

and then the balance of the proceeds shall be applied as otherwise provided by law.

SECTION 1049. AMENDATORY 74 O.S. 2011, Section 7005, is amended to read as follows:

Section 7005. A. The Oversight Committee for State Employee Charitable Contributions shall be composed of the ~~Administrator~~ Director of the Office of Personnel Management Office of Management and Enterprise Services, or designee and six (6) state employees, of which two shall be appointed by the Governor, two shall be appointed by the President Pro Tempore of the Senate and two shall be appointed by the Speaker of the House of Representatives. Members shall serve at the pleasure of their appointing authorities. The provisions of Section 6 of Title 51 of the Oklahoma Statutes shall not apply to appointments to the Committee. The Committee is created to continue until July 1, 2012, in accordance with the provisions of the Oklahoma Sunset Law.

B. The Committee annually shall elect a chairman from its membership. The ~~Administrator~~ Director of the Office of Personnel Management Office of Management and Enterprise Services shall serve as chairman until the first such election.

C. The Oversight Committee for State Employee Charitable Contributions shall have the following duties and responsibilities:

1. Arrange for publication of information about the application process;

2. Review applications of federations electing to participate in the State Charitable Campaign and certify that a federation and each of its member agencies meet the eligibility criteria set forth in Sections 7009 and 7010 of this title;

3. Notify in writing each of the applying federations of its acceptance or rejection. Provided, if a federation is rejected, the Committee shall provide the reason for rejection of each of the member agencies of the federation;

4. Hear appeals of rejected agencies;

5. Delegate to the principal combined fund raising organization the primary responsibility for the staffing of and the financial

obligations necessary to comply with the provisions of this subsection;

6. Develop a pledge card to be used throughout the State Charitable Campaign;

7. Select a principal combined fund raising organization to assist the Committee in gathering and accumulating the applications; and

8. Promulgate rules to implement the provisions of the Oklahoma State Employee Charitable Contribution Act.

D. ~~The Office of Personnel Management~~ Office of Management and Enterprise Services shall provide such staff support as is required by the Committee.

E. The Oversight Committee for State Employee Charitable Contributions is authorized to appoint such advisory councils and task forces as it deems necessary for counsel, advice and review concerning the formulation and administration of the rules, application review process and the implementation of the Oklahoma State Employee Charitable Contribution Act.

SECTION 1050. AMENDATORY 74 O.S. 2011, Section 8121, is amended to read as follows:

Section 8121. A. There is hereby created to continue until June 1, 2007, the Task Force on Electronic Commerce. The purpose of the Task Force shall be to study the technology of and applications for electronic commerce and to prepare recommendations for legislative and other action needed to assure the availability and use of electronic commerce technology in the state.

B. The Task Force shall be composed of fifty (50) members as follows:

1. The Secretary of State or designee;

2. The Director of ~~State Finance~~ the Office of Management and Enterprise Services or designee;

3. The Director of the Information Services Division of the ~~Office of State Finance~~ Office of Management and Enterprise Services or designee;

4. The Attorney General or designee;
5. The Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services or designee;
6. The Director of the Oklahoma Department of Commerce or designee;
7. The Chancellor of the Oklahoma State Regents for Higher Education or designee;
8. The Chief Justice of the Oklahoma Supreme Court or designee;
9. The State Auditor and Inspector or designee;
10. The Superintendent of Public Instruction or designee;
11. The Administrator of the Oklahoma Securities Commission or designee;
12. One member who represents the Uniform Commercial Code Filing Office in the office of the county clerk of Oklahoma County;
13. The Chair of the Evidence Code Committee for the Oklahoma Bar Association;
14. Three members of the House of Representatives appointed by the Speaker of the House of Representatives;
15. One member who represents a statewide association of professional engineers and architects to be appointed by the Speaker of the House of Representatives;
16. Three members of the Senate appointed by the President Pro Tempore of the Senate;
17. Two members who represent a business association to be appointed by the Governor;
18. Two members who represent the banking industry to be appointed by the Governor;
19. One member who represents a state banking association to be appointed by the President Pro Tempore of the Senate;

20. Two members who represent the insurance industry to be appointed by the Governor;

21. Two members of the Oklahoma Bar Association to be appointed by the Governor;

22. One member who represents large manufacturing businesses to be appointed by the Governor;

23. One member who represents small manufacturing businesses to be appointed by the Governor;

24. One member from a software or computer services business entity to be appointed by the Governor;

25. One member who represents the land title profession to be appointed by the Speaker of the House of Representatives;

26. Two members who represent the telecommunications industry, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Speaker of the House of Representatives;

27. One member who represents a federal governmental agency with offices in Oklahoma to be appointed by the President Pro Tempore of the Senate;

28. Two members who represent vocational-technical education, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the Governor;

29. One member who represents credit unions to be appointed by the President Pro Tempore of the Senate;

30. One member who represents a public school district to be appointed by the Speaker of the House of Representatives;

31. One member representing the transportation industry appointed by the Governor;

32. One member representing a statewide oil and gas royalty owners association to be appointed by the Speaker of the House of Representatives;

33. One member representing a statewide organization of cities and towns to be appointed by the President Pro Tempore of the Senate;

34. Two members, one who represents a large retailer located in Oklahoma that conducts a majority of its business by means of electronic commerce to be appointed by the Speaker of the Oklahoma House of Representatives and one who represents a small retailer located in Oklahoma that conducts a majority of its business by means of electronic commerce to be appointed by the President Pro Tempore of the State Senate;

35. One member from a business or firm specializing in web design to be appointed by the Speaker of the House of Representatives;

36. One member from city government from a city below ten thousand (10,000) in population according to the latest Federal Decennial Census;

37. One member from county government from a county below thirty thousand (30,000) in population according to the latest Federal Decennial Census; and

38. Two members at large, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the President Pro Tempore of the Senate.

C. Members who were serving on the Task Force as of June 1, 2001, shall automatically be appointed to serve on the Task Force on Electronic Commerce after June 1, 2001.

D. Meetings shall be held at the call of the chairperson. The Task Force shall meet at such time as established by the chairperson.

E. The Task Force shall:

1. Study the technology of and applications for electronic commerce;

2. Review and compare electronic commerce legislation from other states;

3. Survey vendors which have developed technology for electronic commerce and review the available technology;

4. Study the cost of implementing and maintaining a state electronic signature certification program;

5. Make recommendations on an appropriate structure for a state electronic signature certification program; and

6. Make recommendations for implementing electronic commerce procedures for state agencies.

F. Members of the Task Force shall receive no compensation for serving on the Task Force, but shall receive travel reimbursement as follows:

1. Legislative members of the Task Force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of this title from the legislative body in which they serve;

2. State agency employees who are members of the Task Force shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act; and

3. All other Task Force members shall be reimbursed by the Oklahoma Department of Commerce for travel expenses incurred in performance of their duties on the Task Force, in accordance with the State Travel Reimbursement Act.

G. As necessary to carry out its charge, the Task Force may seek technical assistance from specialists in electronic commerce technology.

H. Staffing for the Task Force shall be provided jointly by the staff for the House of Representatives and the State Senate.

SECTION 1051. AMENDATORY 74 O.S. 2011, Section 8201.2, is amended to read as follows:

Section 8201.2 A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Historical Society to be designated The 1921 Tulsa Race Riot Memorial of Reconciliation Revolving Fund. The fund shall be a continuing fund, not subject to

fiscal year limitations, and shall consist of: revenue received pursuant to publication of the final report of The 1921 Tulsa Race Riot Commission; funds received from a joint venture between the City of Tulsa and The 1921 Tulsa Race Riot Commission; gifts; donations; or private, state, or federal grant funds.

B. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purpose of paying for expenses associated with publication of the final report of The 1921 Tulsa Race Riot Commission and expenses incurred by The 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee in developing criteria for, selecting the design of, and providing oversight and advice during the development, design and construction of The 1921 Tulsa Race Riot Memorial of Reconciliation.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment.

SECTION 1052. AMENDATORY 74 O.S. 2011, Section 8401, is amended to read as follows:

Section 8401. A. There is hereby created the War on Terror Memorial Design Committee. The purpose of the Committee shall be to recommend the design of the Memorial and to provide oversight and advice to the Oklahoma Historical Society in the site selection, design, construction, and funding sources of the Memorial.

B. The Committee shall consist of twelve (12) members as follows:

1. Two members of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives;

2. Two members of the Oklahoma State Senate appointed by the President Pro Tempore of the Senate;

3. Two members appointed by the Governor;

4. The Lieutenant Governor, or a designee;

5. The Executive Director of the Oklahoma Historical Society, or a designee;

6. The Executive Director of the Oklahoma Tourism and Recreation Department, or a designee;

7. The Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services, or a designee;

8. The President of the Oklahoma Veterans Council, or a designee; and

9. The Executive Director of the Oklahoma Arts Council, or a designee.

C. The members shall annually elect a chair and vice-chair from among the membership. Meetings of the Committee shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

D. Members of the Committee shall receive no compensation for their service on the Committee, but shall receive travel reimbursement as follows:

1. Legislative members of the Committee shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative state agency members of the Committee shall be reimbursed by their agencies pursuant to the provisions of the State Travel Reimbursement Act; and

3. Other members of the Committee shall be reimbursed by the Oklahoma Historical Society pursuant to the provisions of the State Travel Reimbursement Act.

E. Staffing for the Committee shall be provided by the staffs of the Oklahoma House of Representatives, the Oklahoma State Senate and the Oklahoma Historical Society.

F. The duties of the Committee shall be to:

1. Develop criteria for and solicit public comment and input on the development and design of the Memorial;

2. Develop and implement criteria for a design competition which shall include, but not be limited to, solicitation of designs from appropriate persons or entities. The Committee shall select three designs as finalists from among the designs submitted through the competition and shall present the selected designs to the public for comment and input. The Committee shall give due consideration to the comments received from the public in choosing the design that, in the opinion of a majority of the Committee members, is most appropriate to commemorate the lives of the soldiers that served and honor the survivors of the War on Terror;

3. From the three finalists, select the design winner and an alternate whose designs shall be forwarded to the Executive Director of the Oklahoma Historical Society; and

4. Provide oversight and advice to the Oklahoma Historical Society during the site selection, design, and construction of the Memorial.

G. The Executive Director of the Oklahoma Historical Society shall be responsible for awarding all contracts related to the construction of the Memorial. The Executive Director, in consultation with the Committee, may elect to use the alternate design or recommend the reopening of the award process if the winning design construction exceeds the anticipated budget for the Memorial.

H. Upon completion of the Memorial, the ~~Department of Central Services~~ Office of Management and Enterprise Services shall be responsible for the maintenance and upkeep of the Memorial.

SECTION 1053. AMENDATORY 74 O.S. 2011, Section 8402, is amended to read as follows:

Section 8402. A. The ~~Department of Central Services~~ Office of Management and Enterprise Services is hereby authorized to negotiate with an Internal Revenue Code Section 501(c)(3) tax-exempt corporation for the purpose of designating a site within the State Capitol Complex Park for the Korean War Veterans Memorial.

