

1 said service in any other public retirement system. To receive the
2 service credit provided in this subsection, the member shall pay the
3 amount determined by the Board of Trustees pursuant to Section 17-
4 116.8 of this title. For purposes of this subsection, creditable
5 service transferred from the Oklahoma Public Employees Retirement
6 System shall include service authorized under paragraph (f) of
7 subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes
8 as amended from time to time. Members who retire prior to July 1,
9 1993, shall have their monthly benefit adjusted to include all
10 services accrued under paragraph (f) of subsection (2) of Section
11 913 of Title 74 of the Oklahoma Statutes. Provided however, any
12 adjustment of existing retirement benefits caused by reason of
13 inclusion of such service authorized under paragraph (f) of
14 subsection (2) of Section 913 of Title 74 of the Oklahoma Statutes
15 shall not affect any retirement benefit paid prior to July 1, 1993.

16 L. 1. An active member of the Teachers' Retirement System of
17 Oklahoma may receive credit for those years of service accumulated
18 by the member while a member of the Oklahoma Public Employees
19 Retirement System if:

- 20 a. the member is an active member of the Teachers'
21 Retirement System of Oklahoma, and
- 22 b. the member provides notice to the Oklahoma Public
23 Employees Retirement System and the Teachers'
24 Retirement System of Oklahoma of the member's election

1 to transfer said service credit. The notice shall
2 include a list of the years to be transferred, and
3 c. the member is not receiving or eligible to receive
4 retirement credit or benefits from said service in any
5 other public retirement system, notwithstanding the
6 years of service sought to be transferred under this
7 subsection.

8 Members electing to take advantage of the transfer authorized by
9 this subsection who are receiving or eligible to receive retirement
10 credit or benefits from said service in any other public retirement
11 system shall have all service credit with the Oklahoma Public
12 Employees Retirement System canceled which is not transferred to the
13 Teachers' Retirement System of Oklahoma or used as a cash offset in
14 such a transfer pursuant to subparagraph d of paragraph 2 of this
15 subsection. Service credit transferred to the Teachers' Retirement
16 System of Oklahoma under this subsection shall also be canceled with
17 the Oklahoma Public Employees Retirement System.

18 2. For purposes of this subsection, the "sending system" shall
19 mean the Oklahoma Public Employees Retirement System. The
20 "receiving system" shall mean the Teachers' Retirement System of
21 Oklahoma.

22 a. Within thirty (30) days notification of an intent to
23 transfer is received by the sending system, the
24

1 sending system shall, according to its own rules and
2 regulations:

3 (1) for members who have accrued at least eight (8)
4 years of credited service with the sending
5 system, determine the present value of the
6 member's earned benefits attributable to the
7 years of service sought to be transferred,
8 discounted according to the member's age at the
9 time of transfer and computed as of the earliest
10 age at which the member would be able to retire.
11 Said computation shall assume an unreduced
12 benefit and be computed using interest and
13 mortality assumptions consistent with the
14 actuarial assumptions adopted by the Board of
15 Trustees for purposes of preparing the annual
16 actuarial evaluation, but shall not make any
17 projections regarding future salary. For
18 employees who have accrued at least eight (8)
19 years of credited service, the sending system
20 shall use the product of this calculation for
21 purposes of determining the transfer fee to be
22 paid by the employee under subparagraph c of this
23 paragraph so long as it is greater than the
24

1 product of the calculation in division (2) of
2 this subparagraph, and

3 (2) determine the sum of the employee and employer
4 contributions applicable to the years of service
5 sought to be transferred plus interest consistent
6 with the actuarial assumptions adopted by the
7 Board of Trustees for purposes of preparing the
8 annual actuarial evaluation. For all non-vested
9 members, and for members who have accrued at
10 least eight (8) years of credited service, if the
11 product of this calculation is greater than the
12 product of the calculation in division (1) of
13 this subparagraph, the sending system shall use
14 the product of this calculation for purposes of
15 determining the amount to be transferred by the
16 sending system under subparagraph c of this
17 paragraph and any transfer fee to be paid by the
18 member under subparagraph d of this paragraph.

19 b. Within thirty (30) days notification of an intent to
20 transfer is received by the receiving system, the
21 receiving system shall determine, according to the
22 system's own rules and regulations, the present value
23 of the member's incremental projected benefits
24 discounted according to the member's age at the time

1 of the transfer. Incremental projected benefits shall
2 be the difference between the projected benefit said
3 member would receive without transferring the service
4 credit and the projected benefit after transfer of
5 service credit computed as of the earliest age at
6 which the member would be able to retire. Said
7 computation shall assume an unreduced benefit and be
8 computed using interest, salary projections and
9 mortality assumptions consistent with the actuarial
10 assumptions adopted by the Board of Trustees for
11 purposes of preparing the annual actuarial evaluation.

12 c. The sending system shall, within sixty (60) days from
13 the date notification of an intent to transfer is
14 received by the sending system, transfer to the
15 receiving system the amount determined in subparagraph
16 a of this paragraph. Except if the cost as calculated
17 under subparagraph a of this paragraph is greater than
18 the actuarial value of the incremental benefit in the
19 receiving system, as established in subparagraph b of
20 this paragraph, the sending system shall send the
21 receiving system an amount equal to the actuarial
22 value of the incremental projected benefit in the
23 receiving system.

1 d. In order to receive the credit provided for in
2 paragraph 1 of this subsection, if the cost of the
3 actuarial value of the incremental benefit to the
4 receiving system is greater than the cost as
5 calculated under subparagraph a of this paragraph for
6 the same years of service to the sending system as
7 established in subparagraphs a and b of this
8 paragraph, the employee shall elect to:

- 9 (1) pay any difference to receive full credit for the
10 years sought to be transferred, or
11 (2) receive prorated service credit for only the
12 amount received from the Oklahoma Public
13 Employees Retirement System pursuant to this
14 subsection.

15 Such an election shall be made in writing, filed with
16 the System prior to receiving the credit provided for
17 in paragraph 1 of this subsection, and shall be
18 irrevocable.

19 3. Within sixty (60) days of successfully completing all of the
20 requirements for transfer under this subsection, the sending system
21 shall pay the receiving system any amount due under this subsection.
22 Within sixty (60) days of successfully completing all of the
23 requirements for transfer under this subsection, the member shall
24 pay the receiving system any amount due under this subsection. In

1 the event that the member is unable to pay the transfer fee provided
2 for in this subsection by the due date, the Board of Trustees of the
3 receiving system shall permit the member to amortize the transfer
4 fee over a period not to exceed sixty (60) months. Said payments
5 shall be made by payroll deductions unless the Board of Trustees
6 permits an alternate payment source. The amortization shall include
7 interest in an amount not to exceed the actuarially assumed interest
8 rate adopted by the Board of Trustees for investment earnings each
9 year. Any member who ceases to make payment, terminates, retires or
10 dies before completing the payments provided for in this section
11 shall receive prorated service credit for only those payments made,
12 unless the unpaid balance is paid by said member, his or her estate
13 or successor in interest within six (6) months after said member's
14 death, termination of employment or retirement, provided no
15 retirement benefits shall be payable until the unpaid balance is
16 paid, unless said member or beneficiary affirmatively waives the
17 additional six-month period in which to pay the unpaid balance.

18 4. Years of service transferred pursuant to this subsection
19 shall be used both in determining the member's retirement benefit
20 and in determining the years of service for retirement and/or
21 vesting purposes. Years of service rendered as a member of the
22 Oklahoma Public Employees Retirement System prior to July 1, 1992,
23 if any, shall be deemed to be years of service rendered as a member
24 of the Teachers' Retirement System of Oklahoma prior to July 1,

1 1992, and shall qualify such person as a member of the Teachers'
2 Retirement System of Oklahoma before July 1, 1992.

3 5. Notwithstanding the requirements of subsection (5) of
4 Section 917 of Title 74 of the Oklahoma Statutes, members electing
5 to take advantage of the transfer authorized by this subsection who
6 have withdrawn their contributions from the sending system shall
7 remit to the sending system the amount of the accumulated
8 contributions the member has withdrawn plus simple interest of ten
9 percent (10%) per annum prior to making said election or the
10 election shall be deemed invalid and the transfer shall be canceled.
11 If such an election is deemed invalid and the transfer is canceled,
12 the accumulated contribution remitted to the sending system by the
13 member who originally withdrew their contributions shall be returned
14 to the member. The member's rights and obligations regarding any
15 service credit reestablished in the sending system due to a failure
16 to satisfy the requirements of this subsection shall be determined
17 by the sending system in accordance with Section 901 et seq. of
18 Title 74 of the Oklahoma Statutes.

19 6. If any member fails for any reason to satisfy the
20 requirements of this subsection, the election to transfer service
21 credit shall be void and of no effect, and any service credited as a
22 result of this transfer shall be canceled. If such service is
23 canceled, the years of canceled service credit which were
24 unsuccessfully transferred to the receiving system from the sending

1 system shall be reestablished in the sending system. The member's
2 rights and obligations regarding any service credit reestablished in
3 the sending system due to a failure to satisfy the requirements of
4 this subsection shall be determined by the sending system in
5 accordance with Section 901 et seq. of Title 74 of the Oklahoma
6 Statutes.

