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1st Session of the 58th Legislature (2021)

ENGROSSED SENATE
BILL NO. 1064

By: Daniels and **Jett** of the
Senate

and

Kannady of the House

An Act relating to multiple versions of statutes; amending, merging, consolidating and repealing multiple versions of statutes; amending 21 O.S. 2011, Section 1541.1, as amended by Section 13, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2020, Section 1541.1); repealing 21 O.S. 2011, Section 1541.1, as amended by Section 4, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2020, Section 1541.1); amending 22 O.S. 2011, Section 991c, as last amended by Section 2, Chapter 46, O.S.L. 2020 (22 O.S. Supp. 2020, Section 991c); repealing 22 O.S. 2011, Section 991c, as last amended by Section 4, Chapter 161, O.S.L. 2020 (22 O.S. Supp. 2020, Section 991c); repealing 37A O.S. 2011, Section 1-103, as last amended by Section 1, Chapter 420, O.S.L. 2019 (37A O.S. Supp. 2020, Section 1-103); repealing 59 O.S. 2011, Section 1253, as last amended by Section 2, Chapter 95, O.S.L. 2014 (59 O.S. Supp. 2020, Section 1253); amending 62 O.S. 2011, Section 3103, as last amended by Section 2, Chapter 120, O.S.L. 2020 (62 O.S. Supp. 2020, Section 3103); repealing 62 O.S. 2011, Section 3103, as last amended by Section 1, Chapter 121, O.S.L. 2020 (62 O.S. Supp. 2020, Section 3103); amending 70 O.S. 2011, Section 3-142, as last amended by Section 1, Chapter 122, O.S.L. 2020 (70 O.S. Supp. 2020, Section 3-142); repealing 70 O.S. 2011, Section 3-142, as last amended by Section 1, Chapter 61, O.S.L. 2020 (70 O.S. Supp. 2020, Section 3-142); amending 70 O.S. 2011, Section 18-200.1, as

1 amended by Section 2, Chapter 61, O.S.L. 2020 (70
2 O.S. Supp. 2020, Section 18-200.1); repealing 70 O.S.
3 2011, Section 18-200.1, as amended by Section 1,
4 Chapter 128, O.S.L. 2020 (70 O.S. Supp. 2020, Section
5 18-200.1); amending 74 O.S. 2011, Section 85.3A, as
6 last amended by Section 4, Chapter 98, O.S.L. 2020
(74 O.S. Supp. 2020, Section 85.3A); repealing 74
O.S. 2011, Section 85.3A, as last amended by Section
3, Chapter 44, O.S.L. 2020 (74 O.S. Supp. 2020,
Section 85.3A); updating statutory cites; and
declaring an emergency.

7
8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1541.1, as
11 amended by Section 13, State Question No. 780, Petition No. 404 (21
12 O.S. Supp. 2020, Section 1541.1), is amended to read as follows:

13 Section 1541.1. Every person who, with intent to cheat and
14 defraud, shall obtain or attempt to obtain from any person, firm or
15 corporation any money, property or valuable thing, of a value less
16 than One Thousand Dollars (\$1,000.00), by means or by use of any
17 trick or deception, or false or fraudulent representation or
18 statement or pretense, or by any other means or instruments or
19 device commonly called the "confidence game", or by means or use of
20 any false or bogus checks, or by any other written or printed or
21 engraved instrument or spurious coin, shall, upon conviction, be
22 guilty of a misdemeanor ~~and upon conviction thereof shall be~~
23 ~~punished~~ punishable by a fine not to exceed One Thousand Dollars
24

1 (\$1,000.00), or by imprisonment in the county jail for not more than
2 one (1) year, or by both such fine and imprisonment.

3 SECTION 2. REPEALER 21 O.S. 2011, Section 1541.1, as
4 amended by Section 4, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2020,
5 Section 1541.1), is hereby repealed.

6 SECTION 3. AMENDATORY 22 O.S. 2011, Section 991c, as
7 last amended by Section 2, Chapter 46, O.S.L. 2020 (22 O.S. Supp.
8 2020, Section 991c), is amended to read as follows:

9 Section 991c. A. Upon a verdict or plea of guilty or upon a
10 plea of nolo contendere, but before a judgment of guilt, the court
11 may, without entering a judgment of guilt and with the consent of
12 the defendant, defer further proceedings upon the specific
13 conditions prescribed by the court not to exceed a seven-year
14 period, except as authorized under subsection B of this section.
15 The court shall first consider restitution among the various
16 conditions it may prescribe. The court may also consider ordering
17 the defendant to:

- 18 1. Pay court costs;
- 19 2. Pay an assessment in lieu of any fine authorized by law for
20 the offense;
- 21 3. Pay any other assessment or cost authorized by law;
- 22 4. Engage in a term of community service without compensation,
23 according to a schedule consistent with the employment and family
24 responsibilities of the defendant;

1 5. County jail confinement for a period not to exceed ninety
2 (90) days or the maximum amount of jail time provided for the
3 offense, if it is less than ninety (90) days;

4 6. Pay an amount as reimbursement for reasonable attorney fees,
5 to be paid into the court fund, if a court-appointed attorney has
6 been provided to the defendant;

7 7. Be supervised in the community for a period not to exceed
8 eighteen (18) months, unless a petition alleging violation of any
9 condition of deferred judgment is filed during the period of
10 supervision. As a condition of any supervision, the defendant shall
11 be required to pay a supervision fee of Forty Dollars (\$40.00) per
12 month. The supervision fee shall be waived in whole or part by the
13 supervisory agency when the accused is indigent. Any fees collected
14 by the district attorney pursuant to this paragraph shall be
15 deposited in the General Revenue Fund of the State Treasury. No
16 person shall be denied supervision based solely on the inability of
17 the person to pay a fee;

18 8. Pay into the court fund a monthly amount not exceeding Forty
19 Dollars (\$40.00) per month during any period during which the
20 proceedings are deferred when the defendant is not to be supervised
21 in the community. The total amount to be paid into the court fund
22 shall be established by the court and shall not exceed the amount of
23 the maximum fine authorized by law for the offense;

1 9. Make other reparations to the community or victim as
2 required and deemed appropriate by the court;

3 10. Order any conditions which can be imposed for a suspended
4 sentence pursuant to paragraph 1 of subsection A of Section 991a of
5 this title; or

6 11. Any combination of the above provisions.

