

1 74 O.S. 2011, Section 3105, which relates to
2 information to be included in certain publications;
3 exempting certain publications produced by the
4 Commissioners of the Land Office; repealing 64 O.S.
5 2011, Section 1028, which relates to loan and
6 investment office numbers; repealing 64 O.S. 2011,
7 Section 1077, which relates to payment of certain
8 income to the State Treasurer; repealing 64 O.S.
9 2011, Section 1080, which relates to authority to
10 make certain investments; and declaring an emergency.

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

12 SECTION 1. AMENDATORY 64 O.S. 2011, Section 1011, as amended
13 by Section 1, Chapter 114, O.S.L. 2012 (64 O.S. Supp. 2012, Section
14 1011), is amended to read as follows:

15 Section 1011. A. There is hereby created a revolving fund for
16 the Commissioners of the Land Office to be designated the
17 "Commissioners of the Land Office Revolving Fund". The fund shall
18 be a continuing fund not subject to fiscal year limitations and into
19 which shall be paid all fees that may be collected by the
20 Commissioners of the Land Office, transfers from other revolving
21 funds of the Commissioner of the Land Office and any ~~appropriated~~
22 monies designated for transfer into the fund. In addition,
23 available monies received within an annual period may be added to
24 the fund upon designation by the Secretary of the Land Office, in
such case the funds are hereby appropriated and may be budgeted and
expended by the Commissioners of the Land Office within the annual

1 period in which received or thereafter in the performance of the
2 constitutional and statutory trust duties of the Commissioners of
3 the Land Office. Monies from the fund may be used to pay for all
4 books, forms, and other necessary equipment and supplies for the
5 installation and maintenance of a modern system of accounting,
6 necessary printing expenses, abstracts, refunds, expenses incidental
7 to the operation of the Land Office, necessary communication and
8 traveling expenses incurred by the employees of the Land Office,
9 attorney fees and litigation expenses, collection costs and
10 expenses, distributions and conservation and commercial property
11 upgrades. The Commissioners of the Land Office may also use monies
12 in the revolving fund for any expenses of the Land Office related to
13 personal services, operating expenses ~~and~~, the purchase of equipment
14 and for the performance of all duties necessary and as may be
15 prescribed to carry out the function of the Land Office. All funds
16 accruing to the fund are hereby appropriated. Monies in the fund
17 may be invested by the State Treasurer in the manner prescribed in
18 Section 89.1a et seq. of Title 62 of the Oklahoma Statutes.
19 Interest income derived from the investment of monies in the fund
20 shall be credited to and placed in the fund.

21 B. There is hereby created a cash drawer change fund for the
22 Commissioners of the Land Office. The fund shall be used as cash
23 for the Land Office to make change for customers. The amount held
24 in the fund shall not exceed One Thousand Dollars (\$1,000.00). The

1 initial amount in the fund shall be drawn by warrant from the
2 revolving fund created pursuant to subsection A of this section.
3 All adjustments to the amount retained in the fund shall be by
4 withdrawal and deposit in the revolving fund established pursuant to
5 subsection A of this section. No purchases shall be made from the
6 fund. Officers, employees or agents of the Land Office shall be
7 prohibited from receiving change from the fund. ~~The Director of~~
8 ~~Accounting for the Land Office, with the approval of the internal~~
9 ~~auditor, shall prescribe forms, systems and procedures for the~~
10 ~~administration of the fund.~~

11 SECTION 2. AMENDATORY 64 O.S. 2011, Section 1020, is
12 amended to read as follows:

13 Section 1020. The Commissioners of the Land Office may sell oil
14 and gas or other mineral leases on any of the public lands under
15 their control and supervision whether the same was acquired by
16 federal grant, donation, foreclosure or otherwise. The
17 Commissioners of the Land Office shall publish notice of the lease
18 sale one time not less than thirty (30) days prior to the lease sale
19 date in two newspapers authorized by law to publish legal notices.
20 One of the newspapers shall be published in the county where the
21 land is located or other newspaper as authorized by Section 106 of
22 Title 25 of the Oklahoma Statutes. The other shall be a newspaper
23 of general circulation in this state. The leasing shall require and
24 the advertisement shall specify in each case a fixed royalty to be

1 paid by the successful bidder, in addition to any bonus offered for
2 the lease, and no transfer or assignment of any lease shall be valid
3 or confer any right in the assignee without the prior consent of the
4 Commissioners of the Land Office in writing. Agricultural lessees
5 in possession of the lands shall be reimbursed for all damage done
6 to the interest of the agricultural lessee. The Commissioners of
7 the Land Office have the right to reject any and all bids for
8 leases. In the event only one bid is received from responsible
9 bidders after public competition as provided for in this section,
10 the Commissioners of the Land Office shall have authority to
11 negotiate leases to obtain the highest and best pricing, upon terms
12 that are in the best interests of the trust, to maximize earnings
13 and to protect trust assets. The Commissioners of the Land Office
14 shall provide any other notice of oil and gas lease sales to all
15 interested parties by any means it determines is needed to attract
16 the best competition.