7 7. The Board of Trustees shall promulgate such rules as are
8 necessary to implement the provisions of this subsection.

9 M. Any member whose regular annual compensation was not
10 determined as provided for by law may pay the member contribution
11 required pursuant to subsection B of this section on such amount not
12 included in the member's regular annual compensation and receive
13 credit for such amount in the calculation of the member's benefit.
14 The employees must pay the employer contributions required pursuant
15 to Section 17-108.1 of this title. Interest at the rate of ten
16 percent (10%) per annum shall be charged to both employee and
17 employer contributions. Provided that the employing district may
18 pay all or any portion of the contributions and interest the member
19 is required to pay. Any payment by the employing district for a
20 prior year obligation shall be considered a current obligation of
21 the employer.

22 N. Any active member who elected during the 1978-79 school year
23 to pay the difference between five percent (5%) on actual salary not
24 exceeding Ten Thousand Dollars (\$10,000.00) and six percent (6%) on

1 actual salary not exceeding Fifteen Thousand Dollars (\$15,000.00)
2 shall receive credit for one (1) year of credited service upon
3 receipt and approval of a proper request by the Board of Trustees.

4 O. Effective July 1, 1988, any member who is employed by the
5 Governor, the State Senate, the House of Representatives or the
6 Legislative Service Bureau shall be allowed to elect to retain
7 membership in the Retirement System upon payment of the accrued and
8 current member contributions and employer contributions as provided
9 in subsection B of this section and Section 17-108.1 of this title.
10 Such contributions may be paid on behalf of the member by the
11 employing entity. Upon payment of such contributions, service
12 credits shall continue to be accumulated during such employment.
13 Accrued contributions shall be paid to the Retirement System by
14 August 1, 1989. Current contributions shall be paid to the
15 Retirement System by the tenth of the following month beginning with
16 the month of July 1989.

17 P. Notwithstanding any requirements of this title to restrict
18 the payment of service purchases, the Board of Trustees shall
19 promulgate such rules as necessary to allow active members of the
20 System to make installment payments for the redeposit of withdrawn
21 accounts or other payments due under the provisions of this title.
22 The rules shall permit the member to amortize the balance due over a
23 period not to exceed sixty (60) months, and shall include interest
24 consistent with the actuarial assumptions adopted by the Board of

1 Trustees for purposes of preparing the annual actuarial evaluation.
2 Further, the rules shall provide that all payments must be completed
3 prior to the effective retirement date of the member.

4 Q. 1. A member of the Oklahoma Public Employees Retirement
5 System who becomes a member of the Teachers' Retirement System of
6 Oklahoma because the member has become employed by an entity or
7 institution within The Oklahoma State System of Higher Education,
8 State Board of Education, State Board of Career and Technology
9 Education, Oklahoma Department of Career and Technology Education,
10 Oklahoma School of Science and Mathematics, Oklahoma Center for the
11 Advancement of Science and Technology, State Department of
12 Rehabilitation Services, Oklahoma State Regents for Higher
13 Education, Department of Corrections, State Department of Education,
14 Oklahoma Board of Private Vocational Schools, Board of Regents of
15 Oklahoma Colleges, Oklahoma Student Loan Authority, or the Teachers'
16 Retirement System of Oklahoma, may elect to receive credit in the
17 Teachers' Retirement System of Oklahoma for those years of service
18 accumulated by the member in the Oklahoma Public Employees
19 Retirement System pursuant to this subsection. A member shall be
20 eligible to elect to receive credit for such years of service if:

- 21 a. the member is an active member of the Teachers'
22 Retirement System of Oklahoma,
- 23 b. the member provides notice to the Teachers' Retirement
24 System of Oklahoma and the Oklahoma Public Employees

1 Retirement System of the member's election to transfer
2 such retirement credit. The notice shall include a
3 list of the years to be transferred, and

4 c. the member is not receiving or eligible to receive
5 retirement credit or benefits from such service in any
6 other public retirement system, notwithstanding the
7 years of service sought to be transferred under this
8 subsection.

9 Members electing to take advantage of the transfer authorized by
10 this subsection shall have all service credit with the Oklahoma
11 Public Employees Retirement System canceled which is transferred to
12 the Teachers' Retirement System of Oklahoma.

13 2. For purposes of this subsection, the "sending system" shall
14 mean the Oklahoma Public Employees Retirement System. The
15 "receiving system" shall mean the Teachers' Retirement System of
16 Oklahoma. Within thirty (30) days after notification of an intent
17 to transfer is received by the sending system, the sending system
18 shall, according to its own rules, send to the receiving system all
19 employer and employee contributions made on behalf of the member
20 which were made to the sending system plus an additional amount of
21 earnings based on the actuarial assumed rate of the sending system.
22 Upon receipt of these contributions by the receiving system, the
23 receiving system shall give credit to the transferring member in an
24 amount equal to the years of service accrued in the sending system.

1 3. If the transferring member's normal retirement date
2 calculation is based upon the sum of the member's age and number of
3 years of credited service totaling eighty (80) in the sending
4 system, then the member shall retain such calculation in the
5 receiving system.

6 4. The Board of Trustees shall promulgate such rules as are
7 necessary to implement the provisions of this subsection.

8 R. A former member of the Teachers' Retirement System of
9 Oklahoma who withdrew his or her contributions from the System prior
10 to January 1, 1983, and who had at least ten (10) years of service
11 in the System and purchased that service in the Oklahoma Public
12 Employees Retirement System, may elect to revoke that purchase from
13 the Oklahoma Public Employees Retirement System and to repay the
14 withdrawn contributions to the System in order to be eligible, once
15 such member reaches the normal retirement age, to receive a
16 retirement benefit that is based upon years of service and
17 compensation at the time such member terminated employment. In
18 addition, such former member may elect to transfer service credit
19 accrued in the Oklahoma Public Employees Retirement System to the
20 Teachers' Retirement System of Oklahoma pursuant to subsection L of
21 this section. The election, pursuant to this subsection, shall be
22 made prior to September 1, 2000. The election and the repayment
23 shall be made according to rules promulgated by the Board.

24

1 SECTION 23. REPEALER 70 O.S. 2011, Section 17-116.2, as
2 last amended by Section 1, Chapter 179, O.S.L. 2011, is hereby
3 repealed.

4 SECTION 24. AMENDATORY 70 O.S. 2011, Section 2603, as
5 last amended by Section 1, Chapter 351, O.S.L. 2011, is amended to
6 read as follows:

7 Section 2603. A. Except as otherwise provided for in
8 subsection B of this section and elsewhere in this section, to be
9 eligible to participate in the Oklahoma Higher Learning Access
10 Program and to qualify for an award which includes payment of an
11 amount equivalent to resident tuition or other tuition pursuant to
12 Section 2604 of this title for the first semester or other academic
13 unit of postsecondary enrollment, a student shall:

14 1. Be a resident of this state or be enrolled in a school
15 district located in this state that serves students who reside in
16 both this state and an adjacent state pursuant to a contract as
17 authorized in Section 5-117.1 of this title;

18 2. Be a United States citizen or lawfully present in the United
19 States. A student who is not a United States citizen or lawfully
20 present in the United States shall not be eligible to participate in
21 the Oklahoma Higher Learning Access Program and to qualify for an
22 award notwithstanding the provisions of Section 3242 of this title.
23 The provisions of this paragraph shall not apply to any student who
24

1 was enrolled in the Oklahoma Higher Learning Access Program prior to
2 the end of the 2006-2007 school year;

3 3. Have a record of satisfactory compliance with agreements
4 executed pursuant to Section 2605 of this title;

5 4. a. have graduated within the previous three (3) years
6 from a high school accredited by the State Board of
7 Education, or the Oklahoma School of Science and
8 Mathematics with a minimum 2.5 cumulative grade point
9 average on a 4.0 scale for all work attempted in
10 grades nine through twelve,

11 b. have graduated within the previous three (3) years
12 from a high school not accredited by the State Board
13 of Education with a minimum 2.5 cumulative grade point
14 average on a 4.0 scale for all work attempted in
15 grades nine through twelve and have achieved a

16 composite score of 22 or higher on the ACT test, or

17 c. have satisfactorily completed within the previous
18 three (3) years an educational program that was
19 provided through a means other than a public or
20 private school and have achieved a composite score of
21 22 or higher on the ACT test;

22 5. Have completed the curricular requirements for admission to
23 an institution within The Oklahoma State System of Higher Education
24 and one additional unit or set of competencies in a course that

1 meets college admission requirements. The curriculum requirements
2 shall include two units or sets of competencies in foreign or non-
3 English language or technology courses that meet the college
4 admission requirements and one unit or set of competencies of a fine
5 arts course. Students shall also have attained a 2.5 grade point
6 average in the core curriculum courses. Students who attended a
7 high school which did not offer all the core curriculum courses or
8 students who were educated by other means and were not offered all
9 the core curriculum courses shall be allowed to satisfy this
10 curriculum requirement by participating in a program approved by the
11 State Regents for remediation of high school curricular
12 deficiencies;

13 6. Have satisfied admission standards as determined by the
14 Oklahoma State Regents for Higher Education for first-time-entering
15 students for the appropriate type of institution, or, if attending a
16 private institution, have satisfied admission standards as
17 determined by the private institution. No student participating in
18 the Oklahoma Higher Learning Access Program shall be admitted into
19 an institution of higher education by special admission standards;