7 However, unless under the supervision of the district attorney,
8 the offender shall be required to pay Forty Dollars (\$40.00) per
9 month to the district attorney during the first two (2) years of
10 probation to compensate the district attorney for the costs incurred
11 during the prosecution of the offender and for the additional work
12 of verifying the compliance of the offender with the rules and
13 conditions of his or her probation. The district attorney may waive
14 any part of this requirement in the best interests of justice. The
15 court shall not waive, suspend, defer or dismiss the costs of
16 prosecution in its entirety. However, if the court determines that
17 a reduction in the fine, costs and costs of prosecution is
18 warranted, the court shall equally apply the same percentage
19 reduction to the fine, costs and costs of prosecution owed by the
20 offender. Any fees collected by the district attorney pursuant to
21 this paragraph shall be deposited in the General Revenue Fund of the
22 State Treasury.

23 B. When the court has ordered restitution as a condition of
24 supervision as provided for in subsection A of this section and that

1 condition has not been satisfied, the court may, at any time prior
2 to the termination or expiration of the supervision period, order an
3 extension of supervision for a period not to exceed three (3) years.

4 C. In addition to any conditions of supervision provided for in
5 subsection A of this section, the court shall, in the case of a
6 person before the court for the offense of operating or being in
7 control of a motor vehicle while the person was under the influence
8 of alcohol, other intoxicating substance, or a combination of
9 alcohol and another intoxicating substance, or who is before the
10 court for the offense of operating a motor vehicle while the ability
11 of the person to operate such vehicle was impaired due to the
12 consumption of alcohol, require the person to participate in an
13 alcohol and drug substance abuse evaluation program offered by a
14 facility or qualified practitioner certified by the Department of
15 Mental Health and Substance Abuse Services for the purpose of
16 evaluating the receptivity to treatment and prognosis of the person.
17 The court shall order the person to reimburse the facility or
18 qualified practitioner for the evaluation. The Department of Mental
19 Health and Substance Abuse Services shall establish a fee schedule,
20 based upon the ability of a person to pay, provided the fee for an
21 evaluation shall not exceed Seventy-five Dollars (\$75.00). The
22 evaluation shall be conducted at a certified facility, the office of
23 a qualified practitioner or at another location as ordered by the
24 court. The facility or qualified practitioner shall, within

1 seventy-two (72) hours from the time the person is assessed, submit
2 a written report to the court for the purpose of assisting the court
3 in its determination of conditions for deferred sentence. No
4 person, agency or facility operating an alcohol and drug substance
5 abuse evaluation program certified by the Department of Mental
6 Health and Substance Abuse Services shall solicit or refer any
7 person evaluated pursuant to this subsection for any treatment
8 program or alcohol and drug substance abuse service in which the
9 person, agency or facility has a vested interest; however, this
10 provision shall not be construed to prohibit the court from ordering
11 participation in or any person from voluntarily utilizing a
12 treatment program or alcohol and drug substance abuse service
13 offered by such person, agency or facility. Any evaluation report
14 submitted to the court pursuant to this subsection shall be handled
15 in a manner which will keep the report confidential from review by
16 the general public. Nothing contained in this subsection shall be
17 construed to prohibit the court from ordering judgment and sentence
18 in the event the defendant fails or refuses to comply with an order
19 of the court to obtain the evaluation required by this subsection.
20 As used in this subsection, "qualified practitioner" means a person
21 with at least a bachelor's degree in substance abuse treatment,
22 mental health or a related health care field and at least two (2)
23 years of experience in providing alcohol abuse treatment, other drug
24 abuse treatment, or both alcohol and other drug abuse treatment who

1 is certified each year by the Department of Mental Health and
2 Substance Abuse Services to provide these assessments. However, any
3 person who does not meet the requirements for a qualified
4 practitioner as defined herein, but who has been previously
5 certified by the Department of Mental Health and Substance Abuse
6 Services to provide alcohol or drug treatment or assessments, shall
7 be considered a qualified practitioner provided all education,
8 experience and certification requirements stated herein are met by
9 September 1, 1995. The court may also require the person to
10 participate in one or both of the following:

11 1. An alcohol and drug substance abuse course, pursuant to
12 Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

13 2. A victims impact panel program, as defined in subsection H
14 of Section 991a of this title, if such a program is offered in the
15 county where the judgment is rendered. The defendant shall be
16 required to pay a fee of Seventy-five Dollars (\$75.00) as set by the
17 governing authority of the program and approved by the court to the
18 victims impact panel program to offset the cost of participation by
19 the defendant, if in the opinion of the court the defendant has the
20 ability to pay such fee.

21 D. Upon completion of the conditions of the deferred judgment,
22 and upon a finding by the court that the conditions have been met
23 and all fines, fees, and monetary assessments have been paid as
24 ordered, the defendant shall be discharged without a court judgment

1 of guilt, and the court shall order the verdict or plea of guilty or
2 plea of nolo contendere to be expunged from the record and the
3 charge shall be dismissed with prejudice to any further action. The
4 procedure to expunge the record of the defendant shall be as
5 follows:

6 1. All references to the name of the defendant shall be deleted
7 from the docket sheet;

8 2. The public index of the filing of the charge shall be
9 expunged by deletion, mark-out or obliteration;

10 3. Upon expungement, the court clerk shall keep a separate
11 confidential index of case numbers and names of defendants which
12 have been obliterated pursuant to the provisions of this section;

13 4. No information concerning the confidential file shall be
14 revealed or released, except upon written order of a judge of the
15 district court or upon written request by the named defendant to the
16 court clerk for the purpose of updating the criminal history record
17 of the defendant with the Oklahoma State Bureau of Investigation;
18 and

19 5. Defendants qualifying under Section 18 of this title may
20 petition the court to have the filing of the indictment and the
21 dismissal expunged from the public index and docket sheet. This
22 section shall not be mutually exclusive of Section 18 of this title.

23 Records expunged pursuant to this subsection shall be sealed to
24 the public but not to law enforcement agencies for law enforcement

1 purposes. Records expunged pursuant to this subsection shall be
2 admissible in any subsequent criminal prosecution to prove the
3 existence of a prior conviction or prior deferred judgment without
4 the necessity of a court order requesting the unsealing of such
5 records.

