

authorized employee of the State Board of Career and Technology Education and approved by the Director of the Office of Management and Enterprise Services.

SECTION 4. AMENDATORY 57 O.S. 2011, Section 138, as amended by Section 6, Chapter 228, O.S.L. 2012 (57 O.S. Supp. 2014, Section 138), is amended to read as follows:

Section 138. A. Except as otherwise provided by law, every inmate of a state correctional institution shall have their term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority. No earned credit deductions shall be credited or recorded for any inmate serving any sentence for a criminal act which resulted in the death of a police officer, a law enforcement officer, an employee of the Department of Corrections, or an employee of a private prison contractor and the death occurred while the police officer, law enforcement officer, employee of the Department of Corrections, or employee of a private prison contractor was acting within the scope of their employment. No earned credit deductions shall be credited or recorded for any person who is referred to an intermediate revocation facility for violating any of the terms and conditions of probation.

B. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one of four class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments

and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment review committee shall consider all aspects of the policy and procedure developed by the Department including but not limited to, the criteria for awarding credits required by this subsection.

C. If an inmate is subject to misconduct, nonperformance or disciplinary action, earned credits may be removed according to the policies and procedures developed by the Department. Earned credits removed for misconduct, nonperformance or disciplinary action may be restored as provided by Department policy, if any.

D. 1. Class levels shall be as follows:

- a. Class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, inmates on escape status.
- b. Class level 2 shall include an inmate who has been given a work, education, or program assignment, has received a good evaluation for participation in the work, education, or program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.
- c. Class level 3 shall include an inmate who has been incarcerated at least three (3) months, has received an excellent work, education, or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.
- d. Class level 4 shall include an inmate who has been incarcerated at least eight (8) months, has received an outstanding work, education, or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. a. Until November 1, 2001, class level corresponding credits are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month.

- b. Class level corresponding credits beginning November 1, 2001, for inmates who have ever been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month.

- c. Class level corresponding credits beginning November 1, 2001, for inmates who have never been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 45 Credits per month;

Class 4 - 60 Credits per month.

Each inmate shall receive the above specified monthly credits for the class to which he or she is assigned. In determining the prior criminal history of the inmate, the Department of Corrections shall review criminal history records available through the Oklahoma State Bureau of Investigation, Federal Bureau of Investigation, and National Crime Information Center to determine the reported felony convictions of all inmates. The Department of Corrections shall also review the Office of Juvenile Affairs Juvenile On-line Tracking System for inmates who were adjudicated delinquent or convicted as a

youthful offender for a crime that would be an offense enumerated in subsection E of this section.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

- a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level⁺,
- b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level⁺,
- c. cooperative behavior toward facility staff and other inmates⁺, and
- d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

- a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits⁺,
- b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.
- c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.
- d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.
- e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

E. No person ever convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile in this state for any felony offense enumerated in this subsection or a similar felony offense pursuant to the provisions of another state, the United States, or a military court shall be eligible for the credits provided by the provisions of subparagraph c of paragraph 2 of subsection D of this section.

1. Assault, battery, or assault and battery with a dangerous weapon as defined by Section 645, ~~or~~ subsection C of Section 652 of Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as defined by Section 650, subsection C of Section 650.2, 650.5, subsection B of Section 650.6, or subsection C of Section 650.7 of Title 21 of the Oklahoma Statutes;

3. Poisoning with intent to kill as defined by Section 651 of Title 21 of the Oklahoma Statutes;

4. Shooting with intent to kill as defined by Section 652 of Title 21 of the Oklahoma Statutes;

5. Assault with intent to kill as defined by Section 653 of Title 21 of the Oklahoma Statutes;

6. Assault with intent to commit a felony as defined by Section 681 of Title 21 of the Oklahoma Statutes;

7. Assaults while masked or disguised as defined by Section 1303 of Title 21 of the Oklahoma Statutes;

8. Entering premises of another while masked as defined by Section 1302 of Title 21 of the Oklahoma Statutes;

9. Murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes;

10. Solicitation for Murder in the first degree as defined by Section 701.16 of Title 21 of the Oklahoma Statutes;

11. Murder in the second degree as defined by Section 701.8 of Title 21 of the Oklahoma Statutes;

12. Manslaughter in the first degree as defined by Section 711, 712 or 714 of Title 21 of the Oklahoma Statutes;

13. Manslaughter in the second degree as defined by Section 716 or 717 of Title 21 of the Oklahoma Statutes;

14. Kidnapping as defined by Section 741 of Title 21 of the Oklahoma Statutes;

15. Burglary in the first degree as defined by Section 1431 of Title 21 of the Oklahoma Statutes;

16. Burglary with explosives as defined by Section 1441 of Title 21 of the Oklahoma Statutes;

17. Kidnapping for extortion as defined by Section 745 of Title 21 of the Oklahoma Statutes;

18. Maiming as defined by Section 751 of Title 21 of the Oklahoma Statutes;

19. Robbery as defined by Section 791 of Title 21 of the Oklahoma Statutes;

20. Robbery in the first degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

21. Robbery in the second degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

22. Armed robbery as defined by Section 801 of Title 21 of the Oklahoma Statutes;

23. Robbery by two ~~(2)~~ or more persons as defined by Section 800 of Title 21 of the Oklahoma Statutes;

24. Robbery with dangerous weapon or imitation firearm as defined by Section 801 of Title 21 of the Oklahoma Statutes;

25. Any crime against a child provided for in Section 843.5 of Title 21 of the Oklahoma Statutes;

26. Wiring any equipment, vehicle or structure with explosives as defined by Section 849 of Title 21 of the Oklahoma Statutes;

27. Forcible sodomy as defined by Section 888 of Title 21 of the Oklahoma Statutes;

28. Rape in the first degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

29. Rape in the second degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

30. Rape by instrumentation as defined by Section 1111.1 of Title 21 of the Oklahoma Statutes;

31. Lewd or indecent proposition or lewd or indecent act with a child as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

32. Sexual battery of a person over 16 as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

33. Use of a firearm or offensive weapon to commit or attempt to commit a felony as defined by Section 1287 of Title 21 of the Oklahoma Statutes;

34. Pointing firearms as defined by Section 1289.16 of Title 21 of the Oklahoma Statutes;

35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of the Oklahoma Statutes;

36. Inciting to riot as defined by Section 1320.2 of Title 21 of the Oklahoma Statutes;

37. Arson in the first degree as defined by Section 1401 of Title 21 of the Oklahoma Statutes;

38. Endangering human life during arson as defined by Section 1405 of Title 21 of the Oklahoma Statutes;

39. Injuring or burning public buildings as defined by Section 349 of Title 21 of the Oklahoma Statutes;

40. Sabotage as defined by Section 1262, 1265.4 or 1265.5 of Title 21 of the Oklahoma Statutes;

41. Extortion as defined by Section 1481 or 1486 of Title 21 of the Oklahoma Statutes;

42. Obtaining signature by extortion as defined by Section 1485 of Title 21 of the Oklahoma Statutes;

43. Seizure of a bus, discharging firearm or hurling missile at bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;

44. Mistreatment of a vulnerable adult as defined by Section 843.1 of Title 21 of the Oklahoma Statutes;

45. Sex offender providing services to a child as defined by Section 404.1 of Title 10 of the Oklahoma Statutes;

46. A felony offense of domestic abuse as defined by subsection C of Section 644 of Title 21 of the Oklahoma Statutes;

47. Prisoner placing body fluid on government employee as defined by Section 650.9 of Title 21 of the Oklahoma Statutes;

48. Poisoning food or water supply as defined by Section 832 of Title 21 of the Oklahoma Statutes;

49. Trafficking in children as defined by Section 866 of Title 21 of the Oklahoma Statutes;

50. Incest as defined by Section 885 of Title 21 of the Oklahoma Statutes;

51. Procure, produce, distribute, or possess juvenile pornography as defined by Section 1021.2 of Title 21 of the Oklahoma Statutes;

52. Parental consent to juvenile pornography as defined by Section 1021.3 of Title 21 of the Oklahoma Statutes;

53. Soliciting minor for indecent exposure as defined by Section 1021 of Title 21 of the Oklahoma Statutes;

54. Distributing obscene material or child pornography as defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

55. Child prostitution as defined by Section 1030 of Title 21 of the Oklahoma Statutes;

56. Procuring a minor for prostitution or other lewd acts as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

57. Transporting a child under 18 for purposes of prostitution as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

58. Inducing a minor to engage in prostitution as defined by Section 1088 of Title 21 of the Oklahoma Statutes;

59. A felony offense of stalking as defined by subsection D of Section 1173 of Title 21 of the Oklahoma Statutes;

60. Spread of infectious diseases as defined by Section 1192 of Title 21 of the Oklahoma Statutes;

61. Advocate overthrow of government by force, commit or attempt to commit acts to overthrow the government, organize or provide assistance to groups to overthrow the government as defined by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma Statutes;

62. Feloniously discharging a firearm as defined by Section 1289.17A of Title 21 of the Oklahoma Statutes;

63. Possession, use, manufacture, or threat of incendiary device as defined by Section 1767.1 of Title 21 of the Oklahoma Statutes;

64. Causing a personal injury accident while driving under the influence as defined by Section 11-904 of Title 47 of the Oklahoma Statutes; or

65. Using a motor vehicle to facilitate the discharge of a firearm as defined by Section 652 of Title 21 of the Oklahoma Statutes.

F. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor, and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific

adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

G. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be allowed the time spent on medical leave as time served. Any inmate placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence of incarceration shall be deducted from the term of imprisonment at the state correctional institution. Inmates sentenced to the Department of Corrections and detained in a county jail as a result of the Department's reception scheduling procedure shall be awarded earned credits as provided for in subparagraph b of paragraph 1 of subsection D of this section, beginning on the date of the judgment and sentence, unless the inmate is convicted of a misdemeanor or felony committed in the jail while the inmate is awaiting transport to the Lexington Assessment and Reception Center or other assessment and reception location determined by the Director of the Department of Corrections.

H. Additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

- Bachelor's degree 200 credits;
- Associate's degree 100 credits;
- High School Diploma or ~~Equivalent~~
~~General Education~~ High School
Equivalency Diploma 90 credits;
- Certification of Completion of
Vocational Training 80 credits;

Successful completion of
Alcohol/Chemical Abuse Treatment
Program of not less than four (4)
months continuous participation 70 credits;

Successful completion of other
Educational Accomplishments or
other programs not specified in
this subsection 10-30 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits.

I. The accumulated time of every inmate shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of said accumulated time shall be:

1. Sent to the administrative office of the Department of Corrections on a quarterly basis; and
2. Provided to the inmate.

SECTION 5. AMENDATORY 57 O.S. 2011, Section 510.7, is amended to read as follows:

Section 510.7 A. The Department of Corrections shall establish a program to ensure that inmates have an opportunity to achieve at least a ~~general educational~~ high school equivalency development level of proficiency in reading, writing and computation skills, to the extent resources are available. The provisions of this subsection shall apply to all inmates in the custody of the Department of Corrections, except those inmates identified and documented, through the testing requirements provided in subsection B of this section, to be incapable of benefiting from education programs, and except those inmates who have already achieved a general educational development level of proficiency in reading, writing and computation skills.

B. The Department of Corrections, in fulfilling its duty to assess the educational and training needs of an inmate as part of the assessment and reception process required by Section 530.1 of this title, shall administer an examination to determine the educational proficiency level of the inmate, the existence of any

learning disabilities, and any other factors relevant to determining if the inmate is capable of achieving the educational proficiency level established in subsection A of this section and if so, to determine the type of education programs necessary to bring the inmate to the ~~general educational~~ high school equivalency development level of proficiency.

SECTION 6. AMENDATORY 57 O.S. 2011, Section 510.8, is amended to read as follows:

Section 510.8 A. The Department of Corrections shall implement procedures to ensure that priority for placement of eligible inmates in education programs be given to inmates lacking basic literacy skills and to inmates closest to their projected release dates.

B. Any incarcerated inmate that refuses to participate in recommended education programs shall be ineligible for earned credits as provided in Section 138.1 of this title and shall jeopardize the eligibility of the inmate for parole or participation in the Preparole Conditional Supervision Program.

C. Any eligible inmate who has not achieved the educational proficiency level established in Section 510.7 of this title, prior to the date of eligibility for parole or preparole conditional supervision, shall be required by the Pardon and Parole Board to participate in education programs approved by the Board to achieve the proficiency level or, at the discretion of the Board, to obtain a ~~general education~~ high school equivalency diploma as a condition of parole or preparole conditional supervision. If education programs are not available in the community where the inmate resides, or if the Board finds that the educational requirements would be a financial hardship on the inmate or that the inmate is not physically able to participate, the Board may waive the educational requirement set forth in this section.

SECTION 7. This act shall become effective July 1, 2015.

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

Passed the House of Representatives the 15th day of May, 2015.

LeRoy King
Presiding Officer of the House
of Representatives

Passed the Senate the 20th day of May, 2015.

Arthur Dahn
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 21st

day of May, 2015, at 11:40 o'clock A M.

By: Audrey Keadwell

Approved by the Governor of the State of Oklahoma this 3rd

day of June, 2015, at 3:10 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 3rd

day of June, 2015, at 4:05 o'clock P. M.

By: Ch. Benza



S.B. 137

RE: S.B. 137

SUBJECT: Oklahoma Higher Learning Access Program Eligibility

Senate Bill 137 becomes effective July 1, 2015. This bill expands eligibility for students under the Oklahoma Higher Learning Access Program (OHLAP) if their parent(s) income is less than \$50,000 after removing military and disability income.

- Current law sets certain qualifications to determine whether or not a student is in financial need for purposes of the Oklahoma Higher Learning Access Program (OHLAP). A student is not eligible if, upon application, the income from taxable and nontaxable sources of the student's parent(s) exceeds \$50,000 per year.
- Section 1(D): Directs the Oklahoma State Regents for Higher Education to review the determination of financial qualification if the student's parent(s) income includes nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s). If the income, excluding these sources, does not exceed \$50,000 per year, then the student is determined to have met the financial qualifications.

Should you have any questions related to this bill, please contact Ms. Melissa White, Executive Director of Counseling/ACE, at (405) 521-3549, or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 2605

An Act

ENROLLED SENATE
BILL NO. 137

By: Brooks of the Senate

and

Denney and Sherrer of the
House

An Act relating to the Oklahoma Higher Learning Access Program; amending 70 O.S. 2011, Section 2605, as amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2014, Section 2605), which relates to student agreements; directing the Oklahoma State Regents for Higher Education to review the determination of financial qualification if certain income is included; providing for certain determination if certain income is included; providing an effective date; and declaring an emergency.

SUBJECT: Oklahoma Higher Learning Access Program eligibility

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2014, Section 2605), is amended to read as follows:

Section 2605. A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through ninth grade shall be apprised, together with the parent, custodial parent, or guardian of the student, of the opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents for Higher

Education and the State Board of Education shall develop, promote, and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Higher Learning Access Program.

B. On a form provided by the Oklahoma State Regents for Higher Education, every public school district shall designate at least one Oklahoma Higher Learning Access Program contact person, who shall be a counselor or teacher, at each public school site in this state in which eighth-, ninth- or tenth-grade classes are taught. When requested by the State Regents, the State Board of Education shall assist the State Regents to ensure the designation of contact persons. Private schools shall also designate at least one school official as a contact person. For students who are educated by other means, a parent or guardian or other person approved by the State Regents shall be designated the contact person.

C. 1. Students who qualify on the basis of financial need according to subsection D or E of this section or who meet the eligibility qualification set forth in subparagraph a of paragraph 1 of subsection B of Section 2603 of this title prior to entering the tenth grade or prior to reaching the age of fifteen (15) and the standards and provisions promulgated by the Oklahoma State Regents for Higher Education shall be given the opportunity throughout the eighth-, ninth-, and tenth-grade years, for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, to enter into participation in the program by agreeing to, throughout the remainder of their school years or educational program:

- a. attend school or an educational program regularly and do homework regularly,
- b. refrain from substance abuse,
- c. refrain from commission of crimes or delinquent acts,
- d. have school work and school records reviewed by mentors designated pursuant to the program,

- e. provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education, and
- f. participate in program activities.

2. Students who meet the eligibility qualification set forth in subparagraph a of paragraph 1 of subsection B of Section 2603 of this title after completing the tenth grade or after reaching the age of sixteen (16) shall be given the opportunity prior to reaching the age of twenty-one (21) to enter into participation in the program and shall execute an agreement with provisions as determined by the Oklahoma State Regents for Higher Education.

3. The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact person shall monitor compliance of the student with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify compliance with the agreements. Students failing to comply with the terms of the agreement shall not be eligible for the awards provided in Section 2604 of this title.

D. Except as otherwise provided for in subsection E of this section and except for students who qualify pursuant to subsection B of Section 2603 of this title, a student shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if:

1. At the time the student applies for participation in the Program during the eighth, ninth or tenth grade for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, the income from taxable and nontaxable sources of the student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per year; and

2. At the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's

parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per year.

The determination of financial qualification as set forth in this paragraph shall be based on the income of the student, not the income of the parent(s), if a student:

- a. is determined to be independent of the student's parents for federal financial aid purposes,
- b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or
- c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, at the time the student enrolled in the program.

The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year;

3. The Oklahoma State Regents for Higher Education shall review the determination of financial qualification as set forth in paragraph 1 of this subsection if the income from taxable and nontaxable sources of the student's parent(s) includes income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s). If the income from taxable and nontaxable sources of the student's parent(s), excluding income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s), does not exceed Fifty Thousand Dollars (\$50,000.00) per year, the student shall be determined to have met the financial qualification set forth in paragraph 1 of this subsection.

E. 1. A student who was adopted between birth and twelve (12) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian

tribe, as defined by the federal Indian Child Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

2. A student who was adopted between thirteen (13) and seventeen (17) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's parent(s) exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

3. Except for students who qualify pursuant to subsection B of Section 2603 of this title, the determination of financial qualification as set forth in this subsection shall be based on the income of the student, not the income of the parent(s), if the student is determined to be independent of the student's parents for federal financial aid purposes. A determination of financial qualification shall not be required for the student who meets the criteria set forth in this subsection at the time the student applies for participation in the program. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2008-2009 school year.

F. The financial qualification of a student as set forth in subsections D and E of this section shall be certified by the contact person or by the Oklahoma State Regents for Higher Education

on the agreement form provided by the Oklahoma State Regents for Higher Education. The form shall be retained in the permanent record of the student and a copy forwarded to the Oklahoma State Regents for Higher Education.

G. Agreements shall be witnessed by the parent, custodial parent, or guardian of the student, who shall further agree to:

1. Assist the student in achieving compliance with the agreements;
2. Confer, when requested to do so, with the school contact person, other school personnel, and program mentors;
3. Provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education; and
4. Assist the student in completing forms and reports required for program participation, making applications to institutions and schools of higher learning, and filing applications for student grants and scholarships.

H. Students who are enrolled in a school district located in this state that serves students who reside in both this state and an adjacent state pursuant to a contract as authorized in Section 5-117.1 of this title, are in the eleventh and twelfth grades during the 2006-2007 school year, and who were denied participation in the program shall be allowed to enter or reenter into participation in the program by entering into agreements as set forth in subsections C and D of this section by June 1, 2008.

I. The Oklahoma State Regents for Higher Education shall promulgate rules for the determination of student compliance with agreements made pursuant to this section.

J. The Oklahoma State Regents for Higher Education shall designate personnel to coordinate tracking of program records for the years when students participating in the program are still in the schools or are being educated by other means, provide staff development for contact persons in the schools, and provide liaison with the State Board of Education and local organizations and individuals participating in the program.

K. The school district where an Oklahoma Higher Learning Access Program student is enrolled when the student begins participation in the program and any subsequent school district where the student enrolls shall forward information regarding participation by the student in the program to a school to which the student transfers upon the request of the school for the records of the student.

L. Students participating in the Oklahoma Higher Learning Access Program shall provide their social security number or their student identification number used by their school to the Oklahoma State Regents for Higher Education. The Regents shall keep the numbers confidential and use them only for administrative purposes.

SECTION 2. This act shall become effective July 1, 2015.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 10th day of March, 2015.

