1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	1st Session of the 59th Legislature (2023)
4	ENGROSSED SENATE
5	BILL NO. 622 By: Hall of the Senate
6	and
7	Kerbs of the House
8	
9	[motor vehicles - title - Service Oklahoma -
10	property - authority - transfer - effective date]
11	
12	
13	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
14	SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-106, as
15	amended by Section 28, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,
16	Section 2-106), is amended to read as follows:
17	Section 2-106. A. There are hereby established in Service
18	Oklahoma the Driver License Services Division and other such
19	divisions as the <u>Executive</u> Director of Service Oklahoma may direct.
20	There are also hereby established in the Department of Public Safety
21	the Driver Compliance Division and such other divisions as the
22	Commissioner of Public Safety may direct.
23	B. The Driver License Services Division shall consist of
24	noncommissioned classified employees of Service Oklahoma who may

1 administer tests for the purpose of issuing driver licenses pursuant 2 to Section 6-101 et seq. of this title.

C. Any employee appointed to the position of Driver License Examiner shall be not less than twenty-one (21) nor more than sixtyfive (65) years of age and any person appointed to the position of Senior Driver License Examiner shall have held the position of Driver License Examiner with the Department or Service Oklahoma for not less than three (3) years immediately preceding such appointment.

D. 1. Any person appointed to any position created pursuant to this section shall:

12 a. be a citizen of the State of Oklahoma,

13 b. be of good moral character,

c. possess a high school diploma or General Educational
 Development equivalency certificate, and

16d. meet physical and mental standards as the Executive17Director of Service Oklahoma may prescribe. The scope18of the physical and mental examinations for persons19appointed as a Driver License Examiner or Senior20Driver License Examiner shall be as prescribed by the21Executive Director of Service Oklahoma.

22 2. Any person appointed to the position of Driver License
23 Examiner shall be required to satisfactorily complete satisfactorily

a course of training as prescribed by the <u>Executive</u> Director of
 Service Oklahoma.

E. Drunkenness, being under the influence of an intoxicating substance or any conduct not becoming an officer or public employee shall be sufficient grounds for the removal of any employee appointed pursuant to this section.

F. The annual salaries of personnel comprising this section
shall be in accordance and conformity with the findings for
Department of Public Safety law enforcement personnel of the State
of Oklahoma Total Remuneration Study of 2013.

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 SECTION 2.
 AMENDATORY
 47 O.S. 2021, Section 2-108.3, as

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 amended by Section 29, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,

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 Section 2-108.3), is amended to read as follows:

Section 2-108.3. A. In an effort to improve the public safety of all citizens of this state, a more uniform and expeditious method of obtaining ownership and registration information of all motor vehicles operating on the roads and highways of this state is required. Any method developed shall be conducted in accordance with subsection B of this section.

B. In addition to the powers and duties prescribed by law, the
<u>Executive</u> Director of Service Oklahoma shall be authorized to direct
Service Oklahoma to develop a proposal for an intergovernmental
cooperative agreement pursuant to paragraph 1 of subsection D of
Section 1221 of Title 74 of the Oklahoma Statutes between Service

Oklahoma and all tribal governments that issue tribal license plates
 and maintain ownership and registration information.

3 SECTION 3. AMENDATORY Section 1, Chapter 282, O.S.L.
4 2022 (47 O.S. Supp. 2022, Section 3-101), is amended to read as
5 follows:

6 Section 3-101. <u>A.</u> Service Oklahoma, a division of the Office 7 of Management and Enterprise Services, is hereby created, which 8 shall consist of the <u>Executive</u> Director of Service Oklahoma and such 9 divisions, sections, committees, offices, boards, and positions as 10 may be established by the <u>Executive</u> Director of Service Oklahoma or 11 by law.

The applicable powers, duties, and responsibilities exercised by the Driver License Services Division of the Department of Public Safety shall be fully transferred to Service Oklahoma on November 1, 2022. All employees of the Department of Public Safety whose duties are transferred under this act shall be transferred to Service Oklahoma.

The applicable powers, duties, and responsibilities exercised by the Motor Services Division of the Oklahoma Tax Commission shall be fully transferred to Service Oklahoma on January 1, 2023. All employees of the Oklahoma Tax Commission whose duties are transferred under this act shall be transferred to Service Oklahoma. <u>B. 1. Beginning on the effective date of this act, Service</u> Oklahoma shall cease to be part of or a division of the Office of

1	Management and Enterprise Services and shall be deemed to be a
2	separate and distinct agency, to be known as Service Oklahoma.
3	Service Oklahoma and the Executive Director of Service Oklahoma
4	shall continue to exercise their statutory powers, duties, and
5	contractual responsibilities. All records, property, equipment,
6	assets, monies, financial interests, liabilities, matters pending,
7	and funds of the division shall be transferred to Service Oklahoma.
8	2. Service Oklahoma shall succeed to any contractual rights or
9	responsibilities incurred by the Office of Management and Enterprise
10	Services pertaining to licensed operators.
11	3. Rules promulgated by the Office of Management and Enterprise
12	Services pertaining to Service Oklahoma that are in effect on the
13	effective date of this act shall be immediately adopted and enforced
14	by the Executive Director of Service Oklahoma. The Executive
15	Director maintains the authority to further promulgate and enforce
16	rules.
17	4. The Office of Management and Enterprise Services and Service
18	Oklahoma may enter into an agreement for the transfer of personnel
19	from the Office of Management and Enterprise Services to Service
20	Oklahoma. No employee shall be transferred to Service Oklahoma
21	except on the freely given written consent of the employee. All
22	employees who are transferred to Service Oklahoma shall not be
23	required to accept a lesser grade or salary than presently received.
24	All employees shall retain leave, sick, and annual time earned, and

