

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1470

6 By: Murphey

7 COMMITTEE SUBSTITUTE

8 An Act relating to state government; creating the
9 Cost Reduction, Efficiency and Reform Act of 2013;
10 amending 27A O.S. 2011, Section 2-2-201, which
11 relates to advisory councils; removing certain
12 advisory council; adding jurisdictional areas for
13 certain advisory council; deleting membership
14 requirements of certain advisory council; amending 47
15 O.S. 2011, Section 40-122, which relates to the
16 Advisory Committee for Motorcycle Safety and
17 Education; placing the Advisory Committee for
18 Motorcycle Safety and Education under the authority
19 of the Oklahoma Highway Safety Office; placing the
20 Commission on Marginally Producing Oil and Gas Wells
21 under the authority of the Oklahoma Energy Resources
22 Board; providing for transfer of property and other
23 items; providing for transfer of personnel and
24 related benefits; providing for transfer of monies;
providing for contractual rights and
responsibilities; providing for rules; amending 52
O.S. 2011, Sections 703, 704 and 705, as amended by
Section 220, Chapter 304, O.S.L. 2012 (52 O.S. Supp.
2012, Section 705), which relate to marginally
producing oil and gas wells; changing the levying of
certain fee to the Oklahoma Energy Resources Board;
changing refund responsibilities to the Oklahoma
Energy Resources Board; changing Commission on
Marginally Producing Oil and Gas Wells Revolving Fund
to the Oklahoma Energy Resources Board Revolving
Fund; repealing 52 O.S. 2011, Sections 700, 701, 702,
706 and 707, which relate to the Commission on
Marginally Producing Oil and Gas Wells; repealing 59
O.S. 2011, Section 1103, as amended by Section 1,
Chapter 55, O.S.L. 2012 (59 O.S. Supp. 2012, Section

1 1103), which relates to Waterworks and Wastewater
2 Works Advisory Council; amending 70 O.S. 2011,
3 Section 3311, as last amended by Section 1, Chapter
4 84, O.S.L. 2012 (70 O.S. Supp. 2012, Section 3311),
5 which relates to the Council on Law Enforcement
6 Education and Training; abolishing the Advisory
7 Council; consolidating the Drug Dog Advisory Council
8 with the Bomb Dog Advisory Council; deleting
9 references to the Bomb Dog Advisory Council and
10 procedures for certification; consolidating duties
11 and functions of the Oklahoma Bioenergy Center and
12 Board into the Oklahoma Energy Initiative and Board;
13 transferring duties, obligations and funding to
14 certain agency; authorizing promulgation of rules;
15 repealing 74 O.S. 2011, Sections 5009.11, 5009.12,
16 5009.13, 5009.14, 5009.15 and 5009.16, as amended by
17 Section 1026, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
18 2012, Section 5009.16), which relate to the Oklahoma
19 Bioenergy Center Act; providing for codification;
20 providing for noncodification; providing for
21 recodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Cost Reduction,
Efficiency and Reform Act of 2013".

SECTION 2. AMENDATORY 27A O.S. 2011, Section 2-2-201, is
amended to read as follows:

Section 2-2-201. A. There are hereby created:

1. The Water Quality Management Advisory Council;
2. The Hazardous Waste Management Advisory Council;
3. The Solid Waste Management Advisory Council; and

1 4. The Radiation Management Advisory Council, ~~and~~

2 ~~5. The Laboratory Services Advisory Council.~~

3 B. 1. Except as provided for in paragraph 2 of this
4 subsection, each Council created pursuant to subsection A of this
5 section shall consist of nine (9) members. Three members shall be
6 appointed by the Governor, three members shall be appointed by the
7 Speaker of the House of Representatives and three members shall be
8 appointed by the President Pro Tempore of the Senate. Appointments
9 shall be for three-year terms. Members of the Advisory Councils
10 shall serve at the pleasure of and may be removed from office by the
11 appointing authority. Members shall continue to serve until their
12 successors are appointed. Any vacancy shall be filled in the same
13 manner as the original appointments. Five members shall constitute
14 a quorum.

15 2. The Solid Waste Management Advisory Council shall consist of
16 ten (10) members. Four members shall be appointed by the Governor,
17 three members shall be appointed by the Speaker of the House of
18 Representatives and three members shall be appointed by the
19 President Pro Tempore of the Senate. Appointments shall be for
20 three-year terms. Members of the Solid Waste Management Advisory
21 Council shall serve at the pleasure of and may be removed from
22 office by the appointing authority. Members shall continue to serve
23 until their successors are appointed. Any vacancy shall be filled
24

1 in the same manner as the original appointments. Six members shall
2 constitute a quorum.

3 3. Each Council shall elect a chair and a vice-chair from among
4 its members. Each Council shall meet as required for rule
5 development, review and recommendation and for such other purposes
6 specified by law. Special meetings may be called by the chair or by
7 the concurrence of any three (3) members.

8 C. 1. All members of the Water Quality Management Advisory
9 Council shall be knowledgeable of water quality and of the
10 environment. The Council shall be composed as follows:

11 a. the Governor shall appoint three members as follows:

12 (1) one member representing the field of engineering,

13 (2) one member representing a statewide nonprofit
14 environmental organization, and

15 (3) one member representing the general public,

16 b. the President Pro Tempore of the Senate shall appoint
17 three members as follows:

18 (1) one member representing an industry located in
19 this state,

20 (2) one member representing an oil field-related
21 industry, and

22 (3) one member representing the field of geology, and

23 c. the Speaker of the House of Representatives shall
24 appoint three members as follows:

1 (1) one member representing a political subdivision
2 of the state who shall be a member of the local
3 governmental body of a city or town,

4 (2) one member representing a rural water district
5 organized pursuant to the laws of this state, and

6 (3) one member representing the field of agriculture.

7 2. The jurisdictional areas of the Water Quality Management
8 Advisory Council shall include Article VI of this chapter, Article
9 IV of this chapter, waterworks and wastewater activities, water
10 quality and protection and related activities and such other areas
11 as designated by the Board.

12 D. 1. All members of the Hazardous Waste Management Advisory
13 Council shall be knowledgeable of hazardous waste and of the
14 environment. The Council shall be composed as follows:

15 a. the Governor shall appoint three members as follows:

16 (1) one member representing an industry located in
17 this state,

18 (2) one member representing a statewide nonprofit
19 environmental organization, and

20 (3) one member representing a political subdivision
21 of the state who shall be a member of the local
22 governing body of a city or town,

23 b. the President Pro Tempore of the Senate shall appoint
24 three members as follows:

1 (1) one member representing a political subdivision
2 of the state who shall be a member of the local
3 governmental body of a city or town,

4 (2) one member representing the general public, and

5 (3) one member representing industry generating
6 hazardous waste, and

7 c. the Speaker of the House of Representatives shall
8 appoint three members as follows:

9 (1) one member representing the field of engineering,

10 (2) one member representing the hazardous waste
11 industry, and

12 (3) one member representing the field of geology.

13 2. The jurisdictional areas of the Hazardous Waste Management
14 Advisory Council shall include Article VII of this chapter, the
15 Oklahoma Hazardous Waste Reduction Program, and such other areas as
16 designated by the Board.