20 7. Have secured admission to, and enrolled in, an institution
21 which is a member of The Oklahoma State System of Higher Education,
22 a postsecondary vocational-technical program offered pursuant to a
23 duly approved cooperative agreement between a technology center
24 school and an institution of The Oklahoma State System of Higher

1 Education, or a private institution of higher learning located
2 within this state and accredited pursuant to Section 4103 of this
3 title; and

4 8. a. have established financial need according to the
5 provisions of subsection D of Section 2605 of this
6 title and standards and provisions promulgated by the
7 Oklahoma State Regents for Higher Education,

8 b. if the student was adopted between birth and twelve
9 (12) years of age while in the permanent custody of
10 the Department of Human Services, in the court-ordered
11 custody of a licensed private nonprofit child-placing
12 agency, or federally recognized Indian tribe, as
13 defined by the federal Indian Child Welfare Act, have
14 established financial need according to the provisions
15 of paragraph 1 of subsection E of Section 2605 of this
16 title and standards and provisions promulgated by the
17 Oklahoma State Regents for Higher Education, or

18 c. if the student was adopted between thirteen (13) and
19 seventeen (17) years of age while in the permanent
20 custody of the Department of Human Services, in the
21 court-ordered custody of a licensed private nonprofit
22 child-placing agency, or federally recognized Indian
23 tribe, as defined by the federal Indian Child Welfare
24 Act, have established financial need according to the

1 provisions of paragraph 2 of subsection E of Section
2 2605 of this title and standards and provisions
3 promulgated by the Oklahoma State Regents for Higher
4 Education.

5 B. 1. A student shall be eligible to participate in the
6 Oklahoma Higher Learning Access Program and to qualify for an award
7 which includes payment of an amount equivalent to resident tuition
8 or other tuition pursuant to Section 2604 of this title for the
9 first semester or other academic unit of postsecondary enrollment if
10 the student meets all of the following criteria:

11 a. is a child of any person killed after January 1, 2000,
12 in the line of duty in any branch of the United States
13 Armed Forces or who died after January 1, 2000, as a
14 result of an injury sustained while in the line of
15 duty in any branch of the United States Armed Forces
16 and the person who was killed or died filed an
17 individual or joint Oklahoma income tax return for the
18 tax year prior to the year during which the person was
19 killed or died,

20 b. is a resident of this state or is enrolled in a school
21 district located in this state that serves students
22 who reside in both this state and an adjacent state
23 pursuant to a contract as authorized in Section 5-
24 117.1 of this title,

- 1 c. enrolls in an institution within The Oklahoma State
2 System of Higher Education prior to reaching the age
3 of twenty-one (21),
- 4 d. has satisfied admission standards as determined by the
5 Oklahoma State Regents for Higher Education for first-
6 time-entering students for the appropriate type of
7 institution, or, if attending a private institution,
8 has satisfied admission standards as determined by the
9 private institution. No student participating in the
10 Oklahoma Higher Learning Access Program shall be
11 admitted into an institution of higher education by
12 special admission standards,
- 13 e. has secured admission to, and enrolled in, an
14 institution which is a member of The Oklahoma State
15 System of Higher Education, a postsecondary
16 vocational-technical program offered pursuant to a
17 duly approved cooperative agreement between a
18 technology center school and an institution of The
19 Oklahoma State System of Higher Education, or a
20 private institution of higher learning located within
21 this state and accredited pursuant to Section 4103 of
22 this title, and
- 23 f. executes an agreement pursuant to subsection C of
24 Section 2605 of this title.

1 2. A student who is eligible to participate in the program
2 pursuant to this subsection shall not be required to meet the
3 eligibility requirements set forth in subsection A of this section.

4 C. To retain eligibility while pursuing the program of higher
5 learning in which enrolled, the student shall:

6 1. Achieve a minimum cumulative grade point average of 2.0 on a
7 4.0 scale or its equivalent for courses taken through the student's
8 sophomore year and achieve a minimum grade point average of 2.5 on a
9 4.0 scale or its equivalent for courses taken during the student's
10 junior year and thereafter. The provisions of this paragraph shall
11 not apply to any student who has received an Oklahoma Higher
12 Learning Access Program benefit award prior to the ~~2010-2011~~ 2012-
13 2013 school year;

14 2. Maintain good academic standing and satisfactory academic
15 progress according to standards of the Oklahoma State Regents for
16 Higher Education;

17 3. Maintain satisfactory academic progress as required for
18 eligibility for federal Title IV student financial aid programs.
19 The provisions of this paragraph shall become effective for the
20 2012-2013 school year;

21 4. Comply with the standards related to maintenance of
22 eligibility as promulgated by the Oklahoma State Regents for Higher
23 Education; and
24

1 5. Refrain from conduct that leads to expulsion or suspension
2 of more than one semester from an institution of higher education.
3 A student who violates the provisions of this paragraph shall
4 permanently lose eligibility for program benefits. The provisions
5 of this paragraph shall become effective January 1, 2008.

6 D. The Oklahoma State Regents for Higher Education and the
7 State Board of Career and Technology Education shall promulgate
8 rules relating to maintenance of eligibility under ~~this act~~ the
9 Oklahoma Higher Learning Access Act by a student.

10 E. It is the intent of the Legislature that students in the
11 ninth grade for the 1992-93 school year who are determined to be
12 eligible Oklahoma Higher Learning Access students pursuant to ~~this~~
13 ~~act~~ the Oklahoma Higher Learning Access Act shall be the first
14 students eligible for benefits from the Oklahoma Higher Learning
15 Access Trust Fund.

16 F. The Oklahoma State Regents for Higher Education are
17 authorized to study, develop and propose criteria for determining
18 award eligibility based upon the completion of seven (7) semesters
19 of high school coursework by a student.

20 SECTION 25. REPEALER 70 O.S. 2011, Section 2603, as last
21 amended by Section 1, Chapter 288, O.S.L. 2011, is hereby repealed.

22 SECTION 26. AMENDATORY 70 O.S. 2011, Section 2605, as
23 last amended by Section 3, Chapter 351, O.S.L. 2011, is amended to
24 read as follows:

1 Section 2605. A. Each school year, every fifth- through ninth-
2 grade student in the public and private schools of this state and
3 students who are educated by other means and are in the equivalent
4 of the fifth through ninth grade shall be apprised, together with
5 the parent, custodial parent, or guardian of the student, of the
6 opportunity for access to higher learning under the Oklahoma Higher
7 Learning Access Program. The Oklahoma State Regents for Higher
8 Education and the State Board of Education shall develop, promote,
9 and coordinate a public awareness program to be utilized in making
10 students and parents aware of the Oklahoma Higher Learning Access
11 Program.

12 B. On a form provided by the Oklahoma State Regents for Higher
13 Education, every public school district shall designate at least one
14 Oklahoma Higher Learning Access Program contact person, who shall be
15 a counselor or teacher, at each public school site in this state in
16 which eighth-, ninth- or tenth-grade classes are taught. When
17 requested by the State Regents, the State Board of Education shall
18 assist the State Regents to ensure the designation of contact
19 persons. Private schools shall also designate at least one school
20 official as a contact person. For students who are educated by
21 other means, a parent or guardian or other person approved by the
22 State Regents shall be designated the contact person.

23 C. 1. Students who qualify on the basis of financial need
24 according to subsection D or E of this section or who meet the

1 eligibility qualification set forth in subparagraph a of paragraph 1
2 of subsection B of Section 2603 of this title prior to entering the
3 tenth grade or prior to reaching the age of fifteen (15) and the
4 standards and provisions promulgated by the Oklahoma State Regents
5 for Higher Education shall be given the opportunity throughout the
6 eighth-, ninth-, and tenth-grade years, for students enrolled in a
7 public or private school, or between the ages of thirteen (13) and
8 fifteen (15), for students who are educated by other means, to enter
9 into participation in the program by agreeing to, throughout the
10 remainder of their school years or educational program:

- 11 a. attend school or an educational program regularly and
12 do homework regularly,
- 13 b. refrain from substance abuse,
- 14 c. refrain from commission of crimes or delinquent acts,
- 15 d. have school work and school records reviewed by
16 mentors designated pursuant to the program,
- 17 e. provide information requested by the Oklahoma State
18 Regents for Higher Education or the State Board of
19 Education, and
- 20 f. participate in program activities.

21 2. Students who meet the eligibility qualification set forth in
22 subparagraph a of paragraph 1 of subsection B of Section 2603 of
23 this title after completing the tenth grade or after reaching the
24 age of sixteen (16) shall be given the opportunity prior to reaching

1 the age of twenty-one (21) to enter into participation in the
2 program and shall execute an agreement with provisions as determined
3 by the Oklahoma State Regents for Higher Education.

4 3. The contact person shall maintain the agreements, which
5 shall be executed on forms provided by the Oklahoma State Regents
6 for Higher Education and managed according to regulations
7 promulgated by the Oklahoma State Regents for Higher Education, and
8 the contact person shall monitor compliance of the student with the
9 terms of the agreement. The Oklahoma State Regents for Higher
10 Education are authorized to process student agreements and verify
11 compliance with the agreements. Students failing to comply with the
12 terms of the agreement shall not be eligible for the awards provided
13 in Section 2604 of this title.

