

OKLAHOMA STATE SENATE



2004 LEGISLATIVE SUMMARY AND FY'05 BUDGET REVIEW

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SESSION OVERVIEW

The second session of the 49th Oklahoma Legislature convened on Monday, February 2, 2004. The session was unique in that it would be the last for more than 40 members of the House and Senate due to constitutionally mandated term limits approved by voters in 1990. It also included several high-profile legislative measures, which along with the subtext of term limits resulted in a session of unparalleled dynamics.

Two new members joined the Senate as a result of special elections. State Senator Debbe Leftwich was elected to fill the District 44 seat left vacant after the death of her husband, Senator Keith Leftwich. Senator Mary Easley was elected to fill the District 18 seat after her son, Kevin Easley, resigned to become Chief Executive Officer of the Grand River Dam Authority.

While the first session of the 49th legislature was dominated by budget issues stemming from a record budget shortfall, revenue collections had improved during the second session. With a more positive budget outlook, much of the Legislature's attention was focused on the passage of substantive issues, some of which had originally been introduced in the 2003 session. Those issues included bills dealing with Indian gaming and the expansion of games for casinos and horse tracks (SB 553 and SB 1252), increased tobacco taxes to fund a number of health care initiatives (HB 2660), a constitutional amendment on traditional marriage (HB 2259) and tort reform (HB 2661). Three of those measures were ultimately referred to the November ballot for voters to decide.

Other measures approved in the 2004 session included the first across-the-board pay increase for state workers in four years (HB 2005), a new pay plan for state troopers (SB 1137), fully paid insurance for educators (HB 2662) as well as a teacher pay raise package (SB 1272). The Legislature also approved legislation to restrict the sale of pseudoephedrine, one of the chief ingredients used to manufacture methamphetamine (HB 2176), legislation providing assistance to families with young children in the Tar Creek Superfund Site (SB 1490), and a measure to ensure Oklahoma women with too little or no insurance would have access to breast and cervical cancer treatment (HB 2542).

Those measures were among the 789 bills and 28 joint resolutions introduced in the Senate, with 909 bills and 39 joint resolutions which were introduced in the House. The legislature also considered an additional 180 concurrent and simple resolutions that do not have the force or effect of law. The Legislature adjourned sine die on Friday, May 28, 2004 after submitting 576 bills and joint resolutions to the Governor for approval and 5 measures to a vote of the people. Of the measures submitted to the Governor,

563 were approved, 10 were vetoed and 3 were line-item vetoed. The Senate also confirmed 173 executive nominations to various boards and commissions that were submitted by the Governor for confirmation.

This document provides a brief summary of substantive Senate and House measures enacted this session or referred to a vote of the people, as well as an overview of the budget approved for the coming fiscal year and related fiscal measures.

APPROPRIATION OVERVIEW

The budget adopted for Fiscal Year 2005 (FY'05) is \$213.4 million or 4.1 percent over the FY'04 budget (calculated with FY'04 supplemental appropriations). To arrive at the appropriated levels the Legislature removed all one-time expenditures and one-time funding sources, and then added the following:

- ♦ Revenue growth from certified funds;
- ♦ Federal offset funds provided by Congress in fall of 2004;
- ♦ Cash-flow reserve from revenue collections in current fiscal year;
- ♦ Carryover in Oil Gross Production revolving funds;
- ♦ Increases in revenue collections from Oklahoma Tax Commission using new Integrated Computer System; and
- ♦ State Treasurer's Unclaimed Property and Deposits Fund.

Comparison of Funding, FY'04-FY'05
(in millions)

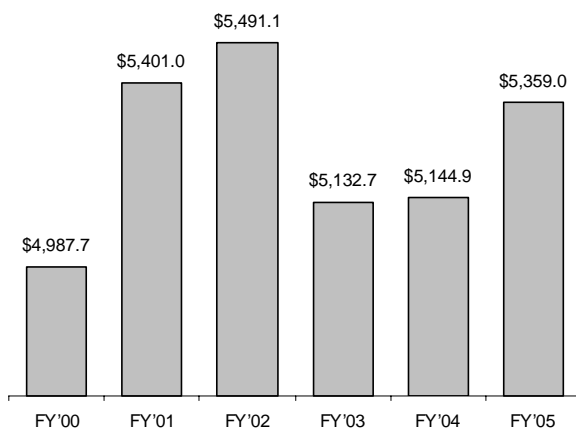
	Original FY'04 Approp.	FY'05 Approp.	Change	
			\$	%
Education	2,896.3	2,978.2	81.8	2.8
Gen. Gov./Trans.	342.9	346.9	4.0	1.2
Health/Soc. Serv.	704.2	767.6	63.3	9.0
Human Services	505.0	529.5	24.5	4.9
Natural Resources	112.9	133.4	20.4	18.1
Public Safety	574.2	587.9	13.7	2.4
REAP	6.0	15.5	9.5	158.3
Gov. Emergency	4.0	0	-4.0	-100.0
Total	5,145.6	5,359.0	213.4	4.1

GENERAL APPROPRIATIONS BILL

The General Appropriations Bill, HB 2007, was enacted March 22 and provided \$5,324.3 million for base appropriations for 81 agencies. The GA bill also appropriated \$15.2 million for FY'04 supplementals. Specific funding items above base amounts funded in HB 2007 include:

- ♦ Health benefit allowances at 100 percent for all certified teachers (\$50 million);
- ♦ Oklahoma Higher Learning Access Program (OHLAP) Scholarships (\$8.1 million);
- ♦ Medicaid enrollment growth and prescription cost increases (\$43.2 million);
- ♦ Trauma system infrastructure (\$2.1 million);
- ♦ Community Health Services (\$3 million);
- ♦ Child Care Subsidies (\$10 million);
- ♦ Developmentally Disabled Program (\$2 million); and
- ♦ Rural Economic Action Plans (\$15.5 million).

**Total State Appropriations
Historical Comparison, FY'00 - FY'05**



Figures include revenue shortfalls and supplementals.

**MEASURES PROVIDING ADDITIONAL
REVENUE**

Tobacco Tax

HB 2660 sends a tobacco tax increase proposal to a vote of the people at the November 2004 General Election. (See detailed summary in the Revenue & Taxation Measures section of this summary). The bill levies additional excise taxes on cigarettes and tobacco products. Additional funds which will be received if HB 2660 is approved by the vote of the people will be allocated as follows:

A. Medicaid	
1. Replacement of One Time Federal Funds	\$49,600,000
2. Premium Assistance Program	\$50,000,000
3. Katie Becket Waiver	\$2,200,000
4. ER Physician Rate Increase	\$2,000,000
5. Rural Hospital UPL Relief	\$5,000,000
6. Ambulance Rate Increase	\$1,000,000
B. Cancer	
1. Comprehensive Cancer Center	\$7,000,000
2. Breast and Cervical Cancer Treatment	\$1,000,000
C. Additional Funding Items	
1. Adolescent Substance Abuse Services	\$6,000,000
2. Trauma Care Assistance Fund	\$17,000,000
3. Tulsa / OSU Health Care Initiative	\$7,000,000
4. Smoking Cessation Programs	\$1,500,000
TOTAL FUNDS EXPENDED	\$149,300,000

Trauma Care Assistance Fund Fee Bills

In addition to tobacco tax revenues the Legislature sought to increase fines on numerous criminal acts in order to raise funding levels for the state's Trauma Care Assistance Fund. Fee bills approved by the Senate, including HB 2600, HB 2250 and SB 1554, could provide upwards of \$10 million in new funding for the state's trauma system.

FY'04 SUPPLEMENTAL FUNDING

SB 1071 appropriates \$17.3 million to the State Board of Education and directs the Board to transfer the funds to the Tax Commission for deposit in the Ad Valorem Reimbursement Fund. The funds must be expended to reimburse school districts that claim a loss of revenue due to a five-year Ad Valorem tax exemption for a manufacturing facility.

HB 2007 appropriated \$464,550 to the State Board of Education as FY'04 supplemental funding for National Board Certification stipends. Of the 857 teachers who had attained National Board certification as of February, 2004, a total of 793 teachers were eligible for the bonus. However, the State Department had only enough funds for 700 bonuses. Supplemental funding was necessary to ensure all eligible teachers received their \$5,000 stipends.

The Oklahoma Tax Commission received an FY'04 supplemental appropriation in the amount of \$7,050,000. These funds will be employed to implement an Integrated Collections System (ICS) which replaces outdated computer server applications and an equipment infrastructure.

The Department of Corrections received a \$6 million supplemental appropriation in HB 2007. The Department used the supplemental funds to shore up the agency's deficit in contract bidding for the remaining part of FY'04.

The Board of Medicolegal Investigations received \$100,000 in supplemental appropriations for FY'04. The Board used these funds for a new body transport contract in Tulsa. Funds were also used to pay leave benefits for two long-time employees of the Medical Examiner's office.

AGRICULTURE & RURAL DEVELOPMENT MEASURES

SB 1163 (Price/Covey): Modifies fee per head on sheep and fee per pound for wool on all wool produced or sold in the State of Oklahoma. Effective 7-1-04.

SB 1204 (Crutchfield/Pope): Modifies powers of the State Board of Agriculture. Authorizes the Board to implement and enforce certain rules within certain areas of environmental responsibility and authorizes the Oklahoma Department of Agriculture, Food, and Forestry to have exclusive jurisdiction over certain environmental areas. Effective 4-14-04.

SB 1236 (Kerr/Turner): Modifies the composition of the membership of the Oklahoma Peanut Commission. Effective 5-6-04.

SB 1300 (Price/Covey): Authorizes the Oklahoma Department of Agriculture, Food, and Forestry to be the official animal identification agency of the state. Effective 7-1-04.

HB 2186 (Carey/Gumm): Authorizes the Oklahoma Department of Agriculture, Food, and Forestry to enter into cooperative agreements for the grading of fruits, nuts and vegetables. Effective 4-26-04.

HB 2217 (Maddux/Shurden): Allows a licensed managed feeding operation or a concentrated animal feeding operation to exceed its authorized capacity if an animal that is confirmed or suspected of being diseased is found at the facility. Prohibits the facility's animal unit capacity from being exceeded for more than five days after a "confirmatory test" indicating whether an animal is or is not diseased. Such tests must be performed within 20 days of discovery of a diseased or potentially diseased animal at the facility. Effective 3-30-04.