17 E. 1. All members of the Solid Waste Management Advisory
18 Council shall be knowledgeable of solid waste and of the
19 environment. The Council shall be composed as follows:

20 a. the Governor shall appoint four members as follows:

21 (1) one member representing a statewide nonprofit
22 environmental organization,

23 (2) one member shall be a county commissioner,

24 (3) one member representing the general public, and

1 (4) one member representing the solid waste
2 incineration, waste-to-energy industry in this
3 state,

4 b. the President Pro Tempore of the Senate shall appoint
5 three members as follows:

6 (1) one member representing an industry located in
7 this state generating solid waste,

8 (2) one member representing a political subdivision
9 of this state who shall be a member of the local
10 governmental body of a city or town, and

11 (3) one member representing the field of geology, and

12 c. the Speaker of the House of Representatives shall
13 appoint three members as follows:

14 (1) one member representing the solid waste disposal
15 industry in this state,

16 (2) one member representing the field of engineering,
17 and

18 (3) one member representing the transportation
19 industry.

20 2. The jurisdictional areas of the Solid Waste Management
21 Advisory Council shall include Article X of this chapter, the
22 Oklahoma Used Tire Recycling Act and such other areas as designated
23 by the Board.
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1 F. 1. All members of the Radiation Management Advisory Council
2 shall be knowledgeable of radiation hazards and radiation
3 protection. The Council shall be composed as follows:

4 a. the Governor shall appoint three members as follows:

5 (1) one member representing an industry located in
6 this state which uses sources of radiation in its
7 manufacturing or processing business,

8 (2) one member representing a statewide nonprofit
9 environmental organization, and

10 (3) one member representing the engineering
11 profession who shall be a professional engineer
12 employed and experienced in matters of radiation
13 management and protection,

14 b. the President Pro Tempore of the Senate shall appoint
15 three members as follows:

16 (1) one member representing the faculty of an
17 institution of higher learning of university
18 status and shall be experienced in matters of
19 scientific knowledge and competent in matters of
20 radiation management and protection,

21 (2) one member representing the general public, and

22 (3) one member representing the field of industrial
23 radiography, and
24

1 c. the Speaker of the House of Representatives shall
2 appoint three members as follows:

3 (1) one member representing the transportation
4 industry,

5 (2) one member representing the petroleum industry
6 who is trained and experienced in radiation
7 management and protection, and

8 (3) one member representing a medical institution
9 within this state who shall be experienced in
10 matters of radiation management and protection.

11 2. The jurisdictional areas of the Radiation Management
12 Advisory Council shall include Article IX of this chapter and such
13 other areas as designated by the Board.

14 G. ~~1. All members of the Laboratory Services Advisory Council~~
15 ~~shall be knowledgeable of laboratory services and certification~~
16 ~~standards. The Council shall be composed as follows:~~

17 ~~a. the Governor shall appoint three members as follows:~~

18 ~~(1) one member representing a private laboratory~~
19 ~~within the state certified by the Department,~~

20 ~~(2) one member representing the field of hydro-~~
21 ~~geology, and~~

22 ~~(3) one member representing permit holders required~~
23 ~~to routinely submit laboratory analyses results~~
24 ~~to the Department,~~

1 ~~b. the President Pro Tempore of the Senate shall appoint~~
2 ~~three members as follows:~~

3 ~~(1) one member representing a private laboratory~~
4 ~~within the state certified by the Department,~~

5 ~~(2) one member representing a public laboratory~~
6 ~~within the state certified by the Department, and~~

7 ~~(3) one member representing the field of~~
8 ~~microbiology, and~~

9 ~~e. the Speaker of the House of Representatives shall~~
10 ~~appoint three members as follows:~~

11 ~~(1) one member representing a private laboratory~~
12 ~~within the state certified by the Department,~~

13 ~~(2) one member representing permit holders required~~
14 ~~to routinely submit laboratory analyses results~~
15 ~~to the Department, and~~

16 ~~(3) one member representing the field of~~
17 ~~environmental chemistry.~~

18 ~~2. The jurisdictional areas of the Laboratory Services Advisory~~
19 ~~Council shall include Article IV of this chapter and such other~~
20 ~~areas designated by the Board.~~

21 ~~H.~~ 1. The Air Quality Council created pursuant to Section 6,
22 Chapter 215, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-1807.1)
23 shall remain in effect as the Air Quality Advisory Council and carry
24 on the powers and duties assigned to it by law. Future appointments

1 to the Council shall be made according to the provisions of this
2 section.

3 2. The Council shall consist of nine (9) members who shall be
4 residents of this state and appointed by the Governor with the
5 advice and consent of the Senate.

6 3. Members of the Council shall have the qualifications as
7 follows:

8 a. one member shall be selected from the engineering
9 profession, and, as such, shall be a professional
10 engineer and experienced in matters of air pollution
11 equipment and control, who shall not be an employee of
12 any unit of government,

13 b. one member shall be selected from industry in general,
14 and, as such, shall be employed as a manufacturing
15 executive carrying on a manufacturing business within
16 this state,

17 c. one member shall be selected from a faculty of an
18 institution of higher learning of university status
19 and shall be experienced in matters of scientific
20 knowledge and competent in matters of air pollution
21 control and evaluation,

22 d. one member shall be selected from the transportation
23 industry,
24

1 e. one member shall be selected from the petroleum
2 industry, and, as such, shall be employed by a
3 petroleum company carrying on a petroleum refining
4 business within the state, and, as such, shall be
5 trained and experienced in matters of scientific
6 knowledge of causes as well as effects of air
7 pollution,

8 f. one member shall be selected from agriculture, and, as
9 such, shall be engaged in or employed by a basic
10 agricultural business or the processing of
11 agricultural products,

12 g. one member shall be selected from the political
13 subdivisions of the state, and, as such, shall be a
14 member of the local government body of a city or town,

15 h. one member, whose first term shall expire on June 15,
16 1998, shall be selected from the general public, and

17 i. one member, whose first term shall expire on June 15,
18 1999, shall be selected from the electric utilities
19 industry, and as such, shall be knowledgeable in
20 matters of air pollution and control.

21 4. Each member shall be appointed to serve a term of office of
22 seven (7) years.

23 The terms of all members shall be deemed to have expired on June
24 15th of the year of expiration, and shall continue until successors

1 have been duly appointed and qualified. If a vacancy occurs, the
2 Governor shall appoint a person for the remaining portion of the
3 unexpired term created by the vacancy. Five members of the Council
4 shall constitute a quorum.

5 5. The Council shall hold at least two regular meetings each
6 calendar year at a place and time to be fixed by the Council. The
7 Council shall select one of its members to serve as chair and
8 another of its members to serve as vice-chair at the first regular
9 meeting in each calendar year to serve as the chair and vice-chair
10 for the ensuing year. Special meetings may be called, and any
11 meeting may be canceled, by the chair, or by three members of the
12 Council by delivery of written notice to each member of the Council.

13 6. The jurisdictional areas of the Air Quality Council shall
14 include Article V of this chapter and such other areas as designated
15 by the Board.

16 ~~F.~~ H. In addition to other powers and duties assigned to each
17 Council pursuant to this Code, each Council shall, within its
18 jurisdictional area:

19 1. Have authority to recommend to the Board rules on behalf of
20 the Department. The Department shall not have standing to recommend
21 to the Board permanent rules or changes to such rules within the
22 jurisdiction of a Council which have not previously been submitted
23 to the appropriate Council for action;

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1 2. Before recommending any permanent rules to the Board, give
2 public notice, offer opportunity for public comment and conduct a
3 public rulemaking hearing when required by the Administrative
4 Procedures Act;

5 3. Have the authority to make written recommendations to the
6 Board which have been concurred upon by at least a majority of the
7 membership of the Council;

8 4. Have the authority to provide a public forum for the
9 discussion of issues it considers relevant to its area of
10 jurisdiction, and to:

11 a. pass nonbinding resolutions expressing the sense of
12 the Council, and

13 b. make recommendations to the Board or Department
14 concerning the need and the desirability of conducting
15 meetings, workshops and seminars; and

16 5. Cooperate with each other Council, the public, the Board and
17 the Executive Director in order to coordinate the rules within their
18 respective jurisdictional areas and to achieve maximum efficiency
19 and effectiveness in furthering the objectives of the Department.