John W. Ford
Presiding Officer of the Senate

Passed the House of Representatives the 8th day of April, 2015.

Lee R. Donney, Jr.
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9th
day of April, 20 15, at 11:16 o'clock A M.
By: *Audrey Ketchell*

Approved by the Governor of the State of Oklahoma this 13th
day of April, 20 15, at 3:24 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 13th
day of April, 20 15, at 4:07 o'clock P. M.
By: *Ch. Benz*



S.B. 414

RE: S.B. 414

SUBJECT: Higher Education

Senate Bill 189 becomes effective August 20, 2015. This bill expands the universities where the Oklahoma Tuition Equalization Grant can be used.

- Current law establishes the Oklahoma Tuition Equalization Grant Program to maximize use of existing educational resources and facilities within the state and authorizes the Oklahoma State Regents for Higher Education to award grants to Oklahoma undergraduate students.
- Section 1: States that eligible institutions include Bacone College, Family of Faith College, Mid-America Christian University, Oklahoma Baptist University, Oklahoma Christian University, Oklahoma City University, Oklahoma Wesleyan University, Oral Roberts University, Southern Nazarene University, Southwestern Christian University, St. Gregory's University, the University of Tulsa and Hillsdale Free Will Baptist College.
 - Directs that the State Regents are to review and take action on complaints concerning eligible institutions, and institutions must adhere to the complaint processes established by the State Regents.

Should you have any questions related to this bill, please contact Ms. Melissa White, Executive Director of Counseling/ACE, at (405) 521-3549 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 2632

An Act

ENROLLED SENATE
BILL NO. 414

By: Brinkley and Pittman of the
Senate

and

Newell of the House

An Act relating to higher education; amending 70 O.S. 201, Section 2632, which relates to eligibility requirements; including certain institutions of higher education as eligible for an Oklahoma Tuition Equalization Grant.

SUBJECT: Higher education

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 2632, is amended to read as follows:

Section 2632. A. To be eligible for an Oklahoma Tuition Equalization Grant, a student shall:

1. Be an Oklahoma resident as defined by the Oklahoma State Regents for Higher Education;
2. Have enrolled as a full-time undergraduate student in an eligible institution of higher education as prescribed in subsection D of this section;
3. Meet the income eligibility level, which is the student's parents' income from taxable and nontaxable sources which shall not be more than Fifty Thousand Dollars (\$50,000.00) per year or the student's income if the student is independent and self-supporting as determined by the State Regents consistent with federal financial aid regulations;

4. Pay more tuition than is required at a comparable public institution of higher education and pay no less than the regular tuition required of all students enrolled at the institution where the student is enrolled; and

5. Maintain at least minimum standards of academic performance as required by the enrolling institution.

B. The enrolling institution shall forward a completed student application, documentation of full-time enrollment status, and certification of resident status to the State Regents no later than October 15 for the fall semester and March 15 for the spring semester of each academic year.

C. Subject to the availability of funds in the Oklahoma Tuition Equalization Grant Trust Fund, an Oklahoma Tuition Equalization Grant in the amount of Two Thousand Dollars (\$2,000.00) per academic year, or One Thousand Dollars (\$1,000.00) per academic semester shall be awarded by the State Regents by allocation from the Oklahoma Tuition Equalization Grant Trust Fund, beginning with eligible students enrolled in the 2003-2004 school year. No grants pursuant to this act shall be provided to students for attending summer terms or intersessions.

D. The State Regents shall implement policies and procedures for the administration of this act. The State Regents shall approve as eligible institutions of higher education only those private or independent, not-for-profit colleges or universities that are domiciled within this state, meet approved program and accreditation standards as determined by the State Regents, and are fully accredited by the Higher Learning Commission of the North Central Association on Colleges and Schools or a national accrediting body recognized by the United States Department of Education. Additionally, eligible institutions shall adhere to the complaint process policies and procedures administered by the State Regents. The State Regents shall review and take action, as authorized, on complaints concerning eligible institutions. The eligible institutions shall include Bacone College, Family of Faith College, Mid-America Christian University, Oklahoma Baptist University, Oklahoma Christian University, Oklahoma City University, Oklahoma Wesleyan University, Oral Roberts University, Southern Nazarene University, Southwestern Christian University, St. Gregory's

University, the University of Tulsa and Hillsdale Free Will Baptist College.

E. If funds are not sufficient in the Oklahoma Tuition Equalization Grant Trust Fund to provide grants for all eligible applicants, the State Regents shall award grants on the basis of need and take into consideration other grants and scholarships received by an eligible applicant when awarding grants. Students who have previously received a tuition equalization grant and who continue to meet the requirements for eligibility shall have absolute priority for continued financial support superior to any student who is applying for a grant for the first time.

F. Students enrolling as first-time freshmen for the 2003-2004 school year shall be the first class of students eligible to apply for Oklahoma Tuition Equalization Grants. In subsequent years, all previously eligible students and the first-time enrolling freshmen students shall be entitled to apply for a grant pursuant to this section. Beginning in the 2007-2008 school year, all eligible students shall be entitled to apply for a grant pursuant to this section.

G. A grant provided by this section shall not be allowed for courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program or taken more than five (5) years after the student's first grant is received. The State Regents may award an Oklahoma Tuition Equalization Grant for courses of postsecondary units taken more than five (5) years after the student's first grant is received only in hardship circumstances. No Oklahoma Tuition Equalization Grant recipient may receive benefits beyond a cumulative time period of five (5) years.

H. On or before February 1 after the first semester in which grants are awarded pursuant to this act and every year thereafter, the State Regents shall provide a report to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives to include, but not be limited to the number of students awarded grants, grade point average, persistence rates, degree completion rates, demographic data, and any other indicators the State Regents deem appropriate.

Passed the Senate the 30th day of April, 2015.

Nathan Dahm
Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2015.

Joe R. Young Jr.
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 4th

day of May, 20 15, at 2:32 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 8th

day of May, 20 15, at 10:41 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 8th

day of May, 20 15, at 3:21 o'clock P. M.

By: Ch. Benz



S.B. 474

RE: S.B. 474

SUBJECT: Income Tax Refund Donation

Senate Bill 474 becomes effective November 1, 2015. This bill requires a provision on each income tax return form to allow for a donation to a 529 College Savings Plan.

- Section 2: Directs that each state individual income tax return form after December 31, 2015, is to contain a provision to allow for a donation from a tax refund to be made to a specified Oklahoma College Savings Plan (529).

Should you have any questions related to this bill, please contact Ms. Melissa White, Executive Director of Counseling/ACE, at (405) 521-3549 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 68 O.S. 205

New Law at: 68 O.S. 2368.27

An Act

ENROLLED SENATE
BILL NO. 474

By: Sparks and Pittman of the
Senate

and

Virgin, McDaniel (Jeannie)
and Sherrer of the House

An Act relating to donation of income tax refund amounts; amending 68 O.S. 2011, Section 205, as amended by Section 20, Chapter 227, O.S.L. 2013 (68 O.S. Supp. 2014, Section 205), which relates to confidentiality; authorizing disclosure of tax information; providing for certain donation of income tax refund, and specifying procedure thereof; providing for codification; and providing an effective date.

SUBJECT: Income tax refund donation

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 205, as amended by Section 20, Chapter 227, O.S.L. 2013 (68 O.S. Supp. 2014, Section 205), is amended to read as follows:

Section 205. A. The records and files of the Oklahoma Tax Commission concerning the administration of the Uniform Tax Procedure Code or of any state tax law shall be considered confidential and privileged, except as otherwise provided for by law, and neither the Tax Commission nor any employee engaged in the administration of the Tax Commission or charged with the custody of any such records or files nor any person who may have secured information from the Tax Commission shall disclose any information

obtained from the records or files or from any examination or inspection of the premises or property of any person.

B. Except as provided in paragraph 26 of subsection C of this section, neither the Tax Commission nor any employee engaged in the administration of the Tax Commission or charged with the custody of any such records or files shall be required by any court of this state to produce any of the records or files for the inspection of any person or for use in any action or proceeding, except when the records or files or the facts shown thereby are directly involved in an action or proceeding pursuant to the provisions of the Uniform Tax Procedure Code or of the state tax law, or when the determination of the action or proceeding will affect the validity or the amount of the claim of the state pursuant to any state tax law, or when the information contained in the records or files constitutes evidence of violation of the provisions of the Uniform Tax Procedure Code or of any state tax law.

C. The provisions of this section shall not prevent the Tax Commission from disclosing the following information and no liability whatsoever, civil or criminal, shall attach to any member of the Tax Commission or any employee thereof for any error or omission in the disclosure of such information:

1. The delivery to a taxpayer or a duly authorized representative of the taxpayer of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of the Uniform Tax Procedure Code or of any state tax law;

2. The exchange of information that is not protected by the federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq., pursuant to reciprocal agreements entered into by the Tax Commission and other state agencies or agencies of the federal government;

3. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

4. The examination of records and files by the State Auditor and Inspector or the duly authorized agents of the State Auditor and Inspector;

5. The disclosing of information or evidence to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency when the information or evidence is to be used by such officials to investigate or prosecute violations of the criminal provisions of the Uniform Tax Procedure Code or of any state tax law or of any federal crime committed against this state. Any information disclosed to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency shall be kept confidential by such person and not be disclosed except when presented to a court in a prosecution for violation of the tax laws of this state or except as specifically authorized by law, and a violation by the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, district attorney, or agent of any federal law enforcement agency by otherwise releasing the information shall be a felony;

6. The use by any division of the Tax Commission of any information or evidence in the possession of or contained in any report or return filed with any other division of the Tax Commission;

7. The furnishing, at the discretion of the Tax Commission, of any information disclosed by its records or files to any official person or body of this state, any other state, the United States, or foreign country who is concerned with the administration or assessment of any similar tax in this state, any other state or the United States. The provisions of this paragraph shall include the furnishing of information by the Tax Commission to a county assessor to determine the amount of gross household income pursuant to the provisions of Section 8C of Article X of the Oklahoma Constitution or Section 2890 of this title. The Tax Commission shall promulgate rules to give guidance to the county assessors regarding the type of information which may be used by the county assessors in determining the amount of gross household income pursuant to Section 8C of Article X of the Oklahoma Constitution or Section 2890 of this title. The provisions of this paragraph shall also include the furnishing of information to the State Treasurer for the purpose of administration of the Uniform Unclaimed Property Act;