HB 2394 (Covey/Lerblance): Allows the Oklahoma Department of Agriculture, Food, and Forestry to levy fines for penalties under the jurisdiction of the Department. Effective 4-6-04.

HB 2402 (Covey/Price): Modifies provisions of law relating to agriculture. Increases fees relating to pesticides and licensing, examinations and certification and reciprocal recertification. Establishes procedures and requirements for permits and recordkeeping for pesticide producing establishments. Deletes hearing requirements relating to certain hormone-type spray or hormone-type herbicide. Modifies provision relating to refusal by the Board of Agriculture to reissue certain licenses relating to pesticides. Increases fees relating to certain licenses for seed dealers. Deletes maximum license fee for certain licenses related to commercial feed. Effective 7-1-04.

HB 2608 (Peterson/Myers): Makes confidential information obtained by the State Board of Veterinary Medical Examiners for certain investigations. Effective 11-1-04.

HB 2620 (Covey/Price): Creates the Oklahoma Beef Improvement and Market Development Act to promote the growth of the cattle industry in Oklahoma. Creates the Oklahoma Beef Council and the Oklahoma Beef Council Revolving Fund. Effective 11-1-04.

HB 2706 (McLain/Price): Creates the Pest Control Compact. This legislation enables access to money already paid into the Pest Control Compact Insurance Fund in the event of an outbreak of a pest infestation. Effective 11-1-04.

AGRICULTURE FUNDING

HB 2054 appropriated \$24,231,030 for the Oklahoma Department of Agriculture, Food, and Forestry. This amounts to a 7.1 percent increase over the agency's FY'04 appropriation.

The most significant change in this year's budget is the restoration of the 80/20 Rural Fire Program. That program was eliminated in FY'04 due to the state's revenue failures. The program was restored to its original level of \$800,000 for FY'05.

The agency received \$200,000 to update its motor pool. The Animal Control Program received a \$100,000 increase. The Agriculture Enhancement and Diversification program was also reinstated at its original appropriated level of \$250,000.

The Legislature continued funding of a project at Oklahoma State University to assist small manufacturing facilities in rural Oklahoma. The New Product Development Center for Small Rural Manufacturers will assist the state's small rural manufacturers in developing new products and processes, thus increasing their sustainability and profitability.

The Legislature provided \$330,000 for the promotion of the Made in Oklahoma Coalition. The purpose of

the coalition is to promote and create brand awareness for Oklahoma food products. This is an \$80,000 increase over the FY'04 level.

**BANKING, FINANCE & SECURITIES
MEASURES**

SB 1565 (Monson/Nations): Modifies various provisions of the Deferred Deposit Lending Act, including:

- ♦ Defines “consecutive loans” as a new deferred deposit (payday) loan entered into no later than 7 days after the previous payday loan was paid off;
- ♦ Provides that any payday loan entered into by mail, brochure, telephone, print, radio, TV, internet or any other means is subject to the Deferred Deposit Lending Act;
- ♦ Modifies the maximum term of a loan to reflect an exception for the use of installment payment plans
- ♦ Requires informational pamphlets to include information about installment plan option;
- ♦ Reduces the minimum term of a loan from 13 to 12 days;
- ♦ Prohibits a lender from refusing to allow a debtor the installment payment plan option;
- ♦ Permits a lender to pass on to the debtor the actual fee it pays for database verification of other loans ;
- ♦ Provides a debtor who enters into a 3rd consecutive loan the right to enter into an installment repayment loan with specified terms;
- ♦ Authorizes the lender to charge an additional processing fee of 10 percent of the principal, capped at \$15;
- ♦ Clarifies that a consumer who opts for a repayment plan may not enter into a new loan during the period of repayment and for 15 days after;
- ♦ Provides for a two-day waiting period before a new loan, after a 5th consecutive loan;
- ♦ Deletes from existing law a requirement that certain debtors undergo consumer credit counseling;
- ♦ Assesses a fee of five cents per loan against each lender for deposit into an existing revolving fund to be used to contract for specified consumer counseling program development ; and
- ♦ Requires contract for consumer credit counseling program to be bid pursuant to Oklahoma Central Purchasing Act, designed in consultation with industry and consumers and be bid by party with specified qualifications.

Effective 6-10-04.

SB 1584 (Lerblance/Nations): Modifies provisions of the Uniform Commercial Code to clarify the procedures to perfect certain security interests. Effective 11-1-04.

HB 2135 (Peters/Coffee): Creates the Family Wealth Preservation Trust to allow Oklahoma assets to be placed in a preservation trust, and to exempt up to One Million Dollars of the trust property from attachment. Effective 6-9-04.

OFFICE OF STATE FINANCE FUNDING

The Office of State Finance received an FY'05 appropriation of \$22.9 million dollars, a 13.9 percent increase over FY'04. \$3.7 million of the additional monies will be used to implement the budget phase of the CORE project. CORE will provide increased efficiency in the delivery of state services to include: utilizing web interfaces, improving financial tracking (e.g., budget, purchasing, contracts, etc.), providing more integrated human resources management system functionality and centralizing the license process.

Phase I	Phase II
General Ledger	Budget Preparation
Accounts Payable	Accounts Receivable
Purchasing	Commitment Control
Human Resources	Billing
Base Benefits	e-Billing, e-Procurement
Payroll	Training
Time and Labor	Grants, Asset Management, Inventory

BUSINESS & LABOR MEASURES

SB 1288 (Shurden/Hamilton): Modifies various provisions of the Oklahoma Security Act of 1980. Changes the definition of employment relating to certain nonresident aliens, adds new provisions to define “initial claim” and “additional initial claim” for certain claims and notices, provides for certain benefits for educational employees for non-educational employment, modifies provisions for certain appeals by the Board of Review, adds additional exception to certain benefit wages charged to certain employers, adds employees to the list of acquisitions of certain acquiring employers and makes an appropriation to the Employment Security Administration Fund. Effective 11-1-04.

SB 1411 (Nichols/Nations): Modifies the definition in the Service Warranty Insurance Act relating to exclusions to the definition of service warranty and net assets of a company. Requires an annual administrative fee from insurers and associations that have contractual liability insurance in place covering 100 percent of the claim exposure from a company licensed or registered to issue automobile service warranties and also clarifies deceptive trade practices. Effective 4-27-04.

SB 1494 (Coates/Erwin): Modifies provisions relating to the Boiler and Pressure Vessel Safety Act by authorizing certain fees when a pressure-retaining item

is not prepared and ready for certain inspection, adding fees for certain inspector services and duplicate licenses and certificates and providing for the disposition of fees. Effective 9-1-04.

SB 1495 (Corn/Taylor): Clarifies public policy relating to Rural Fire Protection Districts and labor rights and prohibition of strikes. Establishes duties and rule-making authority and empowers the Public Employees Relations Board to prevent unfair labor practices relating to such Districts and collective bargaining. Sets an effective date for agreements resulting from arbitration or election. Effective 11-1-04.

SB 1511 (Coffee/Vaughn): Modifies provisions of the Oklahoma General Corporation Act related to non-profit corporations, certificate of incorporation, registered agent, bylaws, resident agent, board of directors, stock options and certificates, voting rights, inspection of books and records, vacancies and election of directorships, consent of shareholders, restated certificate of incorporation, merger or consolidation, business combinations, conversion, appraisal rights, revocation of voluntary dissolution, renewal, revival, extension and restoration of certificate of incorporation, additional requirements, articles of organization, limitation of liability of member or manager, management of company, managers, voting rights, member contributions, allocation of profits and losses, assignment of membership interest, withdrawal of member, judgment creditors, dissolution, distribution of assets, foreign limited liability company, merger or consolidation and conversion. Effective 11-1-04.

SB 1558 (Corn/Taylor): Establishes provisions for selecting a ballot when a special election is called relating to fire and police arbitration. Effective 11-1-04.

SB 1561 (Coates/Paulk): Establishes the Fair Pay for Construction Act. Creates new law providing procedures and requirements relating to certain construction contracts for proper invoices and payment, suspension of performance, delay in making payments, interest rates for certain delays and retainage. Provides exemptions and describes void and unenforceable provisions. Effective 11-1-04.

HB 2488 (Liotta/Brogdon): Creates new law relating to the use of social security numbers. Prohibits certain employing entities from posting or displaying the number publicly, printing the number on any card required for the employee to access information, products or services provided by the entity, requiring an employee to transmit the number over the Internet unless the connection is secure or the number is encrypted, requiring an employee to use the number to access an Internet site unless a password or unique personal ID number is also required, or printing the number on any materials that are mailed to the employee, unless otherwise required by law. Allows the number to be included in certain applications and forms sent by mail. Exempts the state,

political subdivisions of the state and requirements of state or federal law from prohibitions. Allows an employee to provide an employing entity with written permission to use the number for any uses prohibited by these provisions. Effective 11-1-04.

HB 2497 (Rice/Fisher): Disqualifies a person who has accepted an accelerated buyout of a written employment contract of \$100,000 or more from receiving unemployment benefits for the full period of unemployment following the buyout and until the person has become reemployed and has earned wages equal to or in excess of ten times the weekly benefit amount of the individual. Effective 4-13-04.

HB 2554 (Paulk/Nichols): Relates to mold inspection and removal and to the Fair Pay for Construction Act. The bill prohibits persons or entities that inspect houses for mold from rendering service for removing the mold and provides an exemption for services not exceeding \$200. The bill also modifies definitions to the Fair Pay for Construction Act, increases the number of days for certain payment reduction procedure, clarifies those persons or entities that may suspend performance, and provides a method of applying interest to certain payments. Effective 7-1-04.

CRIME PREVENTION & PUBLIC SAFETY MEASURES

SB 816 (Wilkerson/Braddock): Allows the Department of Corrections to use electronic monitoring global positioning devices in supervising certain offenders in custody. It requires at least 180 days in a secure facility followed by assignment to a halfway house prior to placement on electronic monitoring. Offenders convicted of violent offenses, drug trafficking, sex offenses, and escape are prohibited from electronic monitoring. Effective 5-5-04.

