

ENROLLED HOUSE
BILL NO. 2500

BY: PILGRIM of the HOUSE

and

SMITH of the SENATE

AN ACT RELATING TO DUPLICATE SECTIONS; AMENDING 10 O.S. 1991, SECTION 601.45, AS AMENDED BY SECTION 7 OF ENROLLED HOUSE BILL NO. 1735 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO THE ACT FOR COORDINATION OF SPECIAL SERVICES TO CHILDREN AND YOUTH; CHANGING CERTAIN DATES OF COMPLIANCE; ADDING CERTAIN DUTIES TO CERTAIN COUNCIL; REQUIRING CERTAIN REPORT; AMENDING 10 O.S. 1991, SECTION 1102, AS LAST AMENDED BY SECTION 16 OF ENROLLED HOUSE BILL NO. 1544 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO COURT JURISDICTION OVER VARIOUS CHILDREN; EXPANDING COURT JURISDICTION TO INCLUDE CERTAIN PERSONS; AMENDING 10 O.S. 1991, SECTION 1116.1, AS AMENDED BY SECTION 28 OF ENROLLED HOUSE BILL NO. 1544 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO REVIEW OF CERTAIN PETITIONS, DISPOSITION ORDERS AND REPORTS; PROVIDING FOR NOTIFICATION TO DISTRICT ATTORNEY OF CHANGE OF PLACEMENT; AMENDING 10 O.S. 1991, SECTION 1138, AS AMENDED BY SECTION 36 OF ENROLLED HOUSE BILL NO. 1544 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO THE DUTIES AND POWERS OF THE DEPARTMENT OF HUMAN SERVICES IN RELATION TO DELINQUENCY; PROVIDING OPTIONS FOR PLACEMENT OF DELINQUENT CHILDREN; MAKING OPTIONS EXCLUSIVE; CLARIFYING APPLICATION OF OPTIONS; AMENDING 15 O.S. 1991, SECTION 753 (SECTION 2, CHAPTER 312, O.S.L. 1991), WHICH RELATES TO UNLAWFUL PRACTICES UNDER THE OKLAHOMA CONSUMER PROTECTION ACT; CLARIFYING LANGUAGE; AMENDING 47 O.S. 1991, SECTION 6-101 (SECTION 1, CHAPTER 342, O.S.L. 1991), AS AMENDED BY SECTION 3 OF ENROLLED HOUSE BILL NO. 2431 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO CLASS REQUIREMENTS FOR DRIVER'S LICENSE; PROVIDING EXCEPTION FOR CERTAIN PERSON TO DRIVE VEHICLES PLACARDED FOR HAZARDOUS MATERIALS; MODIFYING CONDITIONS UNDER WHICH RESTRICTED LICENSES MAY BE ISSUED; SETTING FEES FOR UNSUCCESSFUL EXAMINATIONS; REQUIRING COMPETITIVE BIDDING FOR AND AUDIT OF CERTAIN EXPENDITURES; DELETING CERTAIN LANGUAGE ALLOWING EMPLOYMENT OF ADDITIONAL PERSONNEL; AMENDING 47 O.S. 1991, SECTION 6-111, AS AMENDED BY SECTION 7 OF ENROLLED HOUSE BILL NO. 2431 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO ISSUANCE OF LICENSES OR CARDS; PROVIDING FOR IDENTIFICATION OF DEAF OR HEARING IMPAIRED LICENSEES OR CARDHOLDERS; LIMITING ISSUANCE OF LICENSES WITHOUT PHOTOGRAPH;

PROVIDING FOR ISSUANCE OF RESTRICTED COMMERCIAL DRIVER'S LICENSE FOR CERTAIN DRIVERS OPERATING PLACARDED VEHICLES; AMENDING 47 O.S. 1991, SECTION 6-206.1, AS AMENDED BY SECTION 13 OF ENROLLED HOUSE BILL NO. 2431 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO DRIVER IMPROVEMENT AND DEFENSIVE DRIVING COURSES; PERMITTING CERTAIN OFFICERS TO BE INSTRUCTORS; AMENDING 47 O.S. 1991, SECTION 581, AS AMENDED BY SECTION 3 OF ENROLLED HOUSE BILL NO. 2111 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO USED MOTOR VEHICLE AND PARTS DEALERS; MODIFYING AND ADDING DEFINITIONS; AMENDING 47 O.S. 1991, SECTION 583, AS AMENDED BY SECTION 1 OF ENROLLED SENATE BILL NO. 881 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO LICENSING OF USED MOTOR VEHICLE AND PARTS DEALERS; REQUIRING LICENSING OF MANUFACTURED HOME DEALERS; SETTING FEES; REQUIRING CERTAIN BONDS TO BE POSTED; REQUIRING CERTAIN INSURANCE COVERAGE; AMENDING 51 O.S. 1991, SECTION 6, AS AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL NO. 2371 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO PUBLIC OFFICERS; ADDING EXEMPTIONS TO PROHIBITIONS AGAINST DUAL OFFICE HOLDING; AMENDING 63 O.S. 1991, SECTION 1-106.1, AS AMENDED BY SECTION 20 OF ENROLLED HOUSE BILL NO. 2251 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO LICENSES AND PERMITS ISSUED BY THE STATE DEPARTMENT OF HEALTH; PROHIBITING CHANGING OF FEES AT CERTAIN TIMES; STATING CERTAIN EXCEPTIONS TO CERTAIN LIMITATIONS ON CERTAIN FEES; DELETING OBSOLETE LANGUAGE; AMENDING 63 O.S. 1991, SECTION 2-503 (SECTION 6, CHAPTER 306, O.S.L. 1991), WHICH RELATES TO PROPERTY SUBJECT TO FORFEITURE; MODIFYING DISTRIBUTION OF PROCEEDS OF FORFEITURE OF ITEMS SEIZED BY THE OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL; AUTHORIZING CERTAIN AGREEMENTS; LIMITING CERTAIN EXPENDITURES; REQUIRING THE FORWARDING OF CERTAIN DOCUMENTATION; REQUIRING CERTAIN PREAPPROVAL FOR CERTAIN EXPENDITURES; AMENDING 65 O.S. 1991, SECTION 2-106, AS AMENDED BY SECTION 3 OF ENROLLED SENATE BILL NO. 748 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO THE POWERS AND DUTIES OF THE OKLAHOMA DEPARTMENT OF LIBRARIES BOARD; ADDING TO AND MODIFYING CERTAIN POWERS AND DUTIES OF OKLAHOMA DEPARTMENT OF LIBRARIES BOARD; AMENDING 68 O.S. 1991, SECTION 2358 (SECTION 20, CHAPTER 342, O.S.L. 1991), WHICH RELATES TO ADJUSTMENTS TO ARRIVE AT TAXABLE INCOME AND ADJUSTED GROSS INCOME; AUTHORIZING CERTAIN ONE-TIME ADDITIONAL EXEMPTIONS; AMENDING 69 O.S. 1991, SECTION 1705, AS AMENDED BY SECTION 1 OF ENROLLED SENATE BILL NO. 782 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO POWERS AND DUTIES OF THE OKLAHOMA TURNPIKE AUTHORITY; AUTHORIZING ADDITIONAL LOCATIONS FOR TURNPIKE CONSTRUCTION; AMENDING 70 O.S. 1991, SECTION 10-105.3, AS AMENDED BY SECTION 14 OF ENROLLED SENATE BILL NO. 986 OF THE 2ND

SESSION OF THE 43RD OKLAHOMA LEGISLATURE, WHICH RELATES TO PARENT EDUCATION PROGRAMS; DELETING CERTAIN REFERENCES TO AT RISK CHILDREN; DESIGNATING CERTAIN HIGH CHALLENGE PROGRAMS; AMENDING 70 O.S. 1991, SECTION 13-124 (SECTION 3, CHAPTER 317, O.S.L. 1991), WHICH RELATES TO STATE FUNDS FOR EDUCATION; AUTHORIZING CERTAIN BOARDS OF EDUCATION TO EXECUTE AGREEMENTS RELATING TO THE SHARING OF CERTAIN FACILITIES; AMENDING 74 O.S. 1991, SECTION 85.7 (SECTION 10, CHAPTER 332, O.S.L. 1991), WHICH RELATES TO COMPETITIVE BIDDING PROCEDURES; INCREASING AMOUNT OF CONTRACT MONIES FOR PURPOSE OF EXEMPTION FROM ACT; MODIFYING EXEMPTIONS; AMENDING 74 O.S. 1991, SECTION 1847.1 (SECTION 4, CHAPTER 308, O.S.L. 1991), WHICH RELATES TO ADDITIONAL POWERS OF THE OKLAHOMA TOURISM AND RECREATION COMMISSION; MODIFYING CONDEMNATION POWERS AND DUTIES; AMENDING 74 O.S. 1991, SECTION 840.8 (SECTION 3, CHAPTER 308, O.S.L. 1991), WHICH RELATES TO EXEMPT UNCLASSIFIED EMPLOYEES; MODIFYING CERTAIN EXEMPTION; REPEALING 10 O.S. 1991, SECTIONS 601.45, AS AMENDED BY SECTION 1 OF ENROLLED SENATE BILL NO. 1024 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 1102, AS AMENDED BY SECTION 8 OF ENROLLED HOUSE BILL NO. 1735 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 1116.1, AS AMENDED BY SECTION 10 OF ENROLLED HOUSE BILL NO. 1735 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 1138, AS AMENDED BY SECTION 11 OF ENROLLED HOUSE BILL NO. 1735 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 1404, AS AMENDED BY SECTION 17 OF ENROLLED HOUSE BILL NO. 1735 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 11 O.S. 1991, SECTION 37-119 (SECTION 2, CHAPTER 293, O.S.L. 1991), 15 O.S. 1991, SECTION 753 (SECTION 4, CHAPTER 242, O.S.L. 1991), 47 O.S. 1991, SECTION 6-101 (SECTION 46, CHAPTER 216, O.S.L. 1991), 47 O.S. 1991, SECTION 6-101 (SECTION 1, CHAPTER 342, O.S.L. 1991), AS AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL NO. 2147 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 47 O.S. 1991, SECTIONS 6-111, AS AMENDED BY SECTION 2 OF ENROLLED HOUSE BILL NO. 1801 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 6-206.1, AS AMENDED BY SECTION 3 OF ENROLLED HOUSE BILL NO. 2038 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 581, AS AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL NO. 2041 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, AND 583, AS AMENDED BY SECTION 3 OF ENROLLED HOUSE BILL NO. 2041 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 51 O.S. 1991, SECTION 6, AS AMENDED BY SECTION 2 OF ENROLLED HOUSE BILL NO. 1804 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 62 O.S. 1991, SECTION 195, AS AMENDED BY SECTION 5 OF ENROLLED SENATE BILL NO. 976 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 63 O.S. 1991, SECTIONS 1-106.1, AS AMENDED BY SECTION 1 OF ENROLLED SENATE BILL NO. 614 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 2-503 (SECTION 32, CHAPTER 216, O.S.L. 1991), AND SECTION 485.3, AS

AMENDED BY SECTION 4 OF ENROLLED HOUSE BILL NO. 1615 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 65 O.S. 1991, SECTION 2-106, AS AMENDED BY SECTION 2 OF ENROLLED SENATE BILL NO. 747 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 68 O.S. 1991, SECTION 2358 (SECTION 1, CHAPTER 232, O.S.L. 1991), 69 O.S. 1991, SECTION 1705, AS AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL NO. 1807 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 70 O.S. 1991, SECTIONS 6-101.4 (SECTION 6, CHAPTER 3, O.S.L. 1991), 10-105.3, AS AMENDED BY SECTION 2 OF ENROLLED SENATE BILL NO. 583 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 13-114.3, AS AMENDED BY SECTION 1 OF ENROLLED HOUSE BILL NO. 2240 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 13-124 (SECTION 68, CHAPTER 280, O.S.L. 1991), 1210.541, AS AMENDED BY SECTION 3 OF ENROLLED SENATE BILL NO. 583 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, AND 1210.561, AS AMENDED BY SECTION 4 OF ENROLLED SENATE BILL NO. 583 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, AND 74 O.S. 1991, SECTIONS 85.7 (SECTION 2, CHAPTER 197, O.S.L. 1991), 85.32, AS AMENDED BY SECTION 5 OF ENROLLED HOUSE BILL NO. 1827 OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE, 840.8 (SECTION 18, CHAPTER 291, O.S.L. 1991), 908 (SECTION 29, CHAPTER 267, O.S.L. 1988), 1304 (SECTION 10, CHAPTER 288, O.S.L. 1991) AND 1847.1 (SECTION 2, CHAPTER 262, O.S.L. 1991), WHICH ARE DUPLICATE SECTIONS; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 601.45, as amended by Section 7 of Enrolled House Bill No. 1735 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 601.45 A. The Governor shall appoint an Interagency Coordinating Council for Special Services to Children and Youth which shall be composed of nineteen (19) members as follows:

1. One superintendent of an independent school district;
2. One principal of alternative education programs;
3. One special education director employed by a public school;
4. One special education teacher employed by a public school;
5. Five parents of children who are or have been members of the eligible population or the special services population;
6. The chief executive officers or their designees of the:
 - a. Commission on Children and Youth,
 - b. State Department of Education,
 - c. State Department of Vocational and Technical Education,
 - d. Department of Human Services,
 - e. Department of Mental Health and Substance Abuse Services, and
 - f. State Department of Health;

7. The Administrator of Juvenile Justice for the Office of Juvenile Justice of the Department of Human Services;

8. Two persons who represent organizations of private providers of services to the eligible or special services populations; and

9. The Governor or the Governor's designee, who shall chair the Coordinating Council. Legal assistance shall be provided by the Office of the Attorney General. Other staff support and assistance shall be provided by the Commission on Children and Youth.

B. The Coordinating Council shall:

1. On or before ~~November 1, 1991~~ July 1, 1993, complete the State Plan pursuant to the provisions of Section 601.46 of this title;

2. Prior to completion of the State Plan and approval of it by the Committee, make progress reports to the Committee at least once each quarter regarding development of the State Plan; and

3. After approval of the State Plan, monitor implementation of the plan, evaluate the plan, meet with the Committee concerning revisions whenever requested to do so, and on or before November 1, 1994, and November 1 of each subsequent year, submit a report on the implementation and evaluation of the State Plan to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1102, as last amended by Section 16 of Enrolled House Bill No. 1544 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 1102. A. Upon the filing of a petition, or upon the assumption of custody pursuant to the provisions of Section 1107 of this title, the district court shall have jurisdiction of any child who is or is alleged to be delinquent, in need of supervision or deprived, who is found within the county; and of the parent, guardian ~~or~~, legal custodian, legal guardian or stepparent of said child, regardless of where the parent, guardian ~~or~~, legal guardian, legal guardian or stepparent is found; and of any other adult person living in the home of such child. When jurisdiction shall have been obtained over a child who is or is alleged to be in need of supervision or a deprived child, such may be retained until the child becomes eighteen (18) years of age and when jurisdiction shall have been obtained over a child who is or is alleged to be a delinquent, jurisdiction may be retained until the child becomes nineteen (19) years of age. For the convenience of the parties and in the interest of justice, a proceeding under this chapter may be transferred to the district court in any other county.

B. The district court in which a petition is filed or the district court in which custody has been assumed pursuant to the provisions of Section 1107 of this title may retain jurisdiction of a delinquent child in such proceeding notwithstanding the fact that the child is subject to the jurisdiction of another district court within the state. Any adjudication and disposition made by the court in which said petition is filed shall control over prior orders in regard to the child.

C. The district court in which a petition is filed which alleges that a child is in need of supervision or is deprived can issue any temporary order or grant any interlocutory relief authorized by this chapter notwithstanding the fact that another district court within the state has jurisdiction of the child or has jurisdiction to determine the custody or support of the child.