14 D. Except as otherwise provided for in subsection E of this
15 section and except for students who qualify pursuant to subsection B
16 of Section 2603 of this title, a student shall not be found to be in
17 financial need for purposes of the Oklahoma Higher Learning Access
18 Program if:

19 1. At the time the student applies for participation in the
20 Program during the eighth, ninth or tenth grade for students
21 enrolled in a public or private school, or between the ages of
22 thirteen (13) and fifteen (15), for students who are educated by
23 other means, the income from taxable and nontaxable sources of the
24

1 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per
2 year; and

3 2. At the time the student begins postsecondary education and
4 prior to receiving any Oklahoma Higher Learning Access Program
5 benefit award, the federal adjusted gross income ~~from taxable and~~
6 ~~nontaxable sources~~ of the student's parent(s) exceeds One Hundred
7 Thousand Dollars (\$100,000.00) per year.

8 The determination of financial qualification as set forth in
9 this paragraph shall be based on the income of the student, not the
10 income of the parent(s), if a student:

- 11 a. is determined to be independent of the student's
12 parents for federal financial aid purposes,
- 13 b. was in the permanent custody of the Department of
14 Human Services at the time the student enrolled in the
15 program, or
- 16 c. was in the court-ordered custody of a federally
17 recognized Indian tribe, as defined by the federal
18 Indian Child Welfare Act, at the time the student
19 enrolled in the program.

20 The provisions of this paragraph shall not apply to any student
21 who has received an Oklahoma Higher Learning Access Program benefit
22 award prior to the 2012-2013 school year.

23 E. 1. A student who was adopted between birth and twelve (12)
24 years of age while in the permanent custody of the Department of

1 Human Services, in the court-ordered custody of a licensed private
2 nonprofit child-placing agency, or federally recognized Indian
3 tribe, as defined by the federal Indian Child Welfare Act, shall not
4 be found to be in financial need for purposes of the Oklahoma Higher
5 Learning Access Program if at the time the student begins
6 postsecondary education and prior to receiving any Oklahoma Higher
7 Learning Access Program benefit award, the federal adjusted gross
8 ~~income from taxable and nontaxable sources~~ of the student's
9 parent(s) exceeds One Hundred Fifty Thousand Dollars (\$150,000.00)
10 per year. The provisions of this paragraph shall not apply to any
11 student who has received an Oklahoma Higher Learning Access Program
12 benefit award prior to the 2012-2013 school year.

13 2. A student who was adopted between thirteen (13) and
14 seventeen (17) years of age while in the permanent custody of the
15 Department of Human Services, in the court-ordered custody of a
16 licensed private nonprofit child-placing agency, or federally
17 recognized Indian tribe, as defined by the federal Indian Child
18 Welfare Act, shall not be found to be in financial need for purposes
19 of the Oklahoma Higher Learning Access Program if at the time the
20 student begins postsecondary education and prior to receiving any
21 Oklahoma Higher Learning Access Program benefit award, the federal
22 adjusted gross ~~income from taxable and nontaxable sources~~ of the
23 student's parent(s) exceeds Two Hundred Thousand Dollars
24 (\$200,000.00) per year. The provisions of this paragraph shall not

1 apply to any student who has received an Oklahoma Higher Learning
2 Access Program benefit award prior to the 2012-2013 school year.

3 3. Except for students who qualify pursuant to subsection B of
4 Section 2603 of this title, the determination of financial
5 qualification as set forth in this subsection shall be based on the
6 income of the student, not the income of the parent(s), if the
7 student is determined to be independent of the student's parents for
8 federal financial aid purposes. A determination of financial
9 qualification shall not be required for the student who meets the
10 criteria set forth in this subsection at the time the student
11 applies for participation in the program. The provisions of this
12 paragraph shall not apply to any student who has received an
13 Oklahoma Higher Learning Access Program benefit award prior to the
14 2008-2009 school year.

15 F. The financial qualification of a student as set forth in
16 subsections D and E of this section shall be certified by the
17 contact person or by the Oklahoma State Regents for Higher Education
18 on the agreement form provided by the Oklahoma State Regents for
19 Higher Education. The form shall be retained in the permanent
20 record of the student and a copy forwarded to the Oklahoma State
21 Regents for Higher Education.

22 G. Agreements shall be witnessed by the parent, custodial
23 parent, or guardian of the student, who shall further agree to:

24

1 1. Assist the student in achieving compliance with the
2 agreements;

3 2. Confer, when requested to do so, with the school contact
4 person, other school personnel, and program mentors;

5 3. Provide information requested by the Oklahoma State Regents
6 for Higher Education or the State Board of Education; and

7 4. Assist the student in completing forms and reports required
8 for program participation, making applications to institutions and
9 schools of higher learning, and filing applications for student
10 grants and scholarships.

11 H. Students who are enrolled in a school district located in
12 this state that serves students who reside in both this state and an
13 adjacent state pursuant to a contract as authorized in Section 5-
14 117.1 of this title, are in the eleventh and twelfth grades during
15 the 2006-2007 school year, and who were denied participation in the
16 program shall be allowed to enter or reenter into participation in
17 the program by entering into agreements as set forth in subsections
18 C and D of this section by June 1, 2008.

19 I. The Oklahoma State Regents for Higher Education shall
20 promulgate rules for the determination of student compliance with
21 agreements made pursuant to this section.

22 J. The Oklahoma State Regents for Higher Education shall
23 designate personnel to coordinate tracking of program records for
24 the years when students participating in the program are still in

1 the schools or are being educated by other means, provide staff
2 development for contact persons in the schools, and provide liaison
3 with the State Board of Education and local organizations and
4 individuals participating in the program.

5 K. The school district where an Oklahoma Higher Learning Access
6 Program student is enrolled when the student begins participation in
7 the program and any subsequent school district where the student
8 enrolls shall forward information regarding participation by the
9 student in the program to a school to which the student transfers
10 upon the request of the school for the records of the student.

11 L. Students participating in the Oklahoma Higher Learning
12 Access Program shall provide their social security number or their
13 student identification number used by their school to the Oklahoma
14 State Regents for Higher Education. The Regents shall keep the
15 numbers confidential and use them only for administrative purposes.

16 SECTION 27. REPEALER 70 O.S. 2011, Section 2605, as last
17 amended by Section 2, Chapter 288, O.S.L. 2011, is hereby repealed.

18 SECTION 28. AMENDATORY 70 O.S. 2011, Section 3311, as
19 last amended by Section 1, Chapter 233, O.S.L. 2011, is amended to
20 read as follows:

21 Section 3311. A. There is hereby created a Council on Law
22 Enforcement Education and Training which shall be, and is hereby
23 declared to be, a governmental law enforcement agency of the State
24 of Oklahoma, body politic and corporate, with powers of government

1 and with the authority to exercise the rights, privileges and
2 functions necessary to ensure the professional training and
3 continuing education of law enforcement officers in the State of
4 Oklahoma. These rights, privileges and functions include, but are
5 not limited to, those specified in Sections 3311 through 3311.10 of
6 this title and in the Oklahoma Security Guard and Private
7 Investigator Act. The Council shall be composed of nine (9)
8 members, the Director of the Oklahoma State Bureau of Investigation,
9 one member appointed by the Governor who may be a lay person, and
10 seven police or peace officers, one selected by each of the
11 following: the Court of Criminal Appeals, the Commissioner of
12 Public Safety, the Board of Directors of the Oklahoma Sheriffs and
13 Peace Officers Association, the Oklahoma Association of Police
14 Chiefs, the Board of Directors of the Oklahoma Sheriffs'
15 Association, the Board of Directors of the Fraternal Order of Police
16 and the Governor. All Council appointments and reappointments made
17 after November 1, 2007, shall conform to the following Council
18 composition and appointing authorities. The Council shall be
19 composed of thirteen (13) members as follows:

20 1. The Commissioner of the Department of Public Safety, or
21 designee;

22 2. The Director of the Oklahoma State Bureau of Narcotics and
23 Dangerous Drugs Control, or designee;

24

1 3. The Director of the Oklahoma State Bureau of Investigation,
2 or designee;

3 4. One member appointed by the Governor who shall be a law
4 enforcement administrator representing a tribal law enforcement
5 agency;

6 5. One member appointed by the Governor who shall be a chief of
7 police of a municipality with a population over one hundred thousand
8 (100,000), as determined by the latest Federal Decennial Census;

9 6. One member appointed by the Board of Directors of the
10 Oklahoma Sheriffs' and Peace Officers Association who shall be a
11 sheriff of a county with a population under fifty thousand (50,000),
12 as determined by the latest Federal Decennial Census;

13 7. One member appointed by the Oklahoma Association of Police
14 Chiefs who shall be a chief of police representing a municipality
15 with a population over ten thousand (10,000), as determined by the
16 latest Federal Decennial Census;

17 8. One member shall be appointed by the Board of Directors of
18 the Oklahoma Sheriffs' Association who shall be a sheriff of a
19 county with a population of one hundred thousand (100,000) or more,
20 as determined by the latest Federal Decennial Census;

21 9. One member appointed by the Board of Directors of the
22 Fraternal Order of Police who shall have experience as a training
23 officer;

24

1 10. One member appointed by the Chancellor of Higher Education
2 who shall be a representative of East Central University;

3 11. One member who is the immediate past chair of the Council
4 on Law Enforcement Education and Training;

5 12. The President Pro Tempore of the Senate shall appoint one
6 member from a list of three or more nominees submitted by a
7 statewide organization representing cities and towns that is exempt
8 from taxation under federal law and designated pursuant to the
9 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
10 and

11 13. The Speaker of the House of Representatives shall appoint
12 one member from a list of three or more nominees submitted by an
13 organization that assists in the establishment of accreditation
14 standards and training programs for law enforcement agencies
15 throughout the State of Oklahoma.