SB 847 (Helton/Roan): Creates the CLEET Cafeteria Revolving Fund for deposit and expenditure of funds to operate a cafeteria for the Council on Law Enforcement Education and Training and creates a \$200.00 petty cash fund to be used as a cash drawer for the cafeteria. Effective 7-1-04.

SB 877 (Corn/Nance): Allows the Oklahoma State Bureau of Investigation to donate surplus property to law enforcement agencies within the political subdivisions of this state and expend funds for law enforcement training purposes from various funds available unless otherwise prohibited by law. Effective 11-1-04.

SB 1096 (Gumm/Carey): Decreases the time for sex offenders with out-of-state convictions to register when entering this state and requires registration of out-of-state sex offenders who have spouses living in this state. Effective 7-1-04.

SB 1164 (Johnson/Winchester): Allows persons who become subject to a criminal record as the result of identity theft to have the criminal record expunged. Creates the Oklahoma Identity Theft Passport Program for persons whose identity has been stolen. The passport program will be used by law enforcement, and private entities are not required to honor the passport as proof of identity of the person. Effective 7-1-04.

SB 1168 (Lawler/Paulk): Expands the crime of identity theft and increases the penalties. It provides restitution to victims and allows civil damages. Prohibits altering another person's personal information to obtain money, benefit or any thing of value. Effective 5-10-04.

SB 1172 (Corn/Smithson): Allows any drug money seized to be deposited in an interest bearing account, unless needed as evidence. All interest earned on such money shall either be forfeited as provided by law or returned to the claimant when forfeiture is not ordered. Effective 6-9-04.

SB 1174 (Rozell/Tyler): Allows the district attorney to consent to eligibility for community sentencing for a person with a mental illness, developmental disability or a co-occurring mental illness and substance abuse disorder regardless of the Level of Service Inventory (LSI) assessment score required for the program. Effective 7-1-04.

SB 1185 (Shurden/Smithson): Under the Oklahoma Self-Defense Act, allows a reserve or full-time peace officer to apply directly to CLEET for a concealed handgun license by paying a fee of \$25 and providing an official letter from the employing agency. The Oklahoma State Bureau of Investigation is not required to conduct fingerprint or background checks on such peace officers. The concealed handgun license is for the same term as other concealed handgun licenses. When a peace officer carries a handgun under an SDA license the person is not representing the employing agency. Effective 11-1-04.

SB 1190 (Wilkerson/Braddock): Provides for DNA samples collected and sent to the OSBI for inclusion in the DNA database to be kept in such database despite the sample having not been taken in strict compliance with certain provisions of law. Effective 4-6-04.

SB 1191 (Wilkerson/Kirby): Clarifies that a sex offender must continuously register on the Sex Offenders Registry for ten years from the date of the completion of the sentence and those records shall be kept for 10 years from the date of the last registration. Effective 4-26-04.

SB 1208 (Laster/Steele): Requires tribal law enforcement agencies to report the commissioning, resignation or termination of police or peace officers within ten days. Provides for tribal police officers of

any Indian tribe or nation to be eligible for peace officer certification through the Council on Law Enforcement Education and Training (CLEET) and also requires suspension of a peace officer certification to be reported to the district attorney of the jurisdiction in which the officer is employed. Effective 3-30-04.

SB 1374 (Crutchfield/McCarter): Allows the county sheriff to collect DNA samples for inclusion in the OSBI DNA database and collect the fee for deposit into the Sheriff's Service Fee Account. Effective 11-1-04. This bill was amended by SB 1447 which removed the sheriff's authority to collect DNA samples.

SB 1393 (Wilkerson/Roan): Includes tribal officers and animals used by such officers in the definition of peace officer, police dog and police horse. Effective 4-1-04.

SB 1394 (Wilkerson/Taylor): Creates the Criminal Justice Computer Assistance Act. Directs the Oklahoma Criminal Justice Resource Center to implement a data information system called the "Offender Data Information System" to provide software and support to criminal justice agencies and transmit data. Participation in the information system is voluntary and subject to funding. Effective 7-1-04.

SB 1399 (Wilkerson/Askins): Sets a fee schedule for the costs of representation under the Oklahoma Indigent Defense System to be paid by indigent offenders in various criminal proceedings. Requires the court to assess the scheduled fee unless waived by the court or another amount is approved by the court. Requires all municipal, county and state forensic laboratories to provide copies of reports for cases accepted for investigation by the DNA Forensic Testing Program of the Oklahoma Indigent Defense System. Effective 4-19-04.

SB 1402 (Robinson/Lindley): Prohibits a person from harming or interfering with a service dog used for the benefit of a handicapped person and prohibits encouraging any dog to fight or injure a service dog. A violation is a misdemeanor punishable by one year in jail, a fine of \$1,000.00, or both. If the violation is committed during the commission of a crime the violation is a felony with up to two years imprisonment. Restitution is required for death of or injury to the service dog. Effective 5-10-04.

SB 1410 (Shurden/Smithson): Amends the Oklahoma Self-Defense Act. Allows a rifle to be carried and transported in the interior compartment of a vehicle when clip or magazine loaded but not chamber loaded with a valid SDA handgun license. Allows an officer to confiscate a weapon upon detention for a traffic citation when the weapon is contraband or used in the commission of a crime. Requires an SDA applicant to notify the OSBI of intent to appeal a denial of a handgun license within 60 days of the denial. Provides for retired and active duty law enforcement officers who are firearms instructors to

have their SDA instructor permit automatically renewed with the OSBI at no additional cost. Effective 7-1-04.

SB 1412 (Wilkerson/Roan): Increases penalty assessments for certain court fees and changes percentages of funds deposited in the CLEET Fund and the General Revenue Fund. Effective 7-1-04.

SB 1460 (Leftwich/Ingmire): Requires the Crime Victim Compensation Board to limit medical services to 80 percent of the total cost less any reductions for contributory conduct. Any medical provider accepting the compensation award must agree to a full discharge of the obligation. Autopsies are removed from the authority of the Board. The State Treasurer is authorized to invest the Crime Victims Compensation Revolving Fund in instruments allowed by law with any interest credited to such fund. Effective 7-1-04.

SB 1471 (Wilkerson/Smaligo): Allows a private prison contractor operating at 25 percent or less of capacity on January 1, 2004, to contract with the federal government or another state for minimum or medium security level inmates that this state would allow to be incarcerated in a private facility contracting with the state. Expands the offense types for such facility. Effective 6-9-04.

SB 1486 (Pruitt/Morgan, Fred): Authorizes the Department of Corrections to establish a reentry program. Offenders who are eligible for community, halfway house, work release or other minimum security level programs are prohibited from participating in the program. Provides for open bids for services from faith-based and secular providers. Requires 12 months in minimum security level prior to the six months in community placement. Allows for parole stipulations upon completing the program. An annual report is due each calendar year. No state appropriations are allowed and the program must be funded by federal or private funds. Effective 7-1-04.

SB 1502 (Wilkerson/Lamons): Establishes penalty for commission of a pattern of criminal offenses. The penalty is two years in the Department of Corrections or one year in the county jail, a fine not exceeding \$25,000, or both. The district attorney may bring all the criminal actions in any county involved. Venue and jurisdiction are at the district attorney's discretion. Effective 5-11-04.

SB 1503 (Wilkerson/Lamons): Creates definition of the offense of commercial bribery with a misdemeanor penalty of one year in the county jail. If there is intent to defraud, the penalty is a felony up to ten years. Prohibits attempts to obtain another person's financial information by false statements and presenting fraudulent documents or information obtained without consent to access another person's information from a financial institution. The penalty is up to ten years and restitution is authorized. Effective 5-12-04.

SB 1526 (Wilkerson/Roan): Amends the Anti-Drug Diversion Act. Changes the definition of the recipient's identification number to that on a valid driver license or valid identification card and deletes use of all military identification cards. Excludes Schedule V substances that contain any detectable quantity of pseudoephedrine from transmission to the central repository within the Oklahoma Bureau of Narcotics and Dangerous Drugs Control for controlled substances. Authorizes the transmission format of the American Society for Automation in Pharmacy Telecommunications (ASAP). Extends the time to make the transmission to the central repository from 15 to 30 days. When the Bureau of Narcotics develops a real-time logbook statewide and rules for transmission, pseudoephedrine will be included in the central repository transmission. Does not require a pharmacist to check the central repository prior to dispensing any medications. Grants immunity from liability for accessing or failing to access the central repository. Effective 5-12-04.

SB 1552 (Cain/Ingmire): Creates the Interstate Compact for Juveniles Act to foster uniformity among participating states in the implementation of laws related to adjudicated juveniles and status offenders. Effective 7-1-04.

SB 1589 (Wilkerson/Plunk): Authorizes the Chief Medical Examiner to perform drug screens on specimens at the request of certain agencies. The drug screens are limited to the technical capabilities available and may not conflict with investigations by the state. A fee will be established by the Board of Medical Investigation and deposited in the Chief Medical Examiners Toxicology Laboratory Revolving Fund. The Board may establish other fee schedules within certain established ranges or may exempt by rule agencies or classes of individuals from the fee schedule. Effective 11-1-04.

HB 1427 (Braddock/Wilkerson): Creates the Oklahoma Methamphetamine Education Task Force until February 1, 2005. The Task Force will have 13 members from various agencies and organizations. The Oklahoma Criminal Justice Resource Center will provide administrative support. The duties are to study and make recommendations to the Governor and Legislature on effective drug education, prevention initiatives and treatment. Effective 6-4-04.

HB 1838 (Smithson/Helton): Prohibits false statements in an application to any CLEET-conducted academy, Collegiate Officer Program or for obtaining certification. The penalty is a felony with up to two years imprisonment, a fine not exceeding \$2,000, or both. Provides for disciplinary action for involuntary commitment or certain mental illness, condition or disorder. Allows reinstatement of certification upon an affidavit by a licensed physician stating the officer is suitable to return to duty. Effective 11-1-04.

HB 1853 (Turner/Wilkerson): Creates the Mary Rippy Violent Crime Offenders Registration Act. Requires certain offenders living, working or attending school in this state to register as a violent offender continuously during the sentence and for ten years from the date of the completion of the sentence. It provides where and when to register and conditions of registration including submission to DNA testing. The registry will be available upon request to any person. The Department of Corrections shall maintain the registry and provide information to state, county and municipal law enforcement agencies. Victims and other persons may be notified of habitual offenders by local law enforcement agencies and the notification may include detailed information about the offender. Certain officials, employees and agencies are exempt from liability for release of information in the registry. No person registered as a violent offender may work with children or be employed as a peace officer or criminal investigator. Prohibits earned credits for inmates convicted of death of a peace officer or certain law enforcement employees. Effective 11-1-04.