D. If the district court in which a petition is filed pursuant to either subsection B or subsection C of this section sustains the petition, the district court shall have the jurisdiction to make a

final determination on the juvenile petition or to transfer the proceedings to a court having prior jurisdiction over the child. Where the other proceeding is pending in the same judicial district in which the juvenile petition is filed, the chief judge of the judicial district shall determine if the proceedings shall be consolidated and, if consolidated, which judge shall try the issues when the judges to whom the cases have been assigned are unable to agree on the procedure that should be followed.

E. A municipal court, if authorized by the governing body of the municipality, may enter into an agreement with the district court to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfews, possession of nonintoxicating beverages as defined in Section 161.2 of Title 37 of the Oklahoma Statutes, possession of alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes, and public intoxication. A child under eighteen (18) years of age may be charged and prosecuted for violating such a municipal ordinance provided that the maximum fine which may be imposed shall not exceed the maximum fine authorized by law. When assessing punishment, the court also may require appropriate community service work, not to exceed twenty hours, in lieu of a fine if the product of multiplying the number of hours of community service work by the prevailing minimum wage does not result in a number which exceeds the maximum fine authorized by law, or restitution, or both community service work and restitution. In addition, the court may require the child to receive counseling or other community-based services, as necessary. If a child is prosecuted for an offense in a municipal court, the child shall not be prosecuted for the offense in the district court. All municipal arrest and prosecution records for cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfews, possession of nonintoxicating beverages as defined in Section 161.2 of Title 37 of the Oklahoma Statutes, possession of alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes, or public intoxication shall be kept confidential and shall not be open to public inspection except by order of the court or as otherwise provided by Sections 1125 through 1125.4 of ~~Title 10 of the Oklahoma Statutes~~ this title and Section 620.6 of ~~Title 10 of the Oklahoma Statutes~~ this title.

F. Funds generated from fines paid pursuant to an agreement between a municipal court and the district court shall be earmarked and used by the municipality to fund local programs which address problems of juvenile crime.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 1116.1, as amended by Section 28 of Enrolled House Bill No. 1544 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 1116.1 A. 1. Every disposition order regarding a child adjudicated to be deprived, delinquent or in need of supervision shall be reviewed by the court at least once every six (6) months until such time as the conditions which caused the child to be adjudicated have been corrected or the parental rights of said parent or parents are terminated and a final adoption decreed.

2. A dispositional order removing a child from the custody of the parents of the child shall be reviewed at a hearing by the court at least once every six (6) months until such time as the child is returned to the custody of his parents. No later than eighteen (18)

months after placing a child in foster care and every twelve (12) months thereafter, the court making the original order of adjudication shall conduct a dispositional hearing to consider whether the child should be returned to his parents or other family member; the child should be continued in foster care for a specified period; the rights of the parents of the child should be terminated and the child placed for adoption or legal guardianship; or whether the child, because of exceptional circumstances, should remain in foster care on a long-term basis as a permanent plan or with a goal of independent living.

3. The provisions of this section shall also apply to a child who has been removed from the home of the lawful parent or parents of the child after the child has been returned to that home until such time as the court orders the case closed.

B. 1. The agency having supervision of the case or, if the child has been removed from the custody of its parents, the legal custodian of such child shall cause to be prepared for each review hearing required herein a written report concerning each child who is the subject of such review.

2. Said report shall include but not be limited to a summary of the physical, mental, and emotional condition of the child, the conditions existing in the home or institution where the child has been placed, and the child's adjustment thereto, a report on the child's progress in school and, if the child has been placed outside his home, the visitation exercised by the lawful parents of such child.

3. If the Department is the legal custodian of the child, the report also shall include any efforts on the part of the parent or parents to correct the conditions which caused the child to be adjudicated. The report shall specifically recommend, giving reasons therefor, whether or not the parental rights of the parent or parents of the child should be terminated and the child placed for adoption, whether or not the child should remain in the home or if placed outside the home of the child's lawful parents, whether or not the child should remain outside the home or be returned to the home from which the child was removed. If it is determined that the child should be placed for adoption, foster parents may be considered eligible to adopt the child.

C. At each such review hearing, the court shall specifically inquire as to the nature and extent of services being provided the child and parent or parents of the child and shall direct additional services be provided if necessary to protect the child from further physical, mental, or emotional harm or to correct the conditions that led to the adjudication.

In any review order, the court shall further make a determination:

1. as to whether or not reasonable efforts have been made to provide for the return of the child to the child's own home. If reasonable efforts have failed or are not feasible, the court shall make a finding that the efforts to reunite the family have failed, or are not feasible, and reasonable efforts are being made to secure an alternate permanent placement for the child; and

2. where appropriate, when the child is age sixteen (16) or older, that services are being provided that will assist the child in making the transition from foster care to independent living.

D. The attorney representing a child whose case is being reviewed may submit a report to the court for presentation at the review hearing to assist the court in reviewing the placement or status of the child. The legal custodian shall not deny to a child the right of access to counsel and shall facilitate such access.

E. The Department shall notify the court having jurisdiction, the appropriate review board, the appropriate district attorney and the attorney and court-appointed special advocate of the child, if any, whenever the placement of the child is changed and shall inform said court and attorney regarding the location of the child.

F. The Department may not move any deprived child from one foster home or institution to another, if the child has already been moved once since the last court hearing, without first obtaining the approval of the court following a hearing into the reasons and necessity for moving the child. However, the Department may move any child due to an emergency, in which case a hearing shall be conducted, if requested in writing, within ten (10) days following the moving of the child concerning the reasons and necessity for moving the child.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 1138, as amended by Section 36 of Enrolled House Bill No. 1544 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 1138. A. It is the intent of the Legislature of this state to provide for the creation of all reasonable means and methods that can be established by a state for:

1. the prevention of delinquency;
2. the care and rehabilitation of delinquent children; and
3. the protection of the public.

It is further the intent of the Legislature that this state, through the Department of Human Services, establish, maintain and continuously refine and develop a balanced and comprehensive state program for children who are potentially delinquent or are delinquent.

B. Whenever a child who has been adjudicated by the court as a delinquent child has been committed to the Department, the Department ~~may~~ shall provide for placement pursuant to any option authorized by paragraphs 1 through 7 of this subsection; provided, nothing in this subsection shall be construed to establish a priority in regard to the selection of an option or to mandate the exclusive use of one particular option:

1. Place the child in a state training school or other institution or facility maintained by the state for delinquent children if the child has:
 - a. exhibited seriously violent, aggressive or assaultive behavior; or
 - b. committed a serious felony constituting violent, aggressive and assaultive behavior; or
 - c. habitually committed serious delinquent acts; or
 - d. committed multiple serious delinquent acts;to the extent that it is necessary for the protection of the public; or
2. Place the child in a facility maintained by the state for children, or in a foster home, group home, transitional living program or community residential center; or
3. Allow the child his liberty, under supervision, in an independent living program; or
4. Allow the child his liberty, under supervision, either immediately or after a period in one of the facilities referred to in paragraphs 1 and 2 of this subsection; or
5. Place the child in a state school for mentally retarded, if the child is eligible for admission thereto; or
6. Place the child in any licensed private facility deemed by the Department to be in the best interest of the child; or

7. Place the child as provided by Section 1135.1 of this title if the delinquent child has been found by a court to be in need of mental health treatment.

C. The Department shall place priority on the placement of delinquent youth held in secure juvenile detention facilities.

SECTION 5. AMENDATORY 15 O.S. 1991, Section 753 (Section 2, Chapter 312, O.S.L. 1991), is amended to read as follows:

Section 753. A person engages in a practice which is declared to be unlawful under the Oklahoma Consumer Protection Act, Section 751 et seq. of this title, when, in the course of his business, he:

1. Represents, knowingly or with reason to know, that the subject of a consumer transaction is of a particular make or brand, when it is of another;
2. Makes a false or misleading representation, knowingly or with reason to know, as to the source, sponsorship, approval, or certification of the subject of a consumer transaction;
3. Makes a false or misleading representation, knowingly or with reason to know, as to affiliation, connection, association with, or certification by another;
4. Makes a false or misleading representation or designation, knowingly or with reason to know, of the geographic origin of the subject of a consumer transaction;
5. Makes a false representation, knowingly or with reason to know, as to the characteristics, ingredients, uses, benefits, alterations, or quantities of the subject of a consumer transaction or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith;
6. Represents, knowingly or with reason to know, that the subject of a consumer transaction is original or new if he knows that it is reconditioned, reclaimed, used, or secondhand;
7. Represents, knowingly or with reason to know, that the subject of a consumer transaction is of a particular standard, style or model, if it is of another;
8. Advertises, knowingly or with reason to know, the subject of a consumer transaction with intent not to sell it as advertised;
9. Advertises, knowingly or with reason to know, the subject of a consumer transaction with intent not to supply reasonably expected public demand, unless the advertisement discloses a limitation of quantity;
10. Advertises under the guise of obtaining sales personnel when in fact the purpose is to sell the subject of a consumer transaction to the sales personnel applicants;
11. Makes false or misleading statements of fact, knowingly or with reason to know, concerning the price of the subject of a consumer transaction or the reason for, existence of, or amounts of price reduction;
12. Employs "bait and switch" advertising, which consists of an offer to sell the subject of a consumer transaction which the seller does not intend to sell, which advertising is accompanied by one or more of the following practices:
 - a. refusal to show the subject of a consumer transaction advertised;
 - b. disparagement of the advertised subject of a consumer transaction or the terms of sale;
 - c. requiring undisclosed tie-in sales or other undisclosed conditions to be met prior to selling the advertised subject of a consumer transaction;
 - d. refusal to take orders for the subject of a consumer transaction advertised for delivery within a reasonable time;

- e. showing or demonstrating defective subject of a consumer transaction which the seller knows is unusable or impracticable for the purpose set forth in the advertisement;
- f. accepting a deposit for the subject of a consumer transaction and subsequently charging the buyer for a higher priced item; or
- g. willful failure to make deliveries of the subject of a consumer transaction within a reasonable time or to make a refund therefor upon the request of the purchaser;

13. Conducts a closing out sale without having first obtained a license as required in this act, Section 751 et seq. of this title;

14. Resumes the business for which the closing out sale was conducted within one (1) year from the expiration date of the closing out sale license;

15. Falsely states, knowingly or with reason to know, that services, replacements or repairs are needed;

16. Violates any provision of the Oklahoma Health Spa Act, Section 2000 et seq. of Title 59 of the Oklahoma Statutes;

17. Violates any provision of the Home Repair Fraud Act, Section 765.1 et seq. of this title; or

18. Violates any provision of ~~Section 3 of this act~~ the Consumer Disclosure of Prizes and Gifts Act, Section 996.1 et seq. of Title 21 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 6-101 (Section 1, Chapter 342, O.S.L. 1991), as amended by Section 3 of Enrolled House Bill No. 2431 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 6-101. A. No person, except those hereinafter expressly exempted in Section 6-102 of this title, shall operate any motor vehicle upon a highway in this state unless such person has a valid Oklahoma license for the class of vehicle being operated under the provisions of this title. No person shall be permitted to possess more than one valid license at any time.

B. 1. No person shall operate a Class A commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class A commercial license. Any person holding a valid Class A commercial license shall be permitted to operate motor vehicles in Classes A, B, C and D, except as provided for in paragraph 4 of this subsection;

2. No person shall operate a Class B commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class B commercial license. Any person holding a valid Class B commercial license shall be permitted to operate motor vehicles in Classes B, C and D, except as provided for in paragraph 4 of this subsection;

3. No person shall operate a Class C commercial motor vehicle unless such person is eighteen (18) years of age or older and holds a valid Class C commercial license. Any person holding a valid Class C commercial license shall be permitted to operate motor vehicles in Classes C and D, except as provided for in paragraph 4 of this subsection;

4. No person under twenty-one (21) years of age shall be licensed to operate any motor vehicle which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F; provided, the Department of Public Safety shall provide by rule promulgated pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, that a

person under twenty-one (21) years of age may be licensed to operate:

- a. a farm vehicle, or
- b. if such person is the operator of or employed by the operator of a farm retail outlet, any vehicle,

which is required to be placarded for hazardous materials pursuant to 49 C.F.R., Part 172, subpart F, if such licensure will not result in the loss of federal funds to the State of Oklahoma pursuant to federal law or regulation; and

5. No person shall operate a Class D motor vehicle unless such person is sixteen (16) years of age or older and holds a valid Class D license, except as provided for in Section 6-105 of this title. Any person holding a valid Class D license shall be permitted to operate motor vehicles in Class D only.

C. No person shall operate a motorcycle, motor-driven cycle or a motorized bicycle without having a valid Class A, B, C or D license with a motorcycle endorsement.

D. Any person issued a classified driver's license pursuant to this section may exercise the privilege thereby granted upon all streets and highways in this state.

E. Except as otherwise may be provided for by law, any new applicant for an original classified license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department of Public Safety to be eligible for a motorcycle endorsement thereon.

F. Except as otherwise may be provided for by law, any holder of an Oklahoma commercial chauffeur, chauffeur or operator driver's license which is eligible for renewal who applies for a Class A, B, C or D license shall be required to successfully complete a written examination, vision examination and driving examination for a motorcycle as prescribed by the Department to be eligible for a motorcycle endorsement thereon; provided, however, the Department may waive all such examinations upon being furnished satisfactory proof that the applicant has regularly operated a motorcycle, motor-driven cycle or motorized bicycle for a minimum of two (2) years immediately preceding the application.

G. Any person eighteen (18) years of age or older may apply for a restricted Class A, B or C license. The Department, after the applicant has passed all parts of the examination for and has been issued a Class D license and has successfully passed all parts of the examination for a Class A, B or C license other than the driving test, may issue to the applicant a restricted driver's license which shall entitle the applicant having such license in his immediate possession to operate a Class A, B or C commercial motor vehicle upon the public highways solely for the purpose of behind-the-wheel training in accordance with rules promulgated by the Department.

This restricted driver's license shall be issued for the same period as all other licenses; provided, such restricted license may be suspended, revoked, canceled or denied at the discretion of the Department for violation of the restrictions, for failing to give the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. Except as otherwise provided, the holder of such restricted license who has been issued such restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination; provided, the removal of such restriction shall not authorize the operation of a Class A, B or C commercial motor vehicle if such operation is

otherwise prohibited by law. The Department shall cause such examination to be conducted not more than three times during the first six (6) months after date of issuance of said restricted license and not more than one time every three (3) months thereafter upon request of the holder thereof.

H. The fee charged for a successful examination shall be assessed in accordance with the following schedule:

Class A Commercial License	\$25.00
Class B Commercial License	\$15.00
Class C Commercial License	\$15.00
Class D License	\$ 4.00
Motorcycle Examination	\$ 4.00

Notwithstanding the provisions of Section 1104 of this title, all monies collected from the examination fees charged for Class A, B and C Commercial Licenses pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of this state.

I. The fee charged for an examination other than a successful examination shall be Four Dollars (\$4.00) for any license classification. Notwithstanding the provisions of Section 1104 of this title, all monies collected from such examination fees pursuant to the provisions of this subsection shall be deposited in the General Revenue Fund of the state.

J. In addition to any fee charged for a successful examination pursuant to the provisions of subsection H of this section, the fee charged for the issuance or renewal of an Oklahoma license shall be in accordance with the following schedule:

Class A Commercial License	\$35.00
Class B Commercial License	\$35.00
Class C Commercial License	\$25.00
Class D License	\$15.00

K. All original and renewal classified licenses shall expire four (4) years from the last day of the month in which the license was issued.

L. Any person sixty-two (62) years of age or older during the calendar year of issuance or renewal of a Class D license or motorcycle endorsement shall be charged the following prorated fee:

Age 62	\$11.25
Age 63	\$ 7.50
Age 64	\$ 3.75
Age 65	-0-

M. The Oklahoma Department of Public Safety and the Oklahoma Tax Commission are authorized to promulgate rules for the issuance and for the renewal of driver's licenses authorized to be issued pursuant to the provisions of Sections 6-101 through 6-309 of this title. Applications for such licenses shall be handled by the motor license agents, provided that the Department of Public Safety is authorized to assume these duties in any county of this state. Each motor license agent accepting applications for such drivers' licenses shall receive Two Dollars (\$2.00) to be deducted from the total collected for each license or renewal application accepted. The two-dollar fee received by the motor license agent shall be used for operating expenses.

