HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1470 By: Murphey

COMMITTEE SUBSTITUTE

An Act relating to state government; creating the Cost Reduction, Efficiency and Reform Act of 2013; amending 27A O.S. 2011, Section 2-2-201, which relates to advisory councils; removing certain advisory council; adding jurisdictional areas for certain advisory council; deleting membership requirements of certain advisory council; amending 47 O.S. 2011, Section 40-122, which relates to the Advisory Committee for Motorcycle Safety and Education; placing the Advisory Committee for Motorcycle Safety and Education under the authority of the Oklahoma Highway Safety Office; placing the Commission on Marginally Producing Oil and Gas Wells under the authority of the Oklahoma Energy Resources Board; providing for transfer of property and other items; providing for transfer of personnel and 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

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

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

SECTION 1. NEW LAW A new section of law 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:

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1. The Water Quality Management Advisory Council;

2. The Hazardous Waste Management Advisory Council;

3. The Solid Waste Management Advisory Council; and

4. The Radiation Management Advisory Council~~; and~~

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

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

2. The Solid Waste Management Advisory Council shall consist of ten (10) members. Four members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House of Representatives and three members shall be appointed by the President Pro Tempore of the Senate. Appointments shall be for three-year terms. Members of the Solid Waste Management Advisory

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Council shall serve at the pleasure of and may be removed from office by the appointing authority. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. Six members shall constitute a quorum.

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

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

a. the Governor shall appoint three members as follows:

(1) one member representing the field of engineering,

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

(3) one member representing the general public,

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

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

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

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

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

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

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

(3) one member representing the field of agriculture.

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

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

a. the Governor shall appoint three members as follows:

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

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

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

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

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

(2) one member representing the general public, and

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

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

(1) one member representing the field of engineering,

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

(3) one member representing the field of geology.

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

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

a. the Governor shall appoint four members as follows:

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

(2) one member shall be a county commissioner,

(3) one member representing the general public, and

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

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

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

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

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

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

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

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

(3) one member representing the transportation industry.

2. The jurisdictional areas of the Solid Waste Management Advisory Council shall include Article X of this chapter, the Oklahoma Used Tire Recycling Act and such other areas as designated by the Board.

F. 1. All members of the Radiation Management Advisory Council shall be knowledgeable of radiation hazards and radiation protection. The Council shall be composed as follows:

a. the Governor shall appoint three members as follows:

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

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

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

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

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

(2) one member representing the general public, and

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

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

(1) one member representing the transportation industry,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. one member shall be selected from the engineering profession, and, as such, shall be a professional engineer and experienced in matters of air pollution

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equipment and control, who shall not be an employee of any unit of government,

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

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

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

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

f. one member shall be selected from agriculture, and, as such, shall be engaged in or employed by a basic

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agricultural business or the processing of agricultural products,

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

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

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

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

The terms of all members shall be deemed to have expired on June 15th of the year of expiration, and shall continue until successors have been duly appointed and qualified. If a vacancy occurs, the Governor shall appoint a person for the remaining portion of the unexpired term created by the vacancy. Five members of the Council shall constitute a quorum.

5. The Council shall hold at least two regular meetings each calendar year at a place and time to be fixed by the Council. The Council shall select one of its members to serve as chair and another of its members to serve as vice-chair at the first regular

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meeting in each calendar year to serve as the chair and vice-chair for the ensuing year. Special meetings may be called, and any meeting may be canceled, by the chair, or by three members of the Council by delivery of written notice to each member of the Council.

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

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

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

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

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

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

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

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

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

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

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

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

Section 40-122. A. ~~There is hereby created~~ Effective July 1, 2013, the Advisory Committee for Motorcycle Safety and Education ~~which~~ shall be placed under the authority of the Oklahoma Highway Safety Office. The Advisory Committee for Motorcycle Safety and Education shall be comprised of the Administrator of the Motorcycle Safety and Education Program in the Department of Public Safety, who shall serve as chair of the Committee and shall be a nonvoting member, and seven (7) voting members, six of whom shall be appointed by the Commissioner of Public Safety and one of whom shall be appointed by the Insurance Commissioner. One member shall be a certified instructor of motorcycle safety and education; three members shall be licensed and safety course certified motorcycle operators/owners; one member shall represent private sector motorcycle rider education schools; one member shall be a representative of the Oklahoma Highway Safety Office; and the member appointed by the Insurance Commissioner shall be an employee of the office of the Insurance ~~Commissioner's office~~ Commissioner. Members shall serve at the pleasure of the appointing authority, except as provided in subsection B of this section.