HB 2109 (Kirby/Wilkerson): Creates the Oklahoma Integrated Justice Information Systems Steering Committee to be an advisory board to the Legislature concerning strategic planning, development, funding and implementation of the justice information systems of the state. It is composed of 15 members from various agencies and organizations. State agencies may provide assistance to the Committee. A report is required each year. The Oklahoma Criminal Justice Resource Center will provide administrative support. Also authorizes inmates to be assigned to electronic monitoring while in a halfway house. Effective 6-9-04.

HB 2121 (Worthen/Gumm): Prohibits drug paraphernalia specifically fashioned for use with controlled dangerous substances. Prohibits hidden or novelty pipes and pipes with bowls or chambers less than one-half inch in diameter where there is any detectable residue of controlled substance. Exempts tobacco pipes and Indian tribal pipes 30 years of age or older. Prohibits selling certain paraphernalia with knowledge it will be used for controlled dangerous substances. The penalties are enhanced for second and third offenses up to one year in the county jail, a fine not exceeding \$10,000, or both. Effective 11-1-04.

HB 2122 (Ellis/Shurden): Relates to the Oklahoma Self Defense Act, proscribing certain persons and businesses from prohibiting the transporting and storing of firearms in locked vehicles on any property set aside for the vehicle. Effective 11-1-04.

HB 2166 (Young/Wilcoxson): Modifies the definition of synthetic substances to include any naturally occurring substance that produces a physiological effect on the human central nervous system and has a

potential for abuse. Prohibits cultivation of such substances. Effective 11-1-04.

HB 2176 (Nance/Wilkerson): Creates the Trooper Nick Green, Rocky Eales and Matthew Evans Act, relating to controlled dangerous substances and containing the following provisions:

- ♦ Adds new requirements relating to the bonding or release of persons arrested for violations relating to controlled dangerous substances and drug dependency;
- ♦ Adds pseudoephedrine to Schedule V;
- ♦ Provides procedures, requirements and limits for pseudoephedrine which is to be dispensed, sold or distributed in a pharmacy;
- ♦ Provides exemption from the schedule for certain preparations and provides procedures for exemption and removal for certain other products;
- ♦ Reduces the amount of precursor drug product that may be possessed;
- ♦ Adds phosphorus to the list of substances that are unlawful for any person to possess with the intent to use that substance to manufacture a controlled dangerous substance;
- ♦ Deletes certain possession requirement relating to prima facie evidence of intent to use; and
- ♦ Adds a new section of law pertaining to the unlawful use of urine or synthetic urine in attempting to defraud or cause deceitful results in a urine, drug or alcohol screening test.

Effective 4-6-04.

HB 2270 (Coleman/Reynolds): Prohibits any plan, scheme or program of action to cause serious bodily harm or death to another person with intent to perform such act of violence. The offense is a felony with a penalty of up to ten years imprisonment. Effective 5-10-04.

HB 2347 (Smithson/Corn): Authorizes the law enforcement department that handled canine teams to adopt a retiring dog and allows the officer that handled the dog first choice in adopting the dog. Also provides that retired dogs will not be put back into active service. Effective 11-1-04.

HB 2355 (Lamons/Helton): Authorizes the Oklahoma State Bureau of Investigation to purchase recognition awards for non employees of the Bureau. The Bureau is limited to \$3,000 per year for commemorative items. Effective 11-1-04.

HB 2380 (Peters/Williamson): Amends the statutes regarding the crime of domestic abuse. Requires the defendant to participate in certain counseling and treatment programs. The court is required to order treatment as part of the sentencing proceedings and the treatment must continue a minimum of 52 weeks with periodic evaluations. The court will continue to monitor the progress of the defendant during participation in the treatment program and has authority to

revoke and accelerate the sentence. A referee may be appointed to hear such cases during the treatment monitoring phase. Creates a new offense of assault and battery by strangulation with a felony penalty up to three years imprisonment, a fine not exceeding \$3,000, or both. Any second or subsequent conviction is three to ten years imprisonment, a fine not exceeding \$20,000, or both. The bill grants immunity from liability to judges for ordering treatment and evaluation of the defendant. Victims will not be charged fees or costs for certain offenses. Any third or subsequent offense relating to a victim protective order is a felony punishable by up to three years imprisonment, a fine not exceeding \$10,000, or both. Any person subject to a protective order may be ordered to participate in treatment. The court is authorized to issue emergency protective orders for victims prior to releasing a defendant on bond. Effective 7-1-05.

HB 2435 (Askins/Wilkerson): Authorizes the Board of Tests for Alcohol and Drug Influence to use laboratories accredited in Toxicology by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or the American Board of Forensic Toxicology (ABFT) for testing saliva and blood samples collected as evidence. Effective 11-1-04.

HB 2444 (Roan/Wilkerson): Authorizes a peace officer who picks up a stray animal to arrange for the housing of the animal; expands scope of prohibited act regarding bombs; expands exemption for those persons having permits for explosives; prohibits distribution of traffic signal preemption devices; provides penalty for overtaking a stopped school bus; authorizes the Commissioner of Public Safety to appoint any employee to serve as the personal representative of the Commissioner for the purpose of fulfilling any duties or combination of duties of the Commissioner; provides funds for certain training; and modifies unclassified employee positions. Effective 4-20-04.

HB 2445 (Roan/Wilkerson): Amends various provisions of criminal procedure. The credibility of a witness may be challenged with evidence of a crime of moral turpitude. A penalty is added for accessory to murder in the second degree. Amends the Oklahoma Education Lottery Act, which is subject to a pending vote of the people, to allow lotteries for certain tax exempt organizations. Electronic communications that harass or interrupt emergency telephone calls are prohibited. Criminal information documents do not have to be verified by the district attorney. Material witnesses may be detained without a warrant. For costs of incarceration, ten percent goes to the municipal or district attorney's office with the balance to the county jail. A deferred judgment is limited to persons without a prior felony or any deferred judgment within the previous ten years. A prior DUI conviction will enhance an accident with injury. An investigator in the office of a district attorney may keep the badge and firearm upon retirement. When dis-

trict attorney employees are furloughed, it will not be construed to be a break in service. Effective 7-1-04 (Sections 1-3, 5-15. Upon approval by the people (Section 4).

HB 2577 (Newport/Shurden): Increases the number of members of the Council on Law Enforcement Education and Training by adding the Director of the Oklahoma State Bureau of Investigation and a lay member appointed by the Governor. Allows a dog handler to retain the dog upon the dog's retirement from duty. Any person certified by CLEET shall not be required to be recertified for any subsequent employment following retirement or any break in service as a peace officer. The basic police course will increase to 380 hours in July 2005. The time to complete a basic police course for elected officials is decreased from one year to six months. CLEET shall certify tribal officers who have certain cross-deputization agreements and have met certain training requirements. Repeals duplicate sections from HB 2347 and SB 1208 of this session. Effective 6-4-04.

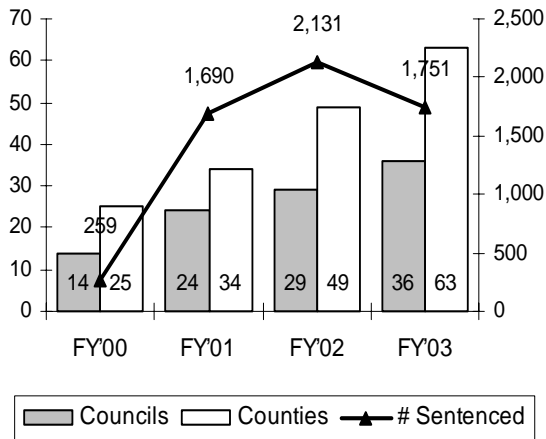
HB 2626 (Askins/Leftwich): Increases the penalties for domestic abuse. First offense fines increased up to \$5,000. Second and subsequent offenses are up to four years imprisonment, a fine not exceeding \$5,000, or both. Domestic abuse causing great bodily harm is up to ten years imprisonment. The habitual offender enhancement shall not apply. Domestic abuse committed in the presence of a child penalties increased up to five years imprisonment, a fine not exceeding \$7,000, or both. Classifies as murder in the first degree intentionally causing the death of a peace officer in the performance of duties. Prohibits any deferment of a sentence of murder in the first degree. Criminalizes bypassing a security checkpoint with up to one year in jail, a fine not exceeding \$1,000, or both. Effective 11-1-04.

CORRECTIONS FUNDING

For FY'05, the Department of Corrections (DOC) received \$384,286,568 in state appropriations in HB 2074 and SB 1037.

DOC's appropriation contained a line item for Community Sentencing in the amount of \$6,000,000. Since the inception of the program in FY'00, 36 planning councils encompassing 63 counties have participated in sentencing 5,685 offenders to community sentences.

Community Sentencing Program History



The Department of Public Safety (DPS) received \$65,062,004 in state appropriated revenue for FY'05 in HB 2089. This represents a 4.2 percent increase in funding.

Also this year, the Legislature passed SB 1137 which compressed the salary step structure of the Oklahoma Highway Patrol from fourteen steps down to seven. The average increase for each trooper under SB 1137 is 22 percent. The following table reflects the revised seven-step system.

Cadet	\$30,000
Probation	\$33,000
Step 1	\$36,711
Step 2	\$38,377
Step 3	\$40,123
Step 4	\$41,953
Step 5	\$43,871
Step 6	\$45,881
Step 7	\$47,987

JUVENILE JUSTICE FUNDING

The Office of Juvenile Affairs (OJA) was appropriated \$92,858,160 for FY'05 (HB 2051, SB 985, SB 988 and SB 990). This represents a 3.2 percent increase from their FY'04 appropriation.

With this increase, OJA will:

- Establish a 12-bed behavioral management unit at the L. E. Rader Center for aggressive and assaultive juveniles in OJA custody;
- Continue tracking of juveniles exiting OJA residential placements;
- Continue paying for medical services for non-Medicaid eligible juveniles in OJA custody;
- Provide additional funding for emergency youth shelters; and
- Provide additional funding for juvenile detention centers.