N. Notwithstanding the provisions of Section 1104 of this title and subsection M of this section and except as provided in subsection H of this section, the first Sixty Thousand Dollars (\$60,000.00) of all monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the

purpose of the Department of Public Safety Share the Road Program as that program pertains to the operation of commercial vehicles in this state with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds. Expenditures from the Department of Public Safety Revolving Fund for the purpose of the Department of Public Safety Share the Road program as that program pertains to the operation of commercial vehicles in this state with a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds shall be in compliance with competitive bidding required of state agencies, shall be in compliance with prohibitions against sole source contracts, and shall be audited annually by the State Auditor and Inspector. The next Five Hundred Thousand Dollars (\$500,000.00) of monies collected pursuant to this section shall be paid by the Oklahoma Tax Commission to the State Treasurer to be deposited each fiscal year under the provisions of this section to the credit of the Department of Public Safety Revolving Fund for the purpose of the Statewide Law Enforcement Communications System. All other monies collected in excess of Five Hundred Sixty Thousand Dollars (\$560,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title, except as provided in subsection M of this section.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 6-111, as amended by Section 7 of Enrolled House Bill No. 2431 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 6-111. A. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying therefor a Class A, B, C or D license or identification card as applied for, which license or card shall bear thereon a distinguishing number assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature, date of birth, mailing address, sex, height and a brief description of the licensee or cardholder, and a color photograph of the licensee or cardholder. If the licensee or cardholder is deaf or hearing impaired, the license or card shall contain a small decal inside the lamination identifying the licensee or cardholder as deaf or hearing impaired. The Department of Public Safety may authorize all motor license agents to accept applications for the license or card immediately upon payment of the required fee in accordance with the rules promulgated by the Department of Public Safety. The Department of Public Safety shall develop an alternative procedure whereby an individual applying for a new or renewal Class D license who satisfactorily demonstrates to the Department the inability to appear personally to be photographed, shall be issued a license or card bearing the words "Valid Without Photo"; provided, however, only persons with legitimate religious objection to being photographed may be issued a new or renewal Class A, B or C license without a photograph and bearing the words "Valid Without Photo".

B. The Department may issue a temporary permit to an applicant for a driver's license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's driver's license has been issued or for good cause has been refused.

C. The Department may issue a restricted commercial driver's license to seasonal drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

1. Farm retail outlets and suppliers;
2. Agri-chemical businesses;
3. Custom harvesters; and
4. Livestock feeders.

The applicant shall hold a valid Oklahoma driver's license and shall meet all the requirements for a commercial driver's license except for the commercial driver's license skills and knowledge tests. The restricted commercial driver's license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

The restricted commercial driver's license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B and Class C vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

1. Diesel fuel in quantities of one thousand (1,000) gallons or less;
2. Liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less; and
3. Solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of said licenses.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 6-206.1, as amended by Section 13 of Enrolled House Bill No. 2431 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 6-206.1 A. Driver improvement or defensive driving course is a course which offers an educational setting, provides for driving concepts which encourage attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner.

B. It shall be the responsibility of the institution or organization to provide:

1. Adequate facilities which meet or exceed state and local fire, health and safety codes;
2. Adequate equipment, in good working order, and instructional materials for such courses;
3. Qualified instructors who shall:
 - a. possess an undergraduate degree and have nine (9) college or university credit hours in traffic safety education, unless said instructor has instructed a complete course of instruction within the preceding twelve (12) months prior to July 1, 1991, for an organization or institution previously recognized for point credits by the Department of Public Safety, or is a peace officer certified by the Council on Law Enforcement Education and Training (CLEET) who is employed by a municipality and who has also been certified as an instructor by the Oklahoma Safety Council or the National Safety Council,
 - b. have no alcohol or drug related convictions or revocations in the past five (5) years,
 - c. have no more than five (5) points accumulated on the driving record in the past three (3) years in accordance with the Oklahoma Mandatory Point System,
 - d. have a valid Oklahoma driver's license, and
 - e. complete a course of training through the approved organization or institution;

4. A course of study designed to inform the participant of driver improvement and defensive driving concepts while encouraging attitude or behavioral changes in the responsibility of operating a motor vehicle in a safe and responsible manner. The curriculum, which means the complete lesson plans which include instructional strategy, presentation methods and resources utilized to incorporate the concepts of traffic safety, must provide for but not be limited to the following:

- a. driver personality traits - behavioral attitudes,
- b. driver qualifications and limitations,
- c. effects of alcohol and other drugs,
- d. current accident prevention and defensive driving techniques: speed control, perception, reactions, lane positioning, safe turning and passing, occupant restraints, following distance and rules of the road; and

5. Provide at least eight (8) hours of classroom instruction.

C. Organizations or institutions desirous of making application shall submit the following to the Department of Public Safety:

1. Evidence of organizational or institutional status which meet statutory requirements;

2. Copy of proposed course curriculum which includes lesson objectives, presentation materials, instructional strategy and resources utilized;

3. Certification that instructors meet statutory requirements; and

4. Upon Department of Public Safety approval said organization or institution shall be considered for point credits as set forth in this section.

D. The Department of Public Safety is authorized to grant a two point credit towards the Oklahoma Point System Regulations to any person who successfully completes a course pursuant to this section provided only one such course shall be acknowledged once every twenty-four (24) months.

E. The Department upon giving of notice and hearing may decline to grant credit points to any organization or institution for:

1. Unethical conduct of an instructor or official of an institution or organization;

2. Failure to satisfactorily resolve citizens' complaints;

3. Falsifying or misrepresenting any document or information to the Department or student;

4. Failure of organization or instructor to meet statutory requirements;

5. Conflict of interest by the organization or institution and/or its personnel; or

6. Failure of organization, institution or instructor to continue to meet statutory requirements as provided for in this section.

F. Course enrollment will be limited to not more than thirty (30) students with an enrollment fee of Twenty-five Dollars (\$25.00) per student.

G. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

H. The organization or institution shall within fifteen (15) days of the completion certify to the Department of Public Safety all persons who successfully complete the course on a form approved or furnished by the Department. This shall include the person's full name, address, date of birth and driver's license number.

I. Department personnel shall be admitted to any course without charge, upon request and display of proper credentials.

J. Each organization or institution shall develop auditing procedures which could be utilized to show compliance with this section.

K. Any point credit allowed must comply with the Department's Point System Regulations.

SECTION 9. AMENDATORY 47 O.S. 1991, Section 581, as amended by Section 3 of Enrolled House Bill No. 2111 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 581. As used in Sections 581 through 587 of this title:

1. "Commission" means the Oklahoma Used Motor Vehicle and Parts Commission.

2. "Compensation" means anything of value including money, merchandise, rebates on purchases, trading stamps, or any other thing of value.

3. "Used motor vehicle" means any motor vehicle, as that term is defined in the Motor Vehicle License and Registration Act, which has been sold, bargained, exchanged, given away, or the title thereto transferred from the person who first took title from the manufacturer, importer, or dealer or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "secondhand motor vehicle". In the event of transfer, on the statement of origin, from the original franchised dealer to any other dealer or individual other than a franchised dealer of the same make of vehicle, the vehicle shall be considered a used motor vehicle and must be titled in the new owner's name.

4. "Used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase, or offers or attempts to negotiate a sale or exchange of an interest in used motor vehicles, or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person.

"Used motor vehicle dealer" shall not include:

- a. receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting pursuant to the judgment or order of any court,
- b. public officers while performing their official duties,
- c. employees of persons enumerated in the definition of "used motor vehicle dealer" when engaged in the specific performance of their duties as such employees,
- d. mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement, if such mortgagees or secured parties shall not realize for their own account from such sales any monies in excess of the outstanding balance secured by such mortgage or security agreement, plus costs of collection,
- e. any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control or be responsible for the sale of used motor vehicles as part of an auction or liquidation of an estate, or
- f. any person, firm or corporation who sells, or contracts for the sale of, his own vehicles when such vehicles are sold in liquidation, and any person, firm or corporation who serves as an agent in such sale. The exclusion provided in this paragraph shall not extend to any person, firm or corporation whose

business is the purchase, sale or rental with option to purchase motor vehicles, or to a location used for such purposes.

5. "Used motor vehicle salesman" shall include anyone who, for compensation of any kind, operates as a broker or is compensated for any referral of a prospective buyer to a dealer.

6. "Wholesale used motor vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, sells, brokers, exchanges, rents with option to purchase or offers or attempts to negotiate a sale or exchange of interest in used motor vehicles exclusively to used motor vehicle dealers, or who is engaged in the business of selling used motor vehicles exclusively to used motor vehicle dealers, whether or not such motor vehicles are owned by such person.

7. "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained thereon. The term manufactured home shall not include any manufactured home which is owned by a religious corporation or society and is used exclusively for religious purposes. "Mobile home" means a manufactured home transportable in one section. "Sectional home" means a manufactured home transportable in two or more sections. Said terms shall not include any travel trailer or any self-propelled vehicles used as living quarters, whether referred to as motor homes or by any other name. Provided, that trailers or semitrailers used for the transportation of goods or property, other than the personal belongings of the owner of such vehicle, shall not be included in this definition.

8. "Manufactured home dealer" means any person, firm or corporation engaged in the business of selling any new and unused, or used, or both new and used manufactured homes. Such information and a valid franchise letter as proof of authorization to sell any such new manufactured home product line or lines shall be attached to said application for a dealer license to sell manufactured homes. "Manufactured home dealer" shall not include any person, firm or corporation who sells or contracts for the sale of his own personally titled manufactured home or homes, or any person acting as an auctioneer who has been engaged by a seller to direct, conduct, control or be responsible for the sale of manufactured homes as a part of an auction or liquidation of an estate, or any Oklahoma licensed real estate broker or sales associate when buying or selling used mobile homes as part of their real estate business. No person, firm or corporation shall be considered a manufactured home dealer as to any manufactured home purchased or acquired by such person, firm or corporation for purposes other than resale; provided, that the restriction set forth in this sentence shall not prevent an otherwise qualified person, firm or corporation from utilizing a single manufactured home as a sales office.

SECTION 10. AMENDATORY 47 O.S. 1991, Section 583, as amended by Section 1 of Enrolled Senate Bill No. 881 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 583. A. 1. It shall be unlawful and constitute a misdemeanor for any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a

used motor vehicle dealer, used motor vehicle salesman, ~~or~~ wholesale used motor vehicle dealer, or a manufactured home dealer in this state without first obtaining a license therefor as provided in this section.

2. Any person, firm, association, corporation or trust engaging, acting or serving in the capacity of a used motor vehicle dealer and/or a used motor vehicle salesman, or a manufactured home dealer, or having more than one place where the business of a used motor vehicle dealer or a manufactured home dealer is carried on or conducted shall be required to obtain and hold a current license for each thereof in which he, it or they shall engage. A used motor vehicle dealer's license shall authorize one person to sell without a salesman's license in the event such person shall be the owner of a proprietorship, or the person designated as principal in the dealer's franchise or the managing officer or one partner if no principal person is named in the franchise. A salesman's license may not be issued under a wholesale used motor vehicle dealer's license.

3. Any person, firm, association, corporation or trust violating the provisions of this section shall, upon conviction, be fined not to exceed Five Hundred Dollars (\$500.00). A second or subsequent conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00); provided that each day such unlicensed person violates this section shall constitute a separate offense, and any vehicle involved in a violation of this subsection shall be considered a separate offense.

B. 1. Applications for licenses required to be obtained under provisions of this act, Section 581 et seq. of this title, which creates the Oklahoma Used Motor Vehicle and Parts Commission shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to the applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. The Commission shall require in the application, or otherwise, information relating to:

- a. the applicant's financial standing,
- b. the applicant's business integrity,
- c. whether the applicant has an established place of business and is engaged in the pursuit, avocation or business for which a license, or licenses, is applied for,
- d. whether the applicant is able to properly conduct the business for which a license, or licenses, is applied for, and
- e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

2. All applications for license or licenses shall be accompanied by the appropriate fee or fees in accordance with the schedule hereinafter provided. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.

3. All bonds and licenses issued under the provisions of this act shall expire on December 31, following the date of issue and shall be nontransferable. All applications for renewal of dealers' licenses should be submitted by November 1 of each year, and licenses shall be issued by January 10. If applications have not been made for renewal of licenses, such licenses shall expire on December 31 and it shall be illegal for any person to represent

himself and act as a dealer thereafter. Tag agents shall be notified not to accept dealers' titles until such time as licenses have been issued.

4. A used motor vehicle salesman's license shall permit the licensee to engage in the activities of a used motor vehicle salesman. Salesmen shall not be allowed to sell vehicles unless applications, bonds and fees are on file with the Commission and the motor vehicle salesman's or temporary salesman's license issued. A temporary salesman's license, salesman's renewal or reissue of salesman's license shall be deemed to have been issued when the appropriate application, bond and fee have been properly addressed and mailed to the Commission.

Dealers' payrolls and other evidence will be checked to ascertain that all salesmen for such dealers are licensed.

C. The schedule of license fees to be charged and received by the Commission for the licenses issued hereunder shall be as follows:

1. For each used motor vehicle dealer's license and each wholesale used motor vehicle dealer's license, Two Hundred Dollars (\$200.00). If a used motor vehicle dealer or a wholesale used motor vehicle dealer has once been licensed by the Commission in the classification for which he applies for a renewal of the license, the fee for each subsequent renewal shall be One Hundred Dollars (\$100.00); provided, if an applicant holds a license to conduct business as an automotive dismantler and parts recycler issued pursuant to Section 591.1 et seq. of this title, the initial fee shall be One Hundred Dollars (\$100.00) and the renewal fee shall be Seventy-five Dollars (\$75.00). If an applicant is applying simultaneously for a license under this paragraph and a license under paragraph 1 of Section 591.5, the initial application fee shall be One Hundred Fifty Dollars (\$150.00);

2. For a used motor vehicle dealer's license, for each place of business in addition to the principal place of business, Fifty Dollars (\$50.00);

3. For each used motor vehicle salesman's license, Ten Dollars (\$10.00);

4. For each holder who possesses a valid new motor vehicle dealer's license from the Oklahoma Motor Vehicle Commission, One Hundred Dollars (\$100.00) shall be the initial fee for a used motor vehicle license and the fee for each subsequent renewal shall be One Hundred Dollars (\$100.00);

5. For each manufactured home dealer's license, and for each place of business in addition to the principal place of business, Two Hundred Dollars (\$200.00);

6. For each renewal of a manufactured home dealer's license, and renewal for each place of business in addition to the principal place of business, One Hundred Dollars (\$100.00).

D. 1. The license issued to each used motor vehicle dealer and, each wholesale used motor vehicle dealer, and each manufactured home dealer shall specify the location of the place of business. If the business location is changed, the Commission shall be notified immediately of the change and the Commission may endorse the change of location on the license without charge. The license of each dealer shall be posted in a conspicuous place in the dealer's place or places of business.

2. Every used motor vehicle salesman shall have his license upon his person when engaged in his business, and shall display same upon request. The name of the employer of the salesman shall be stated on the license and if there is a change of employer, the license holder shall immediately mail his license to the Commission

for its endorsement of the change thereon. There shall be no charge for endorsement of change of employer on the license or penalty for not having a license upon his person.

E. 1. Each applicant for a used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Ten Thousand Dollars (\$10,000.00). Each applicant for a wholesale used motor vehicle dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Twenty-five Thousand Dollars (\$25,000.00). Each applicant for a manufactured home dealer's license shall procure and file with the Commission a good and sufficient bond in the amount of Thirty Thousand Dollars (\$30,000.00). The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall not practice fraud, make any fraudulent representation, or violate any of the provisions of this act in the conduct of the business for which he is licensed. One of the purposes of the bond is to provide reimbursement for any loss or damage suffered by any person by reason of issuance of a certificate of title by a used motor vehicle dealer ~~or~~, a wholesale used motor vehicle dealer, or a manufactured home dealer.