B. Any contract, pursuant to this section, must be approved by the Oklahoma Capitol Improvement Authority.

SECTION 1054. AMENDATORY 74 O.S. 2011, Section 8403, is amended to read as follows:

Section 8403. A. There is hereby created the African-American Centennial Plaza Design Committee. The purpose of the Committee shall be to recommend the design of the African-American Centennial Plaza and to provide oversight and advice to the Oklahoma Historical Society in the design, construction, and funding sources of the Plaza which shall be located in the median of Lincoln Boulevard between 18th Street and the State Capitol Building; provided, however, such construction shall begin only when the total amount of non-state-appropriated funds necessary to complete the Plaza has been raised or secured. Should the total amount of non-state-appropriated funds not be raised or secured within two (2) years after the effective date of this act, the site referred to in this section shall no longer be reserved for the Plaza.

B. The Committee shall consist of seven (7) members as follows:

1. The President Pro Tempore of the Senate, or a designee;
2. The Speaker of the House of Representatives, or a designee;
3. The Governor, or a designee;
4. The Lieutenant Governor, or a designee;
5. The Executive Director of the Oklahoma Historical Society, or a designee;
6. The Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services, or a designee; and
7. The Executive Director of the Oklahoma Arts Council, or a designee.

C. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall annually appoint a chair and a vice-chair, respectively, from among the membership. The Committee may elect other officers as deemed necessary. Meetings of the Committee shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

D. Members of the Committee shall receive no compensation for their service on the Committee, but may receive travel reimbursement as follows:

1. Legislative members of the Committee may be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative state agency members of the Committee may be reimbursed by their agencies pursuant to the provisions of the State Travel Reimbursement Act; and

3. Other members of the Committee may be reimbursed by the Oklahoma Historical Society pursuant to the provisions of the State Travel Reimbursement Act.

E. Staffing for the Committee shall be provided by the staffs of the:

1. Oklahoma Historical Society;
2. Oklahoma State Senate; and
3. Oklahoma House of Representatives.

F. The duties of the Committee shall be to:

1. Develop criteria for and solicit public comment and input on the development and design of the Plaza;

2. Develop and implement criteria for a design competition which shall include, but not be limited to, solicitation of designs from appropriate persons or entities, and incorporation of any work that may already have been initiated on the design of the Plaza. The Committee shall select three designs as finalists from among the designs submitted through the competition and shall present the selected designs to the public for comment and input. The Committee shall give due consideration to the comments received from the public in choosing the design that, in the opinion of a majority of the Committee members, is most appropriate to commemorate the unique history and contributions of African Americans in Oklahoma;

3. From the three finalists, select the design winner and an alternate whose designs shall be forwarded to the Executive Director of the Oklahoma Historical Society; and

4. Provide oversight and advice to the Oklahoma Historical Society during the design and construction of the Plaza.

G. The Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services shall be responsible for awarding all contracts related to the construction of the Plaza. The Director, in consultation with the Committee, may elect to use the alternate design or recommend the reopening of the award process if the winning design construction exceeds the anticipated budget for the Plaza.

H. Upon completion of the Plaza, the ~~Department of Central Services~~ Office of Management and Enterprise Services shall be responsible for the maintenance and upkeep of the Plaza.

SECTION 1055. AMENDATORY 74 O.S. 2011, Section 9030.3, is amended to read as follows:

Section 9030.3 A. The Oklahoma Historical Society may create an Art in Public Places Division to administer the Oklahoma Art in Public Places Act.

B. There is hereby created an Art in Public Places Oversight Committee comprised of:

1. The Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services, or designee;

2. The Director of the Oklahoma Arts Council, or designee;

3. The Director of the Oklahoma Historical Society, or designee;

4. The Director of the Department of Transportation, or designee;

5. The Chancellor of the Oklahoma State Regents for Higher Education or designee;

6. One artist appointed by the Director of the Oklahoma Arts Council;

7. One architect appointed by the Director of ~~Central Services~~  
the Office of Management and Enterprise Services;

8. One engineer appointed by the Director of ~~Central Services~~  
the Office of Management and Enterprise Services; and

9. One museum director/curator appointed by the Director of the  
Oklahoma Historical Society.

C. 1. All appointed members shall serve a term of three (3)  
years and may be reappointed for one additional three-year term.

2. The Director of the Oklahoma Historical Society shall be the  
initial chair of the Committee. The officers of the Committee shall  
be a chair, a vice-chair, and a secretary elected at the last  
meeting of each fiscal year. Appointments to fill officer vacancies  
shall be made by the chair between elections.

3. Meetings shall be held at the call of the chair, and for the  
initial appointments, a majority of the members present shall  
constitute a quorum.

D. Except as provided for in subsections F and G of this  
section, the Oversight Committee is empowered with overseeing each  
of the following phases of the development and management of the  
Oklahoma Art in Public Places Act:

1. Develop job specifications for a Division Director of the  
Art in Public Places Division, who shall not be subject to the Merit  
System of Personnel Administration;

2. Make recommendations for the implementation of the Art in  
Public Places Program to the Director of the Oklahoma Historical  
Society; and

3. Develop methods of selection of artists, criteria for  
selection, final approval of site projects, maintenance and repair  
of works of art, and periodic evaluation of the Program.

E. Artwork or art restoration projects in the administrative  
control of the Oversight Committee pursuant to the Oklahoma Art in  
Public Places Act shall not be subject to The Oklahoma Central  
Purchasing Act, but the projects shall be subject to a call for  
entries process established by the Oversight Committee.

F. Members shall be reimbursed for necessary travel expenses in accordance with the State Travel Reimbursement Act.

G. The State Capitol Preservation Commission shall retain its administrative control over art projects for the Capitol and the Governor's Mansion as provided for in Section 4104 of Title 74 of the Oklahoma Statutes.

H. The governing boards for institutions of higher education or local boards of trustees shall perform the duties of the Oversight Committee for art projects on the campuses that they oversee.

SECTION 1056. AMENDATORY 74 O.S. 2011, Section 9030.6, is amended to read as follows:

Section 9030.6 A. 1. There is hereby created in the State Treasury a revolving fund for the Oklahoma Historical Society to be designated the "Commissioning of Art in Public Places Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Society from the sources provided for in Section ~~6~~ 9030.5 of this act title.

2. The Society shall establish a separate subaccount for each project. Monies in these subaccounts may be used to match monies from other private and public sources for commissioning art in accordance with the Oklahoma Art in Public Places Act.

3. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Historical Society for the commissioning of art and insurance for the art in accordance with the Oklahoma Art in Public Places Act.

4. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment.

B. If there are monies from a project for the commissioning of art not spent, those monies may be pooled in the fund for the commissioning of art in, on, or near other state buildings.

SECTION 1057. AMENDATORY 74 O.S. 2011, Section 9030.7, is amended to read as follows:

Section 9030.7 A. 1. There is hereby created in the State Treasury a revolving fund for the Oklahoma Historical Society to be designated the "Art in Public Places Administrative and Maintenance Revolving Fund". All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Society. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Society from the sources provided for in Section ~~6~~ 9030.5 of this ~~act~~ title.

2. This fund shall consist of two subaccounts, one account for maintenance and repair purposes and one account for administrative and education purposes. Monies accruing to the credit of the subaccount for maintenance and repair shall be used for the purpose of restoring art in all state public buildings including, but not limited to, public buildings at institutions within The Oklahoma State System of Higher Education.

3. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment.

B. Whenever the unencumbered balance in this fund exceeds One Million Dollars (\$1,000,000.00), the assessment shall be placed in the Commissioning of Art in Public Places Revolving Fund to the credit of the subaccount established for the project upon which the assessment was made.

SECTION 1058. AMENDATORY 80 O.S. 2011, Section 34.2, is amended to read as follows:

Section 34.2 A. The Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services shall appoint and fix the duties and compensation of a Surplus Property Agent. The Purchasing Division of the ~~Department of Central Services~~ Office of Management and Enterprise Services shall purchase for the Surplus Property Agent a bond payable to the State of Oklahoma in the sum of Fifty Thousand Dollars (\$50,000.00), conditioned for the faithful performance of the duties of the Surplus Property Agent.

B. Pursuant to the provisions of Sections 34.1 through ~~34.7~~ 34.6 of this title, the Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services shall promulgate rules for acquisition of surplus property by the Surplus

Property Agent, state departments, institutions and agencies, and other authorized entities. The rules shall provide for the determination of a reasonable fee to assess the state departments, institutions and agencies, and other authorized entities for surplus property. The fee determination shall include costs the Surplus Property Agent incurs to acquire, warehouse, distribute, and other administrative costs and expenses.

SECTION 1059. AMENDATORY 80 O.S. 2011, Section 34.3, is amended to read as follows:

Section 34.3 A. The Surplus Property Agent shall, under the supervision and direction of the Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services:

1. Ascertain from the federal government through any of its agencies, any surplus property available for sale, lease, or donation either within or outside this state and shall notify the state departments, boards, commissions, institutions, and agencies, counties, cities, and towns, and school districts of the availability of such property as is deemed necessary according to the types and quantities of property available;
2. Secure from state departments, boards, commissions, institutions, and agencies and from counties, cities, and towns, and school districts, estimates of their needs for surplus property and keep federal agencies informed of such needs;
3. Purchase, or accept as gifts or donations, any surplus property from the federal government, its departments or agencies for redistribution, by sale or donation to any state department, board, commission, institution, or agency and to counties, cities, or towns, and school districts, and provide for the care and handling, transportation, and warehousing of property if necessary;
4. Distribute surplus property to state departments, boards, commissions, institutions, and agencies and to counties, cities, towns, school districts, and other entities authorized by the federal government to receive federal surplus property, provided, the entity reimburses the Surplus Property Agent for the purchase price and expenses incurred in connection with acquiring, warehousing, and distributing the surplus property;
5. With the approval of the Director of the ~~Department of Central Services~~ Office of Management and Enterprise Services,

employ such employees and assistants as may be necessary to carry out the purposes of Sections 34.1 through 34.6 of this title;

6. Make acquisition of surplus automobiles in a manner consistent with other applicable sections of law in this state; and

7. Perform other duties as are necessary for the purposes of Sections 34.1 through 34.6 of this title.

B. The surplus property agent may participate in programs through which the Government of the United States offers to provide surplus military equipment, including weapons, protective clothing and transportation devices.