1	any retirement and longevity benefits which have accrued during
2	their tenure with the Office of Management and Enterprise Services.
3	The transfer of personnel between the state agencies shall be
4	coordinated with the Office of Management and Enterprise Services.
5	5. The expenses incurred by Service Oklahoma as a result of the
6	transfer required by this subsection shall be paid by Service
7	Oklahoma.
8	6. The division within the Department known as Service Oklahoma
9	shall be abolished by the Office of Management and Enterprise
10	Services after the transfer has been completed.
11	7. The Office of Management and Enterprise Services shall
12	coordinate the transfer of records, property, equipment, assets,
13	funds, allotments, purchase orders, liabilities, outstanding
14	financial obligations, or encumbrances provided for in this
15	subsection.
16	SECTION 4. AMENDATORY Section 2, Chapter 282, O.S.L.
17	2022 (47 O.S. Supp. 2022, Section 3-102), is amended to read as
18	follows:
19	Section 3-102. As used in this act:
20	1. "Board" shall mean the Service Oklahoma Operator Board;
21	2. "Committee" shall mean the Licensed Operator Advisory
22	Committee;
23	3. " <u>Executive</u> Director" shall mean the chief executive officer
24	of Service Oklahoma;

4. "Good standing" shall mean a licensed operator is current on
 all required reporting and remittances and whose license is not
 under review for revocation by the Service Oklahoma Operator Board;

5. "License" shall mean the authority granted by the Service
Oklahoma Operator Board to an individual for purposes of operating a
Service Oklahoma location;

6. "Licensed operator" shall mean an individual who obtains a
license from the Service Oklahoma Operator Board to operate a
designated Service Oklahoma location and offers third-party
fulfillment of designated services to be rendered by Service
Oklahoma, as set forth in Section 1140 et seq. of Title 47 of the
Oklahoma Statutes. Any reference to motor license agent in the
Oklahoma Statutes shall mean licensed operator; and

14 7. "Service Oklahoma location" shall mean any location where 15 services offered by Service Oklahoma are provided including 16 locations operated by either Service Oklahoma or pursuant to a 17 license issued by Service Oklahoma.

18 SECTION 5. AMENDATORY Section 3, Chapter 282, O.S.L. 19 2022 (47 O.S. Supp. 2022, Section 3-103), is amended to read as 20 follows:

21 Section 3-103. A. The <u>Executive</u> Director of Service Oklahoma 22 shall be appointed by the Governor with the advice and consent of 23 the Senate. The <u>Executive</u> Director shall serve at the pleasure of 24 the Governor and may be removed or replaced without cause. Compensation for the <u>Executive</u> Director shall be determined pursuant
 to Section 3601.2 of Title 74 of the Oklahoma Statutes. The
 <u>Executive</u> Director may be removed from office by a two-thirds (2/3)
 vote of the members elected to and constituting each chamber of the
 Oklahoma Legislature.

B. The <u>Executive</u> Director of Service Oklahoma shall be the
chief executive officer of Service Oklahoma and shall act for
Service Oklahoma in all matters except as may be otherwise provided
by law. The powers and duties of the <u>Executive</u> Director shall
include, but not be limited to:

Organize Service Oklahoma in a manner to efficiently achieve
 the objectives of Service Oklahoma;

13 2. Supervise all activities of Service Oklahoma;

14 3. Administer programs and policies of Service Oklahoma;

15 4. Employ, discharge, appoint, contract, and fix duties and
16 compensation of employees at the discretion of the <u>Executive</u>
17 Director;

18 5. Appoint assistants, deputies, officers, investigators,
19 attorneys, and other employees as may be necessary to carry out
20 functions of Service Oklahoma;

21 6. Prescribe rules and regulations for the operation of Service22 Oklahoma;

7. Provide input and recommendations to the Service OklahomaOperator Board on all matters including branding and physical

Page 8

standardization requirements, customer service metrics, analysis, and improvement processes for licensed operators, and processes for termination of licensed operators for failure to comply with the customer service metrics;

8. Establish internal policies and procedures;

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9. Prescribe and provide suitable forms deemed necessary to
carry out the functions of Service Oklahoma and any other laws the
enforcement and administration of which are vested in Service
Oklahoma;

10 10. Establish such divisions, sections, committees, advisory 11 committees, offices, and positions in Service Oklahoma as the 12 <u>Executive</u> Director deems necessary to carry out the functions of 13 Service Oklahoma;

14 11. Accept and disburse grants, allotments, gifts, devises,
15 bequests, funds, appropriations, and other property made or offered
16 to Service Oklahoma; and

17 12. Create the budget for Service Oklahoma to be submitted to18 the Legislature each year.

19 C. The salary and other expenses for the <u>Executive</u> Director 20 shall be budgeted as a separate line item through the Office of 21 <u>Management and Enterprise Services Service Oklahoma</u>. The operating 22 expenses of Service Oklahoma shall be set by the <u>Executive</u> Director 23 and shall be budgeted as a separate line item through the Office of 24 <u>Management and Enterprise Services</u> Service Oklahoma. 1 D. 1. The Executive Director of Service Oklahoma shall direct 2 all purchases, hiring, procurement, and budget for Service Oklahoma 3 of the Office of Management and Enterprise Services and establish, implement, and enforce policies and procedures related thereto, 4 5 consistent with the Oklahoma Central Purchasing Act. Service 6 Oklahoma and the Executive Director shall be subject to the requirements of the Public Competitive Bidding Act of 1974, the 7 Oklahoma Lighting Energy Conservation Act, and the Public Building 8 9 Construction and Planning Act.

10 2. The Executive Director of Service Oklahoma, or any employee or agent of the Executive Director of Service Oklahoma acting within 11 12 the scope of delegated authority, shall have the same power and authority related to purchases, hiring, procurement, and budget for 13 Service Oklahoma as outlined in paragraph 1 of this subsection for 14 Service Oklahoma as the State Purchasing Director has for all 15 acquisitions used or consumed by state agencies as established in 16 17 the Oklahoma Central Purchasing Act. Such authority shall, consistent with the authority granted to the State Purchasing 18 Director pursuant to Section 85.10 of Title 74 of the Oklahoma 19 Statutes, include the power to designate financial or proprietary 20 information submitted by a bidder confidential and reject all 21 requests to disclose the information so designated, if the Executive 22 Director of Service Oklahoma requires the bidder to submit the 23

1 financial or proprietary information with a bid, proposal, or 2 quotation.