6 E. The provisions of subsection D of this section shall be
7 retroactive.

8 F. Whenever a judgment has been deferred by the court according
9 to the provisions of this section, deferred judgment may not be
10 accelerated for any technical violation unless a petition setting
11 forth the grounds for such acceleration is filed by the district
12 attorney with the clerk of the sentencing court and competent
13 evidence justifying the acceleration of the judgment is presented to
14 the court at a hearing to be held for that purpose. The hearing
15 shall be held not more than twenty (20) days after the entry of the
16 plea of not guilty to the petition, unless waived by both the state
17 and the defendant. Any acceleration of a deferred sentence based on
18 a technical violation shall not exceed ninety (90) days for a first
19 acceleration or five (5) years for a second or subsequent
20 acceleration.

21 G. Upon any violation of the deferred judgment, other than a
22 technical violation, the court may enter a judgment of guilt and
23 proceed as provided in Section 991a of this title or may modify any
24 condition imposed. Provided, however, if the deferred judgment is

1 for a felony offense, and the defendant commits another felony
2 offense, the defendant shall not be allowed bail pending appeal.

3 H. The deferred judgment procedure described in this section
4 shall apply only to defendants who have not been previously
5 convicted of a felony offense and have not received more than one
6 deferred judgment for a felony offense within the ten (10) years
7 previous to the commission of the pending offense.

8 Provided, the court may waive this prohibition upon written
9 application of the district attorney. Both the application and the
10 waiver shall be made a part of the record of the case.

11 I. The deferred judgment procedure described in this section
12 shall not apply to defendants found guilty or who plead guilty or
13 nolo contendere to a sex offense required by law to register
14 pursuant to the Sex Offenders Registration Act.

15 J. All defendants who are supervised pursuant to this section
16 shall be subject to the sanction process as established in
17 subsection D of Section 991b of this title.

18 K. Notwithstanding the provisions of subsections F and G of
19 this section, a person who is being considered for an acceleration
20 of a deferred judgment for an offense where the penalty has
21 subsequently been lowered to a misdemeanor shall only be subject to
22 a judgment and sentence that would have been applicable had he or
23 she committed the offense after July 1, 2017.

1 SECTION 4. REPEALER 22 O.S. 2011, Section 991c, as last
2 amended by Section 4, Chapter 161, O.S.L. 2020 (22 O.S. Supp. 2020,
3 Section 991c), is hereby repealed.

4 SECTION 5. REPEALER 37A O.S. 2011, Section 1-103, as
5 last amended by Section 1, Chapter 420, O.S.L. 2019 (37A O.S. Supp.
6 2020, Section 1-103), is hereby repealed.

7 SECTION 6. REPEALER 59 O.S. 2011, Section 1253, as last
8 amended by Section 2, Chapter 95, O.S.L. 2014 (59 O.S. Supp. 2020,
9 Section 1253), is hereby repealed.

10 SECTION 7. AMENDATORY 62 O.S. 2011, Section 3103, as
11 last amended by Section 2, Chapter 120, O.S.L. 2020 (62 O.S. Supp.
12 2020, Section 3103), is amended to read as follows:

13 Section 3103. As used in the Oklahoma Pension Legislation
14 Actuarial Analysis Act:

15 1. "Amendment" means any amendment, including a substitute
16 bill, made to a retirement bill by any committee of the House or
17 Senate, any conference committee of the House or Senate or by the
18 House or Senate;

19 2. "RB number" means that number preceded by the letters "RB"
20 assigned to a retirement bill by the respective staffs of the
21 Oklahoma State Senate and the Oklahoma House of Representatives when
22 the respective staff office prepares a retirement bill for a member
23 of the Legislature;

24

1 3. "Legislative Actuary" means the firm or entity that enters
2 into a contract with the Legislative Service Bureau pursuant to
3 Section 452.15 of Title 74 of the Oklahoma Statutes to provide the
4 actuarial services and other duties provided for in the Oklahoma
5 Pension Legislation Actuarial Analysis Act;

6 4. "Nonfiscal amendment" means an amendment to a retirement
7 bill having a fiscal impact, which amendment does not change any
8 factor of an actuarial investigation specified in subsection A of
9 Section 3109 of this title;

10 5. "Nonfiscal retirement bill" means a retirement bill:

11 a. which does not affect the cost or funding factors of a
12 retirement system, ~~or~~

13 b. which affects such factors only in a manner which does
14 not:

15 (1) grant a benefit increase under the retirement
16 system affected by the bill,

17 (2) create an actuarial accrued liability for or
18 increase the actuarial accrued liability of the
19 retirement system affected by the bill, or

20 (3) increase the normal cost of the retirement system
21 affected by the bill,

22 c. which authorizes the purchase by an active member of
23 the retirement system, at the actuarial cost for the
24 purchase as computed pursuant to the statute in effect

- on the effective date of the measure allowing such purchase, of years of service for purposes of reaching a normal retirement date in the applicable retirement system, but which cannot be used in order to compute the number of years of service for purposes of computing the retirement benefit for the member,
- d. which provides for the computation of a service-connected disability retirement benefit for members of the Oklahoma Law Enforcement Retirement System pursuant to Section 2-305 of Title 47 of the Oklahoma Statutes if the members were unable to complete twenty (20) years of service as a result of the disability,
 - e. which requires membership in the defined benefit plan authorized by Section 901 et seq. of Title 74 of the Oklahoma Statutes for persons whose first elected or appointed service occurs on or after November 1, 2018, if such persons had any prior service in the Oklahoma Public Employees Retirement System prior to November 1, 2015,
 - f. which provides for a one-time increase in retirement benefits if the increase in retirement benefits is not a permanent increase in the gross annual retirement benefit payable to a member or beneficiary, occurs

1 only once pursuant to a single statutory authorization
2 and does not exceed:

3 (1) the lesser of two percent (2%) of the gross
4 annual retirement benefit of the member or One
5 Thousand Dollars (\$1,000.00) and requires that
6 the benefit may only be provided if the funded
7 ratio of the affected retirement system would not
8 be less than sixty percent (60%) but not greater
9 than eighty percent (80%) after the benefit
10 increase is paid,