SECTION 1060. AMENDATORY 80 O.S. 2011, Section 34.6, is amended to read as follows:

Section 34.6 There is hereby created in the State Treasury a revolving fund to be designated as the "State Surplus Property Revolving Fund" which shall consist of all monies appropriated thereto by the Legislature and all monies received by the Surplus Property Agent from state departments, boards, commissions, institutions, and agencies and from counties, cities, and towns, and school districts and other authorized program participants as a reimbursement to the state of monies spent in acquiring surplus property for such entities, and for services to the entities. The State Surplus Property Revolving Fund shall be a continuing fund, not subject to fiscal year limitations, and shall be expended by the Surplus Property Agent, under the supervision of the Director of ~~Central Services~~ the Office of Management and Enterprise Services, for any expense incurred in the handling, transportation, warehousing, distribution of surplus property received by purchase or donation, including the purchase of trucks and equipment, the salary of the Surplus Property Agent and other employees' salaries, other necessary expenses incurred in program administration and operation and expenses the ~~Department of Central Services~~ Office of Management and Enterprise Services incurs to support program operations. Expenditures shall be made from the fund on claims signed by the Surplus Property Agent and approved for payment by the Director of ~~State Finance~~ the Office of Management and Enterprise Services. Excess funds above the operational needs may be invested in any of the types of instruments in which the State Treasurer is authorized by law to invest. Interest earned shall be retained by the State Surplus Property Revolving Fund, and the funds may be expended by the ~~Department of Central Services~~ Office of Management

and Enterprise Services to acquire, improve, or maintain state agency surplus property facilities.

SECTION 1061. AMENDATORY 82 O.S. 2011, Section 864, is amended to read as follows:

Section 864. A. 1. The Board of Directors of the Grand River Dam Authority shall select a secretary who shall keep true and complete records of all proceedings of the Board. Until the appointment of a secretary, or in the event of absence or inability to act, a secretary pro tempore shall be selected by the Board.

2. The Board shall also select a general manager, who shall be the chief executive officer of the district, and a treasurer, who may also hold the office of secretary.

3. All such officers shall have the powers and duties, and shall hold office for such term and be subject to removal in such manner as may be provided in the compensation of such officers. The Board may appoint such officers, fix their compensation and term of office and the method by which they may be removed and delegate to them such other powers and duties as it may deem appropriate.

4. Except for the purpose of inquiry, the Board and its members shall deal with the operations of the district solely through the general manager. The Board and its members shall not:

- a. direct or request the general manager or other authority to appoint or remove officers or employees except as herein provided,
- b. participate in any manner in the appointment or removal of officers and employees of the district, except as provided by law, or
- c. give orders or ordinary administrative matters to any subordinate of the general manager either publicly or privately.

B. The general manager may appoint such other officers, agents, and employees, fix their compensation pursuant to the provisions of this section, and term of office and the method by which they may be removed, and delegate to them such of its power and duties as the general manager may deem proper.

C. Except as provided in subsection A of this section, the compensation of the classified employees of the Grand River Dam Authority shall be computed as follows:

1. Beginning July 1, 1993, and biannually thereafter, the ~~Office of Personnel Management~~ Office of Management and Enterprise Services shall conduct a comprehensive classification and compensation study of all classified positions in the Grand River Dam Authority. The study shall be limited to an analysis of prevailing rates of pay for all positions in electrical generating utilities for jobs comparable to those performed by employees of the Grand River Dam Authority. Such study shall compare all classified positions within the Grand River Dam Authority, including support and maintenance staff employees, with comparable positions within other similarly sized electrical generating utilities only. Each biannual report shall be provided to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Board of Directors of the Grand River Dam Authority. The report shall include an analysis of all classified positions and classifications and recommend an average comparable pay scale developed through the study. The Grand River Dam Authority shall bear the cost of the study;

2. Upon the issuance of any such report, the Board of Directors of the Grand River Dam Authority shall implement the classification and compensation recommendations as appropriate, if fiscal constraints and commitments to ratepayers permit; and

3. The Board of Directors of the Grand River Dam Authority may implement adjustments in compensation to correct inequities as determined by the Board of Directors. The total of these adjustments and those described in paragraph 2 of this subsection may increase the base payroll in excess of the recommendation in the ~~Office of Personnel Management~~ Office of Management and Enterprise Services study.

SECTION 1062. AMENDATORY 82 O.S. 2011, Section 866, is amended to read as follows:

Section 866. The domicile of the district shall be in the City of Vinita, County of Craig, where the district shall maintain its principal office in charge of its general manager, until otherwise designated by the affirmative vote of four directors. The district shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. The accounts and all contracts,

documents and records of the district shall be kept at the principal office. The accounts and contracts shall be open to public inspection at all reasonable times. The Board shall cause to be made and completed within ninety (90) days after the end of each calendar year an audit of the books of account and financial records of the district for such calendar year, such audit to be made by an independent certified public accountant or firm of certified public accountants. Copies of a written report of such audit, certified to by the accountant or accountants, shall be placed and kept on file with the Governor, the State Treasurer, Oklahoma Department of Libraries and the State Auditor and Inspector of the State of Oklahoma, and at the principal office, and shall be open to public inspection at all reasonable times. The audit shall also be filed with the Director of ~~State Finance~~ the Office of Management and Enterprise Services, in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

SECTION 1063. AMENDATORY 82 O.S. 2011, Section 1020.16, as amended by Section 1 of Enrolled House Bill No. 1910 of the 2nd Session of the 53rd Oklahoma Legislature, is amended to read as follows:

Section 1020.16 A. All persons engaged in the commercial drilling or commercial plugging of groundwater wells, monitoring wells, observation wells, wells utilized for heat exchange purposes, including but not limited to heat pump wells and geothermal wells, and in the commercial drilling or plugging of geotechnical borings and all persons engaged in the commercial installation of water well pumps in this state shall make application for and become licensed with the Oklahoma Water Resources Board. Persons required to be licensed pursuant to this section shall pay an annual fee as required by the Board. The fees shall be deposited and expended as provided in subsection D of this section.

B. The Board may prepare examinations and establish other requirements for applicants to obtain, maintain, and renew licenses and operator certifications. The examinations shall test the knowledge and skills of:

1. Water well drillers in the construction, alteration, and repair of wells and boreholes, including proper sealing and abandonment of wells and boreholes, and the rules promulgated by the Board regarding water well and borehole drilling and plugging; and

2. Pump installers in the planning, installation, operation, and repair of pumping equipment and water wells including sealing and abandonment, pumping efficiency, and the rules promulgated by the Board regarding pump installation.

C. The Board may inspect any water well, monitoring well, boring, water well pump, or abandoned well and borehole. Upon consent of the owner of the land on which the well or borehole is located or as allowed by district court order, authorized representatives of the Board may enter upon and shall be given access to the premises for the purpose of inspection. If the Board finds noncompliance with applicable laws or rules or that a health hazard exists, the Board may disapprove use of the well and shall provide notice to the owner of the land on which the well is located and to the well driller, if known, of the disapproval. If a well has been disapproved, it shall not be used until brought into compliance and any health hazard is eliminated. Any person aggrieved by the disapproval of a well may request a hearing before the Board.

D. 1. There is hereby created within the Oklahoma Water Resources Board the Well Drillers and Pump Installers Remedial Action Indemnity Fund. The Indemnity Fund shall be administered by the Board.

2. The Indemnity Fund shall be excluded from budget and expenditure limitations. Except as otherwise provided by subsection E of this section, the monies deposited in the Indemnity Fund shall at no time become part of the general budget of the Oklahoma Water Resources Board or any other state agency. Except as otherwise provided by subsection E of this section, no monies from the Indemnity Fund shall be transferred for any purpose to any other state agency or any account of the Board or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expenses. Monies in the Indemnity Fund shall only be expended for remedial actions necessary, without notice and hearing, to protect groundwater from pollution or potential pollution from wells, or boreholes under the jurisdiction of the Board that do not meet minimum standards for construction or that have been abandoned or as may be recommended by the Well Drillers and Pump Installers Advisory Council.

3. The fees collected pursuant to subsection A of this section shall be first credited to the Well Drillers and Pump Installers

Remedial Action Indemnity Fund. The Indemnity Fund shall be maintained at Fifty Thousand Dollars (\$50,000.00).

4. Expenditures from the Indemnity Fund required pursuant to the provisions of this section shall be made pursuant to the provisions of The Oklahoma Central Purchasing Act upon terms and conditions established by the ~~Department of Central Services~~ Office of Management and Enterprise Services and shall not exceed Ten Thousand Dollars (\$10,000.00) for each well, borehole or pump for which action is taken.

5. Except in situations where the Board has assessed and declared a health or safety emergency and a claim by the owner of the well or borehole for costs of remedial action is not paid by private insurance or other relief, the Board shall seek reimbursement as recommended by the Well Drillers and Pump Installers Advisory Council for any remedial action taken or required by the Board. Any monies received as reimbursement shall be deposited in the Well Drillers and Pump Installers Remedial Action Indemnity Fund except as otherwise provided in subsection C of this section.

E. When the Well Drillers and Pump Installers Remedial Action Indemnity Fund reaches Fifty Thousand Dollars (\$50,000.00), the fees, monies received as reimbursement, and administrative penalties recovered under paragraph 1 of subsection G of this section shall be deposited in a separate account in the Water Resources Board Revolving Fund designated as the Well Drillers and Pump Installers Regulation Account, which shall be a continuing account not subject to fiscal year limitations. Monies in said account shall be used by the Board for inspections, licensing, enforcement and education, reimbursing per diem and travel costs for members of the Well Drillers and Pump Installers Advisory Council pursuant to the State Travel Reimbursement Act, and as otherwise determined to be necessary to implement the provisions of this section.

F. Before any person or firm licensed pursuant to this section shall commence the commercial drilling or plugging of any well or borehole or commence commercial installation of any pump, the person or firm shall file with the Board all data or information as the Board may by rule require to assure the protection of the groundwater in the well or borehole. After completion, the driller shall file a completion report showing all such data together with a log of the well and pumping test data if applicable.

G. 1. The Board may, after notice and hearing, impose on any person administrative penalties of up to Five Thousand Dollars (\$5,000.00) and may revoke, suspend or deny renewal of any license or operator certification for each violation of the rules of the Board regarding license or certification requirements, the requirement to obtain a license or certification, or minimum construction or installation standards. The administrative penalties shall be deposited in the Well Drillers and Pump Installers Remedial Action Indemnity Fund except as otherwise provided in subsection E of this section.

2. In addition to imposing administrative penalties, the Board may issue orders prohibiting actions by holders of valid licenses and operator certifications and by persons who are required to become licensed under the provisions of this section that constitute violations of rules promulgated pursuant to this section and requiring actions to remedy violations or other noncompliance with minimum standards rules for the construction of wells and borings, the plugging of wells and borings, and the commercial installation of water well pumps.

H. If a respondent fails, refuses or neglects to comply with an order of the Board to pay an administrative penalty or to take certain action, the Board may present the matter to the Attorney General who is empowered to take action to collect the administrative penalty or to compel compliance with the order of the Board. One-half (1/2) of all penalties collected by the Attorney General shall be deposited in the Well Drillers and Pump Installers Regulation Account established pursuant to subsection E of this section and one-half (1/2) shall be deposited in the Attorney General's Revolving Fund created in Section 20 of Title 74 of the Oklahoma Statutes.