16 The Director selected by the Council shall be an ex officio
17 member of the Council and shall act as Secretary. The Council on
18 Law Enforcement Education and Training shall select a chair and
19 vice-chair from among its members. Members of the Council on Law
20 Enforcement Education and Training shall not receive a salary for
21 duties performed as members of the Council, but shall be reimbursed
22 for their actual and necessary expenses incurred in the performance
23 of Council duties pursuant to the provisions of the State Travel
24 Reimbursement Act.

1 B. The Council on Law Enforcement Education and Training is
2 hereby authorized and directed to:

3 1. Appoint a larger Advisory Council to discuss problems and
4 hear recommendations concerning necessary research, minimum
5 standards, educational needs, and other matters imperative to
6 upgrading Oklahoma law enforcement to professional status;

7 2. Promulgate rules with respect to such matters as
8 certification, revocation, suspension, withdrawal and reinstatement
9 of certification, minimum courses of study, testing and test scores,
10 attendance requirements, equipment and facilities, minimum
11 qualifications for instructors, minimum standards for basic and
12 advanced in-service courses, and seminars for Oklahoma police and
13 peace officers;

14 3. Authorize research, basic and advanced courses, and seminars
15 to assist in program planning directly and through subcommittees;

16 4. Authorize additional staff and services necessary for
17 program expansion;

18 5. Recommend legislation necessary to upgrade Oklahoma law
19 enforcement to professional status;

20 6. Establish policies and regulations concerning the number,
21 geographic and police unit distribution, and admission requirements
22 of those receiving tuition or scholarship aid available through the
23 Council. Such waiver of costs shall be limited to duly appointed
24

1 members of legally constituted local, county, and state law
2 enforcement agencies on the basis of educational and financial need;

3 7. Appoint a Director and an Assistant Director to direct the
4 staff, inform the Council of compliance with the provisions of this
5 section and perform such other duties imposed on the Council by law.
6 On November 1, 2007, any subsequent Director appointed by the
7 Council must qualify for the position with a bachelor or higher
8 degree in law enforcement from an accredited college or university,
9 or a bachelor or higher degree in a law-enforcement-related subject
10 area, and a minimum of five (5) years of active law enforcement
11 experience including, but not limited to, responsibility for
12 enforcement, investigation, administration, training, or curriculum
13 implementation;

14 8. Enter into contracts and agreements for the payment of
15 classroom space, food, and lodging expenses as may be necessary for
16 law enforcement officers attending any official course of
17 instruction approved or conducted by the Council. Such expenses may
18 be paid directly to the contracting agency or business
19 establishment. The food and lodging expenses for each law
20 enforcement officer shall not exceed the authorized rates as
21 provided for in the State Travel Reimbursement Act; provided,
22 however, the Council may provide food and lodging to law enforcement
23 officials attending any official course of instruction approved or
24 conducted by the Council rather than paying for the provision of

1 such food and lodging by an outside contracting agency or business
2 establishment;

3 9. a. Certify canine teams, consisting of a dog and a
4 handler working together as a team, trained to detect:
5 (1) controlled dangerous substances, or
6 (2) explosives, explosive materials, explosive
7 devices, or materials which could be used to
8 construct an explosive device;

9 provided, the dog of a certified canine team shall not
10 be certified at any time as both a drug dog and a bomb
11 dog, and any dog of a certified canine team who has
12 been previously certified as either a drug dog or a
13 bomb dog shall not be eligible at any time to be
14 certified in the other category.

15 b. Upon retiring the dog from the service it was
16 certified to perform, the law enforcement department
17 that handled the dog shall retain possession of the
18 dog. The handler shall have first option of adopting
19 the dog. If that option is not exercised, the law
20 enforcement department shall provide for its adoption.
21 Once adopted the dog shall not be placed back into
22 active service;

23 10. Enter into a lease, loan or other agreement with the
24 Oklahoma Development Finance Authority or a local public trust for

1 the purpose of facilitating the financing of a new facility for its
2 operations and use and pledge, to the extent authorized by law, all
3 or a portion of its receipts of the assessment penalty herein
4 referenced for the payment of its obligations under such lease, loan
5 or other agreement. It is the intent of the Legislature to increase
6 the assessment penalty to such a level or appropriate sufficient
7 monies to the Council on Law Enforcement Education and Training to
8 make payments on the lease, loan or other agreement for the purpose
9 of retiring the bonds to be issued by the Oklahoma Development
10 Finance Authority or local public trust. Such lease, loan or other
11 agreement and the bonds issued to finance such facilities shall not
12 constitute an indebtedness of the State of Oklahoma or be backed by
13 the full faith and credit of the State of Oklahoma, and the lease,
14 loan or other agreement and the bonds shall contain a statement to
15 such effect;

16 11. Accept gifts, bequests, devises, contributions and grants,
17 public or private, of real or personal property;

18 12. Appoint an advisory committee composed of representatives
19 from security guard and private investigative agencies to advise the
20 Council concerning necessary research, minimum standards for
21 licensure, education, and other matters related to licensure of
22 security guards, security guard agencies, private investigators, and
23 private investigative agencies;

24

1 13. Enter into agreements with individuals, educational
2 institutions, agencies, and business and tribal entities for
3 professional services, the use of facilities and supplies, and staff
4 overtime costs incurred as a result of the user's requests to
5 schedule functions after-hours, on weekends, or anytime such
6 requests extend staff beyond its normal capacity, whereby
7 contracting individuals, educational institutions, agencies, and
8 business and tribal entities shall pay a fee to be determined by the
9 Council by rule. All fees collected pursuant to these agreements
10 shall be deposited to the credit of the C.L.E.E.T. Training Center
11 Revolving Fund created pursuant to Section 3311.6 of this title.
12 The Council is authorized to promulgate emergency rules to
13 effectuate the provisions of this paragraph;

14 14. Promulgate rules to establish a state firearms
15 requalification standard for active peace officers and meet any
16 requirements of the federal Law Enforcement Officers Safety Act of
17 2004 for peace officers to carry concealed weapons nationwide;

18 15. Set minimal criteria relating to qualifications for chief
19 of police administrative training pursuant to Section 34-102 of
20 Title 11 of the Oklahoma Statutes, assist in developing a course of
21 training for a Police Chief Administrative School, and approve all
22 police chief administrative training offered in this state;

23 16. Appoint a Curriculum Review Board to be composed of six (6)
24 members as follows:

- 1 a. one member shall be selected by the Chancellor for
2 Higher Education, who possesses a background of
3 creation and review of curriculum and experience
4 teaching criminal justice or law enforcement courses,
5 who shall serve an initial term of one (1) year,
- 6 b. one member shall represent a municipal jurisdiction
7 with a population of fifty thousand (50,000) or more
8 and who shall be a management-level CLEET-certified
9 training officer, who shall serve an initial term of
10 two (2) years,
- 11 c. one member shall represent a county jurisdiction with
12 a population of fifty thousand (50,000) or more and
13 who shall be a management-level CLEET-certified
14 training officer, who shall serve an initial term of
15 three (3) years,
- 16 d. one member shall represent a municipal jurisdiction
17 with a population of less than fifty thousand (50,000)
18 and who shall be a CLEET-certified training officer,
19 who shall serve an initial term of two (2) years,
- 20 e. one member shall represent a county jurisdiction with
21 a population of less than fifty thousand (50,000) and
22 who shall be a CLEET-certified training officer, who
23 shall serve an initial term of one (1) year, and
24

1 f. one member selected by the Oklahoma Department of
2 Career and Technology Education from the Curriculum
3 Material and Instructional Material Center, who shall
4 serve an initial term of three (3) years.