3 SECTION 6. AMENDATORY Section 4, Chapter 282, O.S.L.
4 2022 (47 O.S. Supp. 2022, Section 3-104), is amended to read as
5 follows:

Section 3-104. A. There is hereby created the Service Oklahoma
Operator Board, which shall be an advisory body to the <u>Executive</u>
Director of Service Oklahoma and shall consist of nine (9) members
who shall each serve a term of two (2) years.

B. The membership of the Board shall be comprised as follows:111. Two members appointed by the Governor;

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

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

4. One member who shall be a licensed operator, currently in good standing with Service Oklahoma, who operates a Service Oklahoma location in a county with a population of one hundred thousand (100,000) or more, according to the latest Federal Decennial Census data, who shall be appointed by the President Pro Tempore of the Senate;

5. One member who shall be a licensed operator, currently in good standing with Service Oklahoma, who operates a Service Oklahoma location in a county with a population of less than one hundred 1 thousand (100,000), according to the latest Federal Decennial Census 2 data, who shall be appointed by the Speaker of the House of 3 Representatives; and

6. One member who shall be the <u>Executive</u> Director of Service
5 Oklahoma or a person designated by the <u>Executive</u> Director.

C. 1. Appointments to the initial Service Oklahoma Operator
Board shall be made within forty-five (45) days of the effective
date of this act May 19, 2022.

9 2. The Executive Director of Service Oklahoma shall make the 10 initial appointment to fill the position of chair of the Licensed Operator Advisory Committee. This appointee shall only serve until 11 12 the chair of the Licensed Operator Advisory Committee is determined. 3. Each member shall serve at the pleasure of his or her 13 appointing authority and may be removed or replaced without cause. 14 Any member of the Board shall be prohibited from voting on 15 4. any issue in which the member has a direct financial interest. 16 D. The Board shall have the power and duty to: 17

Approve guidelines, objectives, and performance standards
 for licensed operators;

2. Establish branding and physical standardization
 requirements, with the input and recommendation of the <u>Executive</u>
 Director of Service Oklahoma;

23 3. Establish customer service metrics, analysis, and
24 improvement processes for licensed operators, and processes for

1 termination of licensed operators for failure to comply with the 2 customer service metrics, with the input and recommendation of the 3 Executive Director of Service Oklahoma;

4 4. Make recommendations to the <u>Executive</u> Director of Service
5 Oklahoma on all matters related to licensed operators;

5. Assist Service Oklahoma in conducting periodic reviews
related to the goals, objectives, priorities, and policies related
to licensed operators; and

9 6. Establish rules and qualifications for members of the10 Licensed Operator Advisory Committee.

The Board shall hold meetings as necessary at a place and 11 Ε. 12 time to be fixed by the Board. The Board shall elect, at its first meeting, one member to serve as chair and one member to serve as 13 vice-chair. At the first meeting in each calendar year, the chair 14 and vice-chair for the ensuing year shall be elected by the Board. 15 Special meetings may be called by the chair or by four members of 16 the Board by delivery of written notice to each member of the Board. 17 A majority of the members of the Board shall constitute a 18 F.

19 quorum for the transaction of business and taking any official 20 actions. Official action of the Board shall require a favorable 21 vote by a majority of the members present.

G. Members of the Board shall serve without compensation but shall be reimbursed for expenses incurred in the performance of

their duties in accordance with the provisions of the State Travel
 Reimbursement Act.

H. The Board shall act in accordance with the provisions of the
Oklahoma Open Records Act and the Administrative Procedures Act.
SECTION 7. AMENDATORY Section 6, Chapter 282, O.S.L.
2022 (47 O.S. Supp. 2022, Section 3-106), is amended to read as
follows:

Section 3-106. A. There is hereby created in the State 8 9 Treasury a revolving fund for Service Oklahoma to be designated the 10 "Service Oklahoma Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing 11 12 to the credit of said fund are hereby appropriated and shall be budgeted and expended by Service Oklahoma for the restricted 13 purposes of the monies as prescribed by law. Expenditures from said 14 fund shall be made upon warrants issued by the State Treasurer 15 against claims filed as prescribed by law with the Executive 16 Director of the Office of Management and Enterprise Services for 17 approval and payment. 18

B. There is hereby created in the State Treasury a revolving fund for Service Oklahoma to be designated the "Service Oklahoma Reimbursement Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by Service Oklahoma for the restricted purposes of the monies as prescribed by law. Expenditures from said fund shall be
 made upon warrants issued by the State Treasurer against claims
 filed as prescribed by law with the <u>Executive</u> Director of the Office
 of Management and Enterprise Services for approval and payment.

5 С. There is hereby created in the State Treasury a revolving fund for Service Oklahoma, to be designated the "Service Oklahoma 6 Computer Imaging System Revolving Fund". The fund shall be a 7 continuing fund not subject to fiscal year limitations. All monies 8 9 accruing to the credit of said fund are hereby appropriated and 10 shall be budgeted and expended by Service Oklahoma for the purpose of implementing, developing, administering, and maintaining the 11 12 computer imaging system of Service Oklahoma. Expenditures from said 13 fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Executive 14 Director of the Office of Management and Enterprise Services for 15 approval and payment. 16

17 SECTION 8. AMENDATORY Section 7, Chapter 282, O.S.L. 18 2022 (47 O.S. Supp. 2022, Section 3-107), is amended to read as 19 follows:

20 Section 3-107. A. All records of Service Oklahoma, other than 21 those declared by law to be confidential for the use of Service 22 Oklahoma, shall be open to public inspection during normal business 23 hours.

1 Β. The records and files of Service Oklahoma concerning any 2 state tax law shall be considered confidential and privileged, except as otherwise provided by law, and neither Service Oklahoma 3 nor any employee engaged in the administration of Service Oklahoma 4 5 or charged with the custody of any such records or files nor any person who may have secured information from Service Oklahoma shall 6 disclose any information obtained from the records or files or from 7 any examination or inspection of the premises or property of any 8 9 person.