LAW ENFORCEMENT FUNDING

For Fiscal Year 2005, the Alcoholic Beverage Laws Enforcement Commission (ABLE) received an appropriation of \$3,626,853 (HB 2072).

- This included \$143,000 to cover pay issues among the ABLE agents. Of these funds \$38,000 was used to equalize the pay between the ABLE enforcement agents. The remaining \$105,000 was used to give the ABLE agents back certain pay raises (7 percent) that were taken away during the recent State budget cuts

ECONOMIC DEVELOPMENT & COMMERCE MEASURES

SB 1259 (Cain/Sullivan): Renames a seven-mile section of the North Canadian River, between Meridian Avenue and Eastern Avenue in Oklahoma City, the "Oklahoma River". The Oklahoma Centennial Commission is directed to cause suitable markers to be placed. Effective 4-15-04.

SB 1527 (Fisher/McClain): Makes several changes to the Oklahoma Quality Jobs Program Act, created in 2003 (HB 1300), including:

- Updates North American Industry Classification System (NAICS) codes within the definition of "basic industry";
- Clarifies the definitions of "new direct job" and "gross payroll";
- Clarifies that qualifying establishments must have at least 80 percent of employees working an annual average of at least 25 hours per week;
- Clarifies that establishments may receive payments in accordance with the provisions of the law under which they initially applied and were approved; and
- Conforms NAICS codes for the Small Employer Quality Jobs Incentive Act to those in the Oklahoma Quality Jobs Program Act.

Effective 7-1-04.

SB 1537 (Capps/Deutschendorf): Adds nanotechnology and sensors to the list of the types of industries to be targeted for expansion and/or development throughout the urban and rural areas of the state. In 2002 a provision was added to the Science

and Technology Research and Development Act stating goals relating to economic development through technological advancement. Effective 11-1-04.

SJR 42 (Laughlin/Blackwell): Designates Texas County, Oklahoma as a Foreign Trade Zone pursuant to certain federal laws and Oklahoma Constitutional provisions. The designation as a Foreign Trade Zone promotes the use of this county by persons and businesses seeking to conduct profitable and desirable business enterprises. Effective 8-27-04.

SJR 54 (Gumm/Roan): Directs the Oklahoma Department of Commerce to collaborate with an Oklahoma college that offers a gunsmith curriculum to develop strategies to attract firearms manufacturers to locate in close proximity to such college. Also defines that firearms manufacturers are manufacturing activities classified in the NAICS Manual under Industry Sector No. 33, allowing firearms manufacturers to qualify for certain existing economic incentives. Effective 8-27-04.

HB 2247 (Perry/Coffee): Extends the Task Force on Electronic Commerce which was created in 2001 to study and make recommendations to the legislature relating to technology of and applications for electronic commerce as applicable to a state electronic signature certification program from June 1, 2004 to June 1, 2007. Replaces four original members with five members and sets forth specific qualifications for the new members. The total membership increases from 49 to 50. Effective 7-1-04.

HB 2288 (Turner/Gumm): Includes recommendations of the 11-member Rural Area Development Task Force to study and make recommendations to effectively develop rural economy and promote rural areas for business site location efforts. Recommendations in HB 2288 include creating within the Oklahoma Department of Commerce the Rural Action Partnership Program designated to carry out rural area development efforts. HB 2288 also created a 14-member Advisory Team for the Rural Action Partnership Program. The Advisory Team does not have any direct control or policy-making authority with respect to the Rural Action Partnership Program, which is the responsibility of the Executive Director of the Oklahoma Department of Commerce, but will advise and assist in the development of the Rural Action Partnership Program. The Advisory Team can also request further assistance from the Rural Area Development Task Force, which continues to exist under the provisions of HB 2288, in advising and assisting the Department of Commerce to develop the Rural Action Partnership Program. The Department of Commerce is required to conduct annual evaluations of the Rural Action Partnership Program. No later than December 31, 2007, the Executive Director of the Department will submit a report to the Governor, the Speaker of the House and the President Pro Tempore of the Senate summarizing the activities and results of the Rural Action Partnership Program. The

report may also contain any suggested changes in the goals function and funding of the Program. Effective 7-1-04.

HB 2373 (McCarter/Leftwich): Creates the Oklahoma Quality Investment Act, under which a qualified establishment engaged in tire manufacturing and meeting certain qualifications may receive payments from the state in the amount of ten percent of eligible capital costs for a period of up to five years. Capital costs are limited to a total of \$50 million, and payments may not exceed \$1 million annually. Payments may not be made until July 1, 2005, or thereafter. Investment in excess of the authorized amount each year may be carried over. Procedures are specified for applying for payments with the Department of Commerce, and for applying for claims with the Oklahoma Tax Commission. Establishments receiving payments are ineligible for certain other tax benefits. Effective 7-1-04.

HB 2417 (McIntyre/Horner): Expands the area defined as the Greenwood Area in Tulsa and thus the area of jurisdiction of the Greenwood Area Redevelopment Authority. The "Greenwood Area" refers to those portions of the City of Tulsa sustaining significant damage during the civil unrest in May and June of 1921. Effective 8-27-04.

HISTORICAL SOCIETY FUNDING

The Oklahoma Historical Society received a total appropriation of \$10,642,253 for FY'05. The agency received \$642,000 in new funds for general operating increases. This funding will be sufficient to avoid any disruptions to museum operations next fiscal year.

CAREER & TECHNOLOGY EDUCATION MEASURES

SB 1271 (Coffee/Winchester): Authorizes technology center school districts to offer programs that emphasize a focused field of career study if designed in cooperation with higher education. Effective 7-1-04.

HB 2400 (Miller, Ray/Rozell): Increases license fees for private vocational schools under jurisdiction of Oklahoma Board of Private Vocational Schools. Increases fines for violation of private vocational school licensing laws. Effective 7-1-04.

COMMON EDUCATION MEASURES

SB 713 (Williams/Roberts): Increases from 60 days to 8 months the notice requirement a district must give a charter school when it intends to deny a request for contract renewal. Changes the method for 1st year funding of a charter school by removing provision requiring funding based on the district's aver-

age student expenditure for preceding school year (which will result in 1st year funding based on ADM). Amends the Charter Schools Incentive Fund to authorize the State Department of Education to allocate funds on a per-pupil basis to provide matching funds for a federal grant. Effective 6-7-04.

SB 922 (Morgan/Mitchell): Requires applicants for teacher certification to provide Oklahoma and national criminal history records. States applicants are responsible for the cost of the criminal history records. Effective 7-1-04.

SB 1114 (Pruitt/Blackwell): Modifies definition of transportation equipment. Establishes construction criteria for auxiliary transportation equipment. Requires auxiliary transportation equipment used to transport ten or more students to meet requirements of laws of this state. Extends the general fund carry-over penalty waiver for gross production revenue apportionment purposes. Creates the Task Force on School District General Fund Carryover Standards. Requires recommendations by December 31, 2004. Effective 7-1-04.

SB 1115 (Fisher/Staggs): Adds another representative of licensed child care industry to Oklahoma Partnership for School Readiness Board. Effective 4-7-04.

SB 1129 (Riley/Peterson): Limits student transfer for reason that the home district does not offer the grade in which the student is to be enrolled to one transfer. Clarifies that student is still eligible for transfer under the Education Open Transfer Act. Effective 4-1-04.

SB 1207 (Crutchfield/Staffs): Subject to availability of funds, requires annual \$5,000 bonus for any school psychologist who is designated a Nationally Certified School Psychologist by the National School Psychology Certification Board and for any speech-language pathologist who holds a Certificate of Clinical Competence awarded by the American Speech-Language Hearing Association. Bonus rises to \$7,000 if certain education funding level is reached. Effective 11-1-04.

SB 1272 (Corn/Harrison): Enacts minimum teacher salary schedules for school years 2005-2006 through 2008-2009 that are designed to raise Oklahoma's average salary to the regional average by fiscal year 2009. Effective 11-1-04.

SB 1627 (Cain/Gilbert): Requires each public school to establish a Healthy and Fit School Advisory Committee. Authorizes schools to combine this committee with its Safe School Committee. Requires committee to study and make recommendations to principal regarding health education, physical education and physical activity, and nutrition and health services. Effective 9-1-04.

HB 1133 (Eddins/Rozell): Limits school district liability for medical evaluation costs incurred when the district recommends medical evaluation of a student found not to be reading at the appropriate grade level. Effective 7-1-04.

HB 1855 (Peterson/Riley): Authorizes emergency student transfer for a deaf or hearing impaired student if home district does not offer specialized deaf education program. Effective 05-20-04.

HB 2194 (Deutschendorf/Williams): Requires publishers who contract with State Textbook Committee to furnish instructional materials in electronic formats from which Braille and other accessible versions of the material can be produced. Effective 7-1-04.

HB 2294 (Blackwell/Laughlin): Authorizes a board of education to reimburse meal and lodging expenses of district students and sponsors involved in authorized school-sponsored co-curricular activities. Requires board to establish written policy for reimbursement. Authorizes reimbursement from general fund. Effective 7-1-04.

HB 2332 (Staggs/Lawler): Makes technical revisions to several areas of state law that relate to school finance by updating and streamlining the process that school districts use to manage financial operations. Effective 7-1-04.

HB 2477 (Harrison/Laster): Limits students excluded from requirements of the Reading Sufficiency Act to students who are on an I.E.P. in an area related to reading, who have limited English proficiency, or for whom English is a second language. Deletes option for students to retake the reading portion of the eighth grade state criterion-referenced test upon its administration the following year to satisfy the criteria for a driver license. Limits alternative documentation requirement to students on an I.E.P. in an area related to reading. Authorizes principals and teachers in public school districts to display in each classroom, auditorium, and cafeteria the following mottos of the United States of America: "E PLURIBUS UNUM (Out of Many One)" and "IN GOD WE TRUST". Effective 7-1-04.

HB 2542 (Carey/Gumm): Authorizes Commissioners of the Land Office to invest up to three percent of permanent school fund in land owned by Oklahoma Tourism and Recreation Department. Effective 6-3-04.