5 After the initial terms of office, all members shall be
6 appointed to serve three-year terms. Any member may be reappointed
7 to serve consecutive terms. Members shall serve without
8 compensation, but may be reimbursed for travel expenses pursuant to
9 the State Travel Reimbursement Act. The Board shall review and
10 establish curriculum for all CLEET academies and training courses
11 pursuant to procedures established by the Council on Law Enforcement
12 Education and Training;

13 17. Conduct review and verification of any records relating to
14 the statutory duties of CLEET;

15 18. Receive requested reports including investigative reports,
16 court documents, statements, or other applicable information from
17 local, county and state agencies and other agencies for use in
18 actions where a certification or license issued by CLEET may be
19 subject to disciplinary or other actions provided by law;

20 19. Summarily suspend a certification of a peace officer,
21 without prior notice but otherwise subject to administrative
22 proceedings, if CLEET finds that the actions of the certified peace
23 officer may present a danger to the peace officer, the public, a
24 family or household member, or involve a crime against a minor; and

1 20. Approve law enforcement agencies and police departments in
2 accordance with the following:

3 a. this section applies only to an entity authorized by
4 statute or by the Constitution to create a law
5 enforcement agency or police department and
6 commission, appoint, or employ officers that first
7 creates or reactivates an inactive law enforcement
8 agency or police department and first begins to
9 commission, appoint, or employ officers on or after
10 November 1, 2011,

11 b. the entity shall submit to CLEET, a minimum of sixty
12 (60) days prior to creation of the law enforcement
13 agency or police department, information regarding:

14 (1) the need for the law enforcement agency or police
15 department in the community,

16 (2) the funding sources for the law enforcement
17 agency or police department, and proof that no
18 more than fifty percent (50%) of the funding of
19 the entity will be derived from ticket revenue
20 and/or fines,

21 (3) the physical resources available to officers,

22 (4) the physical facilities that the law enforcement
23 agency or police department will operate,
24 including descriptions of the evidence room,

1 dispatch area, restroom facilities, and public
2 area,

3 (5) law enforcement policies of the law enforcement
4 agency or police department, including published
5 policies on:

6 (a) use of force,

7 (b) vehicle pursuit,

8 (c) mental health,

9 (d) professional conduct of officers,

10 (e) domestic abuse,

11 (f) response to missing persons,

12 (g) supervision of part-time officers, and

13 (h) impartial policing,

14 (6) the administrative structure of the law
15 enforcement agency or police department,

16 (7) liability insurance, and

17 (8) any other information CLEET requires by rule,

18 c. within sixty (60) days of receiving an entity's
19 request, CLEET will forward to the entity by certified
20 mail, return receipt requested, a letter of
21 authorization or denial to create a law enforcement
22 agency or police department and commission, appoint,
23 or employ officers, signed by the Director of CLEET,
24

1 d. in cases of denial, the entity may appeal the decision
2 of the Director to the full CLEET Council. The
3 Director shall ensure that the final report is
4 provided to all members of the Council. The Council
5 shall review and make recommendations concerning the
6 report at the first meeting of the Council to occur
7 after all members of the Council have received the
8 report. The Council may, by majority vote:

- 9 (1) order additional information be provided,
10 (2) order confirmation of the Director's opinion, or
11 (3) order authorization of the entity.

12 C. 1. Payment of any fee provided for in this section may be
13 made by a nationally recognized credit or debit card issued to the
14 applicant. The Council may publicly post and collect a fee for the
15 acceptance of the nationally recognized credit or debit card not to
16 exceed five percent (5%) of the amount of the payment. For purposes
17 of this subsection, "nationally recognized credit card" means any
18 instrument or device, whether known as a credit card, credit plate,
19 charge plate, or by any other name, issued with or without fee by an
20 issuer for the use of the cardholder in obtaining goods, services,
21 or anything else of value and which is accepted by over one thousand
22 merchants in this state. "Debit card" means an identification card
23 or device issued to a person by a business organization which
24 permits such person to obtain access to or activate a consumer

1 banking electronic facility. The Council shall determine which
2 nationally recognized credit or debit cards will be accepted as
3 payment for fees.

4 2. Payment for any fee provided for in this title may be made
5 by a business check. The Council may:

6 a. add an amount equal to the amount of the service
7 charge incurred, not to exceed three percent (3%) of
8 the amount of the check as a service charge for the
9 acceptance and verification of the check, or

10 b. add an amount of no more than Five Dollars (\$5.00) as
11 a service charge for the acceptance and verification
12 of a check. For purposes of this subsection,
13 "business check" shall not mean a money order,
14 cashier's check, or bank certified check.

15 D. Failure of the Legislature to appropriate necessary funds to
16 provide for expenses and operations of the Council on Law
17 Enforcement Education and Training shall not invalidate other
18 provisions of this section relating to the creation and duties of
19 the Council.

20 E. 1. No person shall be eligible to complete a basic police
21 course approved by the Council until the Oklahoma State Bureau of
22 Investigation and the Federal Bureau of Investigation have reported
23 to the submitting agency that such person has no felony record, and
24 the employing agency has reported to the Council that such person

1 has undergone psychological testing as provided for in paragraph 2
2 of this subsection, and the applicant has certified the completion
3 of a high school diploma or a GED equivalency certificate and that
4 the applicant is not participating in a deferred sentence agreement
5 for a felony or a crime involving moral turpitude or is not
6 currently subject to an order of the Council revoking, suspending,
7 or accepting a voluntary surrender of peace officer certification
8 and that the applicant is not currently undergoing treatment for a
9 mental illness, condition, or disorder. For purposes of this
10 subsection, "currently undergoing treatment for mental illness,
11 condition, or disorder" means the person has been diagnosed by a
12 licensed physician or psychologist as being afflicted with a
13 substantial disorder of thought, mood, perception, psychological
14 orientation, or memory that significantly impairs judgment,
15 behavior, capacity to recognize reality, or ability to meet the
16 ordinary demands of life and such condition continues to exist.

17 2. On and after November 1, 2007, no person shall be certified
18 as a police or peace officer in this state unless the employing
19 agency has reported to the Council that:

20 a. the Oklahoma State Bureau of Investigation and the
21 Federal Bureau of Investigation have reported that
22 such person has no record of a conviction of a felony,
23 a crime involving moral turpitude, or a crime of
24 domestic violence,

1 b. such person has undergone psychological evaluation by
2 the employing agency using a psychological instrument
3 approved by the Council on Law Enforcement Education
4 and Training. The employing agency shall administer
5 the psychological instrument in accordance with
6 standards established within the test document. To
7 aid the evaluating psychologist in interpreting the
8 test results, including automated scoring and
9 interpretations, the employing agency shall provide
10 the psychologist a statement confirming the identity
11 of the individual taking the test as the person who is
12 employed or seeking employment as a peace officer of
13 the agency and attesting that it administered the
14 psychological instrument in accordance with standards
15 within the test document. The psychologist shall
16 report to the employing agency the evaluation of the
17 assessment instrument and may include any additional
18 recommendations to assist the employing agency in
19 determining whether to certify to the Council on Law
20 Enforcement Education and Training that the person
21 being evaluated is suitable to serve as a peace
22 officer in the State of Oklahoma. No additional
23 procedures or requirements shall be imposed for
24 performance of the psychological evaluation. The

1 psychological instrument utilized shall be evaluated
2 by a psychologist licensed by the State of Oklahoma,
3 and the employing agency shall certify to the Council
4 that the evaluation was conducted in accordance with
5 this provision and that the employee/applicant is
6 suitable to serve as a peace officer in the State of
7 Oklahoma. Any person found not to be suitable for
8 employment or certification by the Council shall not
9 be employed, retained in employment as a peace
10 officer, or certified by the Council for at least one
11 (1) year, at which time the employee/applicant may be
12 reevaluated by a psychologist licensed by the State of
13 Oklahoma. This section shall also be applicable to
14 all reserve peace officers in the State of Oklahoma.
15 Any person who is certified by CLEET and has undergone
16 the psychological evaluation required by this
17 subparagraph and has been found to be suitable as a
18 peace officer shall not be required to be reevaluated
19 for any subsequent employment as a peace officer
20 following retirement or any break in service as a
21 peace officer, unless such break in service exceeds
22 five (5) years or the Council determines that a peace
23 officer may present a danger to himself or herself,
24 the public, or a family or household member,

- 1 c. such person possesses a high school diploma or a GED
2 equivalency certificate, provided this requirement
3 shall not affect those persons who are already
4 employed as a police or peace officer prior to
5 November 1, 1985,
- 6 d. such person is not participating in a deferred
7 sentence agreement for a felony, a crime involving
8 moral turpitude, or a crime of domestic violence,
- 9 e. such person has attained twenty-one (21) years of age
10 prior to certification as a peace officer,
- 11 f. such person has provided proof of United States
12 citizenship or resident alien status, pursuant to an
13 employment eligibility verification form from the
14 United States Citizenship and Immigration Services,
15 and
- 16 g. the name, gender, date of birth, and address of such
17 person have been presented to the Department of Mental
18 Health and Substance Abuse Services by the Council.
19 The Department of Mental Health and Substance Abuse
20 Services shall respond to the Council within ten (10)
21 days whether the computerized records of the
22 Department indicate the applicant has ever been
23 involuntarily committed to an Oklahoma state mental
24 institution. In the event that the Department of

1 Mental Health and Substance Abuse Services reports to
2 the Council that the applicant has been involuntarily
3 committed, the Council shall immediately inform the
4 employing agency,

5 and the Council has determined that such person has satisfactorily
6 completed a basic police course approved by the Council. All basic
7 police courses shall include a minimum of four (4) hours of
8 education and training in recognizing and managing a person
9 appearing to require mental health treatment or services. The
10 training shall include training in crime and drug prevention, crisis
11 intervention, youth and family intervention techniques, recognizing,
12 investigating and preventing abuse and exploitation of elderly
13 persons, mental health issues, and criminal jurisdiction on
14 Sovereign Indian Land.

15 Subject to the availability of funding, for full-time salaried
16 police or peace officers a basic police course academy shall be as
17 follows: any academy graduating after July 1, 2007, but before
18 December 31, 2007, shall have three hundred seventy-five (375)
19 hours; any academy graduating after January 1, 2008, but before June
20 30, 2008, shall have five hundred five (505) hours; any academy
21 graduating after July 1, 2008, but before June 30, 2009, shall have
22 five hundred seventy-six (576) hours; and any academy graduating
23 after July 1, 2009, shall have six hundred (600) hours.