20 ~~J.~~ I. The Councils shall not recommend rules for promulgation
21 by the Environmental Quality Board unless all applicable
22 requirements of the Administrative Procedures Act have been
23 followed, including but not limited to notice, rule impact statement
24 and rule-making hearings.

1 ~~K.~~ J. Members of the Councils shall serve without compensation
2 but may be reimbursed expenses incurred in the performance of their
3 duties, as provided in the State Travel Reimbursement Act. The
4 Councils are authorized to utilize the conference rooms of the
5 Department of Environmental Quality and obtain administrative
6 assistance from the Department, as required.

7 SECTION 3. AMENDATORY 47 O.S. 2011, Section 40-122, is
8 amended to read as follows:

9 Section 40-122. A. ~~There is hereby created~~ Effective July 1,
10 2013, the Advisory Committee for Motorcycle Safety and Education
11 ~~which shall be placed under the authority of the Oklahoma Highway~~
12 Safety Office. The Advisory Committee for Motorcycle Safety and
13 Education shall be comprised of the Administrator of the Motorcycle
14 Safety and Education Program in the Department of Public Safety, who
15 shall serve as chair of the Committee and shall be a nonvoting
16 member, and seven (7) voting members, six of whom shall be appointed
17 by the Commissioner of Public Safety and one of whom shall be
18 appointed by the Insurance Commissioner. One member shall be a
19 certified instructor of motorcycle safety and education; three
20 members shall be licensed and safety course certified motorcycle
21 operators/owners; one member shall represent private sector
22 motorcycle rider education schools; one member shall be a
23 representative of the Oklahoma Highway Safety Office; and the member
24 appointed by the Insurance Commissioner shall be an employee of the

1 office of the Insurance Commissioner's office Commissioner. Members
2 shall serve at the pleasure of the appointing authority, except as
3 provided in subsection B of this section.

4 B. By January 1, 2011, the Commissioner of Public Safety shall
5 appoint three of the members of the Advisory Committee for
6 Motorcycle Safety and Education in accordance with the requirements
7 as modified in subsection A of this section upon the effective date
8 of this act. Once appointed all members shall serve at the pleasure
9 of the appointing authority.

10 C. The Committee shall meet at the call of the Administrator or
11 the Commissioner of Public Safety. A vice-chair shall be elected by
12 the Committee from among its members. The vice-chair shall act as
13 chair of the Committee only in the absence of the Administrator at
14 officially called meetings of the Committee.

15 D. The Committee shall advise and assist the Commissioner of
16 Public Safety in the development, administration and operation of
17 the Motorcycle Safety and Education Program and the setting of
18 goals, objectives and priorities for the Program.

19 E. The provisions of this section shall not be construed to
20 authorize the creation of any additional salaried position within
21 the Department of Public Safety or Oklahoma Highway Safety Office.

22 F. Members of the Committee who are not state employees shall
23 receive no compensation from the state for serving on the Committee.
24 All members of the Committee shall be entitled to reimbursement for

1 any actual and necessary traveling expenses pursuant to the State
2 Travel Reimbursement Act.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 708 of Title 52, unless there is
5 created a duplication in numbering, reads as follows:

6 A. On the effective date of this act, the Commission on
7 Marginally Producing Oil and Gas Wells shall be placed under the
8 authority of the Oklahoma Energy Resources Board. Except as
9 otherwise provided for in this section, the transfer shall include
10 all real property, buildings, furniture, equipment, supplies,
11 records, personnel, assets, current and future liabilities, fund
12 balances, encumbrances, obligations, and indebtedness associated
13 with the Commission on Marginally Producing Oil and Gas Wells.

14 B. All employees of the Commission on Marginally Producing Oil
15 and Gas Wells on the effective date of this act, including related
16 liabilities for sick leave, annual leave, holidays, unemployment
17 benefits, and workers' compensation benefits accruing prior to the
18 effective date of this act to such personnel, shall be transferred
19 to the Oklahoma Energy Resources Board as of the effective date of
20 this act. It is the intent of the Legislature that, to the extent
21 possible, the Oklahoma Energy Resources Board ensure that the
22 employees retain pay and benefits, as much as possible, including
23 longevity, dependent insurance benefits, seniority, rights, and
24 other privileges or benefits.

1 C. Appropriate conveyances and other documents shall be
2 executed to effectuate the transfer of property owned by the
3 Commission on Marginally Producing Oil and Gas Wells to the Oklahoma
4 Energy Resources Board.

5 D. Any monies donated or accruing to or in the name of the
6 Commission on Marginally Producing Oil and Gas Wells after the
7 effective date of this act shall be transferred to the Oklahoma
8 Energy Resources Board. Any other monies from appropriations, fees,
9 fines, penalties, or other similar types of monies that accrue in
10 any funds or accounts after the effective date of this act in the
11 name of the Commission on Marginally Producing Oil and Gas Wells or
12 maintained for the benefit of the Commission on Marginally Producing
13 Oil and Gas Wells are transferred to the Oklahoma Energy Resources
14 Board.

15 E. The Oklahoma Energy Resources Board shall succeed to any
16 contractual rights and responsibilities incurred by the Commission
17 on Marginally Producing Oil and Gas Wells.

18 F. The rules of the Commission on Marginally Producing Oil and
19 Gas Wells that are in effect on the effective date of this act shall
20 be enforceable by the Oklahoma Energy Resources Board until the
21 Board establishes rules.

22 SECTION 5. AMENDATORY 52 O.S. 2011, Section 703, is
23 amended to read as follows:

1 Section 703. A. To fund the activities of the ~~Commission on~~
2 ~~Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources
3 Board, a fee shall be levied in the amount of thirty-five hundredths
4 of one cent (\$0.0035) on each barrel of petroleum liquid and fifteen
5 thousandths of one cent (\$0.00015) on each one thousand (1,000)
6 cubic feet (Mcf) of natural gas, including casinghead gas, produced
7 from each well in the State of Oklahoma except for oil and gas
8 production exempt from the payment of gross production tax pursuant
9 to Section 1001 of Title 68 of the Oklahoma Statutes.

10 B. The fee levied by subsection A of this section shall be
11 deducted from the proceeds of production by the person remitting
12 gross production tax to the Oklahoma Tax Commission pursuant to
13 Section 1001 et seq. of Title 68 of the Oklahoma Statutes. The fee
14 shall be remitted to the Tax Commission in the same manner as is
15 provided by law for the payment of gross production tax. However,
16 the fee shall not be required to be paid until the accrued amount
17 due from any person required to remit the fee reaches Twenty-five
18 Dollars (\$25.00), except that any amount accrued for any calendar
19 year shall be paid by January 31st of the following year. To defray
20 the costs of receiving and depositing the fees levied by this
21 section, the Tax Commission shall retain three percent (3%) of the
22 fees received for deposit into the Oklahoma Tax Commission Revolving
23 Fund created pursuant to Section 113 of Title 68 of the Oklahoma
24 Statutes. The remaining monies received by the Tax Commission

1 pursuant to this section shall be deposited in the ~~Commission on~~
2 ~~Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources
3 Board Revolving Fund ~~created by Section 705 of this title.~~

4 C. The ~~Commission on Marginally Producing Oil and Gas Wells~~
5 Oklahoma Energy Resources Board shall be responsible for taking
6 appropriate and necessary actions to collect any fee which is not
7 paid or is not properly paid. The Tax Commission shall not be
8 responsible for collecting any fee not remitted to the Tax
9 Commission for deposit into the ~~Commission on Marginally Producing~~
10 ~~Oil and Gas Wells~~ Oklahoma Energy Resources Board Revolving Fund.