8. The furnishing of information to other state agencies for the limited purpose of aiding in the collection of debts owed by individuals to such requesting agencies;

9. The furnishing of information requested by any member of the general public and stated in the sworn lists or schedules of taxable property of public service corporations organized, existing, or doing business in this state which are submitted to and certified by the State Board of Equalization pursuant to the provisions of Section 2858 of this title and Section 21 of Article X of the Oklahoma Constitution, provided such information would be a public record if filed pursuant to Sections 2838 and 2839 of this title on behalf of a corporation other than a public service corporation;

10. The furnishing of information requested by any member of the general public and stated in the findings of the Tax Commission as to the adjustment and equalization of the valuation of real and personal property of the counties of the state, which are submitted to and certified by the State Board of Equalization pursuant to the provisions of Section 2865 of this title and Section 21 of Article X of the Oklahoma Constitution;

11. The furnishing of information to an Oklahoma wholesaler of low-point beer, licensed under the provisions of Section 163.1 et seq. of Title 37 of the Oklahoma Statutes, or an association or organization whose membership is comprised of such wholesalers, of the licensed retailers authorized by law to purchase low-point beer in this state or the furnishing of information to a licensed Oklahoma wholesaler of low-point beer of shipments by licensed manufacturers into this state;

12. The furnishing of information as to the issuance or revocation of any tax permit, license or exemption by the Tax Commission as provided for by law. Such information shall be limited to the name of the person issued the permit, license or exemption, the name of the business entity authorized to engage in business pursuant to the permit, license or exemption, the address of the business entity, and the grounds for revocation;

13. The posting of notice of revocation of any tax permit or license upon the premises of the place of business of any business

entity which has had any tax permit or license revoked by the Tax Commission as provided for by law. Such notice shall be limited to the name of the person issued the permit or license, the name of the business entity authorized to engage in business pursuant to the permit or license, the address of the business entity, and the grounds for revocation;

14. The furnishing of information upon written request by any member of the general public as to the outstanding and unpaid amount due and owing by any taxpayer of this state for any delinquent tax, together with penalty and interest, for which a tax warrant or a certificate of indebtedness has been filed pursuant to law;

15. After the filing of a tax warrant pursuant to law, the furnishing of information upon written request by any member of the general public as to any agreement entered into by the Tax Commission concerning a compromise of tax liability for an amount less than the amount of tax liability stated on such warrant;

16. The disclosure of information necessary to complete the performance of any contract authorized by this title to any person with whom the Tax Commission has contracted;

17. The disclosure of information to any person for a purpose as authorized by the taxpayer pursuant to a waiver of confidentiality. The waiver shall be in writing and shall be made upon such form as the Tax Commission may prescribe;

18. The disclosure of information required in order to comply with the provisions of Section 2369 of this title;

19. The disclosure to an employer, as defined in Sections 2385.1 and 2385.3 of this title, of information required in order to collect the tax imposed by Section 2385.2 of this title;

20. The disclosure to a plaintiff of a corporation's last-known address shown on the records of the Franchise Tax Division of the Tax Commission in order for such plaintiff to comply with the requirements of Section 2004 of Title 12 of the Oklahoma Statutes;

21. The disclosure of information directly involved in the resolution of the protest by a taxpayer to an assessment of tax or

additional tax or the resolution of a claim for refund filed by a taxpayer, including the disclosure of the pendency of an administrative proceeding involving such protest or claim, to a person called by the Tax Commission as an expert witness or as a witness whose area of knowledge or expertise specifically addresses the issue addressed in the protest or claim for refund. Such disclosure to a witness shall be limited to information pertaining to the specific knowledge of that witness as to the transaction or relationship between taxpayer and witness;

22. The disclosure of information necessary to implement an agreement authorized by Section 2702 of this title when such information is directly involved in the resolution of issues arising out of the enforcement of a municipal sales tax ordinance. Such disclosure shall be to the governing body or to the municipal attorney, if so designated by the governing body;

23. The furnishing of information regarding incentive payments made pursuant to the provisions of Sections 3601 through 3609 of this title or incentive payments made pursuant to the provisions of Sections 3501 through 3508 of this title;

24. The furnishing to a prospective purchaser of any business, or his or her authorized representative, of information relating to any liabilities, delinquencies, assessments or warrants of the prospective seller of the business which have not been filed of record, established, or become final and which relate solely to the seller's business. Any disclosure under this paragraph shall only be allowed upon the presentment by the prospective buyer, or the buyer's authorized representative, of the purchase contract and a written authorization between the parties;

25. The furnishing of information as to the amount of state revenue affected by the issuance or granting of any tax permit, license, exemption, deduction, credit or other tax preference by the Tax Commission as provided for by law. Such information shall be limited to the type of permit, license, exemption, deduction, credit or other tax preference issued or granted, the date and duration of such permit, license, exemption, deduction, credit or other tax preference and the amount of such revenue. The provisions of this paragraph shall not authorize the disclosure of the name of the person issued such permit, license, exemption, deduction, credit or

other tax preference, or the name of the business entity authorized to engage in business pursuant to the permit, license, exemption, deduction, credit or other tax preference;

26. The examination of records and files of a person or entity by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control pursuant to a court order by a magistrate in whose territorial jurisdiction the person or entity resides, or where the Tax Commission records and files are physically located. Such an order may only be issued upon a sworn application by an agent of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, certifying that the person or entity whose records and files are to be examined is the target of an ongoing investigation of a felony violation of the Uniform Controlled Dangerous Substances Act and that information resulting from such an examination would likely be relevant to that investigation. Any records or information obtained pursuant to such an order may only be used by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control in the investigation and prosecution of a felony violation of the Uniform Controlled Dangerous Substances Act. Any such order issued pursuant to this paragraph, along with the underlying application, shall be sealed and not disclosed to the person or entity whose records were examined, for a period of ninety (90) days. The issuing magistrate may grant extensions of such period upon a showing of good cause in furtherance of the investigation. Upon the expiration of ninety (90) days and any extensions granted by the magistrate, a copy of the application and order shall be served upon the person or entity whose records were examined, along with a copy of the records or information actually provided by the Tax Commission;

27. The disclosure of information, as prescribed by this paragraph, which is related to the proposed or actual usage of tax credits pursuant to Section 2357.7 of this title, the Small Business Capital Formation Incentive Act or the Rural Venture Capital Formation Incentive Act. Unless the context clearly requires otherwise, the terms used in this paragraph shall have the same meaning as defined by Section 2357.7, 2357.61 or 2357.72 of this title. The disclosure of information authorized by this paragraph shall include:

- a. the legal name of any qualified venture capital company, qualified small business capital company, or qualified rural small business capital company,
- b. the identity or legal name of any person or entity that is a shareholder or partner of a qualified venture capital company, qualified small business capital company, or qualified rural small business capital company,
- c. the identity or legal name of any Oklahoma business venture, Oklahoma small business venture, or Oklahoma rural small business venture in which a qualified investment has been made by a capital company, or
- d. the amount of funds invested in a qualified venture capital company, the amount of qualified investments in a qualified small business capital company or qualified rural small business capital company and the amount of investments made by a qualified venture capital company, qualified small business capital company, or qualified rural small business capital company;

28. The disclosure of specific information as required by Section 46 of Title 62 of the Oklahoma Statutes;

29. The disclosure of specific information as required by Section 205.5 of this title; ~~or~~

30. The disclosure of specific information as required by Section 205.6 of this title; or

31. The disclosure of information to the State Treasurer necessary to implement Section 2 of this act.

D. The Tax Commission shall cause to be prepared and made available for public inspection in the office of the Tax Commission in such manner as it may determine an annual list containing the name and post office address of each person, whether individual, corporate, or otherwise, making and filing an income tax return with the Tax Commission.

It is specifically provided that no liability whatsoever, civil or criminal, shall attach to any member of the Tax Commission or any employee thereof for any error or omission of any name or address in the preparation and publication of the list.

E. The Tax Commission shall prepare or cause to be prepared a report on all provisions of state tax law that reduce state revenue through exclusions, deductions, credits, exemptions, deferrals or other preferential tax treatments. The report shall be prepared not later than October 1 of each even-numbered year and shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The Tax Commission may prepare and submit supplements to the report at other times of the year if additional or updated information relevant to the report becomes available. The report shall include, for the previous fiscal year, the Tax Commission's best estimate of the amount of state revenue that would have been collected but for the existence of each such exclusion, deduction, credit, exemption, deferral or other preferential tax treatment allowed by law. The Tax Commission may request the assistance of other state agencies as may be needed to prepare the report. The Tax Commission is authorized to require any recipient of a tax incentive or tax expenditure to report to the Tax Commission such information as requested so that the Tax Commission may fulfill its obligations as required by this subsection. The Tax Commission may require this information to be submitted in an electronic format. The Tax Commission may disallow any claim of a person for a tax incentive due to its failure to file a report as required under the authority of this subsection.

F. It is further provided that the provisions of this section shall be strictly interpreted and shall not be construed as permitting the disclosure of any other information contained in the records and files of the Tax Commission relating to income tax or to any other taxes.

G. Unless otherwise provided for in this section, any violation of the provisions of this section shall constitute a misdemeanor and shall be punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term not exceeding one (1) year, or by both such fine and

imprisonment, and the offender shall be removed or dismissed from office.

H. Offenses described in Section 2376 of this title shall be reported to the appropriate district attorney of this state by the Tax Commission as soon as the offenses are discovered by the Tax Commission or its agents or employees. The Tax Commission shall make available to the appropriate district attorney or to the authorized agent of the district attorney its records and files pertinent to prosecutions, and such records and files shall be fully admissible as evidence for the purpose of such prosecutions.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2368.27 of Title 68, unless there is created a duplication in numbering, reads as follows:

Each state individual income tax return form for tax years which begin after December 31, 2015, shall contain a provision to allow a donation from a tax refund to be made as a contribution to a specified account established pursuant to the provisions of the Oklahoma College Savings Plan.

SECTION 3. This act shall become effective November 1, 2015.

Passed the Senate the 4th day of May, 2015.

Ann R. Shaffer
Presiding Officer of the Senate

Passed the House of Representatives the 7th day of April, 2015.