11 (2) the lesser of two percent (2%) of the gross
12 annual retirement benefit of the member or One
13 Thousand Two Hundred Dollars (\$1,200.00) and
14 requires that the benefit may only be provided if
15 the funded ratio of the affected retirement
16 system would be greater than eighty percent (80%)
17 but not greater than one hundred percent (100%)
18 after the benefit increase is paid,

19 (3) the lesser of two percent (2%) of the gross
20 annual retirement benefit of the member or One
21 Thousand Four Hundred Dollars (\$1,400.00) and
22 requires that the benefit may only be provided if
23 the funded ratio of the affected retirement
24

1 system would be greater than one hundred percent
2 (100%) after the benefit increase is paid, or
3 (4) the greater of two percent (2%) of the gross
4 annual retirement benefit of the volunteer
5 firefighter or One Hundred Dollars (\$100.00) for
6 persons who retired from the Oklahoma
7 Firefighters Pension and Retirement System as
8 volunteer firefighters and who did not retire
9 from the Oklahoma Firefighters Pension and
10 Retirement System as a paid firefighter.

11 As used in this subparagraph, "funded ratio" means the
12 figure derived by dividing the actuarial value of
13 assets of the applicable retirement system by the
14 actuarial accrued liability of the applicable
15 retirement system, ~~or~~

16 g. which modifies the disability pension standard for
17 police officers who are members of the Oklahoma Police
18 Pension and Retirement System as provided by Section 3
19 of this act, or

20 h. which provides a cost-of-living benefit increase
21 pursuant to the provisions of Sections 2 through 7 of
22 this act.

23 A nonfiscal retirement bill shall include any retirement bill that
24 has as its sole purpose the appropriation or distribution or

1 redistribution of monies in some manner to a retirement system for
2 purposes of reducing the unfunded liability of such system or the
3 earmarking of a portion of the revenue from a tax to a retirement
4 system or increasing the percentage of the revenue earmarked from a
5 tax to a retirement system;

6 6. "Reduction-in-cost amendment" means an amendment to a
7 retirement bill having a fiscal impact which reduces the cost of the
8 bill as such cost is determined by the actuarial investigation for
9 the bill prepared pursuant to Section 3109 of this title;

10 7. "Retirement bill" means any bill or joint resolution
11 introduced or any bill or joint resolution amended by a member of
12 the Oklahoma Legislature which creates or amends any law directly
13 affecting a retirement system. A retirement bill shall not mean a
14 bill or resolution that impacts the revenue of any state tax in
15 which a portion of the revenue generated from such tax is earmarked
16 for the benefit of a retirement system;

17 8. "Retirement bill having a fiscal impact" means any
18 retirement bill creating or establishing a retirement system and any
19 other retirement bill other than a nonfiscal retirement bill; and

20 9. "Retirement system" means the Teachers' Retirement System of
21 Oklahoma, the Oklahoma Public Employees Retirement System, the
22 Uniform Retirement System for Justices and Judges, the Oklahoma
23 Firefighters Pension and Retirement System, the Oklahoma Police
24 Pension and Retirement System, the Oklahoma Law Enforcement

1 Retirement System, or a retirement system established after January
2 1, 2006.

3 SECTION 8. REPEALER 62 O.S. 2011, Section 3103, as last
4 amended by Section 1, Chapter 121, O.S.L. 2020 (62 O.S. Supp. 2020,
5 Section 3103), is hereby repealed.

6 SECTION 9. AMENDATORY 70 O.S. 2011, Section 3-142, as
7 last amended by Section 1, Chapter 122, O.S.L. 2020 (70 O.S. Supp.
8 2020, Section 3-142), is amended to read as follows:

9 Section 3-142. A. For purposes of funding, a charter school
10 sponsored by a board of education of a school district shall be
11 considered a site within the school district in which the charter
12 school is located. The student membership of the charter school
13 shall be considered separate from the student membership of the
14 district in which the charter school is located for the purpose of
15 calculating weighted average daily membership pursuant to Section
16 18-201.1 of this title and State Aid pursuant to Section 18-200.1 of
17 this title. For charter schools sponsored by a board of education
18 of a school district, the sum of the separate calculations for the
19 charter school and the school district shall be used to determine
20 the total State Aid allocation for the district in which the charter
21 school is located. A charter school shall receive from the
22 sponsoring school district, the State Aid allocation and any other
23 state-appropriated revenue generated by its students for the
24 applicable year, less up to three percent (3%) of the State Aid

1 allocation, which may be retained by the school district as a fee
2 for administrative services rendered. For charter schools sponsored
3 by the board of education of a technology center school district, a
4 higher education institution, the State Board of Education, or a
5 federally recognized Indian tribe and for statewide virtual charter
6 schools sponsored by the Statewide Virtual Charter School Board, the
7 State Aid allocation for the charter school shall be distributed by
8 the State Board of Education and not more than three percent (3%) of
9 the State Aid allocation may be charged by the sponsor as a fee for
10 administrative services rendered. The State Board of Education
11 shall determine the policy and procedure for making payments to a
12 charter school. The fee for administrative services as authorized
13 in this subsection shall only be assessed on the State Aid
14 allocation amount and shall not be assessed on any other
15 appropriated amounts. A sponsor of a charter school shall not
16 retain any additional State Aid allocation or charge the charter
17 school any additional fee above the amounts allowed by this
18 subsection unless the additional fees are for additional services
19 rendered. The charter school sponsor shall provide to the State
20 Department of Education financial records documenting any state
21 funds retained by the sponsor for administrative services rendered
22 for the previous year.

23 B. 1. The weighted average daily membership for the first year
24 of operation of a charter school shall be determined initially by

1 multiplying the actual enrollment of students as of August 1 by
2 1.333. The charter school shall receive revenue equal to that which
3 would be generated by the estimated weighted average daily
4 membership calculated pursuant to this paragraph. At midyear, the
5 allocation for the charter school shall be adjusted using the first
6 quarter weighted average daily membership for the charter school
7 calculated pursuant to subsection A of this section.