11 The Tax Commission shall report to the ~~Commission on Marginally~~
12 ~~Producing Oil and Gas Wells~~ Oklahoma Energy Resources Board any
13 information it obtains regarding failure of any person to properly
14 pay the fee due, including any documentation it may have of the
15 failure.

16 D. The Tax Commission shall promulgate rules to establish
17 procedures and forms necessary for the remittance of the fee levied
18 by this section.

19 E. The ~~Commission on Marginally Producing Oil and Gas Wells~~
20 Oklahoma Energy Resources Board shall be prohibited from utilizing
21 any funds collected through the assessment authorized by this
22 section for the purpose of influencing governmental action or
23 policy, with the exception of recommending amendments to Section 700
24 et seq. of this title. The ~~Commission~~ Board shall be authorized to

1 respond to any request for information from the Governor, any
2 members of the Legislature, any public official or state agency.

3 SECTION 6. AMENDATORY 52 O.S. 2011, Section 704, is
4 amended to read as follows:

5 Section 704. A. Any person subject to the fee levied by
6 Section 4 703 of this ~~act~~ title may request a refund as provided in
7 this section of the fee paid on production for the preceding
8 calendar year. Upon compliance with the provisions of this section
9 and rules promulgated by the ~~Commission on marginally producing oil~~
10 ~~and gas wells~~ Oklahoma Energy Resources Board to implement this
11 section, the ~~Commission~~ Board shall refund to each person requesting
12 a refund the amount of the fee paid by or on behalf of such person
13 during the preceding calendar year.

14 B. The request for a refund of the fee paid on production for
15 the preceding calendar year must be made during the first three (3)
16 calendar months following the calendar year for which the refund is
17 requested. Failure to request a refund during this period shall
18 terminate the right of any person to receive a refund for the fee
19 paid on production for the preceding calendar year. The ~~Commission~~
20 Board shall give notice of the availability of the refund through
21 press releases or such other means as it deems appropriate.

22 C. Each request for a refund shall be made in such manner and
23 upon such forms as the ~~Commission~~ Board may require. Each person
24 requesting a refund shall execute an affidavit stating the

1 description of the producing property generating the production for
2 which the refund is requested, the amount of the refund requested
3 and that affiant was the owner of the production upon which the fee
4 was levied. The ~~Commission~~ Board may require such other information
5 and documentation reasonably necessary to verify the accuracy of the
6 request for a refund.

7 SECTION 7. AMENDATORY 52 O.S. 2011, Section 705, as
8 amended by Section 220, Chapter 304, O.S.L. 2012 (52 O.S. Supp.
9 2012, Section 705), is amended to read as follows:

10 Section 705. There is hereby created in the State Treasury a
11 revolving fund for the ~~Commission on Marginally Producing Oil and~~
12 ~~Gas Wells~~ Oklahoma Energy Resources Board to be designated the
13 "~~Commission on Marginally Producing Oil and Gas Wells~~ Oklahoma
14 Energy Resources Board Revolving Fund". The fund shall be a
15 continuing fund, not subject to fiscal year limitations, and shall
16 consist of monies collected from two-tenths of one cent (\$0.002) on
17 each barrel of petroleum liquid and one-tenth of one cent (\$0.001)
18 on each ten thousand (10,000) cubic feet of natural gas, including
19 casinghead gas, produced from each well in the State of Oklahoma.
20 All monies accruing to the credit of said fund are hereby
21 appropriated and may be budgeted and expended by said ~~Commission~~
22 Board for any and all necessary expenses for the operation of said
23 ~~Commission~~ Board. Expenditures from said fund shall be made upon
24 warrants issued by the State Treasurer against claims filed as

1 prescribed by law with the Director of the Office of Management and
2 Enterprise Services for approval and payment.

3 SECTION 8. RECODIFICATION 52 O.S. 2011, Section 703, as
4 amended by Section 5 of this act, shall be recodified as Section
5 288.13 of Title 52 of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 9. RECODIFICATION 52 O.S. 2011, Section 704, as
8 amended by Section 6 of this act, shall be recodified as Section
9 288.14 of Title 52 of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 10. RECODIFICATION 52 O.S. 2011, Section 705, as
12 amended by Section 7 of this act, shall be recodified as Section
13 288.15 of Title 52 of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 11. REPEALER 52 O.S. 2011, Sections 700, 701,
16 702, 706 and 707, is hereby repealed.

17 SECTION 12. REPEALER 59 O.S. 2011, Section 1103, as
18 amended by Section 1, Chapter 55, O.S.L. 2012 (59 O.S. Supp. 2012,
19 Section 1103), is hereby repealed.

20 SECTION 13. AMENDATORY 70 O.S. 2011, Section 3311, as
21 last amended by Section 1, Chapter 84, O.S.L. 2012 (70 O.S. Supp.
22 2012, Section 3311), is amended to read as follows:

23 Section 3311. A. There is hereby created a Council on Law
24 Enforcement Education and Training which shall be, and is hereby

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

22 1. The Commissioner of the Department of Public Safety, or
23 designee;

24

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

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

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

8 5. One member appointed by the Governor who shall be a chief of
9 police of a municipality with a population over one hundred thousand
10 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

23

24

1 9. One member appointed by the Board of Directors of the
2 Fraternal Order of Police who shall have experience as a training
3 officer;

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

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

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

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

19 The Director selected by the Council shall be an ex officio
20 member of the Council and shall act as Secretary. The Council on
21 Law Enforcement Education and Training shall select a chair and
22 vice-chair from among its members. Members of the Council on Law
23 Enforcement Education and Training shall not receive a salary for
24 duties performed as members of the Council, but shall be reimbursed

1 for their actual and necessary expenses incurred in the performance
2 of Council duties pursuant to the provisions of the State Travel
3 Reimbursement Act.

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

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

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

17 ~~3.~~ 2. Authorize research, basic and advanced courses, and
18 seminars to assist in program planning directly and through
19 subcommittees;

20 ~~4.~~ 3. Authorize additional staff and services necessary for
21 program expansion;

22 ~~5.~~ 4. Recommend legislation necessary to upgrade Oklahoma law
23 enforcement to professional status;

24

1 ~~6.~~ 5. Establish policies and regulations concerning the number,
2 geographic and police unit distribution, and admission requirements
3 of those receiving tuition or scholarship aid available through the
4 Council. Such waiver of costs shall be limited to duly appointed
5 members of legally constituted local, county, and state law
6 enforcement agencies on the basis of educational and financial need;

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

18 ~~8.~~ 7. Enter into contracts and agreements for the payment of
19 classroom space, food, and lodging expenses as may be necessary for
20 law enforcement officers attending any official course of
21 instruction approved or conducted by the Council. Such expenses may
22 be paid directly to the contracting agency or business
23 establishment. The food and lodging expenses for each law
24 enforcement officer shall not exceed the authorized rates as

1 provided for in the State Travel Reimbursement Act; provided,
2 however, the Council may provide food and lodging to law enforcement
3 officials attending any official course of instruction approved or
4 conducted by the Council rather than paying for the provision of
5 such food and lodging by an outside contracting agency or business
6 establishment;

7 ~~9.~~ 8. a. Certify canine teams, consisting of a dog and a
8 handler working together as a team, trained to detect:

- 9 (1) controlled dangerous substances, or
10 (2) explosives, explosive materials, explosive
11 devices, or materials which could be used to
12 construct an explosive device;

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

19 b. Upon retiring the dog from the service it was
20 certified to perform, the law enforcement department
21 that handled the dog shall retain possession of the
22 dog. The handler shall have first option of adopting
23 the dog. If that option is not exercised, the law
24 enforcement department shall provide for its adoption.