B. By January 1, 2011, the Commissioner of Public Safety shall appoint three of the members of the Advisory Committee for

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Motorcycle Safety and Education in accordance with the requirements as modified in subsection A of this section upon the effective date of this act. Once appointed all members shall serve at the pleasure of the appointing authority.

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

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

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

F. Members of the Committee who are not state employees shall receive no compensation from the state for serving on the Committee. All members of the Committee shall be entitled to reimbursement for any actual and necessary traveling expenses pursuant to the State Travel Reimbursement Act.

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

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

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

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

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

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

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

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

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

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

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Statutes. The remaining monies received by the Tax Commission pursuant to this section shall be deposited in the ~~Commission on Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources Board Revolving Fund ~~created by Section 705 of this title~~.

C. The C~~ommission on Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources Board shall be responsible for taking appropriate and necessary actions to collect any fee which is not paid or is not properly paid. The Tax Commission shall not be responsible for collecting any fee not remitted to the Tax Commission for deposit into the ~~Commission on Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources Board Revolving Fund. The Tax Commission shall report to the ~~Commission on Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources Board any information it obtains regarding failure of any person to properly pay the fee due, including any documentation it may have of the failure.

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

E. The ~~Commission on Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources Board shall be prohibited from utilizing any funds collected through the assessment authorized by this section for the purpose of influencing governmental action or

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policy, with the exception of recommending amendments to Section 700 et seq. of this title. The ~~Commission~~ Board shall be authorized to respond to any request for information from the Governor, any members of the Legislature, any public official or state agency.

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

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

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

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C. Each request for a refund shall be made in such manner and upon such forms as the ~~Commission~~ Board may require. Each person requesting a refund shall execute an affidavit stating the description of the producing property generating the production for which the refund is requested, the amount of the refund requested and that affiant was the owner of the production upon which the fee was levied. The ~~Commission~~ Board may require such other information and documentation reasonably necessary to verify the accuracy of the request for a refund.

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

Section 705. There is hereby created in the State Treasury a revolving fund for the ~~Commission on Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources Board to be designated the "~~Commission on Marginally Producing Oil and Gas Wells~~ Oklahoma Energy Resources Board Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies collected from two-tenths of one cent ($0.002) on each barrel of petroleum liquid and one-tenth of one cent ($0.001) on each ten thousand (10,000) cubic feet of natural gas, including casinghead gas, produced from each well in the State of Oklahoma. All monies accruing to the credit of said fund are hereby

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appropriated and may be budgeted and expended by said ~~Commission~~ Board for any and all necessary expenses for the operation of said ~~Commission~~ Board. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

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

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

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

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

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

Section 3311. A. There is hereby created a Council on Law Enforcement Education and Training which shall be, and is hereby declared to be, a governmental law enforcement agency of the State of Oklahoma, body politic and corporate, with powers of government and with the authority to exercise the rights, privileges and functions necessary to ensure the professional training and continuing education of law enforcement officers in the State of Oklahoma. These rights, privileges and functions include, but are not limited to, those specified in Sections 3311 through 3311.10 of this title and in the Oklahoma Security Guard and Private Investigator Act. The Council shall be composed of nine (9) members, the Director of the Oklahoma State Bureau of Investigation, one member appointed by the Governor who may be a lay person, and seven police or peace officers, one selected by each of the following: the Court of Criminal Appeals, the Commissioner of Public Safety, the Board of Directors of the Oklahoma Sheriffs and Peace Officers Association, the Oklahoma Association of Police Chiefs, the Board of Directors of the Oklahoma Sheriffs' Association, the Board of Directors of the Fraternal Order of Police and the Governor. All Council appointments and reappointments made

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after November 1, 2007, shall conform to the following Council composition and appointing authorities. The Council shall be composed of thirteen (13) members as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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enforcement, investigation, administration, training, or curriculum implementation;

~~8.~~ 7. Enter into contracts and agreements for the payment of classroom space, food, and lodging expenses as may be necessary for law enforcement officers attending any official course of instruction approved or conducted by the Council. Such expenses may be paid directly to the contracting agency or business establishment. The food and lodging expenses for each law enforcement officer shall not exceed the authorized rates as provided for in the State Travel Reimbursement Act; provided, however, the Council may provide food and lodging to law enforcement officials attending any official course of instruction approved or conducted by the Council rather than paying for the provision of such food and lodging by an outside contracting agency or business establishment;

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

(1) controlled dangerous substances, or

(2) explosives, explosive materials, explosive devices, or materials which could be used to construct an explosive device;

provided, the dog of a certified canine team shall not be certified at any time as both a drug dog and a bomb

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dog, and any dog of a certified canine team who has been previously certified as either a drug dog or a bomb dog shall not be eligible at any time to be certified in the other category.