8 2. For the purpose of calculating weighted average daily
9 membership pursuant to Section 18-201.1 of this title and State Aid
10 pursuant to Section 18-200.1 of this title, the weighted average
11 daily membership for the first year of operation ~~and each year~~
12 ~~thereafter~~ of a full-time statewide virtual charter school sponsored
13 by the Statewide Virtual Charter School Board shall be determined
14 initially by multiplying the actual enrollment of students as of
15 August 1 by 1.333. The full-time virtual charter school shall
16 receive revenue equal to that which would be generated by the
17 estimated weighted average daily membership calculated pursuant to
18 this paragraph. At midyear, the allocation for the full-time
19 statewide virtual charter school shall be adjusted using the first
20 quarter weighted average daily membership for the virtual charter
21 school calculated pursuant to subsection A of this section.

22 C. A charter school shall be eligible to receive any other aid,
23 grants or revenues allowed to other schools. A charter school
24 sponsored by the board of education of a technology center school

1 district, a higher education institution, the State Board of
2 Education, or a federally recognized Indian tribe shall be
3 considered a local education agency for purposes of funding. A
4 charter school sponsored by a board of education of a school
5 district shall be considered a local education agency for purposes
6 of federal funding.

7 D. A charter school, in addition to the money received from the
8 state, may receive money from any other source. Any unexpended
9 funds may be reserved and used for future purposes. The governing
10 body of a charter school shall not levy taxes or issue bonds. If
11 otherwise allowed by law, the governing body of a charter school may
12 enter into private contracts for the purposes of borrowing money
13 from lenders. If the governing body of the charter school borrows
14 money, the charter school shall be solely responsible for repaying
15 the debt, and the state or the sponsor shall not in any way be
16 responsible or obligated to repay the debt.

17 E. Any charter school which chooses to lease property shall be
18 eligible to receive current government lease rates.

19 F. Except as otherwise provided in this subsection, each
20 charter school shall pay to the Charter School Closure Reimbursement
21 Revolving Fund created in subsection G of this section an amount
22 equal to Five Dollars (\$5.00) per student based on average daily
23 membership, as defined by paragraph 2 of Section 18-107 of this
24 title, during the first nine (9) weeks of the school year. Each

1 charter school shall complete the payment every school year within
2 thirty (30) days after the first nine (9) weeks of the school year.
3 If the Charter School Closure Reimbursement Revolving Fund has a
4 balance of One Million Dollars (\$1,000,000.00) or more on July 1, no
5 payment shall be required the following school year.

6 G. There is hereby created in the State Treasury a revolving
7 fund for the State Department of Education to be designated the
8 "Charter School Closure Reimbursement Revolving Fund". The fund
9 shall be a continuing fund, not subject to fiscal year limitations,
10 and shall consist of all monies received by the State Department of
11 Education from charter schools as provided in subsection F of this
12 section. All monies accruing to the credit of said fund are hereby
13 appropriated and may be budgeted and expended by the State
14 Department of Education for the purpose of reimbursing charter
15 school sponsors for costs incurred due to the closure of a charter
16 school. Expenditures from said fund shall be made upon warrants
17 issued by the State Treasurer against claims filed as prescribed by
18 law with the Director of the Office of Management and Enterprise
19 Services for approval and payment. The State Department of
20 Education may promulgate rules regarding sponsor eligibility for
21 reimbursement.

22 SECTION 10. REPEALER 70 O.S. 2011, Section 3-142, as
23 last amended by Section 1, Chapter 61, O.S.L. 2020 (70 O.S. Supp.
24 2020, Section 3-142), is hereby repealed.

1 SECTION 11. AMENDATORY 70 O.S. 2011, Section 18-200.1,
2 as amended by Section 2, Chapter 61, O.S.L. 2020 (70 O.S. Supp.
3 2020, Section 18-200.1), is amended to read as follows:

4 Section 18-200.1. A. Beginning with the 2020-21 school year,
5 and each school year thereafter, each school district shall have its
6 initial allocation of State Aid calculated based on the state
7 dedicated revenues actually collected during the preceding fiscal
8 year, the adjusted assessed valuation of the preceding year and the
9 highest weighted average daily membership for the school district of
10 the two (2) preceding school years. Each school district shall
11 submit the following data based on the first nine (9) weeks, to be
12 used in the calculation of the average daily membership of the
13 school district:

- 14 1. Student enrollment by grade level;
- 15 2. Pupil category counts; and
- 16 3. Transportation supplement data.

17 On or before December 30, the State Department of Education
18 shall determine each school district's current year allocation
19 pursuant to subsection D of this section. The State Department of
20 Education shall complete an audit, using procedures established by
21 the Department, of the student enrollment by grade level data, pupil
22 category counts and transportation supplement data to be used in the
23 State Aid Formula pursuant to subsection D of this section by
24 December 1 and by January 15 shall notify each school district of

1 the district's final State Aid allocation for the current school
2 year. The January payment of State Aid and each subsequent payment
3 for the remainder of the school year shall be based on the final
4 State Aid allocation as calculated in subsection D of this section.
5 Except for reductions made due to the assessment of penalties by the
6 State Department of Education according to law, the January payment
7 of State Aid and each subsequent payment for the remainder of the
8 school year shall not decrease by an amount more than the amount
9 that the current chargeable revenue increases for that district.

10 B. The State Department of Education shall retain not less than
11 one and one-half percent (1 1/2%) of the total funds appropriated
12 for financial support of schools, to be used to make midyear
13 adjustments in State Aid and which shall be reflected in the final
14 allocations. If the amount of appropriated funds, including the one
15 and one-half percent (1 1/2%) retained, remaining after January 1 of
16 each year is not sufficient to fully fund the final allocations, the
17 Department shall recalculate each school district's remaining
18 allocation pursuant to subsection D of this section using the
19 reduced amount of appropriated funds.

20 C. On and after July 1, 1997, the amount of State Aid each
21 district shall receive shall be the sum of the Foundation Aid, the
22 Salary Incentive Aid and the Transportation Supplement, as adjusted
23 pursuant to the provisions of subsection G of this section and
24 Section 18-112.2 of this title; provided, no district having per

1 pupil revenue in excess of three hundred percent (300%) of the
2 average per pupil revenue of all districts shall receive any State
3 Aid or Supplement in State Aid.