10 C. The <u>Executive</u> Director shall supervise the maintenance of 11 all records of Service Oklahoma and shall adopt rules concerning the 12 destruction and retention of records. Records of Service Oklahoma 13 shall not be subject to the provisions of:

Sections 305 through 317 of Title 67 of the Oklahoma
 Statutes or be transferred to the custody or control of the State
 Archives Commission;

Section 590 of Title 21 of the Oklahoma Statutes; or
 The Records Management Act, Sections 201 through 215 of
 Title 67 of the Oklahoma Statutes.

In carrying out the powers and duties of Service Oklahoma, the Executive Director may, pursuant to an adopted rule, order destruction of records deemed to no longer be of value to Service Oklahoma.

1 D. 1. The Executive Director may cause any or all records kept 2 by Service Oklahoma to be photographed, microphotographed, photostatted, reproduced on film, or stored on computer storage 3 The film or reproducing material shall be of durable 4 medium. 5 material, and the device used to reproduce the records on the film or reproducing material shall accurately reproduce and perpetuate 6 the original records in all detail. 7

2. The photostatic copy, photograph, microphotograph,
photographic film, or computerized image of the original record
shall be deemed to be an original record for all purposes and shall
be admissible as evidence in all courts or administrative agencies.
A facsimile, exemplification, or certified copy thereof shall be
deemed to be a transcript, exemplification, or certified copy of the
original.

The photostatic copies, photographs, microphotographs, 15 3. reproduction on film, or computerized images shall be placed in 16 17 conveniently accessible files and provisions shall be made for preserving, examining, and using copies, photographs, 18 microphotographs, reproductions on film, and computerized images. 19 The Executive Director is empowered to authorize the disposal, 20 archival storage, or the destruction of the original records or 21 22 papers.

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1 SECTION 9. AMENDATORY Section 8, Chapter 282, O.S.L.
2 2022 (47 O.S. Supp. 2022, Section 3-108), is amended to read as
3 follows:

Section 3-108. A. The <u>Executive</u> Director may enter into
interagency agreements for the inspection, release, and disclosure
of information contained in the records of Service Oklahoma to the
extent that the inspection, release, or disclosure is necessary and
appropriate.

B. The <u>Executive</u> Director may enter into interagency agreements
in order to administer the responsibilities pursuant to the
provisions of this act, including, but not limited to, the receipt
of proceeds for the provision of services provided by Service
Oklahoma.

C. The <u>Executive</u> Director may enter into interagency agreements with the Department of Public Safety to assume control over the operations or management and acquire ownership of any satellite offices of the Department of Public Safety that provide driving services.

19 SECTION 10. AMENDATORY Section 10, Chapter 282, O.S.L. 20 2022 (47 O.S. Supp. 2022, Section 3-110), is amended to read as 21 follows:

22 Section 3-110. A. Officers and employees of Service Oklahoma 23 designated by the <u>Executive</u> Director for the purpose of 24 administering the motor vehicle laws of this state are authorized to administer oaths and acknowledge signatures and shall do so without
 fee.

The Executive Director and such officers of Service Oklahoma 3 Β. as the Executive Director may designate are hereby authorized to 4 5 prepare under the seal of Service Oklahoma and deliver upon request a certified copy of any record of Service Oklahoma, charging a fee 6 of Three Dollars (\$3.00) for each record so certified, and every 7 such certified copy shall be admissible in any proceeding in any 8 9 court in like manner as the original thereof. A certification fee 10 shall be charged:

Only if the person requesting the record specifically
 requests that the record be certified; and

13 2. In addition to the copying and reproduction fees provided by14 the Oklahoma Open Records Act and any other applicable law.

C. The <u>Executive</u> Director and such officers of Service Oklahoma as the <u>Executive</u> Director may designate are hereby authorized to provide at no charge a copy of any record required to be maintained by Service Oklahoma to any of the following government agencies when requested in the performance of official governmental duties:

20 1. The driver license agency of any other state;

21 2. Any court, district attorney, or municipal prosecutor in22 this state or any other state;

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1 3. Any law enforcement agency in this state or any other state 2 or any federal agency empowered by law to make arrests for public offenses; 3

4. Any public school district in this state for purposes of 4 5 providing the Motor Vehicle Report of a currently employed school bus driver or person making application for employment as a school 6 bus driver; 7

5. The Department of Human Services for the purpose of 8 9 providing the Motor Vehicle Report to ascertain the suitability of 10 any person being considered by the Department of Human Services for placement of a child in foster care or adoption of the child; 11

12 6. The Office of Juvenile Affairs for the purpose of providing the Motor Vehicle Report to ascertain the suitability of any person 13 being considered by the Office of Juvenile Affairs for placement of 14 a child in foster care; 15

Any nonprofit provider exempt from federal income tax 16 7. pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, 17 as amended, and contracted by the Developmental Disabilities 18 Services Division of the Oklahoma Department of Human Services; or 19 20

Any state agency in this state. 8.

Any record required to be maintained by Service Oklahoma may 21 D. be released to any other entity free of charge when the release of 22 the record would be for the benefit of the public, as determined by 23 the Executive Director or a designee of the Executive Director. 24

E. The following records shall be provided by Service Oklahoma
 to any authorized recipient, pursuant to the provisions of the
 Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through
 2725, upon payment of the appropriate fees for the records:

 A Motor Vehicle Report, as defined in Section 6-117 of Title
 47 of the Oklahoma Statutes; and

7 2. A copy of any driving record related to the Motor Vehicle8 Report.

9 F. 1. The provisions of subsections B, D, and E of this 10 section and the Oklahoma Open Records Act shall not apply to the release of personal information from any driving record of any 11 12 person. Such personal information shall be confidential except as provided for in this subsection or in the provisions of the Driver's 13 Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725. 14 Upon 15 written request to the Executive Director of Service Oklahoma by a law enforcement agency or another state's or country's driver 16 licensing agency for personal information on a specific individual 17 as named or otherwise identified in the written request, to be used 18 in the official capacity of the agency, the Executive Director may 19 release such personal information to the agency pursuant to the 20 provisions of the Driver's Privacy Protection Act, 18 U.S.C., 21 Sections 2721 through 2725. Provided, the provisions of this 22 subsection or any other provision of this act shall not be construed 23

to keep audio or video recordings of Service Oklahoma confidential
 beyond any exception provided for in the Oklahoma Open Records Act.