17 SECTION 3. AMENDATORY 64 O.S. 2011, Section 1029, is
18 amended to read as follows:

19 Section 1029. The Cash Journal shall be balanced daily and the
20 total of the receipts of each day shall be deposited with the State
21 Treasurer as now required by the State Depository Law, except that
22 deposits placed at auction for the sale or lease of lands or
23 minerals pending finalization of a sale or lease transaction shall
24 be secured by the Secretary of the Land Office for safekeeping. The

1 deposits held by the Secretary shall be paid into the treasury
2 clearing account of the Commissioners of the Land Office within
3 three (3) business days following final approval and execution of
4 all required documents related to the transaction. A deposit shall
5 be returned to the payor of the deposit within three (3) business
6 days following the determination by the Commissioners of the Land
7 Office that the transaction will not be finalized. It shall be the
8 duty of the Commissioners of the Land Office to notify each debtor
9 to make their checks, drafts, or other transfer of monies payable to
10 the order of the Commissioners of the Land Office. The endorsements
11 on the checks, drafts or other evidence of transfers of monies shall
12 be in the following words:

13 "Pay to the order of the Treasury of the State of Oklahoma, for
14 credit only to the Commissioners of the Land Office". No person,
15 firm or corporation shall cash or pay out on any check, voucher,
16 draft, money order or other evidence of transfers of money, or its
17 equivalent, without the endorsements, and the endorsement of the
18 State Treasurer appearing thereon.

19 Any person, firm or corporation knowingly violating this
20 provision shall be guilty of a felony and, upon conviction, shall be
21 punished by a fine of not less than One Hundred Dollars (\$100.00)
22 nor more than One Thousand Dollars (\$1,000.00), or by imprisonment
23 in the custody of the Department of Corrections for a term of not
24 more than three (3) years or by both the fine and imprisonment. In

1 addition, the person, firm or corporation shall be civilly liable to
2 the Commissioners of the Land Office for the use and benefit of the
3 fund which has sustained the loss in double the amount of the check,
4 voucher, money order, draft or other evidence of transfer of money,
5 so cashed or paid.

6 All checks or vouchers drawn against any Special Agency Account
7 by the Commissioners of the Land Office shall be issued only by the
8 principal fiscal officer upon written application of the head of the
9 division of the School Land Department. Each check or voucher shall
10 be signed in the name of the Commissioners of the Land Office by the
11 Secretary or in the absence of the Secretary by the Assistant
12 Secretary and shall be countersigned by the principal fiscal
13 officer. The form of check or voucher shall be prescribed by the
14 State Treasurer and shall indicate on its face the purpose for which
15 drawn, the amount and the account to which chargeable. No check
16 shall leave the office until protected by use of a machine for
17 printing amounts on checks, as by perforations, so as to prevent
18 alterations.

19 SECTION 4. AMENDATORY 64 O.S. 2011, Section 1035, is
20 amended to read as follows:

21 Section 1035. It is hereby the duty of the Accounting Division
22 under the supervision of the Secretary of the Land Office to submit
23 to the Commissioners of the Land Office a monthly statement of all
24 ~~assets and liabilities owned by~~ operational expenditures of the Land

1 Office. The Secretary shall, not later than the fifth day of each
2 regular session of the Legislature, submit a detailed financial
3 statement to the Governor and to the Legislature for the preceding
4 fiscal year ending June 30 reflecting all assets and liabilities
5 owned and held by the Land Office at the close of the period,
6 profits made and losses sustained, together with a detailed schedule
7 of all lands, loans, bonds, and coupons, contracts and judgments
8 owned and held by the Land Office.

9 SECTION 5. AMENDATORY 64 O.S. 2011, Section 1067, is
10 amended to read as follows:

11 Section 1067. Any person, firm or corporation leasing under the
12 provisions of this article and operating for oil and gas shall be
13 separately liable to the surface owner, ~~and the surface lessee or~~
14 ~~purchaser~~ for all damages or loss accruing to the surface interest
15 in said land and to all crops and improvements thereupon and
16 appurtenances and hereditaments thereunto belonging, whether said
17 land be agricultural, timber, grazing or otherwise, to the extent of
18 the damages accruing to either or both the surface owner and the
19 surface lessee, and each shall be paid individually by the mineral
20 lessee.