2. If a motor vehicle dealer has a valid license issued by the Oklahoma Motor Vehicle Commission, then the bond as required by this subsection shall be waived.

3. Each applicant for a used motor vehicle salesman's license shall procure and file with the Commission a good and sufficient bond in the amount of One Thousand Dollars (\$1,000.00). The bond shall be approved as to form by the Attorney General and conditioned that the applicant shall perform his duties as a used motor vehicle salesman without fraud or fraudulent representation and without violating any provisions of this act.

4. The bonds as required by this section shall be maintained throughout the period of licensure. Should the bond be canceled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

F. Any used motor vehicle dealer or wholesale used motor vehicle dealer is required to furnish and keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00) of single liability insurance coverage on all vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

G. Any manufactured home dealer is required to furnish and keep in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of garage liability and completed operations insurance coverage.

SECTION 11. AMENDATORY 51 O.S. 1991, Section 6, as amended by Section 1 of Enrolled House Bill No. 2371 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 6. A. Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office, shall, during his term of office, hold any other office or be the deputy of any officer holding any office, under the laws of the state. The provisions of this section shall not apply to:

1. notaries public;
2. members of the State Textbook Committee;
3. county free fair board members;
4. municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by

resolutions adopted by the board of county commissioners and governing body of the municipality employing such officers;

5. any person holding a county or municipal office or position, or membership on any public trust authority, who is a member of a board or commission that relates to federal, state, county or municipal government and is created by the United States Government, the State of Oklahoma or a political subdivision of the state, except where the duties of the offices or positions conflict;

6. any elected municipal officers and school board members who are appointed to a state board, commission, or similar entity if there is no compensation for such services other than reimbursement for necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes;

7. any trustee of a public trust, who is appointed as a trustee of a different public trust;

8. law enforcement officers employed by municipal or county law enforcement departments or agencies, other than those law enforcement officers elected or appointed as sheriff, chief of police or some similar position in which they are the head of a county or municipal law enforcement agency, who are elected to local boards of education; provided, the provisions of this paragraph shall not prohibit any law enforcement officer employed by a municipality having a population of ten thousand (10,000) or fewer people from serving as a member of a local board of education;

9. any member of the Oklahoma Highway Patrol Division of the Department of Public Safety who is elected to a local board of education;

10. any District Supervisor, Assistant District Supervisor, Team Supervisor, Parole Officer 1 or Parole Officer 2 of the Department of Corrections who is elected or appointed to a city council;

11. any trustee or director of a rural electric cooperative, or port authority who is appointed or elected to a state, county or municipal board, commission or similar entity;

~~10.~~ 12. deputy county treasurers who are elected as members of town or city councils;

~~11.~~ 13. municipal, county, state or tribal law enforcement or peace officers operating under cross-deputization agreements with an Indian tribe or branch of the federal government;

~~12.~~ 14. municipal or county law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by resolution adopted by the governing body of the municipality or county and the governing board of the institution of higher education; and

~~13.~~ 15. state law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by written agreement between the Commissioner of Public Safety and the governing board of the institution of higher education.

The provisions of this section shall not prohibit any person holding an office under the laws of the state or any deputy of any officer so holding any office from serving upon the board of Oklahoma Futures or upon the board of directors of the Oklahoma Center for the Advancement of Science and Technology. The provisions of this section shall not prohibit a member of the board

of directors of the Oklahoma Center for the Advancement of Science and Technology from serving upon the board of Oklahoma Futures.

B. Any salaries, emoluments or benefits that would otherwise be paid by the agency or political subdivision to a loaned employee or officer shall instead be paid to the regular employer of such employee who shall in turn be paid his regular salary and benefits the same as if he were continuing his regular employment with his permanent employer.

SECTION 12. AMENDATORY 63 O.S. 1991, Section 1-106.1, as amended by Section 20 of Enrolled House Bill No. 2251 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 1-106.1 A. The State Board of Health may establish a system of fees to be charged for environmental and other health services and for services rendered to members of the public in the issuance and renewal of licenses and permits by the State Commissioner of Health and the State Department of Health. This provision is subject to the following limitations:

1. No schedule of fees may be established or amended by the Board except during such times as the Legislature is in session; provided, the Board may establish or amend a schedule of fees at a time when the Legislature is not in session if the fees or schedule of fees has been specifically authorized by the Legislature or has been approved by the Contingency Review Board. The State Board of Health must follow the procedures required by Sections 301 through 325 of Title 75 of the Oklahoma Statutes Article I of the Administrative Procedures Act for adoption of rules and regulations in establishing or amending any such schedule of fees; and

2. The Board shall charge fees only within the following ranges, except as may be otherwise specified in this section.

For license or permit issuance: \$50.00 to \$2,000.00

For license or permit renewal: \$10.00 to \$500.00

For environmental health services: \$25.00 to \$250.00

provided further, that any facility exempt from the requirement to obtain a permit based on date of construction or start-up may be assessed an annual permit renewal fee equivalent.

B. The Board's authority to establish such a fee schedule shall extend to all programs administered by the State Commissioner of Health and the State Department of Health, regardless of whether the statutes creating such programs are codified in the Oklahoma Public Health Code.

C. The Board shall base its schedule of licensing or permitting fees upon the reasonable costs of review and inspection services rendered in connection with each license and permit program, but shall be within the ranges specified in subsection A of this section, except as may be otherwise specified in this section. The Department shall establish a system of training for all personnel who render review and inspection services in order to assure uniform statewide application of rules and regulations and the Board shall also base the fee on reasonable costs associated with the training of those personnel. Such fees shall not be used in the operation of local health departments whose personnel do not participate fully in applicable State Department of Health training and standardization programs.

D. The Board may exempt by rule and regulation any class of licensee or permittee or any class of facility or activity to be licensed or permitted from the requirements of the fee schedule if the Board determines that the creation of such a schedule for any such class would work an unreasonable economic hardship.

E. All statutory fees now in effect for issuance and renewal of any license or permit administered by the State Commissioner of Health and the State Department of Health shall remain in effect until such time as the Board acts to implement new fee schedules pursuant to the provisions of this act.

F. Unless a longer duration is specified for certain permits by the rules and regulations of the Board, licenses and permits issued by the Commissioner of Health shall be for a one-year period.

G. 1. Notwithstanding the above limits, the State Board of Health may establish an annual fee for public water supply system regulatory services based on the size and type of the system and the resultant regulatory cost of the services to the state. Such annual fee shall not result in an increase of more than thirty cents (\$0.30) per month per residential user of the public water supply systems per year. A public water supply system operated by or on behalf of a municipality or a rural water district may submit tests of such system performed by a laboratory certified pursuant to this section in lieu of tests performed by the State Department of Health pursuant to any regulatory requirement of state or federal law. The portion of the annual fee applicable to laboratory tests performed by a certified laboratory shall be deducted from the annual fee in the annual bill.

2. The State Board of Health may assess an annual minimum fee charged for:

- a. purchase water systems, Fifty Dollars (\$50.00),
- b. ground water systems, Seventy-five Dollars (\$75.00), and
- c. surface water systems, One Hundred Fifty Dollars (\$150.00).

3. Any state funds appropriated for public water supply system regulatory services shall be used to offset the increased costs of regulatory services to the smaller public water supply systems with a population of up to two thousand (2,000) people.

H. The Oklahoma State Board of Health shall adopt standards for certification of privately and publicly owned laboratories for performance of analyses of water and wastewater for public water supply systems. The Board may adopt standards of the United States Environmental Protection Agency by reference but in any case laboratories meeting such standards shall be certified.

I. The State Health Department shall use the standards adopted by the Board for purposes of certifying laboratories for performance of water and wastewater analyses for public water supply systems. The Department shall adopt procedures for examining and certifying laboratories for compliance with the standards. The Department shall certify those laboratories that meet the standards set by the Board.

J. The Department shall accept, for purposes of compliance monitoring and analysis, the water and wastewater analyses of those laboratories which it certifies pursuant to the standards set by the Board.

K. The Department may suspend or revoke the certification of any laboratory which does not continue to comply with the standards after receiving certification from the Department. The owner and all employees of any laboratory which seeks certification pursuant to this section shall be subject to the enforcement provisions of Sections 1-1701 and 1-1701.1A through 1-1701.1B of this code, including but not limited to the sanctions and punishments provided for giving false information in an application for certification. Any owner or employee of a certified laboratory who knowingly makes any false statement, representation or certification to a client or

to the Department or who knowingly renders inaccurate any monitoring device or method shall, upon conviction, be guilty of a misdemeanor, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) for each violation.

L. The limitations of paragraph 2 of subsection A of this section shall not apply to the issuance or renewal of permits by the Commissioner or Department pursuant to the National Pollutant Discharge Elimination System of the Federal Water Pollution Control Act, provided that fees assessed pursuant to the National Pollutant Discharge Elimination System of the Federal Water Pollution Control Act shall not exceed the cost incurred by the state for performing the regulatory services or Three Hundred Thousand Dollars (\$300,000.00) per year averaged over a five-year period.

M. The limitations of paragraph 2 of subsection A of this section shall not apply to the issuance or renewal of any permit by the Commissioner of the Department pursuant to the Oklahoma Clean Air Act.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 2-503 (Section 6, Chapter 306, O.S.L. 1991), is amended to read as follows:

Section 2-503. A. The following shall be subject to forfeiture:

1. All controlled dangerous substances which have been manufactured, distributed, dispensed, acquired, concealed or possessed in violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title.

2. All raw materials, products and equipment of any kind and all drug paraphernalia as defined by the Uniform Controlled Dangerous Substances Act, which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting, injecting, ingesting, inhaling, or otherwise introducing into the human body any controlled dangerous substance in violation of the provisions of the Uniform Controlled Dangerous Substances Act.

3. All property which is used, or intended for use, as a container for property described in paragraphs 1 and 2 of this subsection.

4. All conveyances, including aircraft, vehicles, vessels, or farm implements which are used to transport, conceal, or cultivate for the purpose of distribution as defined in Section 2-101 of this title, or in any manner to facilitate the transportation or cultivation for the purpose of sale or receipt of property described in paragraphs 1 or 2 of this subsection or when such property is unlawfully possessed by an occupant thereof, except that:

- a. no conveyance used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of the Uniform Controlled Dangerous Substances Act unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of the Uniform Controlled Dangerous Substances Act; and
- b. no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and if the act is committed by any person other than such owner the owner shall establish further that the conveyance was unlawfully in the possession of a person other than the owner in

violation of the criminal laws of the United States, or of any state.

5. All books, records and research, including formulas, microfilm, tapes and data which are used in violation of the Uniform Controlled Dangerous Substances Act.

6. All things of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, all proceeds traceable to such an exchange, and all monies, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of the Uniform Controlled Dangerous Substances Act.

7. All moneys, coin and currency found in close proximity to forfeitable substances, to forfeitable drug manufacturing or distribution paraphernalia or to forfeitable records of the importation, manufacture or distribution of substances, which are rebuttably presumed to be forfeitable under this act. The burden of proof is upon claimants of the property to rebut this presumption.

8. All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenance or improvement thereto, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of the Uniform Controlled Dangerous Substances Act which is punishable by imprisonment for more than one (1) year, except that no property right, title or interest shall be forfeited pursuant to this paragraph, by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of that owner.

9. All weapons possessed, used or available for use in any manner to facilitate a violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title.

B. Any property or thing of value of a person is subject to forfeiture if it is established by a preponderance of the evidence that such property or thing of value was acquired by such person during the period of the violation of the Uniform Controlled Dangerous Substances Act or within a reasonable time after such period and there was no likely source for such property or thing of value other than the violation of the Uniform Controlled Dangerous Substances Act.

C. Any property or thing of value of a person is subject to forfeiture if it is established by a preponderance of the evidence that the person has not paid all or part of a fine imposed pursuant to the provisions of Section 2-415 of this title.

D. All items forfeited in this section shall be forfeited under the procedures established in Section 2-506 of this title. Whenever any item is forfeited pursuant to this section except for items confiscated by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission, the district court of the district shall order that such item, money, or monies derived from the sale of such item be deposited by the state, county or city law enforcement agency which seized the item in the revolving fund provided for in Section 2-506 of this title; provided, such item, money or monies derived from the sale of such item forfeited due to nonpayment of a fine imposed pursuant to the provisions of Section 2-415 of this title shall be apportioned as provided in Section 2-416 of this title. Items, money or monies seized pursuant to subsections A and B of this section shall not be applied or considered toward satisfaction of the fine imposed by Section 2-415 of this title. All raw materials used or intended to be used by

persons to unlawfully manufacture or attempt to manufacture any controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act shall be summarily forfeited pursuant to the provisions of Section 2-505 of this title.

E. All property taken or detained under this section by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission shall not be repleviable, but shall remain in the custody of the Bureaus, Department, or Commission, respectively, subject only to the orders and decrees of a court of competent jurisdiction. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Commissioner of Public Safety, the Director of the Oklahoma State Bureau of Investigation or the Director of the Alcoholic Beverage Laws Enforcement Commission shall follow the procedures outlined in Section 2-506 of this title dealing with notification of seizure, intent of forfeiture, final disposition procedures, and release to innocent claimants with regard to all property included in this section detained by the ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission. Property taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety, the Oklahoma State Bureau of Investigation or the Alcoholic Beverage Laws Enforcement Commission shall be disposed of or sold pursuant to the provisions of Section 2-508 of this title.

F. The proceeds of any forfeiture of items seized by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be distributed as follows:

1. To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his interest in the property, when the court declaring a forfeiture orders a distribution to such person; and

2. The balance to the Oklahoma State Bureau of Narcotics' revolving fund or the Bureau's agency special account established pursuant to Section 7.2 of Title 62 of the Oklahoma Statutes, provided the Bureau may enter into agreements with municipal, county, state or federal law enforcement agencies, assisting in the forfeiture or underlying criminal investigation, to return to such an agency a percentage of said proceeds.

The Bureau may expend up to Five Hundred Thousand Dollars (\$500,000.00) of the forfeited funds within a fiscal year without prior approval of the Legislature. Documentation of such expenditures shall be forwarded to the Governor, Speaker of the House of Representatives and the President Pro Tempore of the Senate on a quarterly basis. Any additional expenditures of forfeited funds shall be pre-approved by the annual appropriations process or the Contingency Review Board.

SECTION 14. AMENDATORY 65 O.S. 1991, Section 2-106, as amended by Section 3 of Enrolled Senate Bill No. 748 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 2-106. The Oklahoma Department of Libraries Board shall be the supervisory and policymaking body of the Department and shall:

(a) Appoint the Director, who shall possess the qualifications specified by Section 3-103 of this title, and shall hold office at the pleasure of the Board;

(b) Formulate the general policies of the Oklahoma Department of Libraries, in consultation with the Director;

(c) Review and approve the budget requests for the Department;

(d) Formulate standards for public and special libraries in consultation with the Director and his staff, and with ~~the Oklahoma Council on Libraries~~ and the Oklahoma Library Association;

(e) Utilize such standards as guidelines in accreditation of public libraries and library systems;

(f) Utilize such standards and accreditation as guidelines in approval of apportionment of state funds or federal funds such as may be administered by a state agency to public libraries, library systems and special libraries and their use of such funds;

(g) Serve as an appeal board in the execution of the Library Services Construction Act, 20 U.S.C. Section 351(1991), including any amendments thereto, and any similar federal legislative acts requiring such services;

(h) Approve the formation of library systems and designate areas for library districts;

(i) Maintain liaison with the Oklahoma Library Association;

(j) Assist in communicating the goals, plans, budgets and work of the Department to executive, judicial and legislative officials, and to the public;

(k) Provide for the certification of public librarians; and

(l) Establish a formula for the equitable apportionment of monies from the Oklahoma Local Library Support Revolving Fund; and

(m) Adopt Promulgate such rules and regulations as may be necessary to carry out the intent and purposes of this act.