2. For the purposes of this subsection, "personal information"
means information which identifies a person, including, but not
limited to, a photograph or image of the person in computerized
format, fingerprint image in computerized format, signature or
signature in computerized format, Social Security number, residence
address, mailing address, and medical or disability information.

9 SECTION 11. AMENDATORY 47 O.S. 2021, Section 6-102, as
10 last amended by Section 39, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
11 2022, Section 6-102), is amended to read as follows:

Section 6-102. A. A nonresident who is sixteen (16) years of age or older may operate a motor vehicle in this state as authorized by the class, restrictions, and endorsements specified on the license, if the nonresident is:

Properly licensed in the home state or country to operate a
 commercial or noncommercial motor vehicle and who has immediate
 possession of a valid driver license issued by the home state or
 country; or

2. A member of the Armed Forces of the United States or the
 spouse or dependent of such member who has been issued and is in
 possession of a valid driver license issued by an overseas component
 of the Armed Forces of the United States.

B. A resident who is at least fifteen (15) years of age may operate a vehicle in this state without a driver license, if the resident is:

4 1. Operating a vehicle pursuant to subsection B of Section 65 105 of this title; or

2. Taking the driving skills examination as required by Section
6-110 of this title, when accompanied by a Driver License Examiner
of Service Oklahoma or by a designated examiner approved and
certified by Service Oklahoma.

10 C. Any person, while in the performance of official duties, may 11 operate any class of motor vehicle if the person possesses any class 12 of valid Oklahoma driver license or a valid driver license issued by 13 another state, if the person is:

A member of the Armed Forces of the United States who is on
 active duty;

A member of the military reserves, not including United
 States reserve technician;

18 3. A member of the National Guard who is on active duty,
19 including National Guard military technicians;

A member of the National Guard who is on part-time National
 Guard training, including National Guard military technicians; or

22 5. A member of the United States Coast Guard who is on active23 duty.

1 D. The Executive Director of Service Oklahoma is hereby 2 authorized to adopt rules as may be necessary to enter into reciprocity agreements with foreign countries. The rules shall 3 specify that the driver license standards of the foreign country 4 shall be comparable to those of this state. The rules shall also 5 require foreign drivers, who are operating a motor vehicle in 6 Oklahoma under such a reciprocity agreement, to comply with the 7 compulsory motor vehicle liability insurance and financial 8 9 responsibility laws of this state.

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 SECTION 12.
 AMENDATORY
 47 O.S. 2021, Section 6-117, as

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 amended by Section 57, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2022,

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 Section 6-117), is amended to read as follows:

Section 6-117. A. Service Oklahoma shall file every
application for a driver license or identification card received by
Service Oklahoma and shall maintain suitable indexes containing:

All applications denied and on each thereof note the reasons
 for the denial;

18 2. All applications granted;

19 3. The name of every person whose driving privilege has been 20 suspended, revoked, canceled, or disqualified by Service Oklahoma 21 and after each such name note the reasons for the action. Any 22 notation of suspension of the driving privilege of a person for 23 reason of nonpayment of a fine shall be removed from the driving

record after the person has paid the fine and the driving privilege
 of the person is reinstated as provided for by law;

4. The county of residence, the name, date of birth, and
mailing address of each person residing in that county who is
eighteen (18) years of age or older, and who is the holder of a
current driver license or a current identification card issued by
Service Oklahoma for the purpose of ascertaining names of all
persons qualified for jury service as required by Section 18 of
Title 38 of the Oklahoma Statutes; and

10 5. The name, driver license number, and mailing address of 11 every person for the purpose of giving notice, if necessary, as 12 required by Section 2-116 of this title.

в. Service Oklahoma shall file all collision reports and 13 abstracts of court records of convictions received by it pursuant to 14 the laws of this state and maintain convenient records of the 15 records and reports or make suitable notations in order that an 16 individual record of a person showing the convictions of the person 17 and the traffic collisions in which the person has been involved 18 shall be readily ascertainable and available for the consideration 19 of Service Oklahoma upon any application for a driver license or 20 renewal of a driver license and at other suitable times. 21 Any abstract, index or other entry relating to a driving record 22 according to the licensing authority in another state or a province 23 of Canada may be posted upon the driving record of any resident of 24

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1 this state when notice thereof is received by documentation or by 2 electronic transmission. The individual record of a person shall 3 not include any collision reports and abstracts of court records 4 involving a collision in which the person was not issued a citation 5 or if a citation is issued and the person was not convicted.

C. 1. Service Oklahoma may designate and is hereby authorized
to prepare under the seal of Service Oklahoma and deliver upon
request a copy of any collision report on file with the Department,
charging a fee of:

beginning on July 1, 2011, through June 30, 2013, 10 a. Fifteen Dollars (\$15.00), of which Eight Dollars 11 (\$8.00) shall be deposited by the Commissioner to the 12 13 credit of the Department of Public Safety Revolving Fund and, in addition to other purposes authorized by 14 law, the expenditures from that fund of monies derived 15 from the Eight Dollars (\$8.00) pursuant to this 16 subparagraph shall be used to fund any Oklahoma 17 Highway Patrol Trooper Academy provided by the 18 Department of Public Safety. Any remaining funds 19 shall be deposited in an account to be utilized 20 exclusively for future expenses directly related to 21 the operation of an Oklahoma Highway Patrol Academy, 22 and 23

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b. beginning on July 1, 2013, and any year thereafter,
 Seven Dollars (\$7.00).

3 However, Service Oklahoma shall not be required to furnish 4 personal information from the collision report which is contrary to 5 the provisions of the Driver's Privacy Protection Act, 18 United 6 States Code, Sections 2721 through 2725.