I. The Board is authorized to create a Well Drillers and Pump Installers Advisory Council. The Board shall establish rules stating the qualifications for membership and organization of the Council. Meetings of the Council shall be held at the call of the Executive Director of the Board. The Council shall have the following duties:

1. To recommend rules to the Board, provided such written recommendations have been concurred upon by a majority of the membership of the Council; and

2. To review and recommend approval or denial of use of monies in the Well Drillers and Pump Installers Remedial Action Indemnity Fund for:

- a. remedial actions to protect groundwater from pollution or potential pollution from wells, or boreholes under the jurisdiction of the Board which do not meet minimum standards for construction or that have been abandoned, and
- b. inspections, licensing, the pursuit of enforcement action with the proper authorities and education by the Board.

SECTION 1064. AMENDATORY 82 O.S. 2011, Section 1085.2, is amended to read as follows:

Section 1085.2 In addition to any and all other authority conferred upon it by law, the Oklahoma Water Resources Board shall also have authority:

1. Generally to do all such things as in its judgment may be necessary, proper or expedient in the accomplishment of its duties;

2. To make such contracts and execute such instruments as in the judgment of the Board are necessary or convenient to the exercise of any of the powers conferred upon it by law. Provided, however, no contract shall be made conveying the title or use of any waters of the State of Oklahoma to any person, firm, corporation or other state or subdivision of government, for sale or use in any other state, unless such contract be specifically authorized by an act of the Oklahoma Legislature and thereafter as approved by it;

3. To negotiate contracts and other agreements with the federal government to arrange for the development of water resources and for the storage and distribution of water for beneficial purposes; provided, however, that the Board shall act in such capacity only as an intermediary in assisting others, and under no circumstances shall the Board have any power or authority to build, construct or finance any waterways, dams or other such projects for itself, except as may be otherwise specifically provided by the laws of this state;

4. To develop statewide and local plans to assure the best and most effective use and control of water to meet both the current and

long-range needs of the people of Oklahoma; to cooperate in such planning with any public or private agency, entity or person interested in water, and is directed to prepare such plans for consideration and approval by the Legislature; and to aid, at all times, counties, incorporated cities and towns and special purpose districts in the state in promoting and developing flood control and water conservation in the state;

5. To employ and fix the compensation of such officers, agents, attorneys, technical personnel and employees of the Board as it shall deem necessary to the proper performance of its duties;

6. To adopt and use an official seal;

7. To promulgate such rules and make orders as it may deem necessary or convenient to the exercise of any of the powers or the performance of any of the duties conferred or imposed upon it by this or any other law;

8. To institute and maintain, or to intervene in, any actions or proceedings in or before any court, board, commission or officer of this or any other state or of the United States to stop or prevent any use, misuse, appropriation or taking of any of the waters of this state which is in whole or in part in violation of any law, or of any rules, orders, judgments or decrees of any court, board, commission or officer of this or any state or of the United States; and to institute and maintain or intervene in any other action or proceeding where the Board deems it necessary to the proper execution and discharge of any of the powers or duties conferred or imposed upon it by law;

9. To determine, charge and receive fees to be collected in advance for the filing and examination of applications for permits to:

- a. construct water use works,
- b. appropriate groundwater,
- c. appropriate stream water,
- d. establish vested rights,
- e. inspect water use works,

- f. file other papers,
- g. make copies of documents,
- h. make prints of maps and drawings,
- i. certify copies of documents, maps and drawings,
- j. file transfers of water rights,
- k. gauge wells and ditches, changes in point of diversion and changes in place of use of water,
- l. test wells, and
- m. hold hearings, make records and provide transcripts of hearings.

Such fees shall not be collected from any state agency or state institution;

10. To negotiate contracts or water compacts with the federal government or any department or bureau thereof, or with any other state for the purpose of obtaining assistance and cooperation in the accomplishment of the purpose of flood control and water conservation and use in the state. To that end, the Board may match funds with the federal government and with other states upon such terms as shall be agreed upon and approved by the Governor of the state, with the limitation that contracts or water compacts with other states for the division and apportionment of the cost and use of the water controlled by interstate projects shall be submitted to and approved by the Legislature of the state and the Governor of the state, and Congress and the President of the United States conformable to the State and Federal Constitutions;

11. To accept gifts and grants of money and property or any interest therein;

12. To provide funding from federal and state monies for water and wastewater project purposes to eligible entities for preliminary engineering reports and planning and feasibility studies;

13. To sell or dispose of real or personal property held by the Board when no longer needed in such manner as provided by law;

14. To make appropriations of water to all special purpose districts;

15. To execute and deliver, without actual consideration therefor, a written release of any easement or easement deed heretofore given to the Conservation Commission of the State of Oklahoma, the Planning and Resources Board or the Oklahoma Water Resources Board on lands situated in this state, whenever it shall appear to said Oklahoma Water Resources Board that the need for such easement or easement deed no longer exists; provided, the owner of the lands affected shall file a written application for such release with the Oklahoma Water Resources Board;

16. To adopt, modify or repeal and promulgate standards of quality of the waters of the state and to classify such waters according to their best uses in the interest of the public under such conditions as the Board may prescribe for the prevention, control, and abatement of pollution. The standard of quality of waters of the state adopted by the Board pursuant to the provisions of Section 1085.30 of this title shall be utilized by all appropriate state environmental agencies in implementing their respective duties to abate and prevent pollution to the waters of the state;

17. To review disputes involving service areas or territories, rates for raw or treated water, and abrogation clauses in contracts among municipalities and rural water districts or not-for-profit rural water corporations; to recommend mediation and refer parties in appropriate disputes to mediators and provide technical information to such mediators; and to recommend other means of resolving disputes; provided, that no party to such dispute may initiate action in any district court regarding the dispute until written notice of the dispute has been filed with the Board; provided further that the provisions of this paragraph shall not be construed to diminish any right of access to the court granted to a party by law;

18. To provide workshop training sessions for board members of rural water districts and not-for-profit rural water corporations throughout the year on a regional basis for the purpose of study and instruction in the areas of financing, law and the ethics, duties and responsibilities of such board members. Such training shall be provided by the Board in conjunction with the Oklahoma Rural Water Association as required by law. To the extent possible, the Board shall attempt to schedule training workshops in three-hour segments

to be held in any public facility at a time convenient to the attendees;

19. To establish an agency special account through the ~~Office of State Finance~~ Office of Management and Enterprise Services and the State Treasurer's Office as necessary for the collection and distribution of funds, including funds of sponsors and registration fees related to conferences, meetings and training sessions; and

20. To accredit persons having requisite knowledge in floodplain management and in minimization and prevention of flood hazards and losses.

SECTION 1065. AMENDATORY 82 O.S. 2011, Section 1085.7, is amended to read as follows:

Section 1085.7 All monies derived from fees shall be deposited with the State Treasurer and credited, apportioned and appropriated to a separate and distinct fund to be known as the Water Resources Board Fee Revolving Fund to be used to enforce and administer the water duties of the Oklahoma Water Resources Board, but no monies shall be paid out of said Water Resources Board Fee Revolving Fund until the claim therefor has been itemized and verified by claimant and approved by the Oklahoma Water Resources Board and the Director of the ~~Office of State Finance~~ Office of Management and Enterprise Services as provided by law. When so approved, the State Treasurer shall draw his warrant therefor upon the State Treasurer and the same shall be paid out of the Water Resources Board Fee Revolving Fund hereby created.

SECTION 1066. AMENDATORY 82 O.S. 2011, Section 1085.7A, is amended to read as follows:

Section 1085.7A A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Water Resources Board to be designated the "Community Water Infrastructure Development Revolving Fund".

B. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Water Resources Board from the apportionment of gross production tax revenues as prescribed by Section 1004 of Title 68 of the Oklahoma Statutes.

C. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Water Resources Board for the purpose of establishing and maintaining critical water infrastructure in all areas of the state.

D. Of the monies accruing to the credit of said fund:

1. Fifty percent (50%) of these funds shall be budgeted and expended for financial assistance loans and grants to public water supply and wastewater systems in Oklahoma; and

2. Fifty percent (50%) of these funds shall be budgeted and expended to accomplish all phases and funding needs for the Oklahoma Comprehensive Water Plan.

E. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment.

F. Other than expenditures directly related to activities authorized in subsection D of this section, no monies in the fund shall be used for the payment of administrative expenses, salary or any other continuing obligation of the Oklahoma Water Resources Board.

G. The provisions of this section shall cease to have the force and effect of law on July 1, 2014. Any monies remaining in the fund created by this section on July 1, 2014, which have been encumbered, but not expended, may be expended according to the terms pursuant to which the monies were encumbered.

SECTION 1067. AMENDATORY 82 O.S. 2011, Section 1087.6, is amended to read as follows:

Section 1087.6 A. The Board may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations or bequests, or from any other source, and may expend such funds, unless their use is restricted and subject to any limitations otherwise provided by law, for the administration of this act for operations and research and for the encouragement of research and development by a state or public or private agency, either by direct grant, by contract or other cooperative means.

B. All monies received by the Board and derived from all license and permit fees authorized and contemplated under the provisions of this act or derived from all additional sources referred to in subsection A of this section shall be deposited with the State Treasurer and credited, apportioned and appropriated to a separate and distinct fund to be known as the Oklahoma Weather Modification Revolving Fund to be used to enforce, administer and implement the weather modification powers, duties and responsibilities of the Board. The Oklahoma Weather Modification Revolving Fund herein created shall be a continuing fund not subject to fiscal year limitations. No monies shall be paid out of the Oklahoma Weather Modification Revolving Fund until the claim therefor has been itemized and verified by the Board and the Director of ~~State Finance~~ the Office of Management and Enterprise Services as provided by law. When so approved, the State Treasurer shall draw his warrant therefor upon the State Treasurer and the same shall be paid out of the Oklahoma Weather Modification Revolving Fund hereby created.

SECTION 1068. AMENDATORY 82 O.S. 2011, Section 1462A, is amended to read as follows:

Section 1462A. A. The Director of ~~State Finance~~ the Office of Management and Enterprise Services is hereby authorized to establish a special fund in the State Treasury for each Scenic Rivers Commission.

B. Said fund shall consist of all monies received by the Commission under statutory authority or appropriated for its use. The fund shall be a continuing fund not subject to fiscal year limitations.

C. Monies accruing to the credit of the fund shall be expended pursuant to laws of the state in carrying out the duties and responsibilities of the Commission, and without legislative appropriation.

D. Warrants for expenditure from the fund shall be made pursuant to claims prepared by the Administrator of the Scenic Rivers Commission and approved by the Director of ~~State Finance~~ the Office of Management and Enterprise Services for payment.

E. Expenditures made pursuant to the provisions of the Scenic Rivers Act may be spent for water quality monitoring, streambank

stabilization projects, and riparian area protection agreements located within the drainage basin of a scenic river that will stop degradation or improve the water quality of a scenic river.