1 Once adopted the dog shall not be placed back into
2 active service;

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

20 ~~11.~~ 10. Accept gifts, bequests, devises, contributions and
21 grants, public or private, of real or personal property;

22 ~~12.~~ 11. Appoint an advisory committee composed of
23 representatives from security guard and private investigative
24 agencies to advise the Council concerning necessary research,

1 minimum standards for licensure, education, and other matters
2 related to licensure of security guards, security guard agencies,
3 private investigators, and private investigative agencies;

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

17 ~~14.~~ 13. Promulgate rules to establish a state firearms
18 requalification standard for active peace officers and meet any
19 requirements of the federal Law Enforcement Officers Safety Act of
20 2004 for peace officers to carry concealed weapons nationwide;

21 ~~15.~~ 14. Set minimal criteria relating to qualifications for
22 chief of police administrative training pursuant to Section 34-102
23 of Title 11 of the Oklahoma Statutes, assist in developing a course
24

1 of training for a Police Chief Administrative School, and approve
2 all police chief administrative training offered in this state;

3 ~~16.~~ 15. Appoint a Curriculum Review Board to be composed of six
4 (6) members as follows:

5 a. one member shall be selected by the Chancellor for
6 Higher Education, who possesses a background of
7 creation and review of curriculum and experience
8 teaching criminal justice or law enforcement courses,
9 who shall serve an initial term of one (1) year,

10 b. one member shall represent a municipal jurisdiction
11 with a population of fifty thousand (50,000) or more
12 and who shall be a management-level CLEET-certified
13 training officer, who shall serve an initial term of
14 two (2) years,

15 c. one member shall represent a county jurisdiction with
16 a population of fifty thousand (50,000) or more and
17 who shall be a management-level CLEET-certified
18 training officer, who shall serve an initial term of
19 three (3) years,

20 d. one member shall represent a municipal jurisdiction
21 with a population of less than fifty thousand (50,000)
22 and who shall be a CLEET-certified training officer,
23 who shall serve an initial term of two (2) years,
24

- 1 e. one member shall represent a county jurisdiction with
2 a population of less than fifty thousand (50,000) and
3 who shall be a CLEET-certified training officer, who
4 shall serve an initial term of one (1) year, and
5 f. one member selected by the Oklahoma Department of
6 Career and Technology Education from the Curriculum
7 Material and Instructional Material Center, who shall
8 serve an initial term of three (3) years.

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

17 ~~17.~~ 16. Conduct review and verification of any records relating
18 to the statutory duties of CLEET;

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

1 ~~19.~~ 18. Summarily suspend a certification of a peace officer,
2 without prior notice but otherwise subject to administrative
3 proceedings, if CLEET finds that the actions of the certified peace
4 officer may present a danger to the peace officer, the public, a
5 family or household member, or involve a crime against a minor; and

6 ~~20.~~ 19. Approve law enforcement agencies and police departments
7 in accordance with the following:

- 8 a. this section applies only to an entity authorized by
9 statute or by the Constitution to create a law
10 enforcement agency or police department and
11 commission, appoint, or employ officers that first
12 creates or reactivates an inactive law enforcement
13 agency or police department and first begins to
14 commission, appoint, or employ officers on or after
15 November 1, 2011,
- 16 b. the entity shall submit to CLEET, a minimum of sixty
17 (60) days prior to creation of the law enforcement
18 agency or police department, information regarding:
19 (1) the need for the law enforcement agency or police
20 department in the community,
21 (2) the funding sources for the law enforcement
22 agency or police department, and proof that no
23 more than fifty percent (50%) of the funding of
24

1 the entity will be derived from ticket revenue
2 and/or fines,

3 (3) the physical resources available to officers,

4 (4) the physical facilities that the law enforcement
5 agency or police department will operate,
6 including descriptions of the evidence room,
7 dispatch area, restroom facilities, and public
8 area,

9 (5) law enforcement policies of the law enforcement
10 agency or police department, including published
11 policies on:

12 (a) use of force,

13 (b) vehicle pursuit,

14 (c) mental health,

15 (d) professional conduct of officers,

16 (e) domestic abuse,

17 (f) response to missing persons,

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

19 (h) impartial policing,

20 (6) the administrative structure of the law
21 enforcement agency or police department,

22 (7) liability insurance, and

23 (8) any other information CLEET requires by rule,
24

1 c. within sixty (60) days of receiving an entity's
2 request, CLEET will forward to the entity by certified
3 mail, return receipt requested, a letter of
4 authorization or denial to create a law enforcement
5 agency or police department and commission, appoint,
6 or employ officers, signed by the Director of CLEET,

7 d. in cases of denial, the entity may appeal the decision
8 of the Director to the full CLEET Council. The
9 Director shall ensure that the final report is
10 provided to all members of the Council. The Council
11 shall review and make recommendations concerning the
12 report at the first meeting of the Council to occur
13 after all members of the Council have received the
14 report. The Council may, by majority vote:

- 15 (1) order additional information be provided,
- 16 (2) order confirmation of the Director's opinion, or
- 17 (3) order authorization of the entity.

18 C. 1. Payment of any fee provided for in this section may be
19 made by a nationally recognized credit or debit card issued to the
20 applicant. The Council may publicly post and collect a fee for the
21 acceptance of the nationally recognized credit or debit card not to
22 exceed five percent (5%) of the amount of the payment. For purposes
23 of this subsection, "nationally recognized credit card" means any
24 instrument or device, whether known as a credit card, credit plate,

1 charge plate, or by any other name, issued with or without fee by an
2 issuer for the use of the cardholder in obtaining goods, services,
3 or anything else of value and which is accepted by over one thousand
4 merchants in this state. "Debit card" means an identification card
5 or device issued to a person by a business organization which
6 permits such person to obtain access to or activate a consumer
7 banking electronic facility. The Council shall determine which
8 nationally recognized credit or debit cards will be accepted as
9 payment for fees.

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

12 a. add an amount equal to the amount of the service
13 charge incurred, not to exceed three percent (3%) of
14 the amount of the check as a service charge for the
15 acceptance and verification of the check, or

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

21 D. Failure of the Legislature to appropriate necessary funds to
22 provide for expenses and operations of the Council on Law
23 Enforcement Education and Training shall not invalidate other
24

1 provisions of this section relating to the creation and duties of
2 the Council.

3 E. 1. No person shall be eligible to complete a basic police
4 course approved by the Council until the Oklahoma State Bureau of
5 Investigation and the Federal Bureau of Investigation have reported
6 to the submitting agency that such person has no felony record, and
7 the employing agency has reported to the Council that such person
8 has undergone psychological testing as provided for in paragraph 2
9 of this subsection, and the applicant has certified the completion
10 of a high school diploma or a GED equivalency certificate and that
11 the applicant is not participating in a deferred sentence agreement
12 for a felony or a crime involving moral turpitude or is not
13 currently subject to an order of the Council revoking, suspending,
14 or accepting a voluntary surrender of peace officer certification
15 and that the applicant is not currently undergoing treatment for a
16 mental illness, condition, or disorder. For purposes of this
17 subsection, "currently undergoing treatment for mental illness,
18 condition, or disorder" means the person has been diagnosed by a
19 licensed physician or psychologist as being afflicted with a
20 substantial disorder of thought, mood, perception, psychological
21 orientation, or memory that significantly impairs judgment,
22 behavior, capacity to recognize reality, or ability to meet the
23 ordinary demands of life and such condition continues to exist.