SECTION 15. AMENDATORY 68 O.S. 1991, Section 2358 (Section 20, Chapter 342, O.S.L. 1991), is amended to read as follows:

Section 2358. For all tax years beginning after December 31, 1981, taxable income and adjusted gross income shall be adjusted to arrive at Oklahoma taxable income and Oklahoma adjusted gross income as required by this section.

A. The taxable income of any taxpayer shall be adjusted to arrive at Oklahoma taxable income for corporations and Oklahoma adjusted gross income for individuals, as follows:

1. There shall be added interest income on obligations of any state or political subdivision thereto which is not otherwise exempted pursuant to other laws of this state, to the extent that said interest is not included in taxable income and adjusted gross income.

2. There shall be deducted amounts included in such income that the state is prohibited from taxing because of the provisions of the Federal Constitution, the State Constitution, federal laws or laws of Oklahoma.

3. The amount of any federal net operating loss deduction shall be adjusted as follows:

a. For carryovers and carrybacks to taxable years beginning before January 1, 1981, the amount of any net operating loss deduction allowed to a taxpayer for federal income tax purposes shall be reduced to an amount which is the same portion thereof as the loss from sources within this state, as determined pursuant to this section and Section 2362 of this title, for the taxable year in which such loss is sustained is of the total loss for such year;

b. For carryovers and carrybacks to taxable years beginning after December 31, 1980, the amount of any net operating loss deduction allowed for the taxable

year shall be an amount equal to the aggregate of the Oklahoma net operating loss carryovers and carrybacks to such year. Oklahoma net operating losses shall be separately determined by reference to Section 172 of the Internal Revenue Code as modified by the Oklahoma Income Tax Act and shall be allowed without regard to the existence of a federal net operating loss. The years to which such losses may be carried shall be determined by reference to Section 172 of the Internal Revenue Code, except that losses which are not actually utilized shall not reduce the carryover.

4. Items of the following nature shall be allocated as indicated. Allowable deductions attributable to items separately allocable in subparagraphs a, b and c of this paragraph, whether or not such items of income were actually received, shall be allocated on the same basis as those items:

- a. Income from real and tangible personal property, such as rents, oil and mining production or royalties, and gains or losses from sales of such property, shall be allocated in accordance with the situs of such property;
- b. Income from intangible personal property, such as interest, dividends, patent or copyright royalties, and gains or losses from sales of such property, shall be allocated in accordance with the domiciliary situs of the taxpayer, except that:
 - (1) where such property has acquired a nonunitary business or commercial situs apart from the domicile of the taxpayer such income shall be allocated in accordance with such business or commercial situs; a resident trust or resident estate shall be treated as having a separate commercial or business situs insofar as undistributed income is concerned, but shall not be treated as having a separate commercial or business situs insofar as distributed income is concerned,
 - (2) income from such property which is required to be allocated pursuant to the provisions of paragraph 5 of this subsection shall be allocated as herein provided;
- c. Net income or loss from a business activity which is not a part of business carried on within or without the state of a unitary character shall be separately allocated to the state in which such activity is conducted;
- d. In the case of a manufacturing or processing enterprise the business of which in Oklahoma consists solely of marketing its products by:
 - (1) sales having a situs without this state, shipped directly to a point from without the state to a purchaser within the state, commonly known as interstate sales,
 - (2) sales of the product stored in public warehouses within the state pursuant to "in transit" tariffs, as prescribed and allowed by the Interstate Commerce Commission, to a purchaser within the state,
 - (3) sales of the product stored in public warehouses within the state where the shipment to such

warehouses is not covered by "in transit" tariffs, as prescribed and allowed by the Interstate Commerce Commission, to a purchaser within or without the state.

The the Oklahoma net income shall, at the option of the taxpayer, be that portion of the total net income of the taxpayer for federal income tax purposes derived from the manufacture and/or processing and sales everywhere as determined by the ratio of the sales defined in this section made to the purchaser within the state to the total sales everywhere. The term public warehouse as used in this subparagraph means a licensed public warehouse, the principal business of which is warehousing merchandise for the public;

- e. In the case of insurance companies, Oklahoma taxable income shall be taxable income of the taxpayer for federal tax purposes, as adjusted for the adjustments provided pursuant to the provisions of paragraphs 1 and 2 of this subsection, apportioned as follows:
- (1) except as otherwise provided by division (2) of this subparagraph, taxable income of an insurance company for a taxable year shall be apportioned to this state by multiplying such income by a fraction, the numerator of which is the direct premiums written for insurance on property or risks in this state, and the denominator of which is the direct premiums written for insurance on property or risks everywhere. For purposes of this subsection, the term direct premiums written means the total amount of direct premiums written, assessments and annuity considerations as reported for the taxable year on the annual statement filed by the company with the Oklahoma Insurance Commissioner in the form approved by the National Association of Insurance Commissioners, or such other form as may be prescribed in lieu thereof,
 - (2) if the principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by it, the taxable income of such company shall be apportioned to this state by multiplying such income by a fraction, the numerator of which is the sum of (a) direct premiums written for insurance on property or risks in this state, plus (b) premiums written for reinsurance accepted in respect of property or risks in this state, and the denominator of which is the sum of (c) direct premiums written for insurance on property or risks everywhere, plus (d) premiums written for reinsurance accepted in respect of property or risks everywhere. For purposes of this paragraph, premiums written for reinsurance accepted in respect of property or risks in this state, whether or not otherwise determinable, may at the election of the company be determined on the basis of the proportion which premiums written for insurance accepted from companies commercially domiciled in Oklahoma bears to premiums written for reinsurance accepted from

all sources, or alternatively in the proportion which the sum of the direct premiums written for insurance on property or risks in this state by each ceding company from which reinsurance is accepted bears to the sum of the total direct premiums written by each such ceding company for the taxable year.

- f. In the case of a commercial airline that operates an aircraft maintenance facility in this state, as described in subsection (N) of Section 1357 of this title, as amended by Section 4 2357 of this ~~act~~ title, for tax years beginning after December 31, 1993, the Oklahoma taxable income of the enterprise shall be, at the option of the taxpayer, determined by multiplying the federal taxable income of the taxpayer, as adjusted by the provisions of this section, by a fraction; provided, the provisions of this subparagraph shall be null and void unless and until there are two (2) or more such facilities located in this state. The numerator of the fraction shall be the air miles traveled in the State of Oklahoma and the denominator shall be the total air miles traveled. "Air miles traveled in the State of Oklahoma" shall mean the number of miles completed from the point where an aircraft leaves a landing area, terminal, airport or heliport in the State of Oklahoma to the point where it crosses the border of this state and the number of miles computed from the point where an aircraft crosses the border of this state to the point where it comes to rest at a landing area, terminal, airport or heliport in the State of Oklahoma.

5. The net income or loss remaining after the separate allocation in paragraph 4 of this subsection, being that which is derived from a unitary business enterprise, shall be apportioned to this state on the basis of the arithmetical average of three factors consisting of property, payroll and sales or gross revenue enumerated as subparagraphs a, b and c of this paragraph. Net income or loss as used in this paragraph includes that derived from patent or copyright royalties, purchase discounts, and interest on accounts receivable relating to or arising from a business activity, the income from which is apportioned pursuant to this subsection, including the sale or other disposition of such property and any other property used in the unitary enterprise. Deductions used in computing such net income or loss shall not include taxes based on or measured by income.

- a. The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property everywhere owned or rented and used during the tax period.
- (1) Property, the income from which is separately allocated in paragraph 4 of this subsection, shall not be included in determining this fraction. The numerator of the fraction shall include a portion of the investment in transportation and other equipment having no fixed situs, such as rolling stock, buses, trucks and trailers, including machinery and equipment

- carried thereon, airplanes, salesmen's automobiles and other similar equipment, in the proportion that miles traveled in Oklahoma by such equipment bears to total miles traveled,
- (2) Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer, less any annual rental rate received by the taxpayer from subrentals,
 - (3) The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the Tax Commission may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property;
- b. The payroll factor is a fraction, the numerator of which is the total compensation for services rendered in the state during the tax period, and the denominator of which is the total compensation for services rendered everywhere during the tax period. Compensation as used in this subsection means those paid-for services to the extent related to the unitary business but does not include officers' salaries, wages and other compensation.
- (1) In the case of a transportation enterprise, the numerator of the fraction shall include a portion of such expenditure in connection with employees operating equipment over a fixed route, such as trainmen, airline pilots, or bus drivers, in this state only a part of the time, in the proportion that mileage traveled in Oklahoma bears to total mileage traveled by such employees,
 - (2) In any case the numerator of the fraction shall include a portion of such expenditures in connection with itinerant employees, such as traveling salesmen, in this state only a part of the time, in the proportion that time spent in Oklahoma bears to total time spent in furtherance of the enterprise by such employees;
- c. The sales factor is a fraction, the numerator of which is the total sales or gross revenue of the taxpayer in this state during the tax period, and the denominator of which is the total sales or gross revenue of the taxpayer everywhere during the tax period. Sales as used in this subsection does not include sales or gross revenue which are separately allocated in paragraph 4 of this subsection.
- (1) Sales of tangible personal property have a situs in this state if the property is delivered or shipped to a purchaser other than the United States Government, within this state regardless of the FOB point or other conditions of the sale; or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and (a) the purchaser is the United States Government or (b) the taxpayer is not doing business in the state of the destination of the shipment.

- (2) In the case of a railroad or interurban railway enterprise, the numerator of the fraction shall not be less than the allocation of revenues to this state as shown in its annual report to the Oklahoma Corporation Commission.
- (3) In the case of an airline, truck or bus enterprise or freight car, tank car, refrigerator car or other railroad equipment enterprise, the numerator of the fraction shall include a portion of revenue from interstate transportation in the proportion that interstate mileage traveled in Oklahoma bears to total interstate mileage traveled.
- (4) In the case of an oil, gasoline or gas pipeline enterprise, the numerator of the fraction shall be either the total of traffic units of the enterprise within Oklahoma or the revenue allocated to Oklahoma based upon miles moved, at the option of the taxpayer, and the denominator of which shall be the total of traffic units of the enterprise or the revenue of the enterprise everywhere as appropriate to the numerator. A "traffic unit" is hereby defined as the transportation for a distance of one (1) mile of one (1) barrel of oil, one (1) gallon of gasoline or one thousand (1,000) cubic feet of natural or casinghead gas, as the case may be.
- (5) In the case of a telephone or telegraph or other communication enterprise, the numerator of the fraction shall include that portion of the interstate revenue as is allocated pursuant to the accounting procedures prescribed by the Federal Communications Commission; provided that in respect to each corporation or business entity required by the Federal Communications Commission to keep its books and records in accordance with a uniform system of accounts prescribed by such Commission, the intrastate net income shall be determined separately in the manner provided by such uniform system of accounts and only the interstate income shall be subject to allocation pursuant to the provisions of this subsection. Provided, further, that the gross revenue factors shall be those as are determined pursuant to the accounting procedures prescribed by the Federal Communications Commission.

In any case where the use of the arithmetical average of three factors prescribed in this paragraph attributes to Oklahoma a portion of net income of the enterprise out of all appropriate proportion to the property owned and/or business transacted within this state, because of the fact that one or more of the factors so prescribed are not employed to any appreciable extent in furtherance of the enterprise; or because one or more factors not so prescribed are employed to a considerable extent in furtherance of the enterprise; or because of other reasons, the Tax Commission is empowered to permit, after a showing by taxpayer that an excessive portion of net income has been attributed to Oklahoma, or require, when in its judgment an insufficient portion of net income has been attributed to Oklahoma, the elimination, substitution, or use of

additional factors, or reduction or increase in the weight of such prescribed factors.

Provided, however, that any such variance from such prescribed factors which has the effect of increasing the portion of net income attributable to Oklahoma must not be inherently arbitrary, and application of the recomputed final arithmetical average ratio to the net income of the enterprise must attribute to Oklahoma only a reasonable portion thereof.

B. The taxable income of any corporation shall be further adjusted to arrive at Oklahoma taxable income, except those corporations electing treatment as provided in subchapter S of the Internal Revenue Code and Section 2365 of this title, deductions pursuant to the provisions of the Accelerated Cost Recovery System as defined and allowed in the Economic Recovery Tax Act of 1981, Public Law 97-34, for depreciation of assets placed into service after December 31, 1981, shall not be allowed in calculating Oklahoma taxable income. Such corporations shall be allowed a deduction for depreciation of assets placed into service after December 31, 1981, in accordance with provisions of the Internal Revenue Code in effect immediately prior to the enactment of the Accelerated Cost Recovery System. The Oklahoma tax basis for all such assets placed into service after December 31, 1981, calculated in this section shall be retained and utilized for all Oklahoma income tax purposes through the final disposition of said assets.

Notwithstanding any other provisions of the Oklahoma Income Tax Act, Sections 2351 et seq. of this title or of the Internal Revenue Code to the contrary, this subsection shall control calculation of depreciation of assets placed into service after December 31, 1981, and before January 1, 1983.

For assets placed in service and held by a corporation in which accelerated cost recovery system was previously disallowed, an adjustment to taxable income is required in the first taxable year beginning after December 31, 1982, to reconcile the basis of said assets to the basis allowed in the Internal Revenue Code. The purpose of this adjustment is to equalize the basis and allowance for depreciation accounts between that reported to the Internal Revenue Service and that reported to Oklahoma.

C. 1. For taxable years beginning after December 31, 1987, the taxable income of any corporation shall be further adjusted to arrive at Oklahoma taxable income for transfers of technology to qualified small businesses located in Oklahoma. Such ~~transfer~~ transferor corporation shall be allowed an exemption from taxable income of an amount equal to the amount of royalty payment received as a result of such transfer; provided, however, said amount shall not exceed ten percent (10%) of the amount of gross proceeds received by such transferor corporation as a result of the technology transfer. Such exemption shall be allowed for a period not to exceed ten (10) years from the date of receipt of the first royalty payment accruing from such transfer. No exemption may be claimed for transfers of technology to qualified small businesses made prior to January 1, 1988.

2. For purposes of this subsection:

a. "Qualified small business" means an entity, whether organized as a corporation, partnership, or proprietorship, organized for profit with its principal place of business located within this state and which meets the following criteria:

(1) Capitalization of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),

- (2) Having at least fifty percent (50%) of its employees or assets located in Oklahoma at the time of the transfer, and
- (3) Not a subsidiary or affiliate of the transferor corporation;
- b. "Technology" means a proprietary process, formula, pattern, device or compilation of scientific or technical information which is not in the public domain;
- c. "Transferor corporation" means a corporation which is the exclusive and undisputed owner of the technology at the time the transfer is made; and
- d. "Gross proceeds" means the total amount of consideration for the transfer of technology, whether the consideration is in money or otherwise.

D. The Oklahoma adjusted gross income of any individual taxpayers shall be further adjusted as follows to arrive at Oklahoma taxable income:

- 1. a. In the case of individuals, there shall be added or deducted, as the case may be, the difference necessary to allow personal exemptions of One Thousand Dollars (\$1,000.00) in lieu of the personal exemptions allowed by the Internal Revenue Code.
- b. There shall be allowed an additional exemption of One Thousand Dollars (\$1,000.00) for each taxpayer or spouse who is blind at the close of the tax year. For purposes of this subparagraph, an individual is blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200, but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees.
- c. For taxable years beginning after December 31, 1987, there shall be allowed an additional exemption of One Thousand Dollars (\$1,000.00) for each taxpayer or spouse who is sixty-five (65) years of age or older at the close of the tax year based upon the filing status and federal adjusted gross income of the taxpayer. Taxpayers with the following filing status may claim this exemption if the federal adjusted gross income does not exceed:
 - (1) Twenty-five Thousand Dollars (\$25,000.00) if married and filing jointly;
 - (2) Twelve Thousand Five Hundred Dollars (\$12,500.00) if married and filing separately;
 - (3) Fifteen Thousand Dollars (\$15,000.00) if single; and
 - (4) Nineteen Thousand Dollars (\$19,000.00) if a qualifying head of household.
- d. For taxable years beginning after December 31, 1990, and beginning before January 1, 1992, there shall be allowed a one-time additional exemption of Four Hundred Dollars (\$400.00) for each taxpayer or spouse who is a member of the National Guard or any reserve unit of the Armed Forces of the United States and who was at any time during such taxable year deployed in active service during a time of war or conflict with an enemy of the United States.