SECTION 1069. AMENDATORY 82 O.S. 2011, Section 1462B, is amended to read as follows:

Section 1462B. A. The Director of ~~State Finance~~ the Office of Management and Enterprise Services is hereby authorized to establish a Petty Cash Fund for each Scenic Rivers Commission in an amount not to exceed Five Hundred Dollars (\$500.00).

B. The fund shall be established and replenished from any monies available to a Scenic Rivers Commission for operating expenses.

C. The Director of ~~State Finance~~ the Office of Management and Enterprise Services shall prescribe all forms, systems and procedures for administering a Petty Cash Fund so established.

SECTION 1070. AMENDATORY 82 O.S. 2011, Section 1462C, is amended to read as follows:

Section 1462C. A. The fees collected pursuant to the provisions of subsection B of Section 1470 of this title shall be used to purchase additional public access areas along the Flint Creek and Illinois River Scenic River Areas within Adair, Cherokee and Delaware Counties and those portions of Barren Fork Creek within Cherokee County or for the general operations of the Commission.

B. 1. For these purposes, there is hereby created in the State Treasury a revolving fund for the Scenic Rivers Commission, to be designated the "Scenic Rivers Commission Revolving Fund".

2. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Scenic Rivers Commission from all fees. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Scenic Rivers Commission for the purpose of performing the duties imposed by law upon the Scenic Rivers Commission.

3. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by

law with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment.

SECTION 1071. AMENDATORY 82 O.S. 2011, Section 1501-205.1, is amended to read as follows:

Section 1501-205.1 A. As used in this section and in ~~Section Sections~~ 1501-205.2 and 1501-205.3 of this title ~~and Section 3 of this act:~~

1. "Geographic information" means any data or databases in which location or spatial distribution is an essential element, including, but not limited to, land, air, water, and mineral resources, the distribution of plant, animal, and human populations, real property interests, zoning and other land development regulations, and political, jurisdictional, ownership, and other artificial divisions of geography;

2. "Geographic Information System" or "GIS" means computer systems that allow the analysis of data or databases containing geographic information; and

3. "Statewide data" means geographic information whose spatial extent is defined by the geographic boundary of the state of Oklahoma.

B. There is hereby created a State Geographic Information Council composed of nineteen (19) members as follows:

1. Director of the Oklahoma Conservation Commission or designee;

2. Director of the Department of Environmental Quality or designee;

3. Chair of the Corporation Commission or designee;

4. Director of the Oklahoma Department of Commerce or designee;

5. Commissioner of the Oklahoma Department of Agriculture, Food, and Forestry or designee;

6. Director of the Oklahoma Water Resources Board or designee;

7. Director of the Department of Transportation or designee;

8. State Geographer or designee;
9. Director of the Oklahoma Geological Survey or designee;
10. Director of the Center for Spatial Analysis of the University of Oklahoma or designee;
11. Dean of the Division of Agricultural Sciences and Natural Resources of Oklahoma State University or designee;
12. Director of the Ad Valorem Division of the Oklahoma Tax Commission or designee;
13. A member appointed by the Director of the Conservation Commission from a list of names submitted to the Director from the Oklahoma regional universities;
14. Director of Information Services of the ~~Office of State Finance~~ Office of Management and Enterprise Services or designee;
15. Director of Wildlife Conservation or designee;
16. Director of Homeland Security or designee; and
17. Three members to be appointed by the Governor pursuant to subsection C of this section.

C. The Governor shall appoint three members to the Council to serve initial terms as specified by this subsection. Thereafter, the terms of all appointed members shall be four (4) years. Gubernatorial members shall not be appointed more than three successive terms. Incumbent members may continue to serve on the Council until a new appointment is made. Upon recommendation by the Council, the following members shall be appointed by the Governor:

1. A representative of the Oklahoma Association of Regional Councils, appointed for an initial four-year term;
2. A representative of county assessors, appointed for an initial three-year term; and
3. A representative of city government, appointed for an initial two-year term.

D. The chair of the Council shall be the Director of the Oklahoma Conservation Commission or designee. Meetings shall be called by the chair.

E. 1. A majority of the membership of the Council constitutes a quorum for the conduct of business.

2. The Council shall meet at least twice each year, and the chair may call a meeting of the Council as often as necessary to transact business.

F. A member of the Council shall not:

1. Be an officer, employee, or paid consultant of a business entity that has, or an officer, employee, or paid consultant of a trade association for business entities that have, a substantial interest in the geographic information industry and are doing business with state agencies or other governmental units of the state;

2. Own, control, or have directly or indirectly, more than ten percent (10%) interest in a business entity that has a substantial interest in the geographic information industry and is doing business with state agencies or other governmental units of the state;

3. Be an officer, employee, or paid consultant of a business entity that is connected with any contract or bid for furnishing to any governmental body of the state with Geographic Information Systems, the computers on which they are automated, or a service related to Geographic Information Systems;

4. Be a person required to register as a lobbyist because of activities for compensation on behalf of a business entity that has, or on behalf of a trade association of business entities that have a substantial interest in the geographic information industry; or

5. Accept or receive money or another thing of value from an individual, firm, or corporation to whom a contract may be awarded, directly or indirectly, by rebate, gift or otherwise.

G. The duties of the Council shall include overseeing the Office of Geographic Information concerning the following:

1. Development, adoption, and recommendation of standards and procedures that may be applied to geographic information and Geographic Information Systems to promote consistency of data elements;

2. Development of a strategy for the implementation and funding of a statewide Geographic Information System;

3. Development, delivery, and periodic revision of a statewide geographic information plan and annually reporting to the Governor and the Legislature. Such a plan shall include, but not be limited to, provisions for training and education; and

4. Promotion of collaboration and sharing of data and data development as well as other aspects of Geographic Information Systems.

H. Neither the Council nor its members shall have the power to form or award contracts or to employ staff. Members appointed by the Governor shall serve without compensation.

SECTION 1072. AMENDATORY 82 O.S. 2011, Section 1501-205.2, is amended to read as follows:

Section 1501-205.2 A. There is hereby created in the State Treasury a revolving fund to be designated as the "Geographic Information Revolving Fund", which shall be under the control and supervision of the Oklahoma Conservation Commission, and subject to the recommendations of the State Geographic Information Council.

B. The fund shall be a continuing fund not subject to fiscal year limitations, and shall consist of all monies specifically appropriated to the fund by the Legislature within the Oklahoma Conservation Commission appropriation. The fund may obtain additional monies through donation by any private entity, obtained by grants or designated by any federal, state or local government agency, as recommended by the State Geographic Information Council and approved by the Executive Director of the Oklahoma Conservation Commission, with specific intention for the purposes of carrying out the duties of the Office of Geographic Information including, but not limited to, the development and maintenance of base map Geographic Information System (GIS) data layers.

C. Monies accruing to the fund may be expended by the Conservation Commission for expenses associated with the Office of Geographic Information.

D. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment.

SECTION 1073. AMENDATORY 82 O.S. 2011, Section 1801.4, is amended to read as follows:

Section 1801.4 A. Funding to administer the provisions of the Oklahoma Weather Modification Act shall be provided by an appropriation of up to One Million Dollars (\$1,000,000.00) made pursuant to law. In addition, voluntary participation by insurance companies and other interested persons, firms or corporations to reach a goal of Two Million Dollars (\$2,000,000.00) for a total of Three Million Dollars (\$3,000,000.00) for the first year of the program. Goals for successive years will be Three Million Dollars (\$3,000,000.00) from the insurance companies and other interested parties. Voluntary assessments for insurance companies pursuant to this section shall be based on the amount of insurance premiums written in this state on property insurance, as defined in Section 704 of Title 36 of the Oklahoma Statutes, and casualty ~~of~~ insurance as defined in Section 707 of Title 36 of the Oklahoma Statutes, excluding accident and health insurance, workers' compensation insurance, burglary and theft insurance, leakage and fire extinguishing equipment insurance, credit insurance, malpractice insurance, and entertainments insurance.

B. Funding assessments to the insurance companies related to the provisions of this section shall be administered by the State Insurance Department. The Insurance Department shall be authorized to employ one additional full-time employee to perform these duties, funding for which shall be provided by proceeds derived from the provisions of this act. The State Insurance Department is hereby authorized to promulgate rules necessary to implement the provisions of this section.

C. There is hereby created an account within the Oklahoma Weather Modification Revolving Fund created pursuant to Section 1085.6 of ~~Title 82 of the Oklahoma Statutes~~ this title. The account shall be designated as the "Voluntary Participation Account" and shall consist of all monies received on behalf of the Oklahoma

Weather Modification program pursuant to this act. All monies accruing to the credit of the account are hereby appropriated and may be budgeted and expended by the Oklahoma Weather Modification Advisory Board for expenses relating to administration, duties, operations, maintenance, special projects and acquisitions for the Weather Modification Program. Expenditures from the account shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment.

SECTION 1074. AMENDATORY 85 O.S. 2011, Section 303, is amended to read as follows:

Section 303. A. There is hereby created the Workers' Compensation Court which shall consist of ten (10) judges, notwithstanding any reduction in the number of judges by operation of law before the effective date of this act. Each judge of the Court shall be appointed to a designated numbered position on the Court. The positions shall be numbered one through ten, no more than seven of which shall be permanently assigned to the Oklahoma City location of the Workers' Compensation Court and no less than three of which shall be permanently assigned to the Tulsa location of the Workers' Compensation Court. The initial terms of the judges by position number shall expire on the following dates:

- Position 1 shall expire 7-1-14.
- Position 2 shall expire 7-1-14.
- Position 3 shall expire 7-1-14.
- Position 4 shall expire 7-1-12.
- Position 5 shall expire 7-1-12.
- Position 6 shall expire 7-1-16.
- Position 7 shall expire 7-1-16.
- Position 8 shall expire 7-1-12.
- Position 9 shall expire 7-1-12.
- Position 10 shall expire 7-1-14.

Provided, judges who are serving unexpired terms on the Workers' Compensation Court on the effective date of this act shall serve on the Court created by this section until their respective terms expire as provided in this act. Thereafter, each position shall be filled by a judge appointed to serve an eight-year term. Judges serving unexpired terms on the effective date of this act shall be eligible upon expiration of such terms for appointment to one term of eight (8) years pursuant to this section. After a judge serves an eight-year term, such judge shall be eligible to reapply for an additional term.

When a vacancy on the Court occurs or is certain to occur, or for initial appointments to the Court, the Judicial Nominating Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court the names of three persons for each appointment, each of whom has previously notified the Commission in writing that he or she will serve as a judge if appointed. The Governor shall appoint one of the nominees to fill the vacancy with the advice and consent of the Senate. If the Governor fails to do so within sixty (60) days, the Chief Justice of the Supreme Court shall appoint one of the nominees with the advice and consent of the Senate, the appointment to be certified to the Secretary of State. Appointments by the Governor to fill a position for a term commencing July 1 shall be made by April 15. If the April 15 deadline cannot be met, the Governor shall notify the President Pro Tempore of the Senate of the date when the appointment is expected to be made. If the Senate fails to confirm within ninety (90) days, the Governor may select from the two remaining nominees or request three additional nominees from the Judicial Nominating Commission.