Notwithstanding the provisions of paragraph 1 of this 7 2. subsection, Service Oklahoma is authorized to enter into contracts 8 9 to supply information regarding vehicles reported to be involved in collisions. For each vehicle, the information shall be limited to 10 that which only describes the vehicle and the collision. 11 Service Oklahoma shall not be required to provide any information regarding 12 13 the owner or operator of the vehicle or any information which would conflict with Section 2-110 or Section 1109 of this title. 14

Service Oklahoma or any licensed operator upon request shall 15 D. prepare and furnish to any authorized person a Motor Vehicle Report 16 of any person subject to the provisions of the motor vehicle laws of 17 this state. However, Service Oklahoma shall not be required to 18 furnish personal information from a driving record contrary to the 19 provisions of the Driver's Privacy Protection Act, 18 United States 20 Code, Sections 2721 through 2725. The Motor Vehicle Report shall be 21 a summary of the driving record of the person and shall include the 22 enumeration of any motor vehicle collisions, reference to 23 convictions for violations of motor vehicle laws, and any action 24

1 taken against the privilege of the person to operate a motor 2 vehicle, as shown by the files of Service Oklahoma for the three (3) 3 years preceding the date of the request. The Motor Vehicle Report, to include any record or information associated with the Motor 4 5 Vehicle Report, shall not be deemed a "public civil record" as defined in Section 18 of Title 22 of the Oklahoma Statutes, and 6 shall not be subject to expungement. Service Oklahoma shall not be 7 required to release to any person, in whole or in part and in any 8 9 format, a driving index, as described in subsection A of this 10 section, except as otherwise provided for by law. For each Motor Vehicle Report furnished by Service Oklahoma, Service Oklahoma shall 11 collect the sum of Twenty-five Dollars (\$25.00), Twenty Dollars 12 13 (\$20.00) of which shall be deposited in the General Revenue Fund and Five Dollars (\$5.00) shall be deposited in the Department of Public 14 Safety Revolving Fund through October 31, 2022. Beginning November 15 1, 2022, the Five Dollars (\$5.00) shall be deposited in the Service 16 17 Oklahoma Revolving Fund. For each Motor Vehicle Report furnished by a licensed operator, the licensed operator shall collect the sum of 18 Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which 19 shall be paid to the Oklahoma Tax Commission for deposit in the 20 General Revenue Fund in the State Treasury, Five Dollars (\$5.00) 21 shall be deposited in the Department of Public Safety Revolving Fund 22 and Two Dollars (\$2.00) of which shall be retained by the licensed 23 operator through October 31, 2022. Beginning November 1, 2022, for 24

1 each Motor Vehicle Report furnished by a licensed operator, the licensed operator shall collect the sum of Twenty-five Dollars 2 (\$25.00), Eighteen Dollars (\$18.00) of which shall be paid to the 3 4 Oklahoma Tax Commission for deposit in the General Revenue Fund in 5 the State Treasury, Five Dollars (\$5.00) shall be deposited in the Service Oklahoma Revolving Fund, and Two Dollars (\$2.00) shall be 6 retained by the licensed operator. Persons sixty-five (65) years of 7 age or older shall not be required to pay a fee for their own Motor 8 9 Vehicle Report furnished by Service Oklahoma or a licensed operator. 10 For purposes of this subsection, a Motor Vehicle Report shall include a report which indicates that no driving record is on file 11 12 with Service Oklahoma for the information received by Service 13 Oklahoma in the request for the Motor Vehicle Report.

14 E. Service Oklahoma may develop procedures whereby an acting 15 agent of an employer or an employer of a person:

16 1. Who has a Class A, B, C or D driver license; and

2. Who operates a commercial, company-owned or personal motor 17 vehicle during the course of business in the course of his or her 18 employment with the employer, may automatically be notified, 19 pursuant to a fee schedule established by Service Oklahoma, should 20 the driving record of a person reflect a traffic conviction in any 21 court or an administrative action by Service Oklahoma which alters 22 the status of the commercial driving privileges of the person, or 23 any other change to the driving status. The notification system 24

1 shall include electronic delivery of a Motor Vehicle Report at least 2 annually for any employee who is a commercial driver licensee or who operates a commercial motor vehicle, as required by 49 C.F.R., 3 Section 391.25, or who operates a company-owned or personal motor 4 5 vehicle during the course of business. All monies received by the Commissioner of Public Safety and the officers and employees of the 6 Department pursuant to this subsection shall be deposited in the 7 Department of Public Safety Restricted Revolving Fund through 8 9 October 31, 2022. Beginning November 1, 2022, all monies received 10 by the Executive Director of Service Oklahoma and the officers and employees of Service Oklahoma pursuant to this subsection shall be 11 12 deposited in the Service Oklahoma Revolving Fund. For each Motor 13 Vehicle Report furnished by Service Oklahoma, through the electronic notification system, Service Oklahoma shall collect the sum of 14 Twenty-five Dollars (\$25.00), Eighteen Dollars (\$18.00) of which 15 shall be deposited in the General Revenue Fund in the State 16 17 Treasury. Five Dollars (\$5.00) shall be deposited in the Department of Public Safety Revolving Fund through October 31, 2022. Beginning 18 November 1, 2022, for each Motor Vehicle Report furnished by Service 19 Oklahoma, through the electronic notification system, Service 20 Oklahoma shall collect the sum of Twenty-five Dollars (\$25.00), 21 Eighteen Dollars (\$18.00) of which shall be deposited in the General 22 Revenue Fund in the State Treasury, Five Dollars (\$5.00) shall be 23 deposited in the Service Oklahoma Revolving Fund. 24 Two Dollars

(\$2.00) shall be retained by Service Oklahoma or its authorized
 agent for the purpose of development and maintenance of the
 electronic notification system.