2. In the case of individuals who use the standard deduction in determining taxable income, there shall be added or deducted, as the case may be, the difference necessary to allow a standard deduction in lieu of the standard deduction allowed by the Internal Revenue Code, in an amount equal to the larger of fifteen percent (15%) of the Oklahoma adjusted gross income or One Thousand Dollars (\$1,000.00), but not to exceed Two Thousand Dollars (\$2,000.00), except that in the case of a married individual filing a separate return such deduction shall be the larger of fifteen percent (15%) of such Oklahoma adjusted gross income or Five Hundred Dollars (\$500.00), but not to exceed the maximum amount of One Thousand Dollars (\$1,000.00).

3. In the case of resident individuals having adjusted gross income from sources both within and without the state, the itemized or standard deductions and personal exemptions shall be reduced to an amount which is the same portion of the total thereof as Oklahoma adjusted gross income is of adjusted gross income. To the extent itemized deductions include allowable moving expense, proration of moving expense shall not be required or permitted but allowable moving expense shall be fully deductible for those taxpayers moving within or into Oklahoma and no part of moving expense shall be deductible for those taxpayers moving without or out of Oklahoma. All other itemized or standard deductions and personal exemptions shall be subject to proration as provided by law.

4. A resident individual with a physical disability constituting a substantial handicap to employment may deduct from Oklahoma adjusted gross income such expenditures to modify a motor vehicle, home or workplace as are necessary to compensate for his handicap. A veteran certified by the Veterans Administration of the federal government as having a service-connected disability shall be conclusively presumed to be an individual with a physical disability constituting a substantial handicap to employment. The Oklahoma Tax Commission shall promulgate rules containing a list of combinations of common disabilities and modifications which may be presumed to qualify for this deduction. The Commission shall prescribe necessary requirements for verification.

5. In any taxable year the first One Thousand Five Hundred Dollars (\$1,500.00) received by any person from the United States as salary or compensation in any form, other than retirement benefits, as a member of any component of the Armed Forces of the United States shall be deducted from taxable income. Whenever the filing of a timely income tax return by a member of the Armed Forces of the United States is made impracticable or impossible of accomplishment by reason of:

- a. absence from the United States, which term includes only the states and the District of Columbia;
 - b. absence from the State of Oklahoma while on active duty; or
 - c. confinement in a hospital within the United States for treatment of wounds, injuries or disease⁺,₁
- the time for filing a return and paying an income tax shall be and is hereby extended without incurring liability for interest or penalties, to the fifteenth day of the third month following the month in which:

- (1) Such individual shall return to the United States if the extension is granted pursuant to subparagraph (a) of this paragraph, return to the State of Oklahoma if the extension is granted pursuant to subparagraph (b) of this paragraph or be discharged from such hospital if the extension

is granted pursuant to subparagraph (c) of this paragraph; or

- (2) An executor, administrator, or conservator of the estate of the taxpayer is appointed, whichever event occurs the earliest.

Provided, that the Tax Commission may, in its discretion, grant any member of the Armed Forces of the United States an extension of time for filing of income tax returns and payment of income tax without incurring liabilities for interest or penalties. Such extension may be granted only when in the judgment of the Tax Commission a good cause exists therefor and may be for a period in excess of six (6) months. A record of every such extension granted, and the reason therefor, shall be kept.

6. The salary or any other form of compensation, received from the United States by a member of any component of the Armed Forces of the United States, shall be deducted from taxable income during the time in which the person is detained by the enemy in a conflict, is a prisoner of war or is missing in action and not deceased.

7. Notwithstanding anything in the Internal Revenue Code or in the Oklahoma Income Tax Act to the contrary, it is expressly provided that, in the case of resident individuals, amounts received as dividends or distributions of earnings from savings and loan associations or credit unions located in Oklahoma, and interest received on savings accounts and time deposits from such sources or from state and national banks or trust companies located in Oklahoma, shall qualify as dividends for the purpose of the dividend exclusion, and taxable income shall be adjusted accordingly to arrive at Oklahoma taxable income; provided, however, that the dividend, distribution of earnings and/or interest exclusion provided for hereinabove shall not be cumulative to the maximum dividend exclusion allowed by the Internal Revenue Code. Any dividend exclusion already allowed by said Code and reflected in the taxpayer's Oklahoma taxable income together with exclusion allowed herein shall not exceed the total of One Hundred Dollars (\$100.00) per individual or Two Hundred Dollars (\$200.00) per couple filing a joint return.

8.
 - a. An individual taxpayer, whether resident or nonresident, may deduct an amount equal to the federal income taxes paid by said taxpayer during the taxable year.
 - b. Federal taxes as described in subparagraph a of this paragraph shall be deductible by any individual taxpayer, whether resident or nonresident, only to the extent they relate to income subject to taxation pursuant to the provisions of the Oklahoma Income Tax Act. The maximum amount allowable in the preceding paragraph shall be prorated on the ratio of the Oklahoma adjusted gross income to federal adjusted gross income.
 - c. For the purpose of this paragraph, federal income taxes paid shall mean federal income taxes, surtaxes imposed on incomes or excess profits taxes, as though the taxpayer was on the accrual basis.
 - d. The provisions of this paragraph shall apply to all taxable years ending after December 31, 1978.

9. Retirement benefits not to exceed Five Thousand Five Hundred Dollars (\$5,500.00), which are received by an individual from the civil service of the United States, any component of the Armed Forces of the United States, the Oklahoma Public Employees Retirement System, the Teachers' Retirement System of Oklahoma, the

Oklahoma Law Enforcement Retirement System, the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the employee retirement systems created by counties pursuant to Sections 951 et seq. of Title 19 of the Oklahoma Statutes, the Uniform Retirement System for Justices and Judges, the Oklahoma Wildlife Conservation Department Retirement Fund, the Oklahoma Employment Security Commission Retirement Plan, or the employee retirement systems created by municipalities pursuant to Sections 48-101 et seq. of Title 11 of the Oklahoma Statutes shall be exempt from taxable income.

10. In taxable years beginning after December 31, 1984, Social Security benefits received by an individual shall be exempt from taxable income, to the extent such benefits are included in the federal adjusted gross income pursuant to the provisions of Section 86 of the Internal Revenue Code.

SECTION 16. AMENDATORY 69 O.S. 1991, Section 1705, as amended by Section 1 of Enrolled Senate Bill No. 782 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 1705. The Authority is hereby authorized and empowered:

(a) To adopt bylaws for the regulation of its affairs and conduct of its business.

(b) To adopt an official seal and alter the same at pleasure.

(c) To maintain an office at such place or places within the state as it may designate.

(d) To sue and be sued in contract, reverse condemnation, equity, mandamus and similar actions in its own name, plead and be impleaded; provided, that any and all actions at law or in equity against the Authority shall be brought in the county in which the principal office of the Authority shall be located, or in the county of the residence of the plaintiff, or the county where the cause of action arose. All privileges granted to the Authority and duties enjoined upon the Authority by the provisions of Sections 1701 through 1734 of this title may be enforced in a court of competent jurisdiction in an action in mandamus.

(e) To construct, maintain, repair and operate turnpike projects and highways, with their access and connecting roads, at such locations and on such routes as it shall determine to be feasible and economically sound; provided, that until specifically authorized by the Legislature, the Authority shall be authorized to construct and operate toll turnpikes only at the following locations:

(1) The Turner Turnpike between Oklahoma City and Tulsa.

(2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma City and Wichita Falls, Texas.

(3) The Northeastern (Will Rogers) Turnpike between Tulsa and Joplin, Missouri.

(4) The Eastern (Indian Nation) Turnpike between Tulsa and Paris, Texas, including all or any part thereof between McAlester and the Red River south of Hugo.

(5) The Cimarron Turnpike between Tulsa and Interstate Highway 35 north of Perry, including a connection to Stillwater.

(6) The Muskogee Turnpike between Broken Arrow and Interstate Highway 40 west of Webbers Falls.

(7) All or any part of an extension of the Muskogee Turnpike, beginning at a point on Interstate Highway 40 near the present south terminus of the Muskogee Turnpike, and extending in a southeasterly direction on an alignment near Stigler, Poteau and Heavener to the vicinity of the Arkansas State Line to furnish access to Hot Springs, Texarkana, Shreveport and New Orleans.

(8) A tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and in the vicinity of the intersection of State Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the vicinity of the intersection of State Highway 33 and Turner Turnpike or U.S. Highway 66 in Creek County, Oklahoma, from any monies available to the Turnpike Authority.

(9) Add on the Will Rogers Turnpike a northbound automatic tollgate onto State Highway 28 and a southbound on-ramp from State Highway 28.

(10) A turnpike or any part or parts thereof beginning in the vicinity of Duncan extending east to the vicinity of the City of Davis, and extending in a northeasterly direction, by way of the vicinity of the City of Ada, to a connection in the vicinity of Henryetta or in the vicinity of the intersection of State Highway 48 and Interstate 40; and a turnpike or any part or parts thereof from the vicinity of Snyder extending north to the vicinity of Woodward.

(11) A turnpike or any part or parts thereof beginning at a point in the vicinity of Ponca City, or at a point on the Kansas-Oklahoma state boundary line east of the Arkansas River and west of the point where Oklahoma State Highway No. 18 intersects said state boundary line, and extending in a southeasterly direction to a connection with the Tulsa Urban Expressway System in the general area of the Port of Catoosa.

(12) All or any part of an Oklahoma City toll expressway system connecting the residential, industrial and State Capitol Complex in the north part of Oklahoma City with the residential, industrial and Will Rogers World Airport Complex in the south and southwest parts of Oklahoma City.

(13) A turnpike (The Industrial Parkway) or any part or parts thereof beginning at a point on the Oklahoma-Kansas state boundary line between the point where U.S. Highway 66 intersects said boundary line and the northeast corner of Oklahoma and ending by means of a connection or connections with Shreveport, Louisiana, and Houston, Texas, in southeastern Oklahoma and at no point to exceed thirty (30) miles west of the Missouri or Arkansas border.

(14) A turnpike or any part or parts thereof beginning in the vicinity of Velma or County Line to a point intersecting with Interstate 35 in the area south of Davis.

(15) A turnpike or any part or parts thereof beginning in the vicinity of Interstate 40 in the area west of El Reno and extending northwest to the vicinity of Watonga.

(16) A new turnpike or parts thereof from the Kansas State Line south to McAlester, in the vicinity of U.S. Highway 69.

(17) A tollgate on the Will Rogers Turnpike near the intersection of State Highway 137 and the Will Rogers Turnpike, located south of Quapaw.

(18) A tollgate on the Muskogee Turnpike in the vicinity of Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey Turnpike at Elgin, Oklahoma, from any monies available to the Turnpike Authority.

(19) A tollgate on the Turner Turnpike in the vicinity of Wellston, Oklahoma, from any monies available to the Turnpike Authority.

(20) A tollgate on the Muskogee Turnpike in the vicinity of Brushy Mountain, Oklahoma, and in the vicinity of Elm Grove, Oklahoma, from any monies available to the Turnpike Authority.

(21) All or any part of an Oklahoma City Outer Loop expressway system beginning in the vicinity of I-35 and the Turner Turnpike and

extending west into Canadian County and then south to I-40; and then south and east to I-35 in the vicinity of Moore and Norman; and then extending east and north to I-40 east of Tinker Field; and then extending north to the Turner Turnpike to complete the Outer Loop.

(22) All or any part of the Tulsa south bypass expressway system beginning in the vicinity of the Turner Turnpike near Sapulpa and extending south and east to U.S. 75 in the vicinity of 96th Street to 121st Street; and then east across the Arkansas River to a connection with the Mingo Valley Expressway.

(23) A new turnpike or any parts thereof from the vicinity of the connection between State Highway 33 and U.S. 69 easterly to the Arkansas State Line.

(24) A four-lane extension of the Muskogee Turnpike from Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.

(25) A new turnpike or any part or parts thereof beginning at a point in the vicinity of northwest Tulsa, and extending in a northwesterly direction, by means of a connection or connections with the cities of Pawhuska and Newkirk, to a point intersecting in the vicinity of US Highway No. 77 and the Kansas State Line.

(26) A full access interchange on the Indian Nation Turnpike south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and in the vicinity of the proposed theme park, from any monies available to the Turnpike Authority.

(27) A new turnpike beginning at a point directly west of the Arkansas line and four-laning Highway 70 from that point to the farthest western reach of Highway 70 creating a southern route through Oklahoma.

All access roads, interchanges, or lead roads connecting such turnpikes with existing highways must be built by funds furnished by the Authority.

The minimum and maximum wages for the construction of the roads, highways and projects provided for in Sections 1701 through 1734 of this title shall be in accordance with the schedules of wages used or adopted by the Commission in construction of state highways.

The Authority is hereby authorized to enter into contracts or agreements with agencies and instrumentalities of other states or the national government for construction, maintenance and operation of interstate turnpikes or highways.

The Authority is hereby required to construct and install automatic tollgates on the Will Rogers Turnpike at State Highway No. 28 near Adair.

(f) To issue turnpike revenue bonds of the Authority, payable solely from revenues, including the revenues accruing to the trust fund created by Sections 1701 through 1734 of this title, for the purpose of paying all or any part of the cost of any one or more turnpike projects. Provided that any bonds issued for the construction of the proposed turnpike referred to in subparagraphs (10), (20), (21) and (22) of paragraph (e) of this section shall be issued as one issue for all four of the proposed turnpikes and shall be financed, constructed and operated under one bond indenture.

(g) To fix and revise from time to time tolls for the use of any turnpike projects.

Any common carrier having authority at the time of opening any turnpike project to operate upon a highway approximately paralleling the turnpike project shall be granted without further showing authority to operate over the turnpike project to all municipalities which such carrier is serving at the time the turnpike project is opened to traffic. But nothing herein shall be construed as granting any new operation rights to any common carriers.

(h) To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties.

(i) To acquire in the name of the Authority by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation in manner hereinafter provided, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of Sections 1701 through 1734 of this title; provided, that all public property damaged in carrying out the powers granted by Sections 1701 through 1734 of this title shall be restored or repaired and placed in its original condition as nearly as practicable.

(j) To designate, except as is provided for herein, the location, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated.

(k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from the proceeds of turnpike revenue bonds issued under the provisions of Sections 1701 through 1734 of this title or from revenues; provided, further, no attorney employed by the Authority, nor any member of any law firm of which he may be connected, shall ever be paid any fee or compensation for any special or extraordinary services.

(l) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, provided, the acceptance of such grants will not reduce the amount of federal aid for the construction, repair, or maintenance of farm-to-market roads and other highways and bridges in this state; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

(m) To adopt such rules and regulations, and to do any and all things necessary to comply with rules, regulations, or requirements of the Bureau of Public Roads, Multistate Economic Development Regional Commission, as defined in Sections 1151 through 1153, inclusive, of Title 74 of the Oklahoma Statutes, Ozarka Region Commission or any other federal agency administering any law enacted by the Congress of the United States to aid or encourage the construction of highways.

(n) To do all things necessary or convenient to carry out the powers expressly granted in Sections 1701 through 1734 of this title. On all turnpike projects alternate bids for paving work shall be taken on asphalt concrete and portland cement concrete and the design standards for such paving shall comply with the design standards of the American Association of State Highway and Transportation Officials as modified by the Oklahoma Department of Transportation. All contracts for construction work on turnpike projects shall be let to the lowest responsible bidder, or bidders, after notice by publication in a newspaper published in the county where the work is to be done in two consecutive weekly issues of the newspaper. In all cases where more than eight (8) miles of

construction is let at the same time, such advertisement shall provide for bids on sections of the turnpike not to exceed eight (8) miles. Subject to the following restrictions and limitations: The Authority shall, when contracting for construction work, divide such work into paving projects, bridge projects, including underpasses and overpasses, and earthmoving or miscellaneous projects, according to the type of work to be done and each project shall be let under a separate contract or contracts and no contract or project shall include more than one of such types of construction work. Each contract for construction work shall contain a provision that ninety percent (90%) of all labor employed on the project shall be residents of Oklahoma. Provided, however, that no tie bids shall be accepted, and provided, further, that contracts for bridges may include earthwork and structures for the approaches thereto, and provided, further, that any one bridge or tunnel and the approaches thereto may be included in one contract.