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

~~10.~~ 9. Enter into a lease, loan or other agreement with the Oklahoma Development Finance Authority or a local public trust for the purpose of facilitating the financing of a new facility for its operations and use and pledge, to the extent authorized by law, all or a portion of its receipts of the assessment penalty herein referenced for the payment of its obligations under such lease, loan or other agreement. It is the intent of the Legislature to increase the assessment penalty to such a level or appropriate sufficient monies to the Council on Law Enforcement Education and Training to make payments on the lease, loan or other agreement for the purpose of retiring the bonds to be issued by the Oklahoma Development

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Finance Authority or local public trust. Such lease, loan or other agreement and the bonds issued to finance such facilities shall not constitute an indebtedness of the State of Oklahoma or be backed by the full faith and credit of the State of Oklahoma, and the lease, loan or other agreement and the bonds shall contain a statement to such effect;

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

~~12.~~ 11. Appoint an advisory committee composed of representatives from security guard and private investigative agencies to advise the Council concerning necessary research, minimum standards for licensure, education, and other matters related to licensure of security guards, security guard agencies, private investigators, and private investigative agencies;

~~13.~~ 12. Enter into agreements with individuals, educational institutions, agencies, and business and tribal entities for professional services, the use of facilities and supplies, and staff overtime costs incurred as a result of the user's requests to schedule functions after-hours, on weekends, or anytime such requests extend staff beyond its normal capacity, whereby contracting individuals, educational institutions, agencies, and business and tribal entities shall pay a fee to be determined by the Council by rule. All fees collected pursuant to these agreements

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shall be deposited to the credit of the C.L.E.E.T. Training Center Revolving Fund created pursuant to Section 3311.6 of this title. The Council is authorized to promulgate emergency rules to effectuate the provisions of this paragraph;

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

~~15.~~ 14. Set minimal criteria relating to qualifications for chief of police administrative training pursuant to Section 34-102 of Title 11 of the Oklahoma Statutes, assist in developing a course of training for a Police Chief Administrative School, and approve all police chief administrative training offered in this state;

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

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

b. one member shall represent a municipal jurisdiction with a population of fifty thousand (50,000) or more and who shall be a management-level CLEET-certified

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training officer, who shall serve an initial term of two (2) years,

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

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

e. one member shall represent a county jurisdiction with a population of less than fifty thousand (50,000) and who shall be a CLEET-certified training officer, who shall serve an initial term of one (1) year, and

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

After the initial terms of office, all members shall be appointed to serve three-year terms. Any member may be reappointed to serve consecutive terms. Members shall serve without compensation, but may be reimbursed for travel expenses pursuant to

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the State Travel Reimbursement Act. The Board shall review and establish curriculum for all CLEET academies and training courses pursuant to procedures established by the Council on Law Enforcement Education and Training;

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

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

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

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

a. this section applies only to an entity authorized by statute or by the Constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates or reactivates an inactive law enforcement

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agency or police department and first begins to commission, appoint, or employ officers on or after November 1, 2011,

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

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

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

(3) the physical resources available to officers,

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

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

(a) use of force,

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(b) vehicle pursuit,

(c) mental health,

(d) professional conduct of officers,

(e) domestic abuse,

(f) response to missing persons,

(g) supervision of part-time officers, and

(h) impartial policing,

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

(7) liability insurance, and

(8) any other information CLEET requires by rule,

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

d. in cases of denial, the entity may appeal the decision of the Director to the full CLEET Council. The Director shall ensure that the final report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the Council to occur

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after all members of the Council have received the report. The Council may, by majority vote:

(1) order additional information be provided,

(2) order confirmation of the Director's opinion, or

(3) order authorization of the entity.