HB 2662 (Adair/Corn): Raises flexible benefit allowance for certified school personnel to 100 percent of the HealthChoice (Hi) option plan. Changes definition of fringe benefits and requires that certain amounts paid by districts to certified personnel in past years be used for instruction costs or for taxable compensation or fringe benefits. Effective 7-1-04.

HB 2681 (Dorman/Kerr): Authorizes Commissioners of the Land Office to exchange real property held in trust for other real property. Authorizes Commissioners to retain realtors to secure tenants in commercial leasing of trust property. Effective 7-1-04.

COMMON EDUCATION (K-12) FUNDING

For FY'05 common education was appropriated \$2.01 billion (HB 2012 and SB 1080). This represents a 2.0 percent increase over the FY'04 appropriation.

The Legislature partially restored funding to certain programs in FY'05. Increases included:

- ♦ Advanced Placement (\$1,000,000);
- ♦ Mentor Teacher Stipends (500,000);
- ♦ Parents as Teachers (\$250,000);
- ♦ Alternative Education (\$250,000); and
- ♦ National Board Certification Scholarships and Stipends (\$1,419,650).

Oklahoma leads many other states in the number of National Board Certified teachers in our schools. In FY'04, 226 teachers received National Board Certificates from the State Department of Education, which brought the total number of nationally certified teachers up to 857. The state provides a stipend in the amount of \$5,000 to nationally certified teachers for the life of the certificate (10 years). The Legislature appropriated an additional \$1,419,650 in FY'05 to fund 350 scholarships for teachers who wish to go through the program, and ensure the State Department's ability to fund the total amount needed for all eligible teachers.

Teachers' Health Insurance/Teachers' Salary Increases

The Governor and the Legislature began an initiative this session to raise teachers' salaries up to the regional average by FY'09. The first phase of the plan was to raise certified employees' flexible benefit allowance to 100 percent state coverage. HB 2662 raised the benefit allowance to 100 percent in FY'05, and excluded certain fringe benefits from being counted toward the teachers' minimum salary schedule. These two provisions of the bill should yield an average salary increase of between \$850 and \$1,050 per year for approximately 30 percent of all Oklahoma teachers. The Legislature appropriated over \$50 million to cover health insurance for all certified personnel within Common Education, and \$3.75 million for certified personnel in the Career and Technology Education system.

The second phase of the plan, which would take place over four years from FY'06-FY'09, would ensure Oklahoma's average teacher salary (\$34,877) reaches the regional average (\$39,136) by FY'09. This plan increases the starting salary from \$27,060 to \$28,000, and provides the following step increases:

- ♦ FY'06: Step increases of \$375 in years 0-4, \$400 in years 5-9, and \$425 in years 10+.
- ♦ FY'07: Step increases of \$425 in years 0-4, \$450 in years 5-9, and \$475 in years 10+.
- ♦ FY'08: Step increases of \$475 in years 0-4, \$500 in years 5-9, and \$525 in years 10+.
- ♦ FY'09: Step increases of \$525 in years 0-4, \$550 in years 5-9, and \$575 in years 10+.

Teachers will also see an increase of \$1,200 between levels of degrees. For example, a teacher at Step 0 in FY'05 with a Bachelor's Degree will earn \$28,000; with a Master's Degree, \$29,200; and with a Doctorate, \$30,400.

SB 1272, which covers the second phase, will cost \$197 million over four years.

HIGHER EDUCATION MEASURES

SB 864 (Gumm/Sweeden): Provides for public college or university property to be conveyed to the Board of Regents of that college or university upon determination by the Department of Central Services that such property has been and continues to be used for the benefit of the college or university. Further authorizes the sale of convict-made goods to employees or retirees of the state or any political subdivision of the state. Effective 9-1-04.

SB 908 (Capps/Jones): Increases the maximum scholarship award amount to \$15,000 per year for recipients of Rural Medical Education Scholarships. Effective 7-1-04.

HB 2145 (Lindley/Leftwich, Debbé): Creates the Advancement of Hispanic Students in Higher Education Task Force. Effective 8-27-04.

HB 2624 (Askins/Lawler): Establishes branch of Cameron University in Duncan. Effective 7-1-04.

HB 2630 (Braddock/Helton): States legislative intent that Oklahoma State Regents for Higher Education ensure state residency policies do not require a military dependent to pay out-of-state tuition if the dependent's family is stationed out of Oklahoma after dependent begins college in Oklahoma. Effective 5-25-04

POSTSECONDARY EDUCATION FUNDING

For FY'05 higher education was appropriated \$802,136,296 in SB 923. This represents a 4.4 percent increase from their FY'04 appropriation.

The following key items were addressed:

- ♦ \$24 million for institutional maintenance;

- ♦ \$3.3 million to fully fund Cooperative Extension programs; and
- ♦ \$8.2 million allocation for the Oklahoma Higher Learning Access Program (OHLAP).

Other program budgets were maintained at their FY'04 levels.

ENERGY, ENVIRONMENT & UTILITIES MEASURES

SB 377 (Rozell/Phillips): Amends the current statutes to bring the agency into compliance with several state laws as a result of a 2003 audit by the State Auditor and Inspector, and as requested by the Grand River Dam Authority. Modifies the powers and duties of the Authority to authorize the purchase of trucks and other vehicles, such specific authorization was left out of their enabling legislation and it further allows the General Manager to designate such vehicles for employee's to use in the performance of their duties. Exempts the agency from the provisions of the Public Building Construction and Planning Act. This was specifically requested in anticipation of the need to design and construct future electric generation facilities. The statute governing the requirement for Board of Director approval for contracts greater than \$25,000 was increased to \$50,000. The agency felt it was necessary to increase this amount due to the high cost of electrical power generation machinery and the need to be able to react quickly in emergency situations. The Oklahoma Public Employees Association requested an amendment to remove the \$100,000 annual cap on the amount the agency contributes over and above the state supplement toward retired employee's health care coverage. Currently, the agency contributes \$60 per month for each retired member's health insurance premiums. Further removes the GRDA from the provisions of the State Travel Reimbursement Act and repeals a provision requiring Legislative approval for the construction of specific power generation facilities. Effective 9-1-04.

SB 848 (Price/Ferguson): Authorizes electric cooperatives with less than 17,000 members to allow members to exempt themselves from rate regulation by the Corporation Commission. Previously, only cooperatives with more than 17,000 members were given this option. Effective 3-23-04.

SB 1077 (Morgan/Mitchell): Simplifies the process of appropriating monies from the Rural Economic Action Plan Water Projects Fund by repealing the original statute which had to be amended each year depending upon the amount of appropriations available and the agency requests for projects. This method allows the projects to be included in the annual agency appropriation bills and simply designates that certain projects will be paid for from monies in the fund. Effective 7-1-04.

SB 1107 (Lawler/Sweeden): Modifies the Oklahoma Waste Tire Recycling Act by amending the definition of a waste tire facility by reducing the requirement for tires processed by shredding from a total of one-third of the tires collected to five percent of the tires collected. Reduces the administrative fees for both the Department of Environmental Quality and the Tax Commission from four percent each to three and one-half percent each thereby making a total of one percent more available for other disbursements including funding of a new pilot program for random compliance audits to be performed by the State Auditor and Inspector. The requirement for waste tire facilities to demonstrate that ten percent of their processed tires were collected from tire dumps or landfills has been reduced to five percent and this measure further suspends that requirement for one year unless a facility is requested by the Department of Environmental Quality to make such a collection. Also makes any person or company which receives reimbursement from the Waste Tire Recycling Indemnity Fund for conservation projects utilizing waste tires liable for the projects for a period of five years. If during the ensuing five-year period such a project requires remediation or cleanup the original contractor is responsible for the remediation or cleanup costs and the contractor shall not be eligible for any additional compensation from the fund. Effective 5-3-04.

SB 1167 (Morgan/Wells): Authorizes employees of the Department of Environmental Quality to access Superfund and Brownfield sites to conduct necessary activities. (See also HB 2615.) Effective 4-15-04.

SB 1212 (Maddox/Askins): Creates the Oklahoma Wind Power Assessment Committee made up of 12 members who shall have the duty of analyzing data from the newly constructed wind farms located in this state and provide recommendations for legislation to support further development of zero-based emission renewable energy in Oklahoma. The Committee shall operate until 2009 and may make reports or recommendations as the committee deems necessary. Effective 6-9-04.

SB 1317 (Helton/Wells): Modifies the definition of "fair field price" which relates to the value of natural gas attributed to wells owned by a public utility or a subsidiary or affiliate of a public utility. Amends that definition by stating the fair field price shall not apply to gas purchased pursuant to a competitive bid process. Effective 6-3-04.

SJR 41 (Maddox/Winchester): Encourages local, state and federal agencies to purchase Oklahoma Green Power and encourages citizens to use renewable energy. Effective 8-27-04.

HB 1843 (Bonny/Capps): Allows rural water district board members to serve unlimited six-year terms. Effective 11-1-04.

HB 1873 (Brannon/Corn): Defines "Dimension stone quarries" and modifies some of the requirements relating to inspections of fire extinguishers and wearing of hard hats on such sites. Effective 11-1-04.

HB 1876 (Langmacher/Gumm): Repeals requirement for the Department of Environmental Quality to obtain a certificate of need prior to permitting a bio-medical waste processing facility. Effective 4-13-04.

HB 2198 (Leist/Shurden): Exempts environmental cleanup activities authorized by a federal or state environmental agency from liability under the Governmental Tort Claims Act and exempts certain persons or entities who own or lease property subject to the Oklahoma Brownfields Voluntary Redevelopment Act from liability related to pollution on the property. Effective 6-3-04.

HB 2278 (Morgan, Danny/Crutchfield): Defines foreign public utilities, holding companies and non-utility companies and provides a method for the Corporation Commission to review domestic utility companies and mergers and acquisitions of domestic utility companies. Effective 5-4-04.

HB 2284 (Balkman/Price): Authorizes the Oklahoma Water Resources Board to accredit floodplain administrators and requires each floodplain board to designate a floodplain administrator accredited by the OWRB. Effective 1-1-05.

HB 2351 (Benge/Maddox): Creates a Fuel Cell Initiative Task Force to study and make recommendations relating to the fuel cell industry, encourage fuel cell technology manufacturers to locate in this state and study tax and other economic incentives relating to fuel cell technology. This task force shall only be created if federal funds are obtained by the Oklahoma Department of Commerce by May 31, 2004. Effective 4-19-04.