1 For reserve deputies a basic police course shall be as follows:
2 any reserve academy approved by the Council prior to December 31,
3 2007, shall have one hundred sixty (160) hours; and any reserve
4 academy approved by the Council after January 1, 2008, shall have
5 two hundred forty (240) hours.

6 3. Every person who has not been certified as a police or peace
7 officer and is duly appointed or elected as a police or peace
8 officer shall hold such position on a temporary basis only, and
9 shall, within one (1) year from the date of appointment or taking
10 office, qualify as required in this subsection or forfeit such
11 position; provided, however, effective November 1, 2004, every
12 person who has not been certified as a police or peace officer and
13 is duly appointed or elected as a police or peace officer shall hold
14 such position on a temporary basis only, and shall, within six (6)
15 months from the date of appointment or taking office, qualify as
16 required in this subsection or forfeit such position. In computing
17 the time for qualification, all service shall be cumulative from
18 date of first appointment or taking office as a police or peace
19 officer with any department in this state. The Council may extend
20 the time requirement specified in this paragraph for good cause as
21 determined by the Council. An elected police or peace officer shall
22 be eligible to enroll in a basic police course in accordance with
23 this subsection upon being elected. A duty is hereby imposed upon
24 the employing agency to withhold payment of the compensation or wage

1 of said unqualified officer. If the police or peace officer fails
2 to forfeit the position or the employing agency fails to require the
3 officer to forfeit the position, the district attorney shall file
4 the proper action to cause the forfeiting of such position. The
5 district court of the county where the officer is employed shall
6 have jurisdiction to hear the case.

7 4. The Council may certify officers who have completed a course
8 of study in another state deemed by the Council to meet standards
9 for Oklahoma peace officers providing the officer's certification in
10 the other state has not been revoked or voluntarily surrendered and
11 is not currently under suspension.

12 5. For purposes of this section, a police or peace officer is
13 defined as a full-time duly appointed or elected officer who is paid
14 for working more than twenty-five (25) hours per week and whose
15 duties are to preserve the public peace, protect life and property,
16 prevent crime, serve warrants, and enforce laws and ordinances of
17 this state, or any political subdivision thereof; provided, elected
18 sheriffs and their deputies and elected, appointed, or acting chiefs
19 of police shall meet the requirements of this subsection within the
20 first six (6) months after assuming the duties of the office to
21 which they are elected or appointed or for which they are an acting
22 chief; provided further, that this section shall not apply to
23 persons designated by the Director of the Department of Corrections

24

1 as peace officers pursuant to Section 510 of Title 57 of the
2 Oklahoma Statutes.

3 F. No person shall be certified as a police or peace officer by
4 the Council or be employed by the state, a county, a city, or any
5 political subdivision thereof, who is currently subject to an order
6 of the Council revoking, suspending, or accepting a voluntary
7 surrender of peace officer certification or who has been convicted
8 of a felony, a crime involving moral turpitude, or a crime of
9 domestic violence, unless a full pardon has been granted by the
10 proper agency; however, any person who has been trained and
11 certified by the Council on Law Enforcement Education and Training
12 and is actively employed as a full-time peace officer as of November
13 1, 1985, shall not be subject to the provisions of this subsection
14 for convictions occurring prior to November 1, 1985.

15 G. Every person employed as a police or peace officer in this
16 state shall be fingerprinted by the employing law enforcement
17 agency. One set of fingerprint impressions shall be mailed to the
18 Oklahoma State Bureau of Investigation and one set to the Federal
19 Bureau of Investigation, Washington, D.C., within ten (10) days from
20 the initial date of employment.

21 H. 1. The Council is hereby authorized to provide to any
22 employing agency the following information regarding a person who is
23 or has applied for employment as a police or peace officer of such
24 employing agency:

- a. Oklahoma State Bureau of Investigation and Federal Bureau of Investigation reports,
- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

2. An employing agency shall not be liable in any action arising out of the release of contents of personnel information relevant to the qualifications or ability of a person to perform the duties of a police or peace officer when such information is released pursuant to written authorization for release of information signed by such person and is provided to another employing agency which has employed or has received an application for employment from such person.

3. As used in this subsection, "employing agency" means a political subdivision or law enforcement agency which either has employed or received an employment application from a person who, if employed, would be subject to this section.

I. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the

1 Council at a time established by the Council. Failure to comply
2 with the provisions of this subsection may disqualify a law
3 enforcement agency from participating in training programs sponsored
4 by the Council.

5 2. A tribal law enforcement agency that has peace officers
6 commissioned by an Oklahoma law enforcement agency pursuant to a
7 cross-deputization agreement with the State of Oklahoma or any
8 political subdivision of the State of Oklahoma pursuant to the
9 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
10 shall report the commissioning, resignation, or termination of
11 commission for any reason of a cross-deputized tribal police or
12 peace officer to CLEET within ten (10) days of the commissioning,
13 resignation, or termination. Failure to comply with the provisions
14 of this subsection may disqualify a tribal law enforcement agency
15 from participating in training programs sponsored by the Council.

16 J. It is unlawful for any person to willfully make any
17 statement in an application to CLEET knowing the statement is false
18 or intentionally commit fraud in any application to the Council for
19 attendance in any CLEET-conducted or CLEET-approved peace officer
20 academy or Collegiate Officer Program or for the purpose of
21 obtaining peace officer certification or reinstatement. It is
22 unlawful for any person to willfully submit false or fraudulent
23 documents relating to continuing education rosters, transcripts or
24 certificates, or any canine license application. Any person

1 convicted of a violation of this subsection shall be guilty of a
2 felony punishable by imprisonment in the Department of Corrections
3 for a term of not less than two (2) years nor more than five (5)
4 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
5 or by both such fine and imprisonment.

6 K. 1. A police or peace officer shall be subject to
7 disciplinary action to include a denial, suspension, revocation or
8 acceptance of voluntary surrender of peace officer certification
9 upon a showing of clear and convincing evidence for the following:

- 10 a. conviction of a felony or a crime of domestic
11 violence,
- 12 b. conviction of a misdemeanor involving moral turpitude;
13 provided, if the conviction is a single isolated
14 incident that occurred more than five (5) years ago
15 and the Council is satisfied that the person has been
16 sufficiently rehabilitated, the Council may certify
17 such person providing that all other statutory
18 requirements have been met,
- 19 c. a verdict of guilt or entry of a plea of guilty or
20 nolo contendere for a deferred sentence for a felony
21 offense, a crime of moral turpitude, or a crime of
22 domestic violence,
- 23 d. falsification or a willful misrepresentation of
24 information in an employment application or

1 application to the Council on Law Enforcement
2 Education and Training, records of evidence, or in
3 testimony under oath,

4 e. revocation or voluntary surrender of police or peace
5 officer certification in another state for a violation
6 of any law or rule or in settlement of any
7 disciplinary action in such state,

8 f. involuntary commitment of a police or peace officer in
9 a mental institution or licensed private mental health
10 facility for any mental illness, condition or disorder
11 that is diagnosed by a licensed physician or
12 psychologist as a substantial disorder of thought,
13 mood, perception, psychological orientation, or memory
14 that significantly impairs judgment, behavior,
15 capacity to recognize reality, or ability to meet the
16 ordinary demands of life. Provided, the peace officer
17 certification may be reinstated upon the Council
18 receiving notification of a psychological evaluation
19 conducted by a licensed physician or psychologist
20 which attests and states by affidavit that the officer
21 and the evaluation test data of the officer have been
22 examined and that, in the professional opinion of the
23 physician or psychologist, the officer is

1 psychologically suitable to return to duty as a peace
2 officer, or

3 g. abuse of office.

4 2. Disciplinary proceedings shall be commenced by filing a
5 complaint with the Council on a form approved by the Council and
6 verified by the complainant. Any employing agency or other person
7 having information may submit such information to the Council for
8 consideration as provided in this subsection.

9 3. Upon the filing of the verified complaint, a preliminary
10 investigation shall be conducted to determine whether:

11 a. there is reason to believe the person has violated any
12 provision of this subsection or any other provision of
13 law or rule, or

14 b. there is reason to believe the person has been
15 convicted of a felony, a crime involving moral
16 turpitude or a domestic violence offense or is
17 currently participating in a deferred sentence for
18 such offenses.

19 4. When the investigation of a complaint does not find the
20 person has violated any of the provisions of this subsection, or
21 finds that the person is sufficiently rehabilitated as provided in
22 subparagraph b or f of paragraph 1 of this subsection, no
23 disciplinary action shall be required and the person shall remain
24 certified as a police or peace officer. When the investigation of a

1 complaint finds that the person has violated any of the provisions
2 of this subsection, the matter shall be referred for disciplinary
3 proceedings. The disciplinary proceedings shall be in accordance
4 with Articles I and II of the Administrative Procedures Act.