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

4 a. the Oklahoma State Bureau of Investigation and the
5 Federal Bureau of Investigation have reported that
6 such person has no record of a conviction of a felony,
7 a crime involving moral turpitude, or a crime of
8 domestic violence,

9 b. such person has undergone psychological evaluation by
10 the employing agency using a psychological instrument
11 approved by the Council on Law Enforcement Education
12 and Training. The employing agency shall administer
13 the psychological instrument in accordance with
14 standards established within the test document. To
15 aid the evaluating psychologist in interpreting the
16 test results, including automated scoring and
17 interpretations, the employing agency shall provide
18 the psychologist a statement confirming the identity
19 of the individual taking the test as the person who is
20 employed or seeking employment as a peace officer of
21 the agency and attesting that it administered the
22 psychological instrument in accordance with standards
23 within the test document. The psychologist shall
24 report to the employing agency the evaluation of the

1 assessment instrument and may include any additional
2 recommendations to assist the employing agency in
3 determining whether to certify to the Council on Law
4 Enforcement Education and Training that the person
5 being evaluated is suitable to serve as a peace
6 officer in the State of Oklahoma. No additional
7 procedures or requirements shall be imposed for
8 performance of the psychological evaluation. The
9 psychological instrument utilized shall be evaluated
10 by a psychologist licensed by the State of Oklahoma,
11 and the employing agency shall certify to the Council
12 that the evaluation was conducted in accordance with
13 this provision and that the employee/applicant is
14 suitable to serve as a peace officer in the State of
15 Oklahoma. Any person found not to be suitable for
16 employment or certification by the Council shall not
17 be employed, retained in employment as a peace
18 officer, or certified by the Council for at least one
19 (1) year, at which time the employee/applicant may be
20 reevaluated by a psychologist licensed by the State of
21 Oklahoma. This section shall also be applicable to
22 all reserve peace officers in the State of Oklahoma.
23 Any person who is certified by CLEET and has undergone
24 the psychological evaluation required by this

1 subparagraph and has been found to be suitable as a
2 peace officer shall not be required to be reevaluated
3 for any subsequent employment as a peace officer
4 following retirement or any break in service as a
5 peace officer, unless such break in service exceeds
6 five (5) years or the Council determines that a peace
7 officer may present a danger to himself or herself,
8 the public, or a family or household member,

9 c. such person possesses a high school diploma or a GED
10 equivalency certificate, provided this requirement
11 shall not affect those persons who are already
12 employed as a police or peace officer prior to
13 November 1, 1985,

14 d. such person is not participating in a deferred
15 sentence agreement for a felony, a crime involving
16 moral turpitude, or a crime of domestic violence,

17 e. such person has attained twenty-one (21) years of age
18 prior to certification as a peace officer,

19 f. such person has provided proof of United States
20 citizenship or resident alien status, pursuant to an
21 employment eligibility verification form from the
22 United States Citizenship and Immigration Services,
23 and
24

1 g. the name, gender, date of birth, and address of such
2 person have been presented to the Department of Mental
3 Health and Substance Abuse Services by the Council.
4 The Department of Mental Health and Substance Abuse
5 Services shall respond to the Council within ten (10)
6 days whether the computerized records of the
7 Department indicate the applicant has ever been
8 involuntarily committed to an Oklahoma state mental
9 institution. In the event that the Department of
10 Mental Health and Substance Abuse Services reports to
11 the Council that the applicant has been involuntarily
12 committed, the Council shall immediately inform the
13 employing agency,

14 and the Council has determined that such person has satisfactorily
15 completed a basic police course approved by the Council. All basic
16 police courses shall include a minimum of four (4) hours of
17 education and training in recognizing and managing a person
18 appearing to require mental health treatment or services. The
19 training shall include training in crime and drug prevention, crisis
20 intervention, youth and family intervention techniques, recognizing,
21 investigating and preventing abuse and exploitation of elderly
22 persons, mental health issues, and criminal jurisdiction on
23 Sovereign Indian Land.

1 Subject to the availability of funding, for full-time salaried
2 police or peace officers a basic police course academy shall be as
3 follows: any academy graduating after July 1, 2007, but before
4 December 31, 2007, shall have three hundred seventy-five (375)
5 hours; any academy graduating after January 1, 2008, but before June
6 30, 2008, shall have five hundred five (505) hours; any academy
7 graduating after July 1, 2008, but before June 30, 2009, shall have
8 five hundred seventy-six (576) hours; and any academy graduating
9 after July 1, 2009, shall have six hundred (600) hours.

10 For reserve deputies a basic police course shall be as follows:
11 any reserve academy approved by the Council prior to December 31,
12 2007, shall have one hundred sixty (160) hours; and any reserve
13 academy approved by the Council after January 1, 2008, shall have
14 two hundred forty (240) hours.

15 3. Every person who has not been certified as a police or peace
16 officer and is duly appointed or elected as a police or peace
17 officer shall hold such position on a temporary basis only, and
18 shall, within one (1) year from the date of appointment or taking
19 office, qualify as required in this subsection or forfeit such
20 position; provided, however, effective November 1, 2004, every
21 person who has not been certified as a police or peace officer and
22 is duly appointed or elected as a police or peace officer shall hold
23 such position on a temporary basis only, and shall, within six (6)
24 months from the date of appointment or taking office, qualify as

1 required in this subsection or forfeit such position. In computing
2 the time for qualification, all service shall be cumulative from
3 date of first appointment or taking office as a police or peace
4 officer with any department in this state. The Council may extend
5 the time requirement specified in this paragraph for good cause as
6 determined by the Council. An elected police or peace officer shall
7 be eligible to enroll in a basic police course in accordance with
8 this subsection upon being elected. A duty is hereby imposed upon
9 the employing agency to withhold payment of the compensation or wage
10 of said unqualified officer. If the police or peace officer fails
11 to forfeit the position or the employing agency fails to require the
12 officer to forfeit the position, the district attorney shall file
13 the proper action to cause the forfeiting of such position. The
14 district court of the county where the officer is employed shall
15 have jurisdiction to hear the case.

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

21 5. For purposes of this section, a police or peace officer is
22 defined as a full-time duly appointed or elected officer who is paid
23 for working more than twenty-five (25) hours per week and whose
24 duties are to preserve the public peace, protect life and property,

1 prevent crime, serve warrants, and enforce laws and ordinances of
2 this state, or any political subdivision thereof; provided, elected
3 sheriffs and their deputies and elected, appointed, or acting chiefs
4 of police shall meet the requirements of this subsection within the
5 first six (6) months after assuming the duties of the office to
6 which they are elected or appointed or for which they are an acting
7 chief; provided further, that this section shall not apply to
8 persons designated by the Director of the Department of Corrections
9 as peace officers pursuant to Section 510 of Title 57 of the
10 Oklahoma Statutes.

11 F. No person shall be certified as a police or peace officer by
12 the Council or be employed by the state, a county, a city, or any
13 political subdivision thereof, who is currently subject to an order
14 of the Council revoking, suspending, or accepting a voluntary
15 surrender of peace officer certification or who has been convicted
16 of a felony, a crime involving moral turpitude, or a crime of
17 domestic violence, unless a full pardon has been granted by the
18 proper agency; however, any person who has been trained and
19 certified by the Council on Law Enforcement Education and Training
20 and is actively employed as a full-time peace officer as of November
21 1, 1985, shall not be subject to the provisions of this subsection
22 for convictions occurring prior to November 1, 1985.