John R. Doney
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 5th

day of May, 20 15, at 11:15 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 11th

day of May, 20 15, at 2:13 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 11th

day of May, 20 15, at 5:22 o'clock P. M.

By: Ch. Benz



S.B. 763

RE: S.B. 763
SUBJECT: Foster Youth

Senate Bill 189 becomes effective November 1, 2015. This bill amends the Independent Living Act to require information on OHLAP to be provided to foster families.

- Section 1(G): Directs the Department of Human Services, in conjunction with the Oklahoma State Regents for Higher Education, to provide parents and legal guardians of foster youth with information on the Oklahoma Higher Learning Access Program (OHLAP), to include eligibility, application guidelines, academic requirements, and any other information required for participation in the program.

Should you have any questions related to this bill, please contact Ms. Melissa White, Executive Director of Counseling/ACE, at (405) 521-3549 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 10A O.S. 1-9-107

An Act

ENROLLED SENATE
BILL NO. 763

By: Bass of the Senate

and

McDaniel (Jeannie), Hoskin,
and Sherrer of the House

An Act relating to the Department of Human Services; amending 10A O.S. 2011, Section 1-9-107, which relates to the Independent Living Act; requiring Department to provide foster youth with certain information; and providing an effective date

SUBJECT: foster youth

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-9-107, is amended to read as follows:

Section 1-9-107. A. This section shall be known and may be cited as the "Independent Living Act".

B. The purpose of the Independent Living Act shall be:

1. To ensure that eligible individuals, who have been or are in the foster care program of the Department of Human Services or a federally recognized Indian tribe with whom the Department has a contract, due to abuse or neglect, receive the protection and support necessary to allow those individuals to become self-reliant and productive citizens through the provision of requisite services that include, but are not limited to, transitional planning, housing, medical coverage, and education, provided that eligibility for tuition waivers shall be as set forth in Section 3230 of Title 70 of the Oklahoma Statutes; and

2. To break the cycle of abuse and neglect that obligates the state to assume custody of children.

C. An individual is eligible to receive independent living services from the age of sixteen (16) until the age of eighteen (18), during the time the individual is in the custody of the Department or a federally recognized Indian tribe and in an out-of-home placement.

D. Independent living services may continue to the age of twenty-one (21), provided the individual is in the custody of the Department or a federally recognized Indian tribe due to abuse or neglect and is in an out-of-home placement at the time of the individual's eighteenth birthday.

E. Individuals who are sixteen (16) years of age or older, who have been released from the custody of the Department or federally recognized Indian tribe due to the entry of an adoption decree or guardianship order are eligible to receive independent living services until the age of twenty-one (21).

F. Individuals who are eligible for services pursuant to the Independent Living Act and who are between eighteen (18) and twenty-one (21) years of age shall be eligible for Medicaid coverage, provided such individuals were also in the custody of the Department or a federally recognized Indian tribe on the date they reached eighteen (18) years of age and meet Medicaid financial eligibility guidelines.

G. The Department, in conjunction with the Oklahoma State Regents for Higher Education, shall provide parents and legal guardians of foster youth with information on the Oklahoma Higher Learning Access Program (OHLAP) including, but not limited to, eligibility, application guidelines, academic requirements, and any other information required by the Oklahoma Higher Learning Access Act for participation in the Program.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 19th day of February, 2015.

Kim Daniel
Presiding Officer of the Senate

Passed the House of Representatives the 6th day of April, 2015.

Joe R. Donnell
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 7th

day of April, 20 15, at 2:40 o'clock pm M.

By: James Curry

Approved by the Governor of the State of Oklahoma this 10th

day of April, 20 15, at 9:44 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th

day of April, 20 15, at 1:48 o'clock P. M.

By: Chris Torres



H.B. 1032

RE: H.B. 1032

SUBJECT: Oklahoma Open Meeting Act

House Bill 1032 becomes effective November 1, 2015. This bill amends the portion of the Open Meetings Act dealing with executive sessions.

- Section 1(D): Directs that no landowner, real estate salesperson, broker, developer or any other person who could profit from a proposed transaction concerning real property under consideration by a public body in executive session can be present in the executive session unless they are under an existing agreement to represent the public body.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 25 O.S. 307

An Act

ENROLLED HOUSE
BILL NO. 1032

By: Kirby of the House

and

Crain of the Senate

An Act relating to definitions and general provisions; amending 25 O.S. 2011, Section 307, which relates to executive sessions; permitting certain individual to participate in executive session to discuss real property; and providing an effective date.

SUBJECT: Oklahoma Open Meeting Act

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

SECTION 1. AMENDATORY 25 O.S. 2011, Section 307, is amended to read as follows:

Section 307. A. No public body shall hold executive sessions unless otherwise specifically provided in this section.

B. Executive sessions of public bodies will be permitted only for the purpose of:

1. Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee;

2. Discussing negotiations concerning employees and representatives of employee groups;

3. Discussing the purchase or appraisal of real property;

4. Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest;

5. Permitting district boards of education to hear evidence and discuss the expulsion or suspension of a student when requested by the student involved or the student's parent, attorney or legal guardian;

6. Discussing matters involving a specific handicapped child;

7. Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law;

8. Engaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act; or

9. Discussing the following:

- a. the investigation of a plan or scheme to commit an act of terrorism,
- b. assessments of the vulnerability of government facilities or public improvements to an act of terrorism,
- c. plans for deterrence or prevention of or protection from an act of terrorism,
- d. plans for response or remediation after an act of terrorism,
- e. information technology of the public body but only if the discussion specifically identifies:
 - (1) design or functional schematics that demonstrate the relationship or connections between devices or systems,
 - (2) system configuration information,

- (3) security monitoring and response equipment placement and configuration,
 - (4) specific location or placement of systems, components or devices,
 - (5) system identification numbers, names, or connecting circuits,
 - (6) business continuity and disaster planning, or response plans, or
 - (7) investigation information directly related to security penetrations or denial of services, or
- f. the investigation of an act of terrorism that has already been committed.

For the purposes of this subsection, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes.

C. Notwithstanding the provisions of subsection B of this section, the following public bodies may hold executive sessions:

1. The State Banking Board, as provided for under Section 306.1 of Title 6 of the Oklahoma Statutes;

2. The Oklahoma Industrial Finance Authority, as provided for in Section 854 of Title 74 of the Oklahoma Statutes;

3. The Oklahoma Development Finance Authority, as provided for in Section 5062.6 of Title 74 of the Oklahoma Statutes;

4. The Oklahoma Center for the Advancement of Science and Technology, as provided for in Section 5060.7 of Title 74 of the Oklahoma Statutes;

5. The Oklahoma Savings and Loan Board, as provided for under subsection A of Section 381.74 of Title 18 of the Oklahoma Statutes;

6. The Oklahoma Health Research Committee for purposes of conferring on matters pertaining to research and development of products, if public disclosure of the matter discussed would

interfere with the development of patents, copyrights, products, or services;

7. A review committee, as provided for in Section 855 of Title 62 of the Oklahoma Statutes;

8. The Child Death Review Board for purposes of receiving and conferring on matters pertaining to materials declared confidential by law;

9. The Domestic Violence Fatality Review Board as provided in Section 1601 of Title 22 of the Oklahoma Statutes;

10. All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups supported in whole or part by public funds or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business;

11. The Oklahoma Indigent Defense System Board for purposes of discussing negotiating strategies in connection with making possible counteroffers to offers to contract to provide legal representation to indigent criminal defendants and indigent juveniles in cases for which the System must provide representation pursuant to the provisions of the Indigent Defense System Act; and

12. The Quality Investment Committee for purposes of discussing applications and confidential materials pursuant to the terms of the Oklahoma Quality Investment Act.

D. ~~An~~ Except as otherwise specified in this subsection, an executive session for the purpose of discussing the purchase or appraisal of real property shall be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body. No landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property which is under consideration may be present or participate in the executive

session, unless they are operating under an existing agreement to represent the public body.

E. No public body may go into an executive session unless the following procedures are strictly complied with:

1. The proposed executive session is noted on the agenda as provided in Section 311 of this title;

2. The executive session is authorized by a majority vote of a quorum of the members present and the vote is a recorded vote; and

3. Except for matters considered in executive sessions of the State Banking Board and the Oklahoma Savings and Loan Board, and which are required by state or federal law to be confidential, any vote or action on any item of business considered in an executive session shall be taken in public meeting with the vote of each member publicly cast and recorded.

F. A willful violation of the provisions of this section shall:

1. Subject each member of the public body to criminal sanctions as provided in Section 314 of this title; and

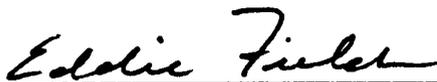
2. Cause the minutes and all other records of the executive session, including tape recordings, to be immediately made public.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 2nd day of March, 2015.


Presiding Officer of the House
of Representatives

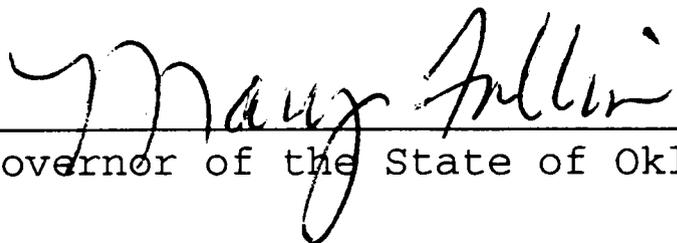
Passed the Senate the 14th day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th
day of April, 20 15, at 2:00 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 15, at 1:22 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 15, at 3:19 o'clock P M.
By: Ch. Benz



H.B. 2119

RE: H.B. 2119
SUBJECT: Public Contracts

House Bill 2119 becomes effective November 1, 2015. This bill allows for a contract bid period to be extended by the awarding public agency.

- Current law allows the governing body of an awarding public agency to extend the contract award period for an additional 15 days where state or local funds are involved or 90 days where federal funds are involved regarding construction of a public improvement.
- Section 1: Allows the Division or awarding public agency to extend a contract award period by no more than 120 days from the opening bid date upon mutual written agreement between the lowest responsible bidder and the awarding public agency.
 - “Public agency” is defined to mean the State of Oklahoma, and any county, city, town, school district or other political subdivision of the state, any public trust, any public entity specifically created by the statutes of the State of Oklahoma or as a result of statutory authorization therefor, and any department, agency, board, bureau, commission, committee or authority of any of the foregoing public entities.