4 The July calculation of per pupil revenue shall be determined by
5 dividing the district's second preceding year's total weighted
6 average daily membership (ADM) into the district's second preceding
7 year's total revenues excluding federal revenue, insurance loss
8 payments, reimbursements, recovery of overpayments and refunds,
9 unused reserves, prior expenditures recovered, prior year surpluses,
10 and less the amount of any transfer fees paid in that year.

11 The December calculation of per pupil revenue shall be
12 determined by dividing the district's preceding year's total
13 weighted average daily membership (ADM) into the district's
14 preceding year's total revenues excluding federal revenue, insurance
15 loss payments, reimbursements, recovery of overpayments and refunds,
16 unused reserves, prior expenditures recovered, prior year surpluses,
17 and less the amount of any transfer fees paid in that year.

18 D. For the 1997-98 school year, and each school year
19 thereafter, Foundation Aid, the Transportation Supplement and Salary
20 Incentive Aid shall be calculated as follows:

21 1. Foundation Aid shall be determined by subtracting the amount
22 of the Foundation Program Income from the cost of the Foundation
23 Program and adding to this difference the Transportation Supplement.
24

- 1 a. The Foundation Program shall be a district's highest
2 weighted average daily membership based on the first
3 nine (9) weeks of the current school year, the
4 preceding school year or the second preceding school
5 year of a school district, as determined by the
6 provisions of subsection A of Section 18-201.1 of this
7 title and paragraphs 1, 2, 3 and 4 of subsection B of
8 Section 18-201.1 of this title, multiplied by the Base
9 Foundation Support Level.
- 10 b. The Foundation Program Income shall be the sum of the
11 following:
- 12 (1) The adjusted assessed valuation of the current
13 school year of the school district, minus the
14 previous year protested ad valorem tax revenues
15 held as prescribed in Section 2884 of Title 68 of
16 the Oklahoma Statutes, multiplied by the mills
17 levied pursuant to subsection (c) of Section 9 of
18 Article X of the Oklahoma Constitution, if
19 applicable, as adjusted in subsection (c) of
20 Section 8A of Article X of the Oklahoma
21 Constitution. For purposes of this subsection,
22 the "adjusted assessed valuation of the current
23 school year" shall be the adjusted assessed
24

valuation on which tax revenues are collected during the current school year, and

- (2) Seventy-five percent (75%) of the amount received by the school district from the proceeds of the county levy during the preceding fiscal year, as levied pursuant to subsection (b) of Section 9 of Article X of the Oklahoma Constitution, and
- (3) Motor Vehicle Collections, and
- (4) Gross Production Tax, and
- (5) State Apportionment, and
- (6) R.E.A. Tax.

The items listed in divisions (3), (4), (5), and (6) of this subparagraph shall consist of the amounts actually collected from such sources during the preceding fiscal year calculated on a per capita basis on the unit provided for by law for the distribution of each such revenue.

2. The Transportation Supplement shall be equal to the average daily haul times the per capita allowance times the appropriate transportation factor.

- a. The average daily haul shall be the number of children in a district who are legally transported and who live one and one-half (1 1/2) miles or more from school.

b. The per capita allowance shall be determined using the following chart:

PER CAPITA

PER CAPITA

DENSITY FIGURE

ALLOWANCE

DENSITY FIGURE

ALLOWANCE

.3000 - .3083 \$167.00 .9334 - .9599 \$99.00

.3084 - .3249 \$165.00 .9600 - .9866 \$97.00

.3250 - .3416 \$163.00 .9867 - 1.1071 \$95.00

.3417 - .3583 \$161.00 1.1072 - 1.3214 \$92.00

.3584 - .3749 \$158.00 1.3215 - 1.5357 \$90.00

.3750 - .3916 \$156.00 1.5358 - 1.7499 \$88.00

.3917 - .4083 \$154.00 1.7500 - 1.9642 \$86.00

.4084 - .4249 \$152.00 1.9643 - 2.1785 \$84.00

.4250 - .4416 \$150.00 2.1786 - 2.3928 \$81.00

.4417 - .4583 \$147.00 2.3929 - 2.6249 \$79.00

.4584 - .4749 \$145.00 2.6250 - 2.8749 \$77.00

.4750 - .4916 \$143.00 2.8750 - 3.1249 \$75.00

.4917 - .5083 \$141.00 3.1250 - 3.3749 \$73.00

.5084 - .5249 \$139.00 3.3750 - 3.6666 \$70.00

.5250 - .5416 \$136.00 3.6667 - 3.9999 \$68.00

.5417 - .5583 \$134.00 4.0000 - 4.3333 \$66.00

.5584 - .5749 \$132.00 4.3334 - 4.6666 \$64.00

.5750 - .5916 \$130.00 4.6667 - 4.9999 \$62.00

.5917 - .6133 \$128.00 5.0000 - 5.5000 \$59.00

.6134 - .6399 \$125.00 5.5001 - 6.0000 \$57.00

1	.6400 - .6666	\$123.00	6.0001 - 6.5000	\$55.00
2	.6667 - .6933	\$121.00	6.5001 - 7.0000	\$53.00
3	.6934 - .7199	\$119.00	7.0001 - 7.3333	\$51.00
4	.7200 - .7466	\$117.00	7.3334 - 7.6667	\$48.00
5	.7467 - .7733	\$114.00	7.6668 - 8.0000	\$46.00
6	.7734 - .7999	\$112.00	8.0001 - 8.3333	\$44.00
7	.8000 - .8266	\$110.00	8.3334 - 8.6667	\$42.00
8	.8267 - .8533	\$108.00	8.6668 - 9.0000	\$40.00
9	.8534 - .8799	\$106.00	9.0001 - 9.3333	\$37.00
10	.8800 - .9066	\$103.00	9.3334 - 9.6667	\$35.00
11	.9067 - .9333	\$101.00	9.6668 or more	\$33.00

c. The formula transportation factor shall be 1.39.

3. Salary Incentive Aid shall be determined as follows:

a. Multiply the Incentive Aid guarantee by the district's highest weighted average daily membership based on the first nine (9) weeks of the current school year, the preceding school year or the second preceding school year of a school district, as determined by the provisions of subsection A of Section 18-201.1 of this title and paragraphs 1, 2, 3 and 4 of subsection B of Section 18-201.1 of this title.

b. Divide the district's adjusted assessed valuation of the current school year minus the previous year's protested ad valorem tax revenues held as prescribed

1 in Section 2884 of Title 68 of the Oklahoma Statutes,
2 by one thousand (1,000) and subtract the quotient from
3 the product of subparagraph a of this paragraph. The
4 remainder shall not be less than zero (0).