23 G. Every person employed as a police or peace officer in this
24 state shall be fingerprinted by the employing law enforcement

1 agency. One set of fingerprint impressions shall be mailed to the
2 Oklahoma State Bureau of Investigation and one set to the Federal
3 Bureau of Investigation, Washington, D.C., within ten (10) days from
4 the initial date of employment.

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

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

18 2. An employing agency shall not be liable in any action
19 arising out of the release of contents of personnel information
20 relevant to the qualifications or ability of a person to perform the
21 duties of a police or peace officer when such information is
22 released pursuant to written authorization for release of
23 information signed by such person and is provided to another
24

1 employing agency which has employed or has received an application
2 for employment from such person.

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

7 I. 1. A law enforcement agency employing police or peace
8 officers in this state shall report the hiring, resignation, or
9 termination for any reason of a police or peace officer to the
10 Council at a time established by the Council. Failure to comply
11 with the provisions of this subsection may disqualify a law
12 enforcement agency from participating in training programs sponsored
13 by the Council.

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

1 J. It is unlawful for any person to willfully make any
2 statement in an application to CLEET knowing the statement is false
3 or intentionally commit fraud in any application to the Council for
4 attendance in any CLEET-conducted or CLEET-approved peace officer
5 academy or Collegiate Officer Program or for the purpose of
6 obtaining peace officer certification or reinstatement. It is
7 unlawful for any person to willfully submit false or fraudulent
8 documents relating to continuing education rosters, transcripts or
9 certificates, or any canine license application. Any person
10 convicted of a violation of this subsection shall be guilty of a
11 felony punishable by imprisonment in the Department of Corrections
12 for a term of not less than two (2) years nor more than five (5)
13 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
14 or by both such fine and imprisonment.

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

- 19 a. conviction of a felony or a crime of domestic
20 violence,
- 21 b. conviction of a misdemeanor involving moral turpitude;
22 provided, if the conviction is a single isolated
23 incident that occurred more than five (5) years ago
24 and the Council is satisfied that the person has been

1 sufficiently rehabilitated, the Council may certify
2 such person providing that all other statutory
3 requirements have been met,

4 c. a verdict of guilt or entry of a plea of guilty or
5 nolo contendere for a deferred sentence for a felony
6 offense, a crime of moral turpitude, or a crime of
7 domestic violence,

8 d. falsification or a willful misrepresentation of
9 information in an employment application or
10 application to the Council on Law Enforcement
11 Education and Training, records of evidence, or in
12 testimony under oath,

13 e. revocation or voluntary surrender of police or peace
14 officer certification in another state for a violation
15 of any law or rule or in settlement of any
16 disciplinary action in such state,

17 f. involuntary commitment of a police or peace officer in
18 a mental institution or licensed private mental health
19 facility for any mental illness, condition or disorder
20 that is diagnosed by a licensed physician or
21 psychologist as a substantial disorder of thought,
22 mood, perception, psychological orientation, or memory
23 that significantly impairs judgment, behavior,
24 capacity to recognize reality, or ability to meet the

1 ordinary demands of life. Provided, the peace officer
2 certification may be reinstated upon the Council
3 receiving notification of a psychological evaluation
4 conducted by a licensed physician or psychologist
5 which attests and states by affidavit that the officer
6 and the evaluation test data of the officer have been
7 examined and that, in the professional opinion of the
8 physician or psychologist, the officer is
9 psychologically suitable to return to duty as a peace
10 officer, or

11 g. abuse of office.

12 2. Disciplinary proceedings shall be commenced by filing a
13 complaint with the Council on a form approved by the Council and
14 verified by the complainant. Any employing agency or other person
15 having information may submit such information to the Council for
16 consideration as provided in this subsection.

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

19 a. there is reason to believe the person has violated any
20 provision of this subsection or any other provision of
21 law or rule, or

22 b. there is reason to believe the person has been
23 convicted of a felony, a crime involving moral
24 turpitude or a domestic violence offense or is

1 currently participating in a deferred sentence for
2 such offenses.

3 4. When the investigation of a complaint does not find the
4 person has violated any of the provisions of this subsection, or
5 finds that the person is sufficiently rehabilitated as provided in
6 subparagraph b or f of paragraph 1 of this subsection, no
7 disciplinary action shall be required and the person shall remain
8 certified as a police or peace officer. When the investigation of a
9 complaint finds that the person has violated any of the provisions
10 of this subsection, the matter shall be referred for disciplinary
11 proceedings. The disciplinary proceedings shall be in accordance
12 with Articles I and II of the Administrative Procedures Act.

13 5. The Council shall revoke the certification of any person
14 upon determining that such person has been convicted of a felony or
15 a crime involving moral turpitude or a domestic violence offense;
16 provided, that if the conviction has been reversed, vacated or
17 otherwise invalidated by an appellate court, such conviction shall
18 not be the basis for revocation of certification; provided further,
19 that any person who has been trained and certified by the Council on
20 Law Enforcement Education and Training and is actively employed as a
21 full-time peace officer as of November 1, 1985, shall not be subject
22 to the provisions of this subsection for convictions occurring prior
23 to November 1, 1985. The sole issue to be determined at the hearing
24

1 shall be whether the person has been convicted of a felony, a crime
2 involving moral turpitude or a domestic violence offense.

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

7 7. The Council may suspend the certification of any person upon
8 a determination that such person has been involuntarily committed to
9 a mental institution or mental health facility for a mental illness,
10 condition or disorder as provided in subparagraph f of paragraph 1
11 of this subsection.

12 8. Every law enforcement agency in this state shall, within
13 thirty (30) days of a final order of termination or resignation
14 while under investigation of a CLEET-certified peace officer, report
15 such order or resignation in writing to the Director of the Council.
16 Any report, upon receipt by the Council, shall be considered as
17 personnel records and shall be afforded confidential protection
18 pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma
19 Statutes. The Director shall ensure that the report is provided to
20 all members of the Council. The Council shall review and make
21 recommendations concerning the report at the first meeting of the
22 Council to occur after all members of the Council have received the
23 report. The Council may, by a majority vote, order the suspension,
24 for a given period of time, or revocation of the CLEET certification

1 of the peace officer in question if there are grounds for such
2 actions pursuant to this section and the peace officer in question
3 has been provided with notice and an opportunity for a hearing
4 pursuant to the Administrative Procedures Act. Suspension or
5 revocation of CLEET certification pursuant to this paragraph shall
6 be reported to the district attorney for the jurisdiction in which
7 the peace officer was employed, to the liability insurance company
8 of the law enforcement agency that employed the peace officer, the
9 chief elected official of the governing body of the law enforcement
10 agency and the chief law enforcement officer of the law enforcement
11 agency.

12 9. For all other violations of this subsection, the hearing
13 examiner shall take into consideration the severity of the
14 violation, any mitigating circumstances offered by the person
15 subject to disciplinary action, and any other evidence relevant to
16 the person's character to determine the appropriate disciplinary
17 action.

18 10. a. A police or peace officer may voluntarily surrender
19 and relinquish the peace officer certification to
20 CLEET. Pursuant to such surrender or relinquishment,
21 the person surrendering the certification shall be
22 prohibited from applying to CLEET for reinstatement
23 within five (5) years of the date of the surrender or
24

1 relinquishment, unless otherwise provided by law for
2 reinstatement.