Should you have any questions related to this bill, please contact Ms. Nancy Hughes, Executive Director of Financial Accounting/OCAS/Audits, at (405) 521-2517 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 61 O.S. 111
Helpful Statutory References: 61 O.S. 102

An Act

ENROLLED HOUSE
BILL NO. 2119

By: McBride of the House

and

Fry and Pittman of the
Senate

An Act relating to public buildings and public works; amending 61 O.S. 2011, Section 111, which relates to bidding and contracts; modifying entities authorized to extend contract award period; and providing an effective date.

SUBJECT: Public contracts

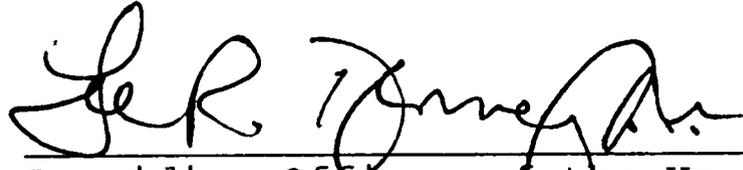
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 61 O.S. 2011, Section 111, is amended to read as follows:

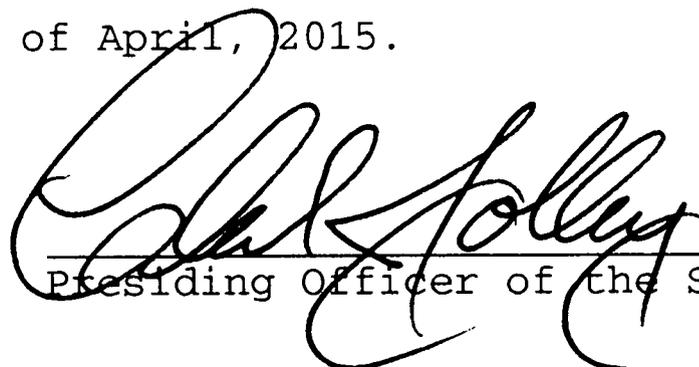
Section 111. The awarding of a contract to the lowest responsible bidder or bidders shall be made within thirty (30) days after the opening of bids unless the governing body of the awarding public agency, by formal recorded action and for good cause shown, provides for a reasonable extension of that period, which extension period shall not in any event exceed fifteen (15) days where only state or local funds are involved, or not to exceed ninety (90) days on any award of contract for the construction of a public improvement where funds are utilized which are furnished by an agency of the United States Government. Upon mutual written agreement between the lowest responsible bidder or bidders and the awarding public agency, the Division or awarding public agency may extend the contract award period no more than one hundred twenty (120) days from the bid opening date.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 4th day of March, 2015.


Presiding Officer of the House
of Representatives

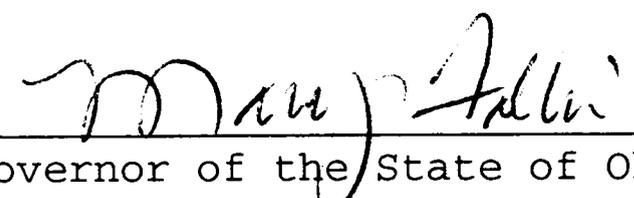
Passed the Senate the 21st day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of April, 20 15, at 12:08 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 28th
day of April, 20 15, at 2:26 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th
day of April, 20 15, at 3:30 o'clock P. M.
By: C. Benz



S.B. 312

RE: S.B. 312
SUBJECT: Elections

Senate Bill 312 becomes effective January 1, 2016. This bill modifies the dates on which local elections, including school board elections, can occur.

- Current law requires county election boards to only schedule elections on Tuesdays.
- Section 1(B): Directs that local elections, including special elections, held in any county, school district, technology center school district, municipality or other political subdivision can only call an election on one of the following dates:
 - The second Tuesday of February in any year,
 - The first Tuesday of April in any year,
 - The same date as any regularly scheduled statewide state or federal election in an even-numbered year,
 - The second Tuesday of September in an odd-numbered year, and
 - The second Tuesday of November in an odd-numbered year.
- Section 1(C): Limits elections for any other purpose besides filling an elective office to:
 - The second Tuesday of January, February, May, June, July, August, September, October and November, and the first Tuesday in March and April in *odd-numbered years*.
 - The second Tuesday of January and February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of *even-numbered years*.
- Section 7(D): Allows for a special filing period for boards of education for school districts and technology center school districts, if necessary, to be scheduled not more than 20 days following the date the resolution is required to be submitted to the county election board.
- Section 8(B): If a board of education of a school district or technology school district does not fill a vacancy by appointment within 60 days, the board must call a special election to fill the unexpired term. The election date, must be on one of the dates set in Section 1, and the filing period must be as prescribed in Section 7(D).

Note: S.B. 312 and S.B. 399 both amend the same portion of law, 26 O.S. 3-101, and as such, should be read together.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 26 O.S. 3-101, 13A-109, 13A-110
Helpful Statutory References: 11 O.S. 16-102

An Act

ENROLLED SENATE
BILL NO. 312

By: Holt of the Senate

and

Echols of the House

An Act relating to elections; amending 26 O.S. 2011, Sections 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013, 13-101 and 13-103 (26 O.S. Supp. 2014, Section 3-101), which relate to elections held by political subdivisions; modifying dates upon which elections to fill elective offices may be held by political subdivisions; deleting obsolete language; clarifying references; amending 11 O.S. 2011, Section 16-112, which relates to special elections of municipalities; modifying requirements to call for a special election; amending 19 O.S. 2011, Section 901.5, which relates to fire protection districts; modifying the filing date for an office on the board of directions and eliminating the filing fee; amending 26 O.S. 2011, Section 13-102, as last amended by Section 1, Chapter 126, O.S.L. 2012 (26 O.S. Supp. 2014, Section 13-102), which relates to municipal elections; modifying the filing period for a municipal election when it conflicts with a state or federal election; amending 26 O.S. 13A-109, 13A-110, which relate to school district elections; modifying the filing period for special elections and establishing governing legislation for the timeline of holding special elections; and providing an effective date.

SUBJECT: Elections

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no regular or special election to fill an elective office shall be held by any county, school district, technology center school district, municipality or other political subdivision authorized to call elections except as follows:

1. The second Tuesday of February in any year;
2. The first Tuesday of April in any year;
3. The date of any regularly scheduled statewide state or federal election in an even-numbered year;
4. The second Tuesday of September in an odd-numbered year; and
5. The second Tuesday of November in an odd-numbered year.

C. Except as otherwise provided by law, no ~~special~~ election for any purpose other than to fill an elective office shall be held by any county, school district, technology center school district, municipality or other ~~entity~~ political subdivision authorized to call elections except on:

1. The second Tuesday of January, February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; provided, a municipality with a population in excess of two hundred fifty thousand (250,000) persons, according to the most recent federal decennial census, may also hold an election on the second Tuesday of December in odd-numbered years; and

2. The second Tuesday of January and February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year.

~~C.~~ D. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday.

~~D.~~ E. Notwithstanding any other provision of law or any provision of a municipal charter, any municipality, school district, technology center district, county, rural fire protection district, or any other entity seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary no later than seventy-five (75) days prior to the election date. A candidate filing period, if so required by the resolution, shall begin no later than ten (10) days following the deadline to file the resolution with the secretary of the county election board; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

SECTION 2. AMENDATORY 26 O.S. 2011, Section 13-101.1, is amended to read as follows:

Section 13-101.1. ~~After July 1, 2005, no~~ No county election board shall be required to conduct elections for any municipality on a date other than an election date identified in subsection B of Section 3-101 of this title. Municipalities that hold both primary and general elections, in addition to scheduling elections on dates identified in ~~subsection B of~~ Section 3-101 of this title, shall provide no fewer than thirty-five (35) days between the primary and general elections; ~~except however, primary and general elections may be scheduled on the identified election dates in March and April when there are fewer than thirty five (35) days between the election dates.~~

SECTION 3. AMENDATORY 26 O.S. 2011, Section 13-103, is amended to read as follows:

Section 13-103. A. All municipal elections shall be held at the same place and in the same manner prescribed for conduct of state and county elections unless otherwise provided by law.

B. A municipality may adopt an ordinance requiring its elections to be partisan. If such an ordinance is adopted, a municipality shall notify the county election board that its election is to be partisan in its resolution calling for an election. If a municipality fails to notify the county election board that its election will be on a partisan basis in the resolution calling for an election, then the municipal election shall be on a nonpartisan basis. Provided, any municipality which is governed by a charter may provide otherwise by charter or ordinance.

C. All precincts totally or partially contained within the limits of a municipality shall be open for all elections held by such municipality; provided, however, that a municipality may authorize any precinct which is only partially contained within the limits of the municipality not to be opened by certifying to the county election board in its resolution calling for an election that no persons reside within that portion of the precinct contained within the limits of the municipality. Polling places shall be open from 7:00 a.m. until 7:00 p.m. Each precinct election board shall be the same as for state and county elections; provided, however, that substitutions, if necessary, shall be made by the county election board. Except as otherwise provided by law, the laws governing state and county Primary and General Elections shall be applicable to all municipal elections.

D. All municipal elections, including elections for municipalities with home rule charters, shall be held only on dates identified by ~~subsection B of~~ in Section 3-101 of this title.

SECTION 4. AMENDATORY 11 O.S. 2011, Section 16-112, is amended to read as follows:

Section 16-112. When the municipal governing body shall deem it advisable, it may, by resolution or ordinance, authorize the mayor to call a special election on a date established in Section 3-101 of Title 26 of the Oklahoma Statutes for the purpose of submitting to the registered voters of the municipality the question of issuing

municipal bonds, of granting any franchise, or for any other purpose authorized by law.

SECTION 5. AMENDATORY 19 O.S. 2011, Section 901.5, is amended to read as follows:

Section 901.5. A. Directors of a fire protection district shall be the surface owners of real property in and residents of the district.