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

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

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

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

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

E. 1. No person shall be eligible to complete a basic police course approved by the Council until the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation have reported to the submitting agency that such person has no felony record, and the employing agency has reported to the Council that such person has undergone psychological testing as provided for in paragraph 2 of this subsection, and the applicant has certified the completion of a high school diploma or a GED equivalency certificate and that the applicant is not participating in a deferred sentence agreement

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for a felony or a crime involving moral turpitude or is not currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification and that the applicant is not currently undergoing treatment for a mental illness, condition, or disorder. For purposes of this subsection, "currently undergoing treatment for mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist.

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

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

b. such person has undergone psychological evaluation by the employing agency using a psychological instrument approved by the Council on Law Enforcement Education

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and Training. The employing agency shall administer the psychological instrument in accordance with standards established within the test document. To aid the evaluating psychologist in interpreting the test results, including automated scoring and interpretations, the employing agency shall provide the psychologist a statement confirming the identity of the individual taking the test as the person who is employed or seeking employment as a peace officer of the agency and attesting that it administered the psychological instrument in accordance with standards within the test document. The psychologist shall report to the employing agency the evaluation of the assessment instrument and may include any additional recommendations to assist the employing agency in determining whether to certify to the Council on Law Enforcement Education and Training that the person being evaluated is suitable to serve as a peace officer in the State of Oklahoma. No additional procedures or requirements shall be imposed for performance of the psychological evaluation. The psychological instrument utilized shall be evaluated by a psychologist licensed by the State of Oklahoma,

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and the employing agency shall certify to the Council that the evaluation was conducted in accordance with this provision and that the employee/applicant is suitable to serve as a peace officer in the State of Oklahoma. Any person found not to be suitable for employment or certification by the Council shall not be employed, retained in employment as a peace officer, or certified by the Council for at least one (1) year, at which time the employee/applicant may be reevaluated by a psychologist licensed by the State of Oklahoma. This section shall also be applicable to all reserve peace officers in the State of Oklahoma. Any person who is certified by CLEET and has undergone the psychological evaluation required by this subparagraph and has been found to be suitable as a peace officer shall not be required to be reevaluated for any subsequent employment as a peace officer following retirement or any break in service as a peace officer, unless such break in service exceeds five (5) years or the Council determines that a peace officer may present a danger to himself or herself, the public, or a family or household member,

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

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

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

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

g. the name, gender, date of birth, and address of such person have been presented to the Department of Mental Health and Substance Abuse Services by the Council. The Department of Mental Health and Substance Abuse Services shall respond to the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental

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institution. In the event that the Department of Mental Health and Substance Abuse Services reports to the Council that the applicant has been involuntarily committed, the Council shall immediately inform the employing agency,

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

Subject to the availability of funding, for full-time salaried police or peace officers a basic police course academy shall be as follows: any academy graduating after July 1, 2007, but before December 31, 2007, shall have three hundred seventy-five (375) hours; any academy graduating after January 1, 2008, but before June 30, 2008, shall have five hundred five (505) hours; any academy graduating after July 1, 2008, but before June 30, 2009, shall have

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five hundred seventy-six (576) hours; and any academy graduating after July 1, 2009, shall have six hundred (600) hours.

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

3. Every person who has not been certified as a police or peace officer and is duly appointed or elected as a police or peace officer shall hold such position on a temporary basis only, and shall, within one (1) year from the date of appointment or taking office, qualify as required in this subsection or forfeit such position; provided, however, effective November 1, 2004, every person who has not been certified as a police or peace officer and is duly appointed or elected as a police or peace officer shall hold such position on a temporary basis only, and shall, within six (6) months from the date of appointment or taking office, qualify as required in this subsection or forfeit such position. In computing the time for qualification, all service shall be cumulative from date of first appointment or taking office as a police or peace officer with any department in this state. The Council may extend the time requirement specified in this paragraph for good cause as determined by the Council. An elected police or peace officer shall

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be eligible to enroll in a basic police course in accordance with this subsection upon being elected. A duty is hereby imposed upon the employing agency to withhold payment of the compensation or wage of said unqualified officer. If the police or peace officer fails to forfeit the position or the employing agency fails to require the officer to forfeit the position, the district attorney shall file the proper action to cause the forfeiting of such position. The district court of the county where the officer is employed shall have jurisdiction to hear the case.