(o) It shall be unlawful for any member, officer or employee of the Authority to transact with the Authority, either directly or indirectly, any business for profit of such member, officer, or employee; and any person, firm, or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift, or consideration to such member, officer, or employee.

Violation of this provision shall constitute a felony and shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment.

(p) In the event of a national emergency, the Authority, subject to any vested rights or claims, may enter into contracts with the federal government or any authorized agency thereof to allow the federal government or agency thereof to use such turnpikes partly or exclusively during the existence of such emergency, provided, that the federal government agrees in such contract to pay, during the term of such contract, an amount sufficient, when added to any tolls collected, to meet all operating and maintenance expenses, interest payments, and the minimum sinking fund and reserve requirements of the trust agreement for the turnpike covered by the contract.

(q) All meetings of the Authority shall be open public meetings, and all records shall be public records, except when considering personnel or litigation.

SECTION 17. AMENDATORY 70 O.S. 1991, Section 10-105.3, as amended by Section 14 of Enrolled Senate Bill No. 986 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 10-105.3 A. The State Board of Education shall develop and implement a program of parent education which provides practical information and guidance to parents regarding the development of language, cognition, social skills, and motor development of young children. The program shall be phased in so that services will be available to parents of children under age three (3) in school districts identified by the Board as having the greatest numbers of children who are whose education is considered to be at risk in education by the 1991-92 school year a high challenge. As funds are available, beginning with the 1992-93 school year, the Board shall expand the program so that services will be available to the school sites identified by the Board as having the greatest percentage of

children qualifying for the free or reduced school lunch program. The Board shall expand the program each year to ensure that a parent education program is offered within all school districts by the 1994-95 school year.

B. The program shall emphasize the importance of the parents of children as a child's first and most influential teachers. The parent education programs currently offered in other states should be examined as possible models for the Oklahoma program.

C. The State Board of Education shall contract with an organization to provide technical assistance services to the Oklahoma Parents as Teachers Program. Applicants must be an affiliate member of a national organization or association providing parent education training and have at least one year of experience in implementation of a Parents as Teachers Program. Technical assistance shall include assistance with training on program organization, management and implementation. Staff of eligible applicants must include a person with a masters degree in Child Development or Early Childhood Education.

SECTION 18. AMENDATORY 70 O.S. 1991, Section 13-124 (Section 3, Chapter 317, O.S.L. 1991), is amended to read as follows:

Section 13-124. A. The State Department of Education is hereby designated as the lead agency for general administration, supervision and monitoring of programs and activities receiving federal funds under Part H of P.L. 99-457 and state funds appropriated for early intervention services. To ensure compliance with Part H of P.L. 99-457 and its implementing regulations, the State Department of Education is authorized to monitor and enforce any obligations imposed on agencies participating under Part H of P.L. 99-457.

B. In accordance with Part H of P.L. 99-457, the Oklahoma Commission on Children and Youth shall administer the Interagency Coordinating Council for Early Childhood Intervention which shall advise and assist the lead agency in fulfillment of its responsibilities.

C. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services, the Department of Mental Health and Substance Abuse Services and other publicly funded services shall continue to provide all services within their respective statutory and constitutional responsibilities to the eligible population except as otherwise provided in Section 13-101 of Title 70 of the Oklahoma Statutes. State and local interagency agreements will delineate responsibility for local and regional procedural safeguards, provision of service and related issues. Funds provided for implementation of the Oklahoma Early Intervention Act shall not be used to satisfy a financial commitment for services which would have been paid for or provided by another public or private source, but shall be utilized solely for the enactment of P.L. 99-457 and the Oklahoma Early Intervention Act. Such funds may be used whenever considered necessary to prevent delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion. Funds provided for implementation of the Oklahoma Early Intervention Act may be used to pay the provider of services pending reimbursement from the agency which has the ultimate responsibility.

D. Pursuant to the requirements of Part H of P.L. 99-457, all financial resources from federal, state, local and private sources shall be coordinated to fund early intervention services. In order to determine the most effective utilization and achieve coordination, a joint funding plan shall be submitted to the

Governor, the Speaker of the House of Representatives, and the Senate President Pro Tempore by the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services on or before October 1, 1989 and on or before September 1 each year thereafter. The individual components of such plan as they relate to individual agencies shall be incorporated annually into each affected agency's budget request in accordance with the provisions of Section 41.29 of Title 62 of the Oklahoma Statutes. Such plan shall include, but not be limited to:

1. utilization of State Aid funds appropriated to the State Board of Education for the purpose of providing early intervention services or provided pursuant to the State Aid Formula for special education services to handicapped children;
2. publicly funded personnel and programs in the State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services who are currently serving the eligible population;
3. feasibility of utilization of federal Title V funds;
4. utilization of new state funds as may be appropriated by the Legislature for fiscal year 1990 for the purpose of early intervention, and of additional new funds needed to fully implement early intervention services in accordance with the State of Oklahoma's implementation of P.L. 99-457;
5. amendments to expansion of the Medicaid State Plan to include early intervention services for eligible children utilizing state funds designated for early intervention for the purpose of matching federal funds;
6. feasibility of application for federal funds appropriated pursuant to P.L. 89-313; and
7. utilization of funds received under Part H of P.L. 99-457.

E. The State Department of Education, the Oklahoma State Department of Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services shall be authorized to transfer funds enumerated in subsection D of this section to the Oklahoma Early Intervention Revolving Fund created in Section ~~74~~ 13-124.1 of this ~~act~~ title to the extent that transfers of such funds are authorized by and directed to the fund by the joint funding plan of the Oklahoma Early Intervention Act or by state or federal law.

F. Monies appropriated to an affected agency and monies identified in the joint funding plan for the purpose of providing early intervention services shall be used by the agency exclusively for the purpose of providing early intervention services.

G. For purposes of implementing the provisions of the Oklahoma Early Intervention Act, the board of education of any school district in this state may execute an agreement with a city/county health department or county health department to share appropriate facilities.

SECTION 19. AMENDATORY 74 O.S. 1991, Section 85.7 (Section 10, Chapter 332, O.S.L. 1991), is amended to read as follows:

Section 85.7 A. No acquisition or contract shall be made without the submission of competitive bids by the State Purchasing Director, except as provided in this section.

1. Any acquisition or contract for an amount of ~~Seven Hundred Fifty Dollars (\$750.00)~~ Two Thousand Five Hundred Dollars (\$2,500.00) or less shall be exempted from competitive bidding procedures. Separate contracts or acquisitions for the individual

components of a total project or service or split purchasing for the purpose of evading the requirement of competitive bidding shall be deemed a felony. The State Purchasing Director may waive or increase the ~~seven-hundred-fifty-dollar~~ two-thousand-five-hundred-dollar limit up to, but not to exceed, a contract or purchase price of ~~One Thousand Dollars (\$1,000.00)~~ ten percent (10%) above the open market limit to perfect an otherwise valid acquisition or contract inadvertently exceeding the ~~seven-hundred-fifty-dollar~~ two-thousand-five-hundred-dollar limit due to administrative error or unforeseeable circumstances. Requests for such waiver or increase shall be promptly submitted upon the discovery of such error or circumstance to the State Purchasing Director in a form prescribed by said Director setting forth the facts. All requests for such waiver or increase in amount, whether granted or denied, shall be reported monthly to the offices of the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives.

2. Contracts for master custodian banks or trust companies, investment managers and investment consultants for state retirement systems, the State Insurance Fund, and the State and Education Employees Group Insurance Board, the pension fund management consultants of the Oklahoma State Pension Commission and actuarial, architectural, engineering, legal or other professional services as such term is defined in Section 803 of Title 18 of the Oklahoma Statutes shall be exempt from competitive bidding procedures. The ~~Office of Public Affairs~~ Department of Central Services shall send a copy of such contracts or a list of such contracts to any member of the House or Senate Appropriations Committee, if requested by such member.

3. Competitive bids shall not be required for any emergency acquisitions or contracts involving ~~Two Thousand Dollars (\$2,000.00)~~ Five Thousand Dollars (\$5,000.00) or less, when upon written request of the State Purchasing Director specifying the facts and circumstances given rise thereto, the Governor may certify in writing the existence of an emergency authorizing the acquisition or contract.

4. Competitive bids for services to alleviate a serious environmental emergency shall not be required if, upon the request of the Chairman of the Corporation Commission, the Governor having examined the facts and circumstances of the case, certifies in writing the existence of a serious environmental emergency. A serious environmental emergency for the purpose of this section means a situation within the jurisdiction of the Commission:

- a. in which serious damage to the environment will quickly occur if immediate action is not taken, and the damage will be so significant that the urgent need for action outweighs the public policy strongly favoring competitive bids, or
- b. a situation in which human life or safety is in imminent danger or significant property interests are threatened with imminent destruction.

5. Purchases or acquisitions for repairs of equipment and machinery in emergencies, or of livestock through a market agency, dealer, commission house or livestock auction market bonded or licensed under federal or state law shall not be subject to the competitive bid requirements of this section or any other provisions of the Oklahoma Central Purchasing Act.

6. Purchases or acquisitions of human organs and internal prostheses for the Oklahoma Medical Center, shall not be subject to the competitive bid requirements of this section or any other provisions of the Oklahoma Central Purchasing Act.

7. Any contract for the restoration of historical sites and museums shall not be subject to the competitive bid requirements of this section or any other provision of the Oklahoma Central Purchasing Act. The procedures will be followed except contractor and bid selection will be the prerogative of the Oklahoma Historical Society Board and selection will be based on contractors' documented qualifications and experience.

8. Purchases of postage by state agencies shall be made in accordance with the provisions of Sections 90.1 through 90.4 of this title.

9. Any sole source contract shall not be subject to competitive bidding procedures. Any agency requesting products or services pursuant to a sole source contract shall comply with Section 89 of this title.

10. Contracts for the design, development, communication or implementation of the state employees flexible benefits plan shall not be subject to the requirements of this section, provided that the Flexible Benefits Advisory Council shall use procedures consistent with the competitive bid requirements of the Oklahoma Central Purchasing Act, ~~Section 85.1 et seq. of Title 74 of the Oklahoma Statutes.~~

11. a. Any contract for a service for which the ~~Office of Public Affairs~~ Department of Central Services has approved as qualifying for a fixed and uniform rate shall not be subject to competitive bid procedures.
- b. The ~~Office of Public Affairs~~ Department of Central Services shall establish criteria and guidelines for those services which may be qualified for a fixed and uniform rate.
- c. The exception to competitive bid procedures authorized by this paragraph shall be limited to contracts for those services furnished to persons directly benefiting from such services and shall not be used by any agency to employ consultants or to purchase products.
- d. Any agency desiring to have a service qualified for a fixed and uniform rate shall make a request for such qualification to the ~~Office of Public Affairs~~ Department of Central Services and shall submit any documentation necessary to support such request. The ~~Office of Public Affairs~~ Department of Central Services shall either approve or deny the request. If the ~~Office of Public Affairs~~ Department of Central Services qualifies such services for a fixed and uniform rate, the agency requesting such qualification shall establish a fixed and uniform rate for such service, provided no contracts shall be entered into by the agency until such rate has been approved by the agency in a public hearing. Prior to approval, the proposed rate shall be clearly and separately identified in the agenda of the agency for the hearing and shall be openly and separately discussed during such hearing. In addition, the agency shall notify the Director of the ~~Office of Public Affairs~~ Department of Central Services of its pending consideration of the proposed rate at least thirty (30) days before the agency is to meet on the proposed rate. Along with such notice, the agency shall deliver to the ~~Office of Public Affairs~~ Department of Central Services a copy of the agenda items concerning

the proposed rate with all supporting documentation and materials. The Director of the ~~Office of Public Affairs~~ Department of Central Services shall communicate any observation, reservation, criticism or recommendation to the agency, either in person at the time of the hearing or in writing delivered to the agency before or at the time of the hearing. The Director of the ~~Office of Public Affairs~~ Department of Central Services shall specifically note in such written communications if the Director of the ~~Office of Public Affairs~~ Department of Central Services has determined the rate to be excessive. Any such written communication presented in the absence of the Director of the ~~Office of Public Affairs~~ Department of Central Services shall be presented orally during the public hearing. Whether made in person or in writing any comment made by the Director of the ~~Office of Public Affairs~~ Department of Central Services shall be made a part of the minutes of the hearing in full.

- e. Within two (2) weeks after the convening of the Legislature, the administrative officer of each state agency shall furnish to the Speaker of the House of Representatives, the President Pro Tempore of the Senate and to any member of the House or Senate, if requested by such member, a complete list of all of the types of services paid for by uniform fixed rates, the amount of the rate last approved by the agency for the service, and the number of contracts then in existence for each type of service. Any rate which has been determined to be excessive by the Director of the ~~Office of Public Affairs~~ Department of Central Services shall be specifically identified in such list.
- f. At any time, the Director of the ~~Office of Public Affairs~~ Department of Central Services is authorized to review, suspend, or terminate a contract entered into pursuant to the provisions of this paragraph if the Director of the ~~Office of Public Affairs~~ Department of Central Services determines the contract is not necessary, is excessive, or is not justified.

B. Acquisitions or contracts shall be awarded to the lowest and best bidder therefor at a specified time and place, which shall be open to the public, with such preference between bidders offering substantially the same products or services at substantially the same prices, as may be set under the authority of Section 85.5 of this title.

C. Bids for professional service contracts shall be evaluated by the State Purchasing Director and the agency contracting for such service. Both cost and technical expertise shall be considered in determining the lowest and best bid. Further, such agency shall present its evaluation and recommendation to the State Purchasing Director. A documented evaluation report containing the evaluations of the State Purchasing Director and the agency contracting for such service shall be completed prior to the awarding of a professional service contract and such report shall be a matter of public record.

D. When requested by the governing body of a state retirement system, the State Insurance Fund or the State and Education Employees Group Insurance Board which are authorized to hire investment managers, the ~~Office of Public Affairs~~ Department of Central Services shall assist the governing body of a state

retirement system, the Fund or the Board in the process of selecting investment managers. When requested by the Flexible Benefits Advisory Council, the ~~Office of Public Affairs~~ Department of Central Services shall assist the Council in the process of selecting contracts for the design, development, communication or implementation of the state employees flexible benefits plan.

SECTION 20. AMENDATORY 74 O.S. 1991, Section 1847.1 (Section 4, Chapter 308, O.S.L. 1991), is amended to read as follows:

Section 1847.1 A. The Commission is granted the additional powers herein given it for the purpose of operating, maintaining, extending and improving state parks in the State of Oklahoma, including specifically all parks and park and recreational properties now owned or leased by the state or by the Commission together with all additions which may be made thereto and all additional park and recreational properties which may be acquired hereafter by the Commission and by the state.

The Commission shall have and is hereby authorized to exercise the following powers, rights and privileges:

1. To have the exclusive possession and control of, and to control, operate and maintain for the benefit of the people of the State of Oklahoma all state parks and all lands and other properties now or hereafter owned or leased by the state or Commission for park or recreational purposes.

2. To acquire by purchase, lease, gift, ~~condemnation~~ or in any other manner and to maintain, use and operate any and all property, real, personal or mixed, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act. Title to all such property shall be vested in the State of Oklahoma, although such property is sometimes herein referred to as property "of the Commission". The power of condemnation herein granted shall be exercised in the manner provided by the general laws of the state for the condemnation of property by the state.