B. At the time of making its order organizing the district, the board of county commissioners shall appoint three directors who shall hold their office until the next General Election, at which time their successors shall be elected. At the election, the qualified person receiving the highest number of votes for member of board of directors of the district shall hold office for the term of six (6) years. The qualified person receiving the next highest number of votes shall be elected for four (4) years, and the qualified person having the next highest number of votes shall be elected for two (2) years. Each two (2) years thereafter, there shall be elected for a term of six (6) years one member of said board of directors.

C. 1. A board of directors may increase its membership to five (5) members by resolution of the board. If a board of directors adopts such a resolution, the position of the original board which will be up for election at the next General Election shall be for a five-year term.

2. An additional two members shall be elected at a special election called for that purpose by the board of directors. The two qualified persons who receive the highest number of votes for the additional two positions shall be elected to serve until the next General Election.

3. All board members elected thereafter to a five-member board shall serve a term of five (5) years with elections held yearly.

D. The board of directors of the district shall submit, within fifteen (15) days before the filing period of any district election, a resolution to the secretary of the county election board

conducting said election. The resolution shall contain the following:

1. The date of the election;
2. The offices to be filled or the questions to be voted upon at the election;
3. Qualifications for the offices;
4. The location of the polling place or places; and
5. Any other information necessary for conducting said election.

E. 1. The regular election in the district shall be held at the same time as the General Election in this state or on the second Tuesday in November in those years that a General Election is not held.

2. In those years that a General Election is not held the entire cost of the election shall be paid by the district. When the election is held at the same time as the General Election, the district shall pay only for the cost directly attributable to district election.

3. All polling places of precincts, all or any part of which include areas within the boundaries of the district, shall be supplied ballots for the purpose of permitting electors of the district to vote for members of the board of directors of the district.

4. Filing for the office of member of the board of directors shall be with the county election board on a nonpartisan basis ~~during the regular filing period for state and county offices in those years that a General Election is held.~~

~~5. In those years that a General Election is not held the filing time will be from 8 a.m. on the first Monday after Independence Day until 5 p.m. on the next succeeding Wednesday and shall be done without the payment of a filing fee from 8 a.m. on the first Monday after Independence Day until 5 p.m. on the next~~

succeeding Wednesday each year. The payment of a filing fee shall not be required.

F. 1. Vacancies on the board shall be filled by the board of directors. In the event a vacancy occurs and the remaining members of the board are unable to make a decision on such vacancy within sixty (60) calendar days, the board of county commissioners shall immediately appoint a member to fill the vacancy. In the event the vacancies on the board are so numerous as to not provide a quorum, the board of county commissioners shall appoint as many members as are necessary to make a quorum.

2. All vacancies filled pursuant to the provisions of this subsection shall be filled until the next regular election, at which time a member shall be elected to serve the remainder of the unexpired term.

G. 1. The office of a member of the board of directors may be declared vacant by the board of directors if such member:

- a. is absent from more than one-half (1/2) of all meetings of the board of directors, regular and special, held within any period of four (4) consecutive months,
- b. ceases to be eligible for office pursuant to this section,
- c. has a conviction in a court of any felony or crime involving moral turpitude,
- d. uses alcohol, any stimulant, any drug or other substance which impairs intellect, judgment or physical ability to such an extent as to incapacitate the member to such a degree that the member is prevented from performing duties pursuant to Chapter 21 of this title, and
- e. has a mental or physical weakness or inability which incapacitates the member to such a degree that the member is prevented from performing duties required pursuant to Chapter 21 of this title.

2. Vacancies determined pursuant to this subsection shall be filled pursuant to subsection F of this section after notice to the board member of such action and opportunity for a hearing.

3. Vacancies shall be determined at an official meeting of the board and shall be a specific agenda item.

4. Any appeal from a decision declaring an office vacant pursuant to this subsection shall be made to the district court within thirty (30) days of such determination.

SECTION 6. AMENDATORY 26 O.S. 2011, Section 13-102, as last amended by Section 1, Chapter 126, O.S.L. 2012 (26 O.S. Supp. 2014, Section 13-102), is amended to read as follows:

Section 13-102. A. Not fewer than fifteen (15) days before the filing period for any regular municipal election, or in the event of a special election, not fewer than sixty (60) days before such election, the governing board of any municipality shall submit a resolution to the secretary of the county election board conducting such election. Such resolution shall contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled or the questions to be voted upon at such election or elections;
3. Qualifications for such offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;
5. Indication of whether the election will be partisan or nonpartisan;
6. For charter cities where the charter is silent, indication of any portion of state law which will apply;
7. A list of precincts partially contained within the limits of the municipality which are eligible to be closed pursuant to the provisions of subsection C of Section 13-103 of this title, and a

certification of whether such precincts shall be open or not open for the election; and

8. Any other information necessary for conducting said election or elections.

B. In the event that a municipality governed by charter schedules a regular or special election for a municipal office on the same date as an election involving state or federal offices, the filing period for such municipal office shall be scheduled ~~on a Monday, Tuesday and Wednesday not less than fifteen (15) days nor more than twenty (20) days following the date of the resolution or order~~ to meet the requirements of Section 16-102 of Title 11 of the Oklahoma Statutes and of Section 3-101 of Title 26 of the Oklahoma Statutes; provided, the filing period for such municipal office may be scheduled on the same dates as the filing period for state or federal office to be filled at such election.

SECTION 7. AMENDATORY 26 O.S. 2011, Section 13A-109, is amended to read as follows:

Section 13A-109. A. The board of education of every school district and technology center school district shall notify, by resolution, the secretary of the county election board responsible for certifying its election of any regular or special election.

B. The resolution calling for an election or elections shall include, but shall not be limited to, the following information:

1. Date or dates of the election or elections;
2. Identification of the office or offices to be filled, qualifications of candidates for office and the length of term of each;
3. Information describing election districts within the school district, if applicable;
4. Ballot titles of the question or questions to be voted upon;
5. Information describing the persons eligible to vote in the election; and

6. All other information necessary for conducting the election or elections.

C. Resolutions calling for regular elections shall be delivered to the secretary of the county election board no fewer than fifteen (15) days preceding the first day of the filing period established in Section 13A-105 of this title. The resolution shall contain all questions to be voted upon at the election to be held on the day as required in Section 13A-103 of this title.

D. Resolutions calling for special elections shall be delivered to the secretary of the county election board no fewer than sixty (60) days preceding the election. A special filing period, if necessary, shall be scheduled for three days and shall begin not more than twenty (20) days following the date the resolution is required to be submitted to the county election board.

E. In addition to notifying the secretary of the county election board of the election by resolution as required in this section:

1. For elections of members of the board of education of a school district, the board shall also publish a legal notice for each regular and special election in one issue of a legal newspaper of the county, as defined by Section 106 of Title 25 of the Oklahoma Statutes, in the county wherein the school district administrative office is located at least ten (10) days prior to the filing period and shall issue a news release of the upcoming filing period and election to a newspaper of general circulation in the county wherein the school district administrative office is located. The legal notice and press release shall include, but shall not be limited to, the dates of the filing period for the election or elections and the office or offices to be filled. The notice shall also be posted at the school district administrative offices and county election board offices; and

2. For elections of members of the board of education of a technology center school district, the board shall also publish a legal notice for each regular and special election in one issue of a legal newspaper of the county, as defined by Section 106 of Title 25 of the Oklahoma Statutes, in each county wherein the school district

is a member in the technology center district at least ten (10) days prior to the filing period. Additionally, the technology center school district shall issue a news release of the upcoming filing period and election to a newspaper of general circulation in each county wherein the school district is a member in the technology center district. The legal notice and press release shall include, but shall not be limited to, the dates of the filing period for the election or elections and the office or offices to be filled. The notice shall also be posted in each county at the technology center school district administrative offices, if such office exists in the county, and county election board office in each county.

SECTION 8. AMENDATORY 26 O.S. 2011, Section 13A-110, is amended to read as follows:

Section 13A-110. A. Vacancies for members of the board of education of every school district or technology center school district shall be filled by appointment by the board. Persons appointed to fill such vacancies in the first half of the term of office for the board position shall serve only until the next succeeding election, at which time the office which they hold shall be placed on the ballot for the balance of the unexpired term. Vacancies filled by appointment following the delivery of the resolution calling for regular elections to the secretary of the county election board shall be filled until the regular elections the following year. Persons elected to fill unexpired terms shall begin those terms at the next regular meeting of the board of education following the election. Persons appointed to fill such vacancies after the first half of the term of office for the board position shall serve for the balance of the unexpired term. No person shall be appointed to a board of education who does not meet the eligibility qualifications needed to be a candidate for such position as provided for in Sections 13A-106 of this title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma Statutes.

B. If the board of education does not fill the vacancy by appointment within sixty (60) days of the date the board declared the seat vacant, the board of education shall call a special election to fill the vacancy for the unexpired term. The special election shall be called on a date established by subsection B of Section 3-101 of this title, and the special filing period shall be

scheduled as required in subsection D of Section 13A-109 of this title.

SECTION 9. This act shall become effective January 1, 2016.

Passed the Senate the 21st day of May, 2015.

A. Bryce Malcolm
Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2015.

John Donaghy
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of May, 20 15, at 9:20 o'clock A M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 4th
day of June, 20 15, at 2:58 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 4th
day of June, 20 15, at 5:19 o'clock P. M.
By: Chris Morris



S.B. 340

RE: S.B. 340

SUBJECT: Annual Audit Requirements for Interlocal Entities

Senate Bill 340 becomes effective November 1, 2015. This bill requires Interlocal Entities to file a report by a qualified actuary with the Insurance Commissioner.

- Current law requires any entity organized pursuant to the Interlocal Cooperation Act that insures an Oklahoma educational institution, and has received premiums or contributions of any amount for any kind of insurance that the Interlocal Entity transacts within a 12 month period, to have an annual audit by an independent CPA and file a report with the Insurance Commissioner within 180 days following the end of the fiscal year.
- Section 1: The report done by the independent CPA must contain several items. Added to this list is an unqualified opinion from the CPA that the audited financial report represents a fair presentation of the Interlocal Entity's financial position.
 - Such entities are required to file an actuarial opinion, prepared by a qualified actuary, with the Insurance Commissioner within 180 days following the end of the fiscal year. The opinion should certify the amount and adequacy of the entity's reserves for loss and loss adjustment expenses, including amounts for Incurred But Not Reported (IBNR) Claims, and the adequacy of the entity's premiums.
 - "Qualified actuary" is defined as an individual who is a member of the American Academy of Actuaries and who has met the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinions in the United States promulgated by the American Academy of Actuaries.