F. Service Oklahoma is authorized to establish a procedure for 4 5 reviewing the driving records of state residents who are existing 6 policyholders of any insurance company licensed to operate in this state during specified periods of time and producing a report which 7 identifies the policyholders which have had violation and/or status 8 9 changes to their driving records during such time period. Service 10 Oklahoma may sell such report to the insurance company or its agent at a fee to be set by Service Oklahoma. Any such report sold by 11 12 Service Oklahoma shall only consist of information otherwise 13 lawfully obtainable by the insurance company or its agent. The fee shall be sufficient to recover all costs incurred by Service 14 Oklahoma and ensure that there will be no net revenue loss to the 15 state. Such fee shall be deposited in the Department of Public 16 Safety Revolving Fund through October 31, 2022. Beginning November 17 1, 2022, such fee shall be deposited in the Service Oklahoma 18 Revolving Fund. 19

G. All monies received by the Commissioner of Public Safety or
Service Oklahoma and the officers and employees of the Department
shall be remitted to the State Treasurer to be credited to the
General Revenue Fund in the State Treasury except as otherwise
provided for by law.

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1	SECTION 13. AMENDATORY 47 O.S. 2021, Section 1140, as
2	amended by Section 174, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
3	2022, Section 1140), is amended to read as follows:
4	Section 1140. A. The Service Oklahoma Operator Board shall
5	adopt rules prescribing minimum qualifications and requirements for
6	locating Service Oklahoma locations and for persons applying for a
7	license to operate a designated Service Oklahoma location. Such
8	qualifications and requirements shall include, but not be limited
9	to, the following:
10	1. Necessary job skills and experience;
11	2. Minimum office hours;
12	3. Provision for sufficient staffing, equipment, office space
13	and parking to provide maximum efficiency and maximum convenience to
14	the public;
15	4. Obtainment of a faithful performance surety bond as provided
16	for by law;
17	5. That the applicant has not been convicted of a felony and
18	that no felony charges are pending against the applicant;
19	6. That the location specified in the individual's application
20	for a license to operate a designated Service Oklahoma location not
21	be owned by a member of Service Oklahoma or an employee of Service
22	Oklahoma or any person related to a member of Service Oklahoma or an
23	employee of Service Oklahoma within the third degree by
24	consanguinity, marriage, or adoption and that the location not be

within a three-mile radius of an existing licensed operator unless the applicant is assuming the location of an operating licensed operator;

7. That a single website, designated by Service Oklahoma, will
be used for the distribution of services provided by Service
Oklahoma with motor vehicle services to be fulfilled by licensed
operators;

8 8. That licensed operators will attend all required training9 provided by Service Oklahoma; and

9. That there should be at least one Service Oklahoma location
 in each county.

12 Β. 1. Any person making application to the Service Oklahoma Operator Board for the purpose of obtaining a license to operate a 13 designated Service Oklahoma location shall pay, when submitting the 14 application, a nonrefundable application fee of One Hundred Dollars 15 (\$100.00). All such application fees shall be deposited in the 16 17 Oklahoma Tax Commission Revolving Fund. Beginning January 1, 2023, all such application fees shall be deposited in the Service Oklahoma 18 Revolving Fund. 19

2. Any person making application to the Service Oklahoma
 Operator Board for the purpose of obtaining a license to operate a
 designated Service Oklahoma location must meet standardization and
 branding requirements established by the Service Oklahoma Operator
 Board, upon recommendations from Service Oklahoma. Upon approval,

1 the person must either pay a fee to Service Oklahoma for all costs 2 related to meeting the standardization and branding requirements or obtain approval from the Service Oklahoma Operator Board that the 3 location meets all standardization and branding requirements. 4 All 5 such fees shall be deposited in the Service Oklahoma Revolving Fund. The amount of the license fee will be determined by the Service 6 Oklahoma Operator Board. This provision shall not apply to any 7 existing Service Oklahoma location. 8

9 C. Upon application by a person to serve as a licensed 10 operator, the Service Oklahoma Operator Board is authorized to make 11 a determination whether such person and such location <u>meets meet</u> the 12 criteria and guidelines established by the Service Oklahoma Operator 13 Board and, if such be the case, may issue a license to operate a 14 designated Service Oklahoma location.

1. A licensed operator may be permitted, upon application, 15 D. to sell or transfer an existing license to operate a designated 16 Service Oklahoma location. Any sale or transfer of a license is 17 subject to approval of the Service Oklahoma Operator Board. 18 In order to sell or transfer an existing licensed operator license, the 19 licensed operator shall meet the following guidelines and 20 requirements: 21

a. the licensed operator shall be in good standing withthe Service Oklahoma Operator Board,

1 b. the licensed operator shall have held a licensed 2 operator license, issued by the Service Oklahoma Operator Board, for a minimum of five (5) years, and 3 the licensed operator shall provide the Service 4 с. 5 Oklahoma Operator Board evidence that the proposed buyer or transferee of the licensed operator licensee 6 meets the qualifications and requirements set forth in 7 subsection A of this section, has the ability to meet 8 9 all financial requirements and terms of any current 10 existing contract between the licensed operator and Service Oklahoma, and agrees to the onboarding and 11 12 training requirements of Service Oklahoma, as established by Service Oklahoma and the Service 13 Oklahoma Operator Board. 14

The purchase price of a licensed operator license shall be 15 2. agreed upon by the licensed operator and the individual purchasing 16 17 the license to operate a designated Service Oklahoma location. However, the purchaser or transferee agrees to pay a transfer fee to 18 Service Oklahoma in the amount of three percent (3%) of the last 19 annual gross revenue from fees retained at the Service Oklahoma 20 location to be purchased, not to exceed Fifteen Thousand Dollars 21 (\$15,000.00). The transfer fee shall be deposited in the Service 22 Oklahoma Revolving Fund. 23

3. Upon receipt of the application to sell or transfer an
 existing licensed operator license, the Service Oklahoma Operator
 Board will determine whether the licensed operator license may be
 sold or transferred on the condition that the existing location is
 in good standing and the new licensee meets the requirements
 outlined in Section 1140 et seq. of this title.