3. To acquire real property by condemnation only when the Attorney General or other counsel deems it an appropriate means of clearing title from willing or unavailable sellers.

4. Subject to the provisions of this act, from time to time to lease, without restriction as to term, any property which said Commission shall determine advisable to more fully carry into effect the duties and powers of said Commission.

~~4.~~ 5. To acquire, construct, extend, improve, maintain and operate any and all facilities of all kinds which in the judgment of the Commission will provide recreational or other facilities for the benefit of the public, or which are necessary or convenient to the exercise of the powers of the Commission.

~~5.~~ 6. To sue and be sued.

~~6.~~ 7. To adopt, use and alter an official seal.

~~7.~~ 8. To make bylaws for the management and regulation of its affairs.

~~8.~~ 9. To appoint officers, agents and employees and prescribe their duties and to fix their compensation.

~~9.~~ 10. To make such contracts and execute such instruments as in the judgment of the Commission are necessary or convenient to the exercise of the powers conferred upon it by this act.

~~10.~~ 11. To prescribe and enforce rules and regulations for the use of all recreational and other facilities and properties of the Commission, including the restriction or prohibition of the use of firearms, the inspection of boats, the issuance of permits for the operation of watercraft of all kinds, the charging and collection of fees for the inspection and for the operation of such craft,

prescribing the type, style, location and equipment of all wharves, docks and anchorages, pavilions, restaurants and other structures or buildings which may be constructed along shores or upon the waters of any body of water or upon other property controlled by the Commission and providing for the licensing, inspection and supervision of same, and granting and imposing charges for permits and for all commercial uses or purposes to which any of the properties of the Commission or any structures or buildings located on property of the Commission may be used.

~~11. The Commission shall~~ 12. To prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities and commodities rendered by all property of the Commission. The Commission may erect cabins and support facilities on any land under its control. The Commission may operate or lease cabins, lodges, restaurants and other facilities and improvements for the public making use of the recreational facilities surrounding such improvements.

B. All fees, licenses and other charges shall be posted in a convenient place in each park. Each and everyone using any of the facilities of said park shall be charged the same fees, licenses and every other charge except:

1. individuals sixty-two (62) years of age and over and his or her spouse, provided that their home state provides similar discounts to Oklahoma residents;

2. individuals who have been certified as totally disabled under state or federal law and his or her spouse will be entitled to a fifty percent (50%) reduction which shall apply to recreation use facilities;

3. children's groups that provide beneficial services at the facility for which the fee is reduced. Identification may be established by presentation of state driver's license or birth certificate. The failure to collect such fees, licenses and other charges shall subject the employees of the Commission to a fine of Twenty-five Dollars (\$25.00) for each and every violation; and

4. special discount rates as authorized in paragraphs 1 and 2 of this subsection may be waived for subject individuals who are members of a group being provided a special group rate in accordance with Section 1834 of this title.

SECTION 21. AMENDATORY 74 O.S. 1991, Section 840.8 (Section 3, Chapter 308, O.S.L. 1991), is amended to read as follows:

Section 840.8 The following offices, positions, and personnel comprise the exempt unclassified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;

2. Members of boards and commissions, and heads of agencies; also one principal assistant or deputy and one executive secretary for each state agency;

3. All judges, elected or appointed, and their employees;

4. Federally funded time-limited employees hired for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and State Department of Vocational and Technical Education;

6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor;

7. Election officials and employees;

8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period. This category of employees shall include persons employed on an intermittent, provisional, seasonal, temporary or emergency basis;

9. Temporary lake patrol officers, regardless of the number of hours worked, who are employed by the Department of Public Safety during the period March 16 through October 31 in any calendar year; provided, the hours worked shall be considered in determining the temporary employee's eligibility for subsequent employment in any other unclassified temporary employment category;

10. Professional trainees only during the prescribed length of their course of training or extension study;

11. Students who are employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, or on a full-time basis if the employment is pursuant to a cooperative education program such as that provided for under Title I IV-D of the Higher Education Act of 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly enrolled in (a) an institution of higher learning within The Oklahoma State System of Higher Education (b) an institution of higher learning qualified to become coordinated with said State System of Higher Education (c) for purposes of this act a student shall be considered a regularly enrolled student if he is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses, and regularly attending classes during that semester of employment or (d) high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

12. The spouses of personnel who are employed on a part-time basis to assist or work as a relief for their spouses in the Oklahoma Tourism and Recreation Department;

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's Full-Time-Equivalent Employee Limit;

14. Employees of State Capitol cafeterias;

15. Employees of either the House of Representatives or the State Senate;

16. Grand River Dam Authority personnel occupying the following offices and positions:

- a. The general manager, assistant general managers, secretaries to the general manager, and assistant general managers,
- b. The chief engineer and the engineers, superintendents, and assistant superintendents,
- c. The general counsel and the attorneys on the general counsel's staff,
- d. The secretary,
- e. The treasurer,
- f. Rate analysts, and
- g. Unclassified employees hired prior to May 1, 1989, who hold engineering job titles but who are not registered

engineers, provided said persons are reassigned nonengineering job titles. At such time as the positions occupied by said unclassified employees are vacated, the positions shall revert to the classified service;

17. Oklahoma Tax Commission personnel occupying the following offices and positions:
 - a. All revenue administrators, the budget officer and the comptroller of the Tax Commission,
 - b. All administrators and unit managers in the Management Information Services Division,
 - c. All Computer Programming Systems Specialist positions,
 - d. All Data Processing Programmer Analyst Supervisor and Data Processing Programmer Analyst III positions,
 - e. All Public Affairs Officer and Assistant Public Affairs Officer positions,
 - f. Public Information Officer, and
 - g. All Tax Economist positions;

18. Corporation Commission personnel occupying the following offices and positions:
 - a. Administrative assistant, administrative aides, and executive secretaries to the Commissioners,
 - b. Directors of all the divisions, and
 - c. General Counsel;

19. State Department of Education personnel occupying the following offices and positions:
 - a. Administrative Assistants,
 - b. Informational Representatives III,
 - c. Driver Educational Electronics Technician,
 - d. Media Technical Assistants,
 - e. Executive Secretaries,
 - f. Accounting Supervisor,
 - g. Supervisor of Records,
 - h. Supervisor of Printing Services,
 - i. Migrant Records Transfer System Representative,
 - j. Financial Managers, and
 - k. In addition to the State Department of Education offices and positions listed in this paragraph, any and all offices and positions within the State Department of Education for which the annual salary is Twenty-one Thousand Nine Hundred Forty-three Dollars (\$21,943.00) or more shall also be in the unclassified service of this state.

Nothing in this paragraph is intended to change the status, whether classified or unclassified, of any person employed by the Department of Education prior to May 1, 1989. No position shall become unclassified while it is occupied by a classified employee because of any change in salary or grade. Hereafter, any position paid an annual salary of Twenty-one Thousand Nine Hundred Forty-three Dollars (\$21,943.00) or more shall be in the unclassified service upon being vacated;

20. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;

21. Bill Willis Community Mental Health Center personnel occupying the following offices and positions:
 - a. Director of Facility,
 - b. Deputy Director for Administration,
 - c. Clinical Services Director, and

- d. Executive Secretary to Director;
- 22. The State Comptroller, Office of the Director of State Finance;
- 23. Employees of the Oklahoma Development Finance Authority;
- 24. Those positions so specified in the annual business plan of the Department of Commerce;
- 25. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;
- 26. The following positions and employees of the Oklahoma School of Science and Mathematics:
 - a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,
 - b. positions requiring certification by the State Department of Education, and
 - c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in Section 840.10 of this title;
- 27. State Insurance Fund personnel occupying the following offices and positions:
 - a. Commissioner,
 - b. Deputy Commissioner,
 - c. Administrative Assistants to the Commissioner,
 - d. Executive Secretaries to the Commissioner and Deputy Commissioner,
 - e. Law Clerks and Legal Assistants,
 - f. Special Counsel,
 - g. General Counsel,
 - h. Medical Analysts Supervisor,
 - i. Medical Analysts,
 - j. Field Adjusters,
 - k. Investment Officer, and
 - l. Collections Attorneys;
- 28. The Carl Albert Internship Program Coordinator within the Office of Personnel Management;
- 29. Department of Corrections personnel occupying the following offices and positions:
 - a. Associate Director,
 - b. Executive Secretary,
 - c. General Counsel,
 - d. Assistant General Counsel,
 - e. Deputy Director,
 - f. Public Information Officer,
 - g. Personnel Manager,
 - h. Administrator of Planning and Research,
 - i. Administrator of Finance and Accounting,
 - j. Executive Assistant,
 - k. Administrator of Information Services,
 - l. Affirmative Action Officer,
 - m. System Development Manager,
 - n. Computer Operations Manager,
 - o. Training Director,
 - p. Assistant Training Director,
 - q. Administrator of Construction and Maintenance,
 - r. Administrative Assistant,
 - s. Secretary,
 - t. Administrator of Classification and Programs,

- u. Coordinator of Facility Classification,
- v. Mediation Coordinator,
- w. Inspector General,
- x. Medical Director,
- y. Psychiatrist,
- z. Physician,
- aa. Optometrist,
- ab. Dental Services Supervisor,
- ac. Dentist,
- ad. Psychologist,
- ae. Administrator of Dietary Services,
- af. Warden I,
- ag. Warden II,
- ah. Warden III,
- ai. Deputy Warden I,
- aj. Deputy Warden II,
- ak. Deputy Warden III,
- al. Community Treatment Center Superintendent,
- am. Community Treatment Center Assistant Superintendent,
- an. Probation and Parole District Supervisor,
- ao. Probation and Parole Assistant District Supervisor,
- ap. Administrator of Human Resources, ~~and~~
- aq. Facility Staffing Pattern Analyst, ~~and~~
- ar. Correctional School Superintendent;

30. Department of Corrections personnel occupying the following offices and positions as representatives of the Oklahoma State Industries:

- a. Administrator of Industrial Production,
- b. Administrator of Agriculture Production,
- c. OSI Sales Representative,
- d. OSI Sales Manager, and
- e. Marketing Manager.

The positions listed in this paragraph shall be funded from the Department of Corrections Industries' Revolving Fund only. In addition to the regular salary, any unclassified sales representative of the Oklahoma State Industries of the Department of Corrections who is responsible for obtaining a contract for products manufactured or services provided by prison industries may, at the discretion of the Director of the Department of Corrections, be awarded additional compensation of not more than five percent (5%) of the total amount of said contracts but not more than Five Thousand Dollars (\$5,000.00) per year. This compensation may be in addition to the salary of the employee and may be paid in one lump sum from any funds available to the Department of Corrections. No such compensation shall be made unless funds are available. Funds for payment of any compensation awards shall be encumbered to the extent of the awards.

Incumbents in positions listed in paragraph 29 of this section and in this paragraph that are classified under the Merit System of Personnel Administration on the effective date of this act shall have the option of remaining in their classified status under the Merit System of Personnel Administration. Incumbents that choose to accept unclassified appointments shall so signify in writing. All future appointees to these positions shall be unclassified. Incumbents that choose to remain in the classified service under the Merit System of Personnel Administration shall be subject to all rules and procedures of the Merit System of Personnel Administration. By the end of the first full work week of each month, the Director of the Department of Corrections shall submit to the Director of State Finance a report listing the total number of

part-time employees employed during the preceding month, the positions for which they were employed, and the number of hours worked for each part-time position;

31. Department of Labor personnel occupying the following offices and positions:

- a. Deputy Commissioner,
- b. Executive Secretary to the Commissioner,
- c. Chief of Staff, and
- d. Administrative Assistant, Legal; and

32. The State Bond Advisor and his employees.

SECTION 22. REPEALER 10 O.S. 1991, Sections 601.45, as amended by Section 1 of Enrolled Senate Bill No. 1024 of the 2nd Session of the 43rd Oklahoma Legislature, 1102, as amended by Section 8 of Enrolled House Bill No. 1735 of the 2nd Session of the 43rd Oklahoma Legislature, 1116.1, as amended by Section 10 of Enrolled House Bill No. 1735 of the 2nd Session of the 43rd Oklahoma Legislature, 1138, as amended by Section 11 of Enrolled House Bill No. 1735 of the 2nd Session of the 43rd Oklahoma Legislature, 1404, as amended by Section 17 of Enrolled House Bill No. 1735 of the 2nd Session of the 43rd Oklahoma Legislature, 11 O.S. 1991, Section 37-119 (Section 2, Chapter 293, O.S.L. 1991), 15 O.S. 1991, Section 753 (Section 4, Chapter 242, O.S.L. 1991), 47 O.S. 1991, Sections 6-101 (Section 46, Chapter 216, O.S.L. 1991), 6-101 (Section 1, Chapter 342, O.S.L. 1991), as amended by Section 1 of Enrolled House Bill No. 2147 of the 2nd Session of the 43rd Oklahoma Legislature, 6-111, as amended by Section 2 of Enrolled House Bill No. 1801 of the 2nd Session of the 43rd Oklahoma Legislature, 6-206.1, as amended by Section 3 of Enrolled House Bill No. 2038 of the 2nd Session of the 43rd Oklahoma Legislature, 581, as amended by Section 1 of Enrolled House Bill No. 2041 of the 2nd Session of the 43rd Oklahoma Legislature, and 583, as amended by Section 3 of Enrolled House Bill No. 2041 of the 2nd Session of the 43rd Oklahoma Legislature, 51 O.S. 1991, Section 6, as amended by Section 2 of Enrolled House Bill No. 1804 of the 2nd Session of the 43rd Oklahoma Legislature, 62 O.S. 1991, Section 195, as amended by Section 5 of Enrolled Senate Bill No. 976 of the 2nd Session of the 43rd Oklahoma Legislature, 63 O.S. 1991, Sections 1-106.1, as amended by Section 1 of Enrolled Senate Bill No. 614 of the 2nd Session of the 43rd Oklahoma Legislature, 2-503 (Section 32, Chapter 216, O.S.L. 1991), and Section 485.3, as amended by Section 4 of Enrolled House Bill No. 1615 of the 2nd Session of the 43rd Oklahoma Legislature, 65 O.S. 1991, Section 2-106, as amended by Section 2 of Enrolled Senate Bill No. 747 of the 2nd Session of the 43rd Oklahoma Legislature, 68 O.S. 1991, Section 2358 (Section 1, Chapter 232, O.S.L. 1991), 69 O.S. 1991, Section 1705, as amended by Section 1 of Enrolled House Bill No. 1807 of the 2nd Session of the 43rd Oklahoma Legislature, 70 O.S. 1991, Sections 6-101.4 (Section 6, Chapter 3, O.S.L. 1991), 10-105.3, as amended by Section 2 of Enrolled Senate Bill No. 583 of the 2nd Session of the 43rd Oklahoma Legislature, 13-114.3, as amended by Section 1 of Enrolled House Bill No. 2240 of the 2nd Session of the 43rd Oklahoma Legislature, 13-124 (Section 68, Chapter 280, O.S.L. 1991), 1210.541, as amended by Section 3 of Enrolled Senate Bill No. 583 of the 2nd Session of the 43rd Oklahoma Legislature, and 1210.561, as amended by Section 4 of Enrolled Senate Bill No. 583 of the 2nd Session of the 43rd Oklahoma Legislature, and 74 O.S. 1991, Sections 85.7 (Section 2, Chapter 197, O.S.L. 1991), 85.32, as amended by Section 5 of Enrolled House Bill No. 1827 of the 2nd Session of the 43rd Oklahoma Legislature, 840.8 (Section 18, Chapter 291, O.S.L. 1991), 908 (Section 29, Chapter 267, O.S.L. 1988), 1304 (Section 10, Chapter 288, O.S.L.

1991) and 1847.1 (Section 2, Chapter 262, O.S.L. 1991), which are duplicate sections, are hereby repealed.

SECTION 23. This act shall become effective July 1, 1992.

SECTION 24. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 29th day of May, 1992.

Speaker of the House of
Representatives

Passed the Senate the 29th day of May, 1992.

President of the Senate