B. A judge of the Court shall have been licensed to practice law in this state for a period of not less than five (5) years and shall have not less than five (5) years of workers' compensation experience prior to appointment. Each judge, before entering upon the duties of office, shall take and subscribe to an oath of office and file the same with the Secretary of State. Each judge shall continue to serve until his or her successor has been appointed and qualified. A judge may be removed for cause by the Court on the Judiciary prior to the expiration of his or her term.

C. Each judge shall receive a salary equal to that paid to a district judge of this state, and shall devote full time to his or her duties and shall not engage in the private practice of law during the term in office.

D. The Court shall have the authority to adopt reasonable rules within its respective areas of responsibility including the rules of procedure for the Court en banc, after notice and public hearing, for effecting the purposes of the Workers' Compensation Code. All of the judges of the Court shall be present at all meetings wherein rules are adopted or amended. All rules, upon adoption, shall be submitted to the Supreme Court, which shall either approve or disapprove them within thirty (30) days. All rules, upon approval by the Supreme Court, shall be published and be made available to the public and, if not inconsistent with the law, shall be binding in the administration of the Workers' Compensation Code.

E. The Court is hereby designated and confirmed as a court of record, with respect to any matter within the limits of its jurisdiction, and within such limits the judges thereof shall possess the powers and prerogatives of the judges of the other courts of record of this state, including the power to punish for contempt those persons who disobey a subpoena, or refuse to be sworn or to answer as a witness, when lawfully ordered to do so.

F. The principal office of the Court shall be situated in the City of Oklahoma City in quarters assigned by the ~~Department of Central Services~~ Office of Management and Enterprise Services. The Court may hold hearings in any city of this state. The Tulsa location of the Workers' Compensation Court shall not be closed without the approval of the Legislature.

G. All county commissioners and presiding district judges of this state shall make quarters available for the conducting of hearings by a judge of the Court upon request by the Court.

H. The judges of the Court shall determine the qualifications necessary for the position of Administrator. The qualifications shall be submitted to the Chief Justice of the Supreme Court for approval, disapproval or modification.

I. Judges of the Workers' Compensation Court may punish for direct contempt pursuant to Sections 565, 565.1 and 566 of Title 21 of the Oklahoma Statutes.

J. The Court shall be vested with jurisdiction over all claims filed pursuant to the Workers' Compensation Code. All claims so filed shall be heard by the judge sitting without a jury. The Court shall have full power and authority to determine all questions in

relation to payment of claims for compensation under the provisions of the Workers' Compensation Code. The Court, upon application of either party, shall order a hearing. Upon a hearing, either party may present evidence and be represented by counsel. Except as provided in Section ~~40~~ 340 of this ~~act~~ title, the decision of the Court shall be final as to all questions of fact and law. The decision of the Court shall be issued within sixty (60) days following the submission of the case by the parties. The power and jurisdiction of the Court over each case shall be continuing and it may, from time to time, make such modifications or changes with respect to former findings or orders relating thereto if, in its opinion, it may be justified.

SECTION 1075. AMENDATORY 85 O.S. 2011, Section 361, is amended to read as follows:

Section 361. The Workers Compensation Self-Insurance Guaranty Fund shall be for the purpose of continuation of workers' compensation benefits due and unpaid or interrupted due to the inability of an impaired self-insurer as defined in Section ~~§~~ 308 of this ~~act~~ title to meet its compensation obligations when its financial resources, security deposit, guaranty agreements, surety agreements and excess insurance are either inadequate or not immediately accessible for the payment of benefits. Monies in the fund, including interest accruing thereon, are not subject to appropriation and shall be expended to compensate employees for eligible benefits for a compensable injury under the Workers' Compensation Code, pay outstanding workers' compensation obligations of the impaired self-insurer, and for all claims for related administrative fees, operating costs of the Workers' Compensation Self-Insurance Guaranty Fund Board, attorney fees, and other costs reasonably incurred by the Board in the performance of its duties. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims as prescribed by law with the Director of the ~~Office of State Finance~~ Office of Management and Enterprise Services for approval and payment. The Fund shall be subject to audit the same as state funds and accounts, the cost for which shall be paid for from the fund.

SECTION 1076. AMENDATORY 85 O.S. 2011, Section 365, is amended to read as follows:

Section 365. A. The Individual Self-Insured Guaranty Fund and its Board provided for in Section ~~§~~ 358 of this ~~act~~ title and the Group Self-Insurance Association Guaranty Fund and its Board

provided for in Section 59 359 of this ~~act~~ title shall cease to exist and shall be succeeded by the Workers' Compensation Self-Insurance Guaranty Fund and its Board once the initial appointments to the Workers' Compensation Self-Insurance Guaranty Fund Board are made pursuant to Section ~~60~~ 360 of this ~~act~~ title. At that time, all unexpended funds, including interest thereon, assets, property, records, and any outstanding financial obligations and encumbrances of the Individual Self-Insured Guaranty Fund Board and Group Self-Insurance Association Guaranty Fund Board shall be transferred to the Workers' Compensation Self-Insurance Guaranty Fund Board created by Section ~~60~~ 360 of this ~~act~~ title. The Director of the ~~Office of State Finance~~ Office of Management and Enterprise Services is hereby directed to coordinate the transfer of funds, outstanding financial obligations or encumbrances provided for in this subsection.

B. Any claim existing or action or proceeding pending by, against or before the Individual Self-Insured Guaranty Fund Board or the Group Self-Insurance Association Guaranty Fund Board when the entities ceased existence may be continued as if the merger into the Workers' Compensation Self-Insurance Guaranty Fund Board did not occur, or the Workers' Compensation Self-Insurance Guaranty Fund Board may be substituted in the matter. The Workers' Compensation Self-Insurance Guaranty Fund Board shall be responsible and liable for all liabilities and obligations of the entities that ceased existence.

SECTION 1077. AMENDATORY 85 O.S. 2011, Section 370, is amended to read as follows:

Section 370. A. Persons requesting and receiving copies of documents on file with the Administrator of the Workers' Compensation Court shall pay a fee to the Administrator of One Dollar (\$1.00) for each page copied. All fees so collected shall be deposited in the State Treasury in a revolving fund to be designated the "Administrator of Workers' Compensation Revolving Fund". The fund created in this section shall be a continuing fund not subject to fiscal year limitations. Monies accruing to the credit of the fund may be expended in the manner prescribed by law in defraying necessary expenses in carrying out the provisions of this act and without legislative appropriation. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims as prescribed by law with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment.

B. All penalties and fines imposed by the Workers' Compensation Court or Administrator, upon collection, shall be deposited to the credit of the Administrator of Workers' Compensation Revolving Fund.

SECTION 1078. AMENDATORY 85 O.S. 2011, Section 376, is amended to read as follows:

Section 376. A. There is hereby created a Board to be known as the "Board of Managers of CompSource Oklahoma", which Board shall have supervision over the administration and operation of CompSource Oklahoma, and shall be composed of ~~nine (9)~~ eight (8) members as follows:

1. The Director of ~~State Finance~~ the Office of Management and Enterprise Services or a designee;

2. The Lieutenant Governor or a designee;

3. The State Auditor and Inspector or a designee;

~~4. The Director of Central Purchasing of the Department of Central Services;~~

~~5.~~ One member appointed by the Governor;

~~6.~~ 5. Two members appointed by the Speaker of the House of Representatives, one of whom shall be representative of employers; and

~~7.~~ 6. Two members appointed by the President Pro Tempore of the Senate, one of whom shall be representative of employees.

The appointed members of the Board shall serve at the pleasure of the appointing authority.

B. The members of the Board shall elect annually from their number a Chair and a Secretary. The Secretary shall keep true and complete records of all proceedings of the Board. The Board shall meet quarterly, and at all other times when a meeting is called by the Chair, and at such meetings the Board may consider the condition of CompSource Oklahoma and quarterly shall make a detailed examination into the condition of its reserves and investments and at each meeting may examine all other matters relating to the administration of such fund. The time and place of the regular meetings and the manner in which special meetings may be called

shall be set forth in the bylaws of the said Fund. Except as otherwise provided in this act or in the bylaws, all actions shall be taken by the affirmative vote of a majority of the Board members present at a meeting, except that no investment policy and no amendment of bylaws shall be valid unless authorized or ratified by the affirmative vote of at least four Board members.

C. Appointed members of the Board shall be reimbursed for expenses as provided in the State Travel Reimbursement Act. Said reimbursement, not to exceed thirty (30) days in any calendar year, shall be paid only when the Board is transacting official business. Any reimbursement in excess of thirty (30) days shall be approved by a majority of the Board. The Board shall have access to all records and books of account and shall have power to require the presence or appearance of any officer or employee of CompSource Oklahoma. All information obtained by the members of the Board shall be confidential unless disclosed by order of the Board.

D. No person or organization in a position to influence official action of members of the Board of Managers of CompSource Oklahoma, the President and Chief Executive Officer, and the employees of CompSource Oklahoma shall furnish presents, gratuities, transportation, lodging, educational seminars, conferences, meetings, or similar functions to the Board of Managers of CompSource Oklahoma, the President and Chief Executive Officer, and the employees of CompSource Oklahoma other than as provided by law and the rules of the Ethics Commission.

E. The official name of the Board of Managers which is known as the "Board of Managers of the State Insurance Fund" shall be designated in all future references as the "Board of Managers of CompSource Oklahoma". Any references in the Oklahoma Statutes to the Board of Managers of the State Insurance Fund shall be deemed references to the Board of Managers of CompSource Oklahoma.

SECTION 1079. AMENDATORY 85 O.S. 2011, Section 384, is amended to read as follows:

Section 384. There is hereby created a petty cash fund within CompSource Oklahoma. Said petty cash fund shall be in such amounts as are determined to be necessary by the Director of ~~State Finance~~ the Office of Management and Enterprise Services and the CompSource Oklahoma President and Chief Executive Officer. Petty cash funds may be expended for the payment of emergency purchases and bills. The said funds may be reimbursed by the Director of ~~State Finance~~

the Office of Management and Enterprise Services upon the filing of a claim with the proper receipts showing the disbursements therefrom, reimbursement to be made from the revolving fund. The Director of ~~State Finance~~ the Office of Management and Enterprise Services shall prescribe all forms, systems and procedures for administering the petty cash fund.