4. The Service Oklahoma Operator Board may, at its discretion, 7 buy back a licensed operator license from a licensed operator who 8 9 desires to sell or transfer its licensed operator license but has 10 held a licensed operator license issued by Service Oklahoma for less than five (5) years. The purchase price for such a license will be 11 12 one-half (1/2) times the most recent annual gross revenue from fees 13 retained of that Service Oklahoma location, not to exceed Two Hundred Thousand Dollars (\$200,000.00). 14

E. 1. Licensed operators shall be subject to all laws relating to licensed operators and shall be subject to removal for cause by the Service Oklahoma Operator Board. Any action taken by Service Oklahoma to revoke a license shall be pursuant to and in accordance with the provisions of the Administrative Procedures Act. For the purposes of this section, "for cause" shall be defined as follows:

a. repeated violations of written contracts, rules,
 regulations and statutes pertaining to licensed
 operators after written warning by the Service

- Oklahoma Operator Board and an opportunity to correct
 such violations,
- b. failure of the licensed operator to promptly remit
 funds owed to Service Oklahoma upon written demand,
- 5 c. being charged with a felony crime involving dishonesty
 6 or moral turpitude,
- 7 d. failure to timely file state and federal income tax
 8 returns, or
- 9

10

e. any act of official misconduct as set forth in Section93 of Title 51 of the Oklahoma Statutes.

In the event a license is revoked by the Service Oklahoma
Operator Board for cause, the Service Oklahoma location operated by
the licensed operator will be permanently closed and the licensed
operator shall not be entitled to any compensation.

Motor license agents and licensed operators in good standing as of November 1, 2022, shall be exempt from the branding and physical standardization requirements to be established by the Service Oklahoma Operator Board, with the recommendation of the <u>Executive</u> Director of Service Oklahoma.

20 2. A license to operate a designated Service Oklahoma location 21 may be revoked by the Service Oklahoma Operator Board for failure to 22 meet the standards for customer satisfaction established by the 23 Service Oklahoma Operator Board. In the event of revocation, the 24 licensed operator shall sell his or her license to operate a Service Oklahoma location to Service Oklahoma at a rate of one-half (1/2)
 times the most recent annual gross revenue from fees retained of
 that Service Oklahoma location, not to exceed Two Hundred Thousand
 Dollars (\$200,000.00).

5 F. All licensed operators shall be licensed by and under the supervision of Service Oklahoma; provided, any agent authorized to 6 issue registrations pursuant to the International Registration Plan 7 shall also be under the supervision of the Corporation Commission, 8 9 subject to rules promulgated by the Corporation Commission pursuant to the provisions of subsection E of Section 1166 of this title. 10 Service Oklahoma shall be the holder of all licenses and has the 11 12 right to approve and revoke such licenses. After obtaining a 13 license, any such licensed operator shall furnish and file with Service Oklahoma a bond in such amount as may be fixed by Service 14 Oklahoma. Such licensed operator shall be removable at the will of 15 Service Oklahoma. Such licensed operator shall perform all duties 16 and do such things in the administration of the laws of this state 17 as shall be enjoined upon and required by the Service Oklahoma 18 Operator Board. Provided, Service Oklahoma may operate a Service 19 Oklahoma location in any county where a vacancy occurs, as 20 determined by Service Oklahoma. 21

G. In the event of a vacancy due to the death of a licensed operator, the licensed operator's designee or a licensed operator location employee shall immediately notify Service Oklahoma. A

1 licensed operator may designate an individual to continue to operate the Service Oklahoma location upon the death of the licensed 2 operator. The designee shall apply to obtain a license to operate 3 the vacant licensed operator location with the Service Oklahoma 4 5 Operator Board within thirty (30) days of the licensed operator's In the event that no designee is designated or that the 6 death. designee fails to apply to be a licensed operator with Service 7 Oklahoma within thirty (30) days, Service Oklahoma may take any and 8 9 all action it deems appropriate in order to provide for the orderly 10 transition and the maintenance of operations of the Service Oklahoma location, as permitted by law. 11

12 Η. When an application for registration is made with Service 13 Oklahoma, the Corporation Commission or a licensed operator, a registration fee of One Dollar and seventy-five cents (\$1.75) shall 14 be collected for each license plate or decal issued. Such fees 15 shall be in addition to the registration fees on motor vehicles and 16 when an application for registration is made to the licensed 17 operator, such licensed operator shall retain a fee as provided in 18 Section 1141.1 of this title. When the fee is paid by a person 19 making application directly with Service Oklahoma or the Corporation 20 Commission, as applicable, the registration fees shall be in the 21 same amount as provided for licensed operators and the fee provided 22 by Section 1141.1 of this title shall be deposited in the Oklahoma 23 Tax Commission Revolving Fund or as provided in Section 1167 of this 24

1 title, as applicable. Beginning January 1, 2023, the fee provided 2 by Section 1141.1 of this title shall be deposited in the Service Oklahoma Revolving Fund or as provided in Section 1167 of this 3 title, as applicable. Service Oklahoma shall prepare schedules of 4 5 registration fees and charges for titles which shall include the fees for such licensed operators and all fees and charges paid by a 6 person shall be listed separately on the application and 7 registration and totaled on the application and registration. 8 The 9 licensed operators shall charge only such fees as are specifically 10 provided for by law, and all such authorized fees shall be posted in such a manner that any person shall have notice of all fees that are 11 12 imposed by law.

I. Any licensed operator shall be responsible for all costs incurred by Service Oklahoma when relocating an existing Service Oklahoma location. The Service Oklahoma Operator Board may waive payment of such costs in case of unforeseen business or emergency conditions beyond the control of the licensed operator.

J. Any existing contracts by or between any motor license agent and the Oklahoma Tax Commission shall be assigned to Service Oklahoma. All existing motor license agents in good standing with the Oklahoma Tax Commission will be offered a subsequent contract from Service Oklahoma to become a licensed operator to take effect on January 1, 2023. The contract between existing motor license agents and Service Oklahoma shall be agreed to no later than

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1	December 31, 2022. In the event an existing motor license agent
2	declines to enter into the subsequent contract with Service Oklahoma
3	to become a licensed operator, that motor license agent may continue
4	to conduct business pursuant to the existing contract through
5	December 31, 2025, so long as that motor license agent remains in
6	good standing with Service Oklahoma in accordance with the terms of
7	the existing contract.
8	SECTION 14. This act shall become effective November 1, 2023.
9	
10	COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 04/17/2023 - DO PASS, As Amended.
11	04/1//2023 - D0 FASS, AS Amended.
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