Should you have any questions related to this bill, please contact Ms. Nancy Hughes, Executive Director of Financial Accounting/OCAS/Audits, at (405) 521-2517 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 36 O.S. 607.1

An Act

ENROLLED SENATE
BILL NO. 340

By: Stanislawski of the Senate

and

Mulready of the House

An Act relating to insurance; amending 36 O.S. 2011, Section 607.1, as last amended by Section 1, Chapter 39, O.S.L. 2014 (36 O.S. Supp. 2014, Section 607.1), which relates to Interlocal Entities; requiring certain financial reports to include certain opinion; requiring certain entities to file an actuarial opinion with the Insurance Commissioner; providing opinion contents; defining term; modifying circumstances in which fine may be assessed; requiring certain documents be open to public inspection; and providing an effective date.

SUBJECT: Annual audit requirements for Interlocal Entities

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

SECTION 1. AMENDATORY 36 O.S. 2011, Section 607.1, as last amended by Section 1, Chapter 39, O.S.L. 2014 (36 O.S. Supp. 2014, Section 607.1), is amended to read as follows:

Section 607.1 A. An entity organized pursuant to the Interlocal Cooperation Act (an "Interlocal Entity") for the purpose of transacting insurance, except those Interlocal Entities created pursuant to the terms of The Governmental Tort Claims Act, shall be considered an insurer at such time that the entity has within a twelve-month period received aggregate premiums of One Million Dollars (\$1,000,000.00) for all kinds of insurance that the entity

transacts. Such an entity shall be eligible to qualify for and hold a certificate of authority to transact insurance in this state.

B. Notwithstanding the provisions of subsection A of this section, any entity organized pursuant to the Interlocal Cooperation Act that insures an Oklahoma educational institution and has within a twelve-month period received premiums or contributions of any amount for any kind of insurance that the Interlocal Entity transacts shall have an annual audit by an independent certified public accountant and shall file an audited financial report by an independent certified public accountant with the Insurance Commissioner within one hundred eighty (180) days immediately following the close of the Interlocal Entity's fiscal year. The annual audited financial report shall be presented in conformity with accounting principles generally accepted in the United States of America and include:

1. The report of an independent certified public accountant in accordance with accounting principles generally accepted in the United States of America;

2. A balance sheet reporting assets, liabilities and equity;

3. A statement of operations;

4. A statement of cash flows;

5. A statement of changes in assets, liabilities and equity;
and

6. Footnotes to financial statements; and

7. An unqualified opinion from the certified public accountant that the audited financial report represents a fair presentation of the Interlocal Entity's financial position in conformity with accounting principles generally accepted in the United States of America.

C. Any entity subject to the provisions of subsection B of this section shall file with the Insurance Commissioner an actuarial opinion prepared by a qualified actuary within one hundred eighty (180) days immediately following the close of the Interlocal

Entity's fiscal year. The actuarial opinion should certify the amount and adequacy of the Interlocal Entity's reserves for loss and loss adjustment expenses, including amounts for Incurred But Not Reported (IBNR) Claims, and the adequacy of the Interlocal Entity's premiums. The actuarial opinion shall be consistent with the appropriate Actuarial Standards of Practice (ASOP) as promulgated by the Actuarial Standards Board.

As used in this section, "qualified actuary" means an individual who is a member of the American Academy of Actuaries and who has met the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinions in the United States promulgated by the American Academy of Actuaries.

D. Extensions of the filing date may be granted by the Commissioner for thirty-day periods upon a showing by the Interlocal Entity and its independent certified public accountant or qualified actuary of the reasons for requesting an extension and determination by the Commissioner of good cause for an extension. The request for extension must be submitted in writing not less than ten (10) days prior to the due date in sufficient detail to permit the Commissioner to make an informed decision with respect to the requested extension.

~~D.~~ E. The Commissioner may assess a fine for failure to file the required annual audit or actuarial opinion in an amount of not more than Five Hundred Dollars (\$500.00) per day.

~~E.~~ F. The audited financial reports and actuarial opinions required herein are subject to public inspection pursuant to the Oklahoma Open Records Act.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 4th day of May, 2015.

Ann G. Griffin
Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2015.

John R. Bruner
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 5th

day of May, 20 15, at 11:15 o'clock A M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 11th

day of May, 20 15, at 2:11 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 11th

day of May, 20 15, at 5:22 o'clock P M.

By: C. Benz



S.B. 399

RE: S.B. 399
SUBJECT: Elections

Senate Bill 399 becomes effective November 1, 2015. This bill changes the allowable filing periods for school board elections.

- Section 3(C): Requires that in the event any day of a candidate filing period occurs on a Saturday, Sunday or an official state holiday, that day of the filing period will be scheduled for the next business day.
- Section 3(E): Requires that any school district, technology center district, municipality, or other entity seeking a special election to fill a vacancy must schedule a candidate filing period of three days that occurs not more than 20 days from the date the resolution is required to be filed with the county election board.

Note: S.B. 399 and S.B. 312 both amend the same portion of law, 26 O.S. 3-101, and as such, should be read together.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 26 O.S. 3-101

An Act

ENROLLED SENATE
BILL NO. 399

By: Justice of the Senate

and

Banz of the House

An Act relating to elections; amending 11 O.S. 2011, Sections 16-102 and 16-114, and 26 O.S. 2011, Section 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101), which relate to municipal elections and election dates; modifying requirements for filing period for municipal offices; providing that county election board not be required to conduct certain municipal elections under certain circumstances; providing for submission of resolution calling election; providing for modification of candidate filing period under certain circumstances; specifying requirements for candidate filing period for certain special elections; and providing an effective date.

SUBJECT: Elections

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 16-102, is amended to read as follows:

Section 16-102. A. The provisions of Section 16-101 et seq. of this title shall not apply to any municipality which is governed by charter; provided, that elections for such municipalities which shall be conducted by the county election board shall be scheduled only on an election date identified by subsection B of Section 3-101

of Title 26 of the Oklahoma Statutes. However, such a municipality may, by indicating in its resolution calling an election, choose to follow any provision of state law governing elections conducted by a county election board when the municipality's charter or ordinances are silent on the matter addressed by such provision. In such instance, if the municipal election or any substantial portion thereof is not conducted by a county election board, the duties required of the county election board or its secretary shall be performed by the municipal authority designated by the municipal governing body and nothing herein shall be construed to require the county election board to perform any such duties. The residency requirements of Sections 16-109 and 16-110 of this title shall apply to all municipalities except to the extent that such residency requirements are governed by municipal charter.

B. The provisions of Sections 16-101 through 16-114 of this title shall not apply to any municipality subject to the provisions of the Oklahoma Town Meeting Act; provided, Section 16-103.1 of this title shall apply to such municipalities.

C. In the event that a municipality governed by charter schedules a regular or special election for a municipal office on the same date as an election involving state or federal offices, ~~the filing period for such municipal office shall be scheduled on a Monday, Tuesday and Wednesday not less than fifteen (15) days nor more than twenty (20) days following the date of the resolution or order~~ provisions of subsection D of Section 3-101 of Title 26 of the Oklahoma Statutes shall apply.

D. After January 1, 2016, no county election board shall be required to conduct a regular or special election for any elective municipal office in any municipality governed by charter unless the resolution calling the election shall set a candidate filing period of three (3) days to begin not more than twenty (20) days from the date the resolution is required to be submitted to the county election board. In no case shall a resolution calling a regular or special election be submitted to the county election board less than sixty (60) days preceding the election date.

SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-114, is amended to read as follows:

Section 16-114. A. When the office of a municipal elected official is to be filled at a special partisan election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days, ~~on a Monday, Tuesday and Wednesday,~~ which shall begin not less than fifteen (15) more than twenty (20) days from the date of the resolution or order is required to be filed with the county election board;

2. The date of the ~~Special Primary Election~~ special primary election, not less than forty-five (45) days after the close of the filing period; and

3. The date of the ~~Special General Election~~ special general election, not less than forty-five (45) days after the date of the ~~Primary Election~~ primary election. A copy of the resolution or order shall be filed with the secretary of the county election board not less than sixty (60) days preceding the date of the special primary election. The election shall be conducted under the laws applicable to general municipal elections.

B. When the office of a municipal elected official is to be filled at a special nonpartisan election, the resolution or order of the governing body calling the election shall contain the following facts:

1. A filing period of three (3) days, ~~on a Monday, Tuesday and Wednesday,~~ which shall begin not less than fifteen (15) more than twenty (20) days from the date of the resolution or order is required to be filed with the county election board;

2. The date of the special general election, not less than forty-five (45) days after the close of the filing period. A copy of the resolution or order shall be filed with the secretary of the county election board not less than sixty (60) days preceding the date of the special general election.

C. Special municipal elections may be called only on dates established by subsection B of Section 3-101 of Title 26 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 26 O.S. 2011, Section 3-101, as last amended by Section 20, Chapter 15, O.S.L. 2013 (26 O.S. Supp. 2014, Section 3-101), is amended to read as follows:

Section 3-101. A. No election required to be conducted by any county election board shall be scheduled for a day other than Tuesday.

B. Except as otherwise provided by law, no special election shall be held by any county, school district, technology center school district, municipality or other entity authorized to call elections except on:

1. The second Tuesday of January, February, May, June, July, August, September, October and November and the first Tuesday in March and April in odd-numbered years; provided, a municipality with a population in excess of two hundred fifty thousand (250,000) persons, according to the most recent Federal Decennial Census, may also hold an election on the second Tuesday of December in odd-numbered years; and

2. The second Tuesday of January and February, the first Tuesday in March and April, the last Tuesday in June, the fourth Tuesday in August, and the first Tuesday after the first Monday in November of any even-numbered year.

C. In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday. In the event that any day of a candidate filing period occurs on a Saturday, Sunday or any official state holiday, that day of the filing period shall be scheduled for the next business day.

D. Notwithstanding any other provision of law or any provision of a municipal charter, any municipality, school district, technology center district, county, rural fire protection district, or any other entity seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary no later than seventy-five (75) days prior to the election date. A candidate filing period of three (3) days, if so required