21 SECTION 6. AMENDATORY 64 O.S. 2011, Section 1068, is
22 amended to read as follows:

23 Section 1068. Should the lessee or owner of the surface
24 interest and the lessee of the oil and gas interest specified in

1 this article be unable to agree upon the damage and loss sustained
2 by ~~such~~ each surface lessee or owner by ~~such~~ the lessee of the oil
3 and gas interests therein, ~~the latter may condemn the same for such~~
4 ~~purpose under the law of eminent domain to like extent and in the~~
5 ~~same manner and upon the same procedure and remedies as is provided~~
6 ~~for the assessment of damages and compensation to the owner of the~~
7 ~~fee in case of condemnation for railway purposes~~ relief shall be
8 provided in accordance with the provisions of the Oklahoma Surface
9 Damages Act.

10 SECTION 7. AMENDATORY 64 O.S. 2011, Section 1069, as
11 amended by Section 2, Chapter 114, O.S.L. 2012 (64 O.S. Supp. 2012,
12 Section 1069), is amended to read as follows:

13 Section 1069. A. The proceeds derived in bonuses and royalties
14 and from other inducements and considerations for the execution and
15 operation of the oil and gas leases as authorized in this title,
16 except oil and gas leases on state-owned lands set apart and
17 designated for the use, benefit, and occupancy of state educational
18 institutions, shall be for the use and benefit of the lands which
19 were granted by the United States to the State of Oklahoma, and to
20 the territory now comprising the area embraced within the state,
21 under the provisions of the Enabling Act and any and all other Acts
22 of Congress. Bonus and delay rental income received by the Land
23 Office ~~shall~~ and other income as designated by the Secretary of the
24 Land Office for transfer and received by the Land Office may be

1 distributed to current beneficiaries in like manner as lease income
2 received from surface leases, except that if determined to be in the
3 best interest of the trust, the distributions may be made upon a
4 schedule determined by a five-year rolling average of bonus and
5 delay rental income.

6 B. There is hereby created a revolving fund for the
7 Commissioners of the Land Office to be designated the "Multiyear
8 Education Distribution Stabilization Revolving Fund". The fund
9 shall be a continuing fund, not subject to fiscal year limitations,
10 and shall consist of bonus and delay rental income received by the
11 Commission, if it is determined by the Commission to be in the best
12 interest of the trust to make distributions of the income upon a
13 five-year rolling average schedule as authorized in subsection A of
14 this section. Monies in the fund may be invested by the State
15 Treasurer in the manner prescribed in Section 89.1a et seq. of Title
16 62 of the Oklahoma Statutes. Interest income derived from the
17 investment of monies in the fund shall be credited to and placed in
18 the fund.

19 SECTION 8. AMENDATORY 74 O.S. 2011, Section 3105, is
20 amended to read as follows:

21 Section 3105. A. Unless otherwise provided by law, every
22 agency, department, board, commission or institution of the State of
23 Oklahoma shall list the following information at a prominent place
24 near the beginning of each publication issued by them:

1 1. Name of the issuing agency, department, board, commission or
2 institution;

3 2. Authorization for publication. If such publication is not
4 specifically authorized by statute the name of the person or persons
5 so authorizing shall be stated;

6 3. The number of copies printed;

7 4. Name of printing firm doing printing; and

8 5. Assurance of compliance with Section 3-114 of Title 65 of
9 the Oklahoma Statutes.

10 B. The information shall be set forth in a separate paragraph
11 and shall conform as nearly as practical to the following format:

12 "This publication, printed by (name of printing firm) is
13 issued by (here list the agency, department, board,
14 commission or institution) as authorized by _____.
15 _____ copies have been prepared and distributed at a cost
16 of \$_____. Copies have been deposited with the
17 Publications Clearinghouse of the Oklahoma Department of
18 Libraries."

19 C. State promotion and informational publications produced by
20 the Oklahoma Tourism and Recreation Department, Travel Promotion
21 Division, the Commissioners of the Land Office and the Oklahoma
22 Department of Commerce shall be exempt from the provisions of this
23 section.

24

1 SECTION 9. REPEALER 64 O.S. 2011, Section 1028, is
2 hereby repealed.

3 SECTION 10. REPEALER 64 O.S. 2011, Section 1077, is
4 hereby repealed.

5 SECTION 11. REPEALER 64 O.S. 2011, Section 1080, is
6 hereby repealed.

7 SECTION 12. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
13 02/25/2013 - DO PASS, As Coauthored.

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