SECTION 1080. AMENDATORY 85 O.S. 2011, Section 387, is amended to read as follows:

Section 387. A. The Board of Managers shall discharge their duties with respect to CompSource Oklahoma solely in the interest of CompSource Oklahoma and:

1. For the exclusive purpose of:

- a. providing benefit to CompSource Oklahoma, and
- b. defraying reasonable expenses of administering CompSource Oklahoma;

2. With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

3. By diversifying the investments of CompSource Oklahoma so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

4. In accordance with the laws, documents and instruments governing CompSource Oklahoma.

B. The monies of CompSource Oklahoma shall be invested only in assets eligible for the investment of funds of a domestic property and casualty insurance company as provided for in the Oklahoma Insurance Code, Title 36 of the Oklahoma Statutes. The term admitted assets shall mean the amount of the monies of CompSource Oklahoma and the provisions relating to limitation of investments as a percentage of surplus as regards policyholders shall be inapplicable with respect to investment of the monies of CompSource Oklahoma. The monies of CompSource Oklahoma may be invested in certificates of indebtedness or such other enforceable evidences of obligation as may be utilized in the rights-of-way acquisitions by the Oklahoma Department of Transportation. The monies of CompSource

Oklahoma may also be invested in bonds secured by first mortgages, pass-through securities and insured participation certificates representing interests in first mortgages or insured mortgage pass-through certificates on one- to four-family residences located within this state. CompSource Oklahoma may enter into agreements with the Multiple Injury Trust Fund to fulfill any payment obligation of the Multiple Injury Trust Fund, including all court orders for material increases and the accrued interest thereon, and all orders for interest on previously paid awards.

C. 1. The CompSource Oklahoma President and Chief Executive Officer, with the approval of the Board of Managers, is authorized to acquire any real estate deemed necessary for the immediate and reasonably anticipated future administrative office space needs of CompSource Oklahoma. The CompSource Oklahoma President and Chief Executive Officer, with the approval of the Board of Managers, may sell, lease, rent or sublet any real estate holdings of CompSource Oklahoma. Any revenues of such transactions shall accrue to the surplus or reserve fund of CompSource Oklahoma.

2. In any lease, rental, sublease or other agreement for the use or occupation of real estate holdings of CompSource Oklahoma, no state agency may enter into an agreement which has a gross effective rental rate which is greater than the gross effective rental rate for which they can continue to occupy the premises which is currently rented at the time the agency proposes to move. For a period of two (2) years after the first use or occupation by the state agency, subsequent agreements, whether new agreements or continuations of a prior agreement, shall not contain a gross effective rental rate which is greater than that of the original agreement.

D. The Board of Managers may procure insurance indemnifying the members of CompSource Oklahoma from personal loss or accountability from liability resulting from a member's action or inaction as a member of the Board of Managers.

E. The Board of Managers may establish an investment committee. The investment committee shall be composed of not more than three (3) members of the Board of Managers appointed by the chairman of the Board of Managers. The committee shall make recommendations to the full Board on all matters related to the choice of custodians and managers of the assets of CompSource Oklahoma, on the establishment of investment and fund management guidelines, and in planning future investment policy. The committee shall have no

authority to act on behalf of the Board of Managers or CompSource Oklahoma in any circumstances whatsoever. No recommendation of the committee shall have effect as an action of the Board of Managers nor take effect without the approval of the Board of Managers as provided by law.

F. The Board of Managers shall retain qualified investment managers to provide for the investment of the monies of CompSource Oklahoma. The investment managers shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board of Managers. Subject to the overall investment guidelines set by the Board of Managers, the investment managers shall have full discretion in the management of those monies of CompSource Oklahoma allocated to the investment managers. The Board of Managers shall manage those monies not specifically allocated to the investment managers. The monies of CompSource Oklahoma allocated to the investment managers shall be actively managed by the investment managers, which may include selling investments and realizing losses if such action is considered advantageous to longer term return maximization. Because of the total return objective, no distinction shall be made for management and performance evaluation purposes between realized and unrealized capital gains and losses.

G. Funds and revenues for investment by the investment managers or the Board of Managers shall be placed with a custodian selected by the Board of Managers. The custodian shall be a bank or trust company offering master custodial services. The custodian shall be chosen by a solicitation of proposals on a competitive bid basis pursuant to standards set by the Board of Managers. In compliance with the investment policy guidelines of the Board of Managers, the custodian bank or trust company shall be contractually responsible for ensuring that all monies of CompSource Oklahoma are invested in income-producing investment vehicles at all times. If a custodian bank or trust company has not received direction from the investment managers of CompSource Oklahoma as to the investment of the monies of the State Insurance Fund in specific investment vehicles, the custodian bank or trust company shall be contractually responsible to the Board of Managers for investing the monies in appropriately collateralized short-term interest-bearing investment vehicles.

H. Prior to August 1 of each year, the Board of Managers shall develop and approve a written investment plan for CompSource Oklahoma.

I. The CompSource Oklahoma President and Chief Executive Officer shall compile a quarterly financial report of all the funds of CompSource Oklahoma. The report shall be compiled and filed pursuant to uniform reporting standards prescribed by the State Insurance Commissioner for domestic property and casualty insurance companies. The report shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time. The report shall contain a list of all investments made by CompSource Oklahoma and a list of any commissions, fees or payments made for services regarding such investments for that reporting period. The report shall be distributed to the Governor, the Legislative Service Bureau and the Cash Management and Investment Oversight Commission.

J. CompSource Oklahoma, on behalf of the Multiple Injury Trust Fund, may enter into an agreement with any reinsurer licensed to sell reinsurance by the State Insurance Commissioner selected pursuant to a competitive process administered by the Director of Central Purchasing in the ~~Department of Central Services~~ Office of Management and Enterprise Services.

SECTION 1081. AMENDATORY 85 O.S. 2011, Section 389, is amended to read as follows:

Section 389. The entire expenses of administering "CompSource Oklahoma" shall be paid out of such fund upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of ~~State Finance~~ the Office of Management and Enterprise Services for approval and payment. On or before the first day of June of each year, or as soon thereafter as possible, there shall be submitted to the Board of Managers of CompSource Oklahoma, for approval, an estimated budget of expenses for the succeeding fiscal year. The CompSource Oklahoma President and Chief Executive Officer may not expend from the funds belonging to CompSource Oklahoma for purposes of administering any sum in excess of the amount specified in such budget for any item of expense therein set forth unless such expenditure is authorized by the Board of Managers of CompSource Oklahoma. In no event shall the entire expenses of administration of CompSource Oklahoma, as authorized for the entire year, exceed twenty percent (20%) of the earned premiums of the year. The Board of Managers may use present value discounting at a rate of four percent (4%) for computing reserves. The Board of Managers shall

cause to be made and completed within ninety (90) days after the end of each calendar year, an audit of the books of account and financial records of the fund for such calendar year, such audit to be made by an independent certified public accountant, a licensed public accountant, a firm of certified public accountants, or an accounting firm or individual holding a permit to practice accounting in this state. The audit shall be filed with the Director of ~~State Finance~~ the Office of Management and Enterprise Services in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

CompSource Oklahoma shall submit to the State Insurance Commissioner an annual financial statement in the same manner as a domestic insurance carrier. The Insurance Commissioner may audit CompSource Oklahoma in the same manner as a domestic insurance company if an audit does not conflict with any specific provision contained herein. The CompSource Oklahoma President and Chief Executive Officer shall provide a copy of the annual financial statement to the Governor and CompSource Oklahoma Board of Managers.

SECTION 1082. AMENDATORY 85 O.S. 2011, Section 403, is amended to read as follows:

Section 403. A. There is hereby created, for the purposes declared in this act, the "Multiple Injury Trust Fund" to be derived from the following sources:

1. As soon as practicable after January 1 of each year, the Administrator of the Workers' Compensation Court shall establish an assessment rate applicable to each mutual or interinsurance association, stock company, CompSource Oklahoma, or other insurance carrier writing workers' compensation insurance in this state, each employer carrying its own risk, and each group self-insurance association, for amounts for purposes of computing the assessment authorized by this section necessary to pay the annual obligations of the Multiple Injury Trust Fund determined on or before December 31 of each year by the Board of Managers of CompSource Oklahoma to be outstanding for the next calendar year, and to pay the allocations provided for in subsection I of this section. The rate shall be equal for all parties required to pay the assessment. The rate in effect on the effective date of this act shall remain effective through June 30, 2012;

2. The Oklahoma Tax Commission shall assess and collect from any uninsured employer a temporary assessment at the rate of five percent (5%) of the total compensation for permanent total disability awards, permanent partial impairment awards, and death benefits paid out during each quarter of the calendar year by the employers;

3. The assessments shall be paid to the Tax Commission. Insurance carriers, self-insurers, group self-insurance associations and CompSource Oklahoma shall pay the assessment in four equal installments not later than the fifteenth day of the month following the close of each quarter of the calendar year of the assessment. Assessments shall be determined based upon gross direct written premiums, normal premiums or actual paid losses of the paying party, as applicable, during the calendar quarter for which the assessment is due. Uninsured employers shall pay the assessment not later than the fifteenth day of the month following the close of each quarter of the calendar year of the assessment. For purposes of this section, "uninsured employer" means an employer required by law to carry workers' compensation insurance but who has failed or neglected to do so. Only one-third (1/3) of assessments against insurance carriers and CompSource Oklahoma may be charged to policyholders and shall not be considered in determining whether any rate is excessive. The remaining two-thirds (2/3) of assessments against insurance carriers and CompSource Oklahoma may not be included in any rate, premium, charge, fee, assessment or other amount to be collected from a policyholder. Insurance carriers and CompSource Oklahoma shall not separately state the amount of the assessment on any invoice or billing assessment.

- a. The assessment authorized in this section shall be determined using a rate equal to the proportion that the sum of the outstanding obligations of the Multiple Injury Trust Fund as determined pursuant to paragraph 1 of this subsection and the allocations provided for in subsection I of this section bear to the combined gross direct written premiums of all such insurers; all actual paid losses of all individual self-insureds; and the normal premium of all group self-insurance associations, for the year period from January 1 to December 31 preceding the assessment.
- b. For purposes of this subsection:

- (1) "actual paid losses" means all medical and indemnity payments, including temporary disability, permanent disability, and death benefits, and excluding loss adjustment expenses and reserves, and
- (2) "normal premium" means a standard premium less any discounts;

4. By April 15 of each year, the Insurance Commissioner, Board of Managers of CompSource Oklahoma and each individual and group self-insured shall provide the Administrator with such information as the Administrator may determine is necessary to effectuate the purposes of this section;

5. Each mutual or interinsurance association, stock company, CompSource Oklahoma, or other insurance carrier writing workers' compensation insurance in this state, and each employer carrying its own risk, including each group self-insurance association, shall be notified by the Administrator in writing of the rate for the assessment on or before May 1 of each year in which a rate is determined. The rate determined by the Administrator shall be in effect for four calendar quarters beginning July 1 following determination by the Administrator;

6. a. No mutual or interinsurance association, stock company, CompSource Oklahoma, or other insurance carrier writing workers' compensation insurance in this state, may be assessed in any year an amount greater than six percent (6%) of the gross direct written premiums of that insurer.
- b. No employer carrying its own risk may be assessed in any year an amount greater than six percent (6%) of the total actual paid losses of that individual self-insured.
- c. No group self-insurance association may be assessed in any year an amount greater than six percent (6%) of the normal premium of that group self-insurance association.
- d. If the maximum assessment does not provide in any one year an amount sufficient to make all necessary payments for obligations of the Multiple Injury Trust

Fund and for the allocations provided for in subsection I of this section, the unpaid portion shall be paid as soon thereafter as funds become available.