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

5. For purposes of this section, a police or peace officer is defined as a full-time duly appointed or elected officer who is paid for working more than twenty-five (25) hours per week and whose duties are to preserve the public peace, protect life and property, prevent crime, serve warrants, and enforce laws and ordinances of this state, or any political subdivision thereof; provided, elected sheriffs and their deputies and elected, appointed, or acting chiefs of police shall meet the requirements of this subsection within the first six (6) months after assuming the duties of the office to

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which they are elected or appointed or for which they are an acting chief; provided further, that this section shall not apply to persons designated by the Director of the Department of Corrections as peace officers pursuant to Section 510 of Title 57 of the Oklahoma Statutes.

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

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

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

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

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

J. It is unlawful for any person to willfully make any statement in an application to CLEET knowing the statement is false or intentionally commit fraud in any application to the Council for

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attendance in any CLEET-conducted or CLEET-approved peace officer academy or Collegiate Officer Program or for the purpose of obtaining peace officer certification or reinstatement. It is unlawful for any person to willfully submit false or fraudulent documents relating to continuing education rosters, transcripts or certificates, or any canine license application. Any person convicted of a violation of this subsection shall be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not less than two (2) years nor more than five (5) years, or by a fine not exceeding Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

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

a. conviction of a felony or a crime of domestic violence,

b. conviction of a misdemeanor involving moral turpitude; provided, if the conviction is a single isolated incident that occurred more than five (5) years ago and the Council is satisfied that the person has been sufficiently rehabilitated, the Council may certify

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such person providing that all other statutory requirements have been met,

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

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

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

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

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

g. abuse of office.

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

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

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

b. there is reason to believe the person has been convicted of a felony, a crime involving moral

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turpitude or a domestic violence offense or is currently participating in a deferred sentence for such offenses.

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

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

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to November 1, 1985. The sole issue to be determined at the hearing shall be whether the person has been convicted of a felony, a crime involving moral turpitude or a domestic violence offense.

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

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

8. Every law enforcement agency in this state shall, within thirty (30) days of a final order of termination or resignation while under investigation of a CLEET-certified peace officer, report such order or resignation in writing to the Director of the Council. Any report, upon receipt by the Council, shall be considered as personnel records and shall be afforded confidential protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma Statutes. The Director shall ensure that the report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the Council to occur after all members of the Council have received the

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report. The Council may, by a majority vote, order the suspension, for a given period of time, or revocation of the CLEET certification of the peace officer in question if there are grounds for such actions pursuant to this section and the peace officer in question has been provided with notice and an opportunity for a hearing pursuant to the Administrative Procedures Act. Suspension or revocation of CLEET certification pursuant to this paragraph shall be reported to the district attorney for the jurisdiction in which the peace officer was employed, to the liability insurance company of the law enforcement agency that employed the peace officer, the chief elected official of the governing body of the law enforcement agency and the chief law enforcement officer of the law enforcement agency.

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

10. a. A police or peace officer may voluntarily surrender and relinquish the peace officer certification to CLEET. Pursuant to such surrender or relinquishment, the person surrendering the certification shall be

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prohibited from applying to CLEET for reinstatement within five (5) years of the date of the surrender or relinquishment, unless otherwise provided by law for reinstatement.

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

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

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

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

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

14. As used in this subsection:

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

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

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

L. 1. Every canine team in the state trained to detect controlled dangerous substances <u>or trained to detect explosives, explosive materials, explosive devices, and material which could be used to construct an explosive device</u> shall be certified, by test, in the detection of such controlled dangerous substances <u>or such explosives and materials</u> and shall be recertified annually so long

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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 ~~and that~~ if such canines are certified and annually recertified in the detection of controlled dangerous substances by the United States Customs Service or in the detection of explosives and materials by the United States Department of Defense.

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

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

b. the Department of Public Safety,

c. a police department,

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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.~~

~~2. The Council shall appoint a Bomb Dog Advisory Council to make recommendations concerning minimum standards, educational~~

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~~needs, and other matters imperative to the certification of canines and canine teams trained to detect explosives, explosive materials, explosive devices and materials which could be used to construct an explosive device. The Council shall promulgate rules based upon the recommendations of the Advisory Council. Members of the Advisory Council shall include, but need not be limited to, a commissioned officer with practical knowledge of such canines and canine teams from each of the following:~~

~~a. the Department of Public Safety,~~

~~b. a police department,~~

~~c. a sheriff's office, and~~

~~d. 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.~~

~~N.~~ All tribal police officers of any Indian tribe or nation who have been commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of

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

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

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

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated 03/04/2013 - DO PASS, As Amended.

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