HB 2440 (Ellis/Lerblance): Extends the current three-year moratorium on the sale or exportation of surface water and/or groundwater outside this state by any state or local agency or tribe to five years or until such time as the state conducts and completes a comprehensive scientific hydrological study of the water resources of this state. Effective 11-1-04.

HB 2457 (Pope/Price): Adds four members to the Geographic Information System (GIS) Council making it a 19-member council. The bill establishes certain criteria for council members, makes the Council the oversight entity for the Office of GIS and prohibits the council from awarding contracts or employing staff. Further creates an Office of Geographic Information within the Oklahoma Conservation Commission and requires the Director of the OCC to appoint a director of the Office of Geographic Information. Effective 11-1-04.

HB 2550 (Morgan, Danny/Crutchfield): Modifies the Corporation Commission regulation of the natural gas gathering industry by allowing the Commission to regulate gas processing and establish fees in certain instances where producers filed complaints against gathering companies. Effective 4-12-04.

HB 2574 (Morgan, Danny/Helton): Modifies the Oklahoma Underground Facilities Damage Prevention Act, also known as the "Okie One-Call System" by modifying the definition of "underground facility" to remove oil and gas pipelines which were added to the act last session and include only refined petroleum product pipelines and other oil and gas lines which are located in a public right-of-way. Further amends the original act to modify the notification process required for demolition projects by shortening the notification period from 60 days to 7 business days unless an operator of an underground facility notifies the demolition company that additional time will be necessary before the demolition can be conducted. Effective 5-28-04

HB 2615 (Wells/Laster): Authorizes employees of the Department of Environmental Quality to access Superfund and Brownfield sites to conduct necessary activities. (A duplication of SB 1167 (Morgan/Wells) which was already enacted on 4-15-04.) Effective 11-1-04.

HB 2616 (Wells/Helton): Addresses changes in the statutes relating to regulation of Petroleum Storage Tanks as requested by the Corporations Commission. Many of the amendments were designed to address issues brought up in the investigative audit required by the Legislature in 2003. The amendments attempt to reconcile the statutes with the newly adopted regulatory practices of the Commission and provide greater control over the remediation efforts paid for by the Petroleum Storage Tank Indemnity Fund which is funded by a \$0.01 cent per gallon assessment on petroleum fuel products. Effective 6-4-04.

ENVIRONMENT FUNDING

HB 2060 appropriated \$9,495,264 to the Department of Environmental Quality (DEQ). This is a 60.2 percent increase over the agency's FY'04 appropriation.

The majority of this increase (\$3,000,000) is dedicated to help fund the provisions of the Tar Creek Superfund Site Project as detailed by SB 1490. These funds will be used to relocate families with children under the age of six from affected areas.

In addition, the Oklahoma Water Resources Board was directed to expend up to \$400,000 on public water supply renovations if the Rural Economic Action Plan Water Projects Fund generates more than \$5,576,485 in revenues next fiscal year.

CONSERVATION COMMISSION FUNDING

The Oklahoma Conservation Commission was appropriated \$7,617,658 in SB 1019. This represents a 22.5 percent increase over the FY'04 allocation.

The agency was provided approximately \$450,000 to pay for FY'04 and FY'05 employee health benefits. The Commission was given an additional \$140,000 in general operating increases.

The Legislature funded the Conservation Commission's cost-share program at \$250,000. The program will fund locally led animal waste management, water quality and soil conservation priorities throughout the state to address nonpoint source pollution.

- In addition, the Water Resources Board was directed to expend up to \$500,000 on cost share programs as administered by the Conservation Commission if the Rural Economic Action Plan Water Projects Fund generates more than \$6,476,485 in revenues next fiscal year.

The Legislature appropriated \$415,000 to match federal funds made available to rehabilitate upstream flood control structures throughout the state. Out of the total 10,500 watershed structures in the United States, Oklahoma maintains 2,100 or 20 percent of the total number. Many of these structures will require rehabilitation and repair as they reach the end of their usable life within the next five years.

- In addition, the Water Resources Board was directed to expend up to \$500,000 on the watershed rehabilitation program administered by the Conservation Commission if the Rural Economic Action Plan Water Projects Fund generates more than \$5,076,485 in revenues next fiscal year.

GAMING, SPORTS & AMUSEMENTS MEASURES

SB 553 (Hobson/Adair): Authorizes a limited number of electronic games at three of the four racetracks in this state and provides a model compact which Indian tribes in this state may enter into to conduct such gaming on Indian lands. Defines the types of games and imposes requirements which the games are required to meet. Provides for a portion of the revenue from these games which are played at racetracks to go to purses, a portion to go to the track and a portion to go to the state. The model compact provides for a portion of the revenue derived from these games played on Indian lands to go to the tribe and a portion to go to the state. Provides for a portion of the revenue produced at Indian gaming facilities within 20 miles of a "fair meet" track to go to the track and a portion to go to purses at all the tracks in the state. (See also SB 1252.) Effective 8-27-04.

SB 1095 (Cain/Case): Requires the Oklahoma Professional Boxing Commission to reimburse the State Department of Health for the actual cost of providing administrative support to the Commission. The reimbursement will be paid from the Professional Boxing Licensing Revolving Fund, but shall not exceed ten percent of total revenues deposited into the fund in the preceding fiscal year. In an effort to attract better-quality and higher grossing boxing events, SB 1095 also modifies the amount of fees to be paid to the Boxing Commission by promoters of boxing contests and vendors who sell food, beverages and merchandise at the events. The fee shall not exceed five percent nor be less than 1.5 percent of the total gross receipts of any professional boxing contest or exhibition, based upon the amount of the total gross receipts of an event. SB 1095 also changes the formula for assessment of payments by telecast promoters. The law previously required that telecast promoters for boxing events pay the Boxing Commission an amount equal to four percent of the total amount paid to the promoter for the right to broadcast an event. The assessment is now at 4 percent of the gross receipts of the telecast promoter. Effective 5-3-04.

SB 1252 (Hobson/Adair): Orders a legislative referendum on the provisions of the State-Tribal Gaming Act. Mirrors with a few minor changes the provisions of SB 553 which was passed earlier in the session. Authorizes a limited number of electronic games at three of the four racetracks in this state and provides a model compact which Indian Tribes in this state may enter into to conduct such gaming on Indian lands. Defines the types of games and imposes requirements which the games are required to meet. It provides for a portion of the revenue from these games which are played at racetracks to go to purses, a portion to go to the track and a portion to go to the state. The model compact provides for a portion of the revenue derived from these games played on Indian lands to go to the tribe and a portion to go to the state. Provides for a portion of the revenue produced at Indian gaming facilities within 20 miles of a "fair meet" track to go to the track and a portion to go to purses at all the tracks in the state. The bill also repeals the provisions of SB 553. The repealer is effective 8-27-04. The legislative referendum on the provisions of the State-Tribal Gaming Act will be voted on at the general election to be held November 2, 2004. (See also SB 553.)

HB 2416 (Stanley/Shurden): Relates to the Oklahoma Horse Racing Commission and to smoking in public places. Changes the provision relating to the administration of Furosemide prior to a horse race. Previously, the dose could not exceed 250 milligrams or be less than 150 milligrams and had to be administered not less than four hours prior to post time. This is changed to the dosage authorized by the rules of the Commission. The bill also provides that certain areas where simulcast wagering is conducted by an organization licensee shall not be subject to cer-

tain smoking law provisions if certain conditions are met. Effective 6-9-04.

**GOVERNMENT MEASURES
(COUNTY, MUNICIPAL, LOCAL)**

SB 840 (Coates/Ferguson): Relates to the Public Competitive Bidding Act of 1974. Redefines definition of "personal property" to include the lease-purchase of retrofit metal roofs to be awarded by competitive bids where the total payments of principal and interest are anticipated to exceed \$25,000. Effective 4-14-04.

SB 851 (Crutchfield/Braddock): Relates to town annexation procedure. Requires implementation of a service plan in accordance with a capital improvement plan and states the town has 120 months to implement the improvement plan. Provides for notice to be mailed by certified mail to every person who owns parcels of land of five acres or more used for agricultural purposes and provides exceptions for parcels of land in proximity to airport, spaceport or military installations. Effective 7-1-04.

SB 905 (Lawler/McCarter): Provides for notice by first-class mail to all owners of the property to be annexed hearing for proposed annexation and by publishing such notice in a legal newspaper of general circulation in the territory to be annexed within 14 days following the date the governing body of the municipality directs the notice to be published. Also provides notice to the board of county commissioners of the respective county where the proposed annexation is located. Effective 11-1-04.

SB 1123 (Rabon/Mass): Authorizes the board of county commissioners to establish a longevity pay plan for county employees. Effective 11-1-04.

SB 1146 (Crutchfield/Taylor): Amends various provisions relating to county officers and county government, including:

- ♦ Modifies the process of electing directors of the free fair association;
- ♦ Authorizes additional mediums for storage of certain county records;
- ♦ Modifies certain fees, forms and procedures relating to records;
- ♦ Modifies requirements for certain school employees relating to the filing of an oath;
- ♦ Clarifies certain deadlines and procedures relating to homestead exemption;
- ♦ Provides for certain tax treatment of property subject to the ad valorem manufacturing exemption which was affected by a specified tornado;
- ♦ Modifies date by which application must be made for ad valorem exemption for certain qualified individuals;
- ♦ Modifies certain fees;

- ♦ Deletes certain requirement relating to school aid allocation; and
- ♦ Repeals provisions relating to duties and responsibilities of count commissioners and duplicate sections.

Effective 6-4-04.

SB 1209 (Shurden/Nance): Deletes obsolete language regarding the keeping, feeding and maintaining of prisoners. Effective 3-29-04.

SB 1231 (Snyder/Reynolds): Authorizes the use of Evapotranspiration Absorption Systems or Aerobic Wastewater Treatment Systems to be used in properties containing not less than one acre if the covenants of the subdivision allow such systems. Effective 7-1-04.

SB 1295 (Harrison/Walker): Modifies the amount a municipal officer in a municipality with a population of less than 2,500 may spend per calendar year in conducting business. Effective 4-7-04.