5 5. The Council shall revoke the certification of any person
6 upon determining that such person has been convicted of a felony or
7 a crime involving moral turpitude or a domestic violence offense;
8 provided, that if the conviction has been reversed, vacated or
9 otherwise invalidated by an appellate court, such conviction shall
10 not be the basis for revocation of certification; provided further,
11 that any person who has been trained and certified by the Council on
12 Law Enforcement Education and Training and is actively employed as a
13 full-time peace officer as of November 1, 1985, shall not be subject
14 to the provisions of this subsection for convictions occurring prior
15 to November 1, 1985. The sole issue to be determined at the hearing
16 shall be whether the person has been convicted of a felony, a crime
17 involving moral turpitude or a domestic violence offense.

18 6. The Council shall revoke the certification of any person
19 upon determining that such person has received a deferred sentence
20 for a felony, a crime involving moral turpitude or a domestic
21 violence offense.

22 7. The Council may suspend the certification of any person upon
23 a determination that such person has been involuntarily committed to
24 a mental institution or mental health facility for a mental illness,

1 condition or disorder as provided in subparagraph f of paragraph 1
2 of this subsection.

3 8. Every law enforcement agency in this state shall, within
4 thirty (30) days of a final order of termination or resignation
5 while under investigation of a CLEET-certified peace officer, report
6 such order or resignation in writing to the Director of the Council.
7 Any report, upon receipt by the Council, shall be considered as
8 personnel records and shall be afforded confidential protection
9 pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma
10 Statutes. The Director shall ensure that the report is provided to
11 all members of the Council. The Council shall review and make
12 recommendations concerning the report at the first meeting of the
13 Council to occur after all members of the Council have received the
14 report. The Council may, by a majority vote, order the suspension,
15 for a given period of time, or revocation of the CLEET certification
16 of the peace officer in question if there are grounds for such
17 actions pursuant to ~~subsection J~~ of this section and the peace
18 officer in question has been provided with notice and an opportunity
19 for a hearing pursuant to the Administrative Procedures Act.

20 Suspension or revocation of CLEET certification pursuant to this
21 paragraph shall be reported to the district attorney for the
22 jurisdiction in which the peace officer was employed, to the
23 liability insurance company of the law enforcement agency that
24 employed the peace officer, the chief elected official of the

1 governing body of the law enforcement agency and the chief law
2 enforcement officer of the law enforcement agency.

3 9. For all other violations of this subsection, the hearing
4 examiner shall take into consideration the severity of the
5 violation, any mitigating circumstances offered by the person
6 subject to disciplinary action, and any other evidence relevant to
7 the person's character to determine the appropriate disciplinary
8 action.

9 10. a. A police or peace officer may voluntarily surrender
10 and relinquish the peace officer certification to
11 CLEET. Pursuant to such surrender or relinquishment,
12 the person surrendering the certification shall be
13 prohibited from applying to CLEET for reinstatement
14 within five (5) years of the date of the surrender or
15 relinquishment, unless otherwise provided by law for
16 reinstatement.

17 b. No person who has had a police or peace officer
18 certification from another state revoked or
19 voluntarily surrendered shall be considered for
20 certification by CLEET within five (5) years of the
21 effective date of any such revocation or voluntary
22 surrender of certification.

23 c. Any person seeking reinstatement of police or peace
24 officer certification which has been suspended,

1 revoked, or voluntarily surrendered may apply for
2 reinstatement pursuant to promulgated CLEET rules
3 governing reinstatement. Except as provided in this
4 subsection, any person whose certification has been
5 revoked, suspended or voluntarily surrendered for any
6 reason, including failure to comply with mandatory
7 education and training requirements, shall pay a
8 reinstatement fee of One Hundred Fifty Dollars
9 (\$150.00) to be deposited to the credit of the Peace
10 Officer Revolving Fund created pursuant to Section
11 3311.7 of this title.

12 11. A duty is hereby imposed upon the district attorney who, on
13 behalf of the State of Oklahoma, prosecutes a person holding police
14 or peace officer certification for a felony, a crime involving moral
15 turpitude, or a crime of domestic violence in which a plea of
16 guilty, nolo contendere, or other finding of guilt is entered by,
17 against or on behalf of a certified police or peace officer to
18 report such plea, agreement, or other finding of guilt to the
19 Council on Law Enforcement Education and Training within ten (10)
20 days of such plea agreement or the finding of guilt.

21 12. Any person or agency required or authorized to submit
22 information pursuant to this section to the Council shall be immune
23 from liability arising from the submission of the information as
24

1 long as the information was submitted in good faith and without
2 malice.

3 13. Any peace officer employed by a law enforcement agency in
4 this state which has internal discipline policies and procedures on
5 file with CLEET shall be exempt from the disciplinary proceedings
6 and actions provided for in this subsection; provided, however, such
7 exemption shall not apply if the peace officer has been convicted of
8 a felony crime, a crime of moral turpitude, or a crime of domestic
9 violence.

10 14. As used in this subsection:

11 a. "law enforcement agency" means any department or
12 agency of the state, a county, a municipality, or
13 political subdivision thereof, with the duties to
14 maintain public order, make arrests, and enforce the
15 criminal laws of this state or municipal ordinances,
16 which employs CLEET-certified personnel,

17 b. "final order of termination" means a final notice of
18 dismissal from employment provided after all
19 grievance, arbitration, and court actions have been
20 completed, and

21 c. "resignation while under investigation" means the
22 resignation from employment of a peace officer who is
23 under investigation for any felony violation of law, a
24 crime of moral turpitude, a crime of domestic

1 violence, or the resignation from employment of a
2 peace officer as part of an arbitration or plea
3 agreement.

4 L. 1. Every canine team in the state trained to detect
5 controlled dangerous substances shall be certified, by test, in the
6 detection of such controlled dangerous substances and shall be
7 recertified annually so long as the canine is used for such
8 detection purposes. The certification test and annual
9 recertification test provisions of this subsection shall not be
10 applicable to canines that are owned by a law enforcement agency and
11 that are certified and annually recertified in the detection of
12 controlled dangerous substances by the United States Customs
13 Service.

14 2. The Council shall appoint a Drug Dog Advisory Council to
15 make recommendations concerning minimum standards, educational
16 needs, and other matters imperative to the certification of canines
17 and canine teams trained to detect controlled dangerous substances.
18 The Council shall promulgate rules based upon the recommendations of
19 the Advisory Council. Members of the Advisory Council shall
20 include, but need not be limited to, a commissioned officer with
21 practical knowledge of such canines and canine teams from each of
22 the following:

- 23 a. the Oklahoma State Bureau of Narcotics and Dangerous
24 Drugs Control,

- b. the Department of Public Safety,
- c. a police department,
- d. a sheriff's office, and
- e. a university or college campus police department.

3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team. A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee shall be charged to any local, state or federal government agency. The fees provided for in this paragraph shall be deposited to the credit of the CLEET Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

M. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense.

1 2. The Council shall appoint a Bomb Dog Advisory Council to
2 make recommendations concerning minimum standards, educational
3 needs, and other matters imperative to the certification of canines
4 and canine teams trained to detect explosives, explosive materials,
5 explosive devices and materials which could be used to construct an
6 explosive device. The Council shall promulgate rules based upon the
7 recommendations of the Advisory Council. Members of the Advisory
8 Council shall include, but need not be limited to, a commissioned
9 officer with practical knowledge of such canines and canine teams
10 from each of the following:

- 11 a. the Department of Public Safety,
- 12 b. a police department,
- 13 c. a sheriff's office, and
- 14 d. a university or college campus police department.

15 3. The fee for the certification test shall be Two Hundred
16 Dollars (\$200.00) and the annual recertification test fee shall be
17 One Hundred Dollars (\$100.00) per canine team. A retest fee of
18 Fifty Dollars (\$50.00) will be charged if the team fails the test.
19 No such fee shall be charged to any local, state or federal
20 government agency. The fees provided for in this paragraph shall be
21 deposited to the credit of the CLEET Fund created pursuant to
22 Section 1313.2 of Title 20 of the Oklahoma Statutes.

23 N. All tribal police officers of any Indian tribe or nation who
24 have been commissioned by an Oklahoma law enforcement agency

1 pursuant to a cross-deputization agreement with the State of
2 Oklahoma or any political subdivision of the State of Oklahoma
3 pursuant to the provisions of Section 1221 of Title 74 of the
4 Oklahoma Statutes shall be eligible for peace officer certification
5 under the same terms and conditions required of members of the law
6 enforcement agencies of the State of Oklahoma and its political
7 subdivisions. CLEET shall issue peace officer certification to
8 tribal police officers who, as of July 1, 2003, are commissioned by
9 an Oklahoma law enforcement agency pursuant to a cross-deputization
10 agreement with the State of Oklahoma or any political subdivision of
11 the State of Oklahoma pursuant to the provisions of Section 1221 of
12 Title 74 of the Oklahoma Statutes and have met the training and
13 qualification requirements of this section.

14 O. If an employing law enforcement agency in this state has
15 paid the salary of a person while that person is completing in this
16 state a basic police course approved by the Council and if within
17 one (1) year after certification that person resigns and is hired by
18 another law enforcement agency in this state, the second agency or
19 the person receiving the training shall reimburse the original
20 employing agency for the salary paid to the person while completing
21 the basic police course by the original employing agency.

22 SECTION 29. REPEALER 70 O.S. 2011, Section 3311, as last
23 amended by Section 1, Chapter 10, O.S.L. 2011, is hereby repealed.

24

1 SECTION 30. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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