5 c. Multiply the number of mills levied for general fund
6 purposes above the fifteen (15) mills required to
7 support Foundation Aid pursuant to division (1) of
8 subparagraph b of paragraph 1 of this subsection, not
9 including the county four-mill levy, by the remainder
10 of subparagraph b of this paragraph. The product
11 shall be the Salary Incentive Aid of the district.

12 E. By June 30, 1998, the State Department of Education shall
13 develop and the Department and all school districts shall have
14 implemented a student identification system which is consistent with
15 the provisions of subsections C and D of Section 3111 of Title 74 of
16 the Oklahoma Statutes. The student identification system shall be
17 used specifically for the purpose of reporting enrollment data by
18 school sites and by school districts, the administration of the
19 Oklahoma School Testing Program Act, the collection of appropriate
20 and necessary data pursuant to the Oklahoma Educational Indicators
21 Program, determining student enrollment, establishing a student
22 mobility rate, allocation of the State Aid Formula and mid-year
23 adjustments in funding for student growth. This enrollment data
24 shall be submitted to the State Department of Education in

1 accordance with rules promulgated by the State Board of Education.
2 Funding for the development, implementation, personnel training and
3 maintenance of the student identification system shall be set out in
4 a separate line item in the allocation section of the appropriation
5 bill for the State Board of Education for each year.

6 F. 1. In the event that ad valorem taxes of a school district
7 are determined to be uncollectible because of bankruptcy, clerical
8 error, or a successful tax protest, and the amount of such taxes
9 deemed uncollectible exceeds Fifty Thousand Dollars (\$50,000.00) or
10 an amount greater than twenty-five percent (25%) of ad valorem taxes
11 per tax year, or the valuation of a district is lowered by order of
12 the State Board of Equalization, the school district's State Aid,
13 for the school year that such ad valorem taxes are calculated in the
14 State Aid Formula, shall be determined by subtracting the net
15 assessed valuation of the property upon which taxes were deemed
16 uncollectible from the assessed valuation of the school district and
17 the state. Upon request of the local board of education, it shall
18 be the duty of the county assessor to certify to the Director of
19 Finance of the State Department of Education the net assessed
20 valuation of the property upon which taxes were determined
21 uncollectible.

22 2. In the event that the amount of funds a school district
23 receives for reimbursement from the Ad Valorem Reimbursement Fund is
24 less than the amount of funds claimed for reimbursement by the

1 school district due to insufficiency of funds as provided in Section
2 193 of Title 62 of the Oklahoma Statutes, then the school district's
3 assessed valuation for the school year that such ad valorem
4 reimbursement is calculated in the State Aid Formula shall be
5 adjusted accordingly.

6 G. 1. Notwithstanding the provisions of Section 18-112.2 of
7 this title, a school district shall have its State Aid reduced by an
8 amount equal to the amount of carryover in the general fund of the
9 district as of June 30 of the preceding fiscal year, that is in
10 excess of the following standards for two (2) consecutive years:

11	Total Amount of	Amount of
12	General Fund Collections,	General Fund
13	Excluding Previous Year	Balance
14	Cash Surplus as of June 30	Allowable
15	Less than \$1,000,000	40%
16	\$1,000,000 - \$2,999,999	35%
17	\$3,000,000 - \$3,999,999	30%
18	\$4,000,000 - \$4,999,999	25%
19	\$5,000,000 - \$5,999,999	20%
20	\$6,000,000 - \$7,999,999	18%
21	\$8,000,000 - \$9,999,999	16%
22	\$10,000,000 or more	14%

23 2. By February 1 the State Department of Education shall send
24 by certified mail, with return receipt requested, to each School

1 District Superintendent, Auditor and Regional Accreditation Officer
2 a notice of and calculation sheet reflecting the general fund
3 balance penalty to be assessed against that school district.
4 Calculation of the general fund balance penalty shall not include
5 federal revenue. Within thirty (30) days of receipt of this written
6 notice the school district shall submit to the Department a written
7 reply either accepting or protesting the penalty to be assessed
8 against the district. If protesting, the school district shall
9 submit with its reply the reasons for rejecting the calculations and
10 documentation supporting those reasons. The Department shall review
11 all school district penalty protest documentation and notify each
12 district by March 15 of its finding and the final penalty to be
13 assessed to each district. General fund balance penalties shall be
14 assessed to all school districts by April 1.

15 3. Any school district which receives proceeds from a tax
16 settlement or a Federal Emergency Management Agency settlement
17 during the last two (2) months of the preceding fiscal year shall be
18 exempt from the penalties assessed in this subsection, if the
19 penalty would occur solely as a result of receiving funds from the
20 tax settlement.

21 4. Any school district which receives an increase in State Aid
22 because of a change in Foundation and/or Salary Incentive Aid
23 factors during the last two (2) months of the preceding fiscal year
24 shall be exempt from the penalties assessed in this subsection, if

1 the penalty would occur solely as a result of receiving funds from
2 the increase in State Aid.

3 5. If a school district does not receive Foundation and/or
4 Salary Incentive Aid during the preceding fiscal year, the State
5 Board of Education may waive the penalty assessed in this subsection
6 if the penalty would result in a loss of more than forty percent
7 (40%) of the remaining State Aid to be allocated to the school
8 district between April 1 and the remainder of the school year and if
9 the Board determines the penalty will cause the school district not
10 to meet remaining financial obligations.

11 6. Any school district which receives gross production revenue
12 apportionment during the 2002-2003 school year or in any subsequent
13 school year that is greater than the gross production revenue
14 apportionment of the preceding school year shall be exempt from the
15 penalty assessed in this subsection, if the penalty would occur
16 solely as a result of the gross production revenue apportionment, as
17 determined by the State Board of Education.

18 7. Beginning July 1, 2003, school districts that participate in
19 consolidation or annexation pursuant to the provisions of the
20 Oklahoma School Voluntary Consolidation and Annexation Act shall be
21 exempt from the penalty assessed in this subsection for the school
22 year in which the consolidation or annexation occurs and for the
23 next three (3) fiscal years.