B. The Multiple Injury Trust Fund is hereby authorized to receive and expend monies appropriated by the Legislature.

C. It shall be the duty of the Tax Commission to collect the payments provided for in this act. The Tax Commission is hereby authorized to bring an action for the recovery of any delinquent or unpaid payments required in this section.

D. Any mutual or interinsurance association, stock company, or other insurance company, which is subject to regulation by the Insurance Commissioner, or CompSource Oklahoma, failing to make payments required in this act promptly and correctly, and failing to report payment of the same to the Insurance Commission within ten (10) days of payment shall be subject to administrative penalties as allowed by law, including but not limited to a fine in the amount of Five Hundred Dollars (\$500.00) or an amount equal to one percent (1%) of the unpaid amount, whichever is greater, to be paid to the Insurance Commissioner.

E. Any employer carrying its own risk, or group self-insurance association failing to make payments required in this act promptly and correctly, and failing to report payment of the same to the Administrator within ten (10) days of payment shall be subject to administrative penalties as allowed by law, including but not limited to a fine in the amount of Five Hundred Dollars (\$500.00) or an amount equal to one percent (1%) of the unpaid amount, whichever is greater, to be paid to the Administrator.

F. On or before the first day of April of each year, the State Treasurer shall advise the Administrator, the Board of Managers of CompSource Oklahoma and the Tax Commission of the amount of money held as of March 1 of that year by the State Treasurer to the credit of the Multiple Injury Trust Fund. On or before the first day of November of each year, the State Treasurer shall advise the Administrator, the Board of Managers of CompSource Oklahoma and the Tax Commission of the amount of money held as of October 1 of that year by the State Treasurer to the credit of the Multiple Injury Trust Fund.

G. Eighty percent (80%) of all sums held by the State Treasurer to the credit of the Multiple Injury Trust Fund may by order of the

CompSource Oklahoma President and Chief Executive Officer, with the approval of the Board of Managers of CompSource Oklahoma, be invested in or loaned on the pledge of any of the securities in which a state bank may invest the monies deposited therein by the State Treasurer; or may be deposited in state or national banks or trust companies upon insured time deposit bearing interest at a rate no less than currently being paid upon insured savings accounts in the institutions. As used in this section, "insured" means insurance as provided by an agency of the federal government. All such securities or evidence of indebtedness shall be placed in the hands of the State Treasurer, who shall be the custodian thereof, who shall collect the principal and interest when due, and pay the same into the Multiple Injury Trust Fund. The State Treasurer shall pay by vouchers drawn on the Multiple Injury Trust Fund for the making of such investments, when signed by the CompSource Oklahoma President and Chief Executive Officer and approved by the Board of Managers of CompSource Oklahoma, upon delivery of such securities or evidence of indebtedness to the State Treasurer. The CompSource Oklahoma President and Chief Executive Officer may, upon like approval of the Board of Managers of CompSource Oklahoma, sell any of such securities, the proceeds thereof to be paid over to the State Treasurer for the Multiple Injury Trust Fund.

H. The refund provisions of Sections 227 through 229 of Title 68 of the Oklahoma Statutes shall be applicable to any payments made to the Multiple Injury Trust Fund. Refunds shall be paid from and out of the Multiple Injury Trust Fund.

I. The Tax Commission shall pay, monthly, to the State Treasurer to the credit of the Multiple Injury Trust Fund all monies collected pursuant to the provisions of this section, less the annual sum of Two Million Five Hundred Fifty Thousand Dollars (\$2,550,000.00), of which One Million Two Hundred Seventy-five Thousand Dollars (\$1,275,000.00) shall be payable by the Oklahoma Tax Commission to the State Treasurer in equal monthly installments to the credit of the Department of Labor, Six Hundred Thirty-seven Thousand Five Hundred Dollars (\$637,500.00) shall be payable in equal monthly installments to the credit of the Office of the Attorney General, and Six Hundred Thirty-seven Thousand Five Hundred Dollars (\$637,500.00) shall be payable in equal monthly installments to the credit of the Oklahoma Department of Career and Technology Education. Monies received by the Department of Labor under this section shall be used for safety consultation and the regulation of the safety of public employees through the Occupational Safety and Health Act of 1970. Monies received by the Office of the Attorney

General shall be deposited to the credit of the Attorney General's Workers' Compensation Fraud Unit Revolving Fund created pursuant to Section 19.2 of Title 74 of the Oklahoma Statutes. Monies received by the Oklahoma Department of Career and Technology Education shall supplement other funding to the Department for purposes of implementing the provisions of subsection B of Section 414 of Title 40 of the Oklahoma Statutes. The State Treasurer shall pay out of the Multiple Injury Trust Fund only upon the order and direction of the Workers' Compensation Court acting under the provisions hereof.

J. The Administrator shall promulgate rules as the Administrator deems necessary to effectuate the provisions of this section.

K. The Insurance Commissioner shall promulgate rules relating to insurers as defined in Title 36 of the Oklahoma Statutes, as the Insurance Commissioner deems necessary to effectuate the provisions of this section.

L. The Multiple Injury Trust Fund may enter into any agreement with CompSource Oklahoma for the purpose of fulfilling all of its payment obligations.

M. The Multiple Injury Trust Fund may enter into an agreement with any reinsurer licensed to sell reinsurance by the Insurance Commissioner pursuant to a competitive process administered by the Director of Central Purchasing in the ~~Department of Central Services~~ Office of Management and Enterprise Services.

N. Any dividend, rebate, or other distribution, payable by CompSource Oklahoma or any other workers' compensation insurance carrier, to a state agency policyholder shall be paid to the State Treasurer, and shall be credited as follows:

1. In the event of failure of the Multiple Injury Trust Fund to meet all lawful obligations, the monies shall be credited to the Multiple Injury Trust Fund and shall be used by the Multiple Injury Trust Fund to meet all lawful obligations of the Multiple Injury Trust Fund; and

2. Otherwise, all future dividends made by CompSource Oklahoma or any workers' compensation insurance carrier, on behalf of state agencies, shall be deposited to the credit of the General Revenue Fund of the State Treasury.

SECTION 1083. AMENDATORY 85 O.S. 2011, Section 412, is amended to read as follows:

Section 412. A. 1. All unexpended funds, assets, property, records, personnel and any outstanding financial obligations and encumbrances of the Workers' Compensation Court before the effective date of this act are hereby transferred to the Workers' Compensation Court created in Section ~~3~~ 303 of this ~~act~~ title. The personnel transferred shall retain leave, sick and annual time earned and any retirement and longevity benefits which have accrued during their employment with the state. The salaries of employees who are transferred shall not be reduced as a direct and immediate result of the transfer. There shall be no reduction-in-force as a result of the transfer.

2. Any unexpended funds, including interest thereon, held by the State Treasurer in an interest bearing agency special account maintained by the Workers' Compensation Court before the effective date of this act from which a self-insured employer's workers' compensation obligations are paid following nonpayment by the self-insured employer for any reason, including insolvency, shall be transferred to the Workers' Compensation Court created by Section ~~3~~ 303 of this ~~act~~ title. Such funds shall be expended by the Court only for the purpose of paying workers' compensation obligations of the self-insured employer, and costs related to the administration of such obligations, to the extent of the availability of such funds.

B. 1. All unexpended funds, assets, property, and records and any outstanding financial obligations and encumbrances of the Individual Self-Insured Guaranty Fund Board before the effective date of this act are hereby transferred to the Individual Self-Insured Guaranty Fund Board created in Section ~~58~~ 358 of this ~~act~~ title.

2. Any unexpended funds, including interest thereon, held by the State Treasurer in the Individual Self-Insured Guaranty Fund before the effective date of this act, shall be transferred to the Individual Self-Insured Guaranty Fund Board created by Section ~~58~~ 358 of this ~~act~~ title. Such funds shall be expended by the Board only as authorized in Section ~~58~~ 358 of this ~~act~~ title.

C. 1. All unexpended funds, assets, property, and records and any outstanding financial obligations and encumbrances of the Group Self-Insurance Association Board before the effective date of this

act are hereby transferred to the Group Self-Insurance Association Guaranty Fund Board created in Section 59 359 of this ~~act~~ title.

2. Any unexpended funds, including interest thereon, held by the State Treasurer in the Group Self-Insurance Association Guaranty Fund before the effective date of this act, shall be transferred to the Group Self-Insurance Association Guaranty Fund Board created by Section 59 of this act. Such funds shall be expended by the Board only as authorized in Section 59 359 of this ~~act~~ title.

D. All property and records of the Physician Advisory Committee before the effective date of this act are hereby transferred to the Physician Advisory Committee created in Section 73 373 of this ~~act~~ title.

E. All property and records of the Advisory Council on Workers' Compensation before the effective date of this act are hereby transferred to the Advisory Council on Workers' Compensation created in Section 74 374 of this ~~act~~ title.

F. All unexpended funds, assets, property, records, personnel and any outstanding financial obligations and encumbrances of the Multiple Injury Trust Fund before the effective date of this act are hereby transferred to the Multiple Injury Trust Fund created in Section 76 403 of this ~~act~~ title. The personnel transferred shall retain leave, sick and annual time earned and any retirement and longevity benefits which have accrued during their employment with the state. The salaries of employees who are transferred shall not be reduced as a direct and immediate result of the transfer. There shall be no reduction-in-force as a result of the transfer.

G. The Director of ~~State Finance~~ the Office of Management and Enterprise Services is hereby directed to coordinate the transfer of funds, allotments, purchase orders, outstanding financial obligations or encumbrances provided for in subsections A and F of this section, and the transfer of funds, outstanding financial obligations or encumbrances provided for in subsections B and C of this section.

SECTION 1084. REPEALER 19 O.S. 2011, Section 1501, as amended by Section 1 of Enrolled House Bill No. 2619 of the 2nd Session of the 53rd Oklahoma Legislature and 19 O.S. 2011, Section 1501, as amended by Section 1 of Enrolled Senate Bill No. 1051 of the 2nd Session of the 53rd Oklahoma Legislature, are hereby repealed.

Passed the House of Representatives the 23rd day of May, 2012.

*Ge R. Doney*  
Presiding Officer of the House of Representatives

Passed the Senate the 24th day of May, 2012.

*Ed Kelley*  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 25<sup>th</sup>  
day of May, 2012,  
at 12:00 o'clock P.M.

By: Joshua R. Poyon

Approved by the Governor of the State of Oklahoma the 29<sup>th</sup> day of  
May, 2012, at 10:04 o'clock A.M.

*Mary Fallin*  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this \_\_\_\_\_  
29<sup>th</sup> day of May, 2012,  
at 3:51 o'clock P.M.

By: Audrielle R. Day