3 b. No person who has had a police or peace officer
4 certification from another state revoked or
5 voluntarily surrendered shall be considered for
6 certification by CLEET within five (5) years of the
7 effective date of any such revocation or voluntary
8 surrender of certification.

9 c. Any person seeking reinstatement of police or peace
10 officer certification which has been suspended,
11 revoked, or voluntarily surrendered may apply for
12 reinstatement pursuant to promulgated CLEET rules
13 governing reinstatement. Except as provided in this
14 subsection, any person whose certification has been
15 revoked, suspended or voluntarily surrendered for any
16 reason, including failure to comply with mandatory
17 education and training requirements, shall pay a
18 reinstatement fee of One Hundred Fifty Dollars
19 (\$150.00) to be deposited to the credit of the Peace
20 Officer Revolving Fund created pursuant to Section
21 3311.7 of this title.

22 11. A duty is hereby imposed upon the district attorney who, on
23 behalf of the State of Oklahoma, prosecutes a person holding police
24 or peace officer certification for a felony, a crime involving moral

1 turpitude, or a crime of domestic violence in which a plea of
2 guilty, nolo contendere, or other finding of guilt is entered by,
3 against or on behalf of a certified police or peace officer to
4 report such plea, agreement, or other finding of guilt to the
5 Council on Law Enforcement Education and Training within ten (10)
6 days of such plea agreement or the finding of guilt.

7 12. Any person or agency required or authorized to submit
8 information pursuant to this section to the Council shall be immune
9 from liability arising from the submission of the information as
10 long as the information was submitted in good faith and without
11 malice.

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

19 14. As used in this subsection:

20 a. "law enforcement agency" means any department or
21 agency of the state, a county, a municipality, or
22 political subdivision thereof, with the duties to
23 maintain public order, make arrests, and enforce the
24

1 criminal laws of this state or municipal ordinances,
2 which employs CLEET-certified personnel,

3 b. "final order of termination" means a final notice of
4 dismissal from employment provided after all
5 grievance, arbitration, and court actions have been
6 completed, and

7 c. "resignation while under investigation" means the
8 resignation from employment of a peace officer who is
9 under investigation for any felony violation of law, a
10 crime of moral turpitude, a crime of domestic
11 violence, or the resignation from employment of a
12 peace officer as part of an arbitration or plea
13 agreement.

14 L. 1. Every canine team in the state trained to detect
15 controlled dangerous substances or trained to detect explosives,
16 explosive materials, explosive devices, and material which could be
17 used to construct an explosive device shall be certified, by test,
18 in the detection of such controlled dangerous substances or such
19 explosives and materials and shall be recertified annually so long
20 as the canine is used for such detection purposes. The
21 certification test and annual recertification test provisions of
22 this subsection shall not be applicable to canines that are owned by
23 a law enforcement agency ~~and that~~ if such canines are certified and
24 annually recertified in the detection of controlled dangerous

1 substances by the United States Customs Service or in the detection
2 of explosives and materials by the United States Department of
3 Defense.

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

- 15 a. the Oklahoma State Bureau of Narcotics and Dangerous
16 Drugs Control,
- 17 b. the Department of Public Safety,
- 18 c. a police department,
- 19 d. a sheriff's office, and
- 20 e. a university or college campus police department.

21 3. The fee for the certification test shall be Two Hundred
22 Dollars (\$200.00) and the annual recertification test fee shall be
23 One Hundred Dollars (\$100.00) per canine team. A retest fee of
24 Fifty Dollars (\$50.00) will be charged if the team fails the test.

1 No such fee shall be charged to any local, state or federal
2 government agency. The fees provided for in this paragraph shall be
3 deposited to the credit of the CLEET Fund created pursuant to
4 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

16 ~~2. The Council shall appoint a Bomb Dog Advisory Council to~~
17 ~~make recommendations concerning minimum standards, educational~~
18 ~~needs, and other matters imperative to the certification of canines~~
19 ~~and canine teams trained to detect explosives, explosive materials,~~
20 ~~explosive devices and materials which could be used to construct an~~
21 ~~explosive device. The Council shall promulgate rules based upon the~~
22 ~~recommendations of the Advisory Council. Members of the Advisory~~
23 ~~Council shall include, but need not be limited to, a commissioned~~
24

1 ~~officer with practical knowledge of such canines and canine teams~~
2 ~~from each of the following:~~

- 3 a. ~~the Department of Public Safety,~~
- 4 b. ~~a police department,~~
- 5 c. ~~a sheriff's office, and~~
- 6 d. ~~a university or college campus police department.~~

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

15 ~~N.~~ All tribal police officers of any Indian tribe or nation who
16 have been commissioned by an Oklahoma law enforcement agency
17 pursuant to a cross-deputization agreement with the State of
18 Oklahoma or any political subdivision of the State of Oklahoma
19 pursuant to the provisions of Section 1221 of Title 74 of the
20 Oklahoma Statutes shall be eligible for peace officer certification
21 under the same terms and conditions required of members of the law
22 enforcement agencies of the State of Oklahoma and its political
23 subdivisions. CLEET shall issue peace officer certification to
24 tribal police officers who, as of July 1, 2003, are commissioned by

1 an Oklahoma law enforcement agency pursuant to a cross-deputization
2 agreement with the State of Oklahoma or any political subdivision of
3 the State of Oklahoma pursuant to the provisions of Section 1221 of
4 Title 74 of the Oklahoma Statutes and have met the training and
5 qualification requirements of this section.

6 ~~Θ.~~ N. If an employing law enforcement agency in this state has
7 paid the salary of a person while that person is completing in this
8 state a basic police course approved by the Council and if within
9 one (1) year after certification that person resigns and is hired by
10 another law enforcement agency in this state, the second agency or
11 the person receiving the training shall reimburse the original
12 employing agency for the salary paid to the person while completing
13 the basic police course by the original employing agency.

14 ~~Ρ.~~ O. The Council on Law Enforcement Education and Training, in
15 its discretion, may waive all or part of any moneys due to the
16 Council, if deemed uncollectable by the Council.

17 SECTION 14. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 A. The provisions of this act shall consolidate the duties and
20 functions of the Oklahoma Bioenergy Center and the Oklahoma
21 Bioenergy Board, created pursuant to the Oklahoma Bioenergy Center
22 Act which was enacted in 2007, into the Oklahoma Energy Initiative
23 and the Oklahoma Energy Initiative Board.

24

1 B. Any outstanding contracts, financial obligations or income
2 owing to the Oklahoma Bioenergy Center and the Oklahoma Bioenergy
3 Center Board and funds remaining in the Oklahoma Bioenergy Center
4 Revolving Fund, established pursuant to Section 5009.16 of Title 74
5 of the Oklahoma Statutes, shall be transferred upon the effective
6 date of this act to the Oklahoma Energy Initiative and the Oklahoma
7 Energy Initiative Board and all funds shall be deposited into the
8 Oklahoma Energy Initiative Revolving Fund, created pursuant to
9 Section 802.4 of Title 17 of the Oklahoma Statutes.

10 C. The Oklahoma Energy Initiative Board is authorized to
11 promulgate any rules necessary to implement the provisions of this
12 section.

13 SECTION 15. REPEALER 74 O.S. 2011, Sections 5009.11,
14 5009.12, 5009.13, 5009.14, 5009.15 and 5009.16, as amended by
15 Section 1026, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012, Section
16 5009.16), are hereby repealed.

17 SECTION 16. This act shall become effective November 1, 2013.
18

19 54-1-7459 LRB 02/28/13
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