1 8. Any school district which receives proceeds from a sales tax
2 levied by a municipality pursuant to Section 22-159 of Title 11 of
3 the Oklahoma Statutes or proceeds from a sales tax levied by a
4 county pursuant to Section 1370 of Title 68 of the Oklahoma Statutes
5 during the 2003-2004 school year or the 2004-2005 school year shall
6 be exempt from the penalties assessed in this subsection, if the
7 penalty would occur solely as a result of receiving funds from the
8 sales tax levy.

9 9. Any school district which has an amount of carryover in the
10 general fund of the district in excess of the limits established in
11 paragraph 1 of this subsection during the fiscal year beginning July
12 1, 2019, shall not be assessed a general fund balance penalty as
13 provided for in this subsection.

14 10. For purposes of calculating the general fund balance
15 penalty, the terms "carryover" and "general fund balance" shall not
16 include federal revenue.

17 H. In order to provide startup funds for the implementation of
18 early childhood programs, State Aid may be advanced to school
19 districts that initially start early childhood instruction at a
20 school site. School districts that desire such advanced funding
21 shall make application to the State Department of Education no later
22 than September 15 of each year and advanced funding shall be awarded
23 to the approved districts no later than October 30. The advanced
24 funding shall not exceed the per pupil amount of State Aid as

1 calculated in subsection D of this section per anticipated Head
2 Start eligible student. The total amount of advanced funding shall
3 be proportionately reduced from the monthly payments of the
4 district's State Aid payments during the last six (6) months of the
5 same fiscal year.

6 I. 1. Beginning July 1, 1996, the Oklahoma Tax Commission,
7 notwithstanding any provision of law to the contrary, shall report
8 monthly to the State Department of Education the monthly
9 apportionment of the following information:

- 10 a. the assessed valuation of property,
- 11 b. motor vehicle collections,
- 12 c. R.E.A. tax collected, and
- 13 d. gross productions tax collected.

14 2. Beginning July 1, 1997, the State Auditor and Inspector's
15 Office, notwithstanding any provision of law to the contrary, shall
16 report monthly to the State Department of Education the monthly
17 apportionment of the proceeds of the county levy.

18 3. Beginning July 1, 1996, the Commissioners of the Land
19 Office, notwithstanding any provision of law to the contrary, shall
20 report monthly to the State Department of Education the monthly
21 apportionment of state apportionment.

22 4. Beginning July 1, 1997, the county treasurers' offices,
23 notwithstanding any provision of law to the contrary, shall report
24

1 monthly to the State Department of Education the ad valorem tax
2 protest amounts for each county.

3 5. The information reported by the Tax Commission, the State
4 Auditor and Inspector's Office, the county treasurers' offices and
5 the Commissioners of the Land Office, pursuant to this subsection
6 shall be reported by school district on forms developed by the State
7 Department of Education.

8 SECTION 12. REPEALER 70 O.S. 2011, Section 18-200.1, as
9 amended by Section 1, Chapter 128, O.S.L. 2020 (70 O.S. Supp. 2020,
10 Section 18-200.1), is hereby repealed.

11 SECTION 13. AMENDATORY 74 O.S. 2011, Section 85.3A, as
12 last amended by Section 4, Chapter 98, O.S.L. 2020 (74 O.S. Supp.
13 2020, Section 85.3A), is amended to read as follows:

14 Section 85.3A. A. Compliance with the provisions of the
15 Oklahoma Central Purchasing Act shall not be required of:

- 16 1. County government;
- 17 2. The Oklahoma State Regents for Higher Education, the
18 institutions, centers, or other constituent agencies of The Oklahoma
19 State System of Higher Education;
- 20 3. The telecommunications network known as OneNet;
- 21 4. The Department of Public Safety gun range;
- 22 5. The State Treasurer for the following purchases:
 - 23 a. services, including, but not limited to, legal
24 services to assist in the administration of the

1 Uniform Unclaimed Property Act, as provided in Section
2 668 of Title 60 of the Oklahoma Statutes, and

3 b. software, hardware and associated services to assist
4 in the administration of funds and securities held by
5 the state, as provided in Section 71.2 of Title 62 of
6 the Oklahoma Statutes;

7 6. Statutorily allowed interagency agreements between state
8 agencies;

9 7. The Oklahoma Department of Veterans Affairs, in accordance
10 with Section 63.22 of Title 72 of the Oklahoma Statutes; ~~or~~

11 8. A transaction, wholly funded by monies other than state-
12 derived funds, in which a state agency functions only as a pass-
13 through conduit to fund an acquisition that is required by the
14 funding source for the benefit of another entity or individuals and
15 the state agency does not retain ownership of any part of the
16 acquisition as a result of the transaction; or

17 9. The Secretary of State when selecting a vendor for
18 publication of the Oklahoma Statutes in accordance with Section 13
19 of Title 75 of the Oklahoma Statutes.

20 B. The State Purchasing Director may form an advisory committee
21 consisting of representatives from entities exempted from the
22 provisions of the Oklahoma Central Purchasing Act. The purpose of
23 the committee shall be to allow committee members to provide input
24 into the development of shared state purchasing contracts,

1 collaboratively participate in the integration of their purchasing
2 platforms or electronic purchasing catalogs, analyze solutions that
3 may be used by state government to meet the purchasing needs of the
4 entities, explore joint purchases of general use items that result
5 in mutual procurement of quality goods and services at the lowest
6 reasonable cost and explore flexibility, administrative relief, and
7 transformation changes through utilization of procurement
8 technology.

9 C. At the invitation of the State Purchasing Director entities
10 exempted from the provisions of the Oklahoma Central Purchasing Act
11 shall participate in the advisory committee referenced in subsection
12 B of this section.

13 D. The State Purchasing Director may invite representatives of
14 political subdivisions, and local common education entities to
15 participate as members of the advisory committee.

16 SECTION 14. REPEALER 74 O.S. 2011, Section 85.3A, as
17 last amended by Section 3, Chapter 44, O.S.L. 2020 (74 O.S. Supp.
18 2020, Section 85.3A), is hereby repealed.

19 SECTION 15. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
24 03/30/2021 - DO PASS, As Coauthored.