SB 1346 (Monson/Dorman): Relates to elections and the state election board. Provides for:

- ♦ Moving election dates if such date falls on an official holiday;
- ♦ Requires instructions to voters to include all information as required by state and federal law;
- ♦ Designates certain areas as a sub-precinct;
- ♦ Modifying information required for a voter registration application;
- ♦ Requiring newly registered voters to provide identification when they vote the first time in a federal election;
- ♦ Making provisional ballots available for all elections conducted by the county election board;
- ♦ Setting date to certify elections;
- ♦ Allowing the Secretary of the Election Board to authorize the experimental use of vote counting devices or equipment;
- ♦ Stating the county election board shall not be required to conduct elections on a date other than an election date identified in the Oklahoma Statutes;
- ♦ Modifying absentee ballot procedures for voters who are absent from the United States;
- ♦ Modifying date of primary elections for cities and towns; and
- ♦ Providing for filing periods for municipal special non-partisan elections.

Effective 7-1-05.

SB 1392 (Laughlin/Blackwell): Authorizes the court to order a defendant to reimburse all actual costs of incarceration upon conviction unless the defendant is a mentally ill person. Cost of the incarceration shall be a debt of the inmate owed to the municipality, county or other public entity collectable as provided

by law for collection of any other civil debt or criminal penalty. Effective 5-28-04.

SB 1419 (Smith/Erwin): Modifies the fee to \$35 for the initial filing of any bond. Authorizes the court clerk to remit a fee of \$25 of every \$35 to the Sheriff's Jail Fund or to a special revenue fund of the entity operating the jail. Effective 7-1-04.

SB 1507 (Fisher/Carey): Provides for a single irrevocable letter of credit as an alternative to be used to satisfy certain requirements for bidding procedures for contracts exceeding \$25,000 under the provisions of the Public Competitive Bidding Act of 1974. Also modifies requirements for performance bonds. Effective 11-1-04.

SB 1529 (Gumm/Leist): Creates the Oklahoma Municipal Employee Collective Bargaining Act. States that the purpose and public policy of the act will be accomplished by:

- ♦ Granting to municipal employees the right to associate with others in organizing and choosing representatives for the purpose of collective bargaining;
- ♦ Requiring municipal employers to recognize, negotiate with and bargain with employee organizations representing municipal employees and to enter into written agreements evidencing the result of bargaining; and
- ♦ Encouraging labor peace through the establishment of standards and procedures which protect the rights of the municipal employer, the municipal employee and the citizens of this state.

Establishes various sections of new law which provide definitions, procedures and requirements to accomplish the stated purpose and public policy. Effective 11-1-04.

HB 2126 (Morgan, Danny/Corn): Allows any municipality to create an urban renewal authority if approved by the local elected officials. Effective 11-1-04.

HB 2139 (Ellis/Crutchfield): Allows municipal jails that house no more than 20 inmates and that meet certain monitoring requirements to have only one jailer working on site. Effective 11-1-04.

HB 2195 (Deutschendorf/Maddox): States that an electronic document presented in compliance with the Uniform Electronic Transaction Act is acceptable for filing and authorizes the county clerk to accept payment for fees by an automated clearing house or by a nationally recognized debit or credit card. Effective 11-1-04.

HB 2199 (Taylor/Shurden): Allows county officers to be eligible to run for another county or state office without resigning from their current office. Effective 8-27-04.

HB 2211 (Blackburn/Price): Authorizes a public trust to accept offers from the county commissioners for offers to convey land to the trust. Effective 4-1-04.

HB 2353 (Benge/Riley): Provides for municipalities or public trust of which the municipality is a beneficiary to use the reverse auction procedure as an alternative to any state law applicable to the purchase of goods or services. Requires a municipality wishing to annex a territory to mail a notice of annexation to the board of county commissioners of the adjacent county and of the county where the proposed annexation is located. Effective 11-1-04.

HB 2369 (Jones/Laughlin): Requires school district elections to be held on the second Tuesday in February, except in any year when a Presidential Preferential Primary is held in February, in which case the election shall be held on the same day as the primary election. Effective 11-1-04.

HB 2431 (Miller, Doug/Gumm): Modifies provisions relating to the payment of property taxes with respect to platted parcels. Effective 11-1-04.

HB 2530 (Walker/Crutchfield): Provides an exemption for park rangers elected or appointed to a local board of education or municipal office. Effective 4-1-04.

HB 2561 (Nations/Nichols): Modifies the definition of "public improvement" in the Public Competitive Bidding Act of 1974. Provides for materials purchased in increments for an amount of less than \$25,000 for the purposes of completing a single project. Effective 11-1-04.

HB 2666 (Adair/Shurden): Relates to cities and towns and annexation. Requires a roadway or road right-of-way that is adjacent or contiguous to the territory to be annexed to be considered a part and parcel of the territory to be annexed. Effective 11-1-04.

GOVERNMENT MEASURES (STATE)

SB 7 (Capps/Worthen): Names the Oklahoma Rose the official flower of the State of Oklahoma. Effective 11-1-04.

SB 649 (Johnson/Covey): Reduces the county population requirement from 100,000 to 80,000 for the creation of a juvenile bureau and citizens' advisory committee. Effective 5-17-04.

SB 869 (Crutchfield/Walker): Deletes the requirement for the Secretary of State to print the monthly agricultural lien list in microfiche format. Effective 5-3-04.

SB 900 (Pruitt/Morgan, Fred): Authorizes the Department of Central Services surplus property agent to participate in surplus property programs offered by the federal government of the United States. Effective 11-1-04.

SB 1074 (Morgan/Mitchell): Allows state boards and commissions to employ former members if at least one year has passed since the resignation of the member. Effective 6-8-04.

SB 1100 (Gumm/Carey): Defines the scope of recommendations of the Oklahoma Biennial Compensation Review Board and amends certain meeting and reporting dates. Effective 11-1-04.

SB 1104 (Capps/Sweeden): Modifies minimum salary of the chief clerk of the county election board, modifies number of registered voters needed to create a sub-precinct, authorizes the administrator of a nursing facility to execute a form to notify the election board of the death of a nursing facility resident, provides penalty for pollsters who violate the law, authorizes media to be in an election enclosure for a maximum of five minutes, provides penalty for watchers, modifies time when sheriff is required to return a vote pack, provides penalty for person who swears a false affidavit to obtain a ballot or vote absentee, and provides penalty for interfering with a voter. Effective 5-11-04.

SB 1105 (Gumm/Carey): Creates the State Employee Advocacy Rights Act. Allows certain employee organizations to hold meetings on public property and to provide information to state employees. Effective 11-1-04.

SB 1108 (Helton/Nations): Exempts certain payment data collected by a public utility regulated by the Corporation Commission from the Oklahoma Open Records Act. Effective 5-3-04.

SB 1135 (Corn/Rice): Concerns the Department of Central Services, Central Purchasing Division. It provides a definition of "qualified organization." Clarifies that a one-percent fee assessed against qualified organizations may be used for promotion of goods and services provided by such organizations. Allows for the investment of such fees in certain types of instruments and allows for the retention of interest. Effective 11-1-04.

SB 1136 (Corn/Smithson): Requires an agency which is implementing a reduction-in-force to give a veteran's preference to employees who would otherwise be equally situated. Effective 11-1-04.

SB 1153 (Wilkerson/Plunk): Allows a state agency to enter into a contract with any federally recognized Indian tribe or nation to lease its employees if the tribe or nation has purchased real property from the state and the employees were employed by the state

at the site of the purchased property. Effective 4-20-04.

SB 1155 (Wilkerson/Braddock): Creates pay bands for employees of the Oklahoma State Bureau of Investigation. Effective 7-1-04.

SB 1169 (Maddox/Rice): Exempts the Oklahoma Development Finance Authority from compliance with the provisions of the Oklahoma Central Purchasing Act. Effective 4-7-04.

SB 1206 (Price/Covey): Adds two members to the board of directors for the Oklahoma Center for the Advancement of Science and Technology: the president of one of the regional universities in the State System of Higher Education designated by the Chancellor, and the Governor's appointed cabinet Secretary of Agriculture. Effective 11-1-04.

SB 1227 (Milacek/Covey): Allows a state hiring preference to all veterans rather than only war veterans. Effective 11-1-04.

SB 1347 (Williams/Wells): Creates the Art in Public Places Act, to foster culture and the arts. A portion of expenditures for capital projects, including but not limited to bond issues for state construction, must be set aside for the acquisition of works of art to be placed in public construction or on public lands. Effective 8-27-04.

SB 1385 (Capps/Braddock): General clean-up bill for the Office of Personnel Management. Effective 7-1-04.

SB 1549 (Shurden/Leist): Creates Senator Keith Leftwich Day. Effective 3-30-04.

SJR 47 (Wilkerson/Morgan, Fred): Names the Medical Examiner Building after Dr. Fred B. Jordan, Chief Medical Examiner of Oklahoma. Effective 5-4-04.

HB 1577 (Dorman/Leftwich): Modifies the performance audit procedures of the State Auditor and Inspector's Office. Requires examination cost to be borne by the agency being examined. Effective 8-27-04.

HB 1858 (Gilbert/Brogdon): Provides exception for municipal incorporation. Provides for territories within five miles of a municipality with a population of more than 200,000 to incorporate as a municipality if such territory has historically been identified as a community. Also requires petition for such incorporation. Effective 11-1-04.

HB 1965 (Mitchell/Morgan): Authorizes the Oklahoma Capitol Improvement Authority to issue an additional \$4 million in bonds to provide funds to complete the renovation of the Samuel Layton Building. In 2001 the Legislature had authorized the Authority to issue bonds in an amount not to exceed

\$8,600,000 for that purpose. The bonds authorized in this measure would be subject to the same restrictions that are normally imposed on other bonds issued by the Authority. Effective 8-27-04.

HB 2004 (Mitchell/Morgan): Places certain positions of the Department of Public Safety, the Commissioners of the Land Office, the Department of Central Services, the Oklahoma Department of Agriculture, Food, and Forestry, the State Department of Health, the Oklahoma Department of Veterans Affairs and the Office of State Finance in the unclassified service. Effective 7-1-04.

HB 2277 (Rice/Corn): Lifts the dollar cap on purchases made with a state purchase card by state agencies for acquisitions on statewide contracts. Allows the Department of Central Services to finance a new heat and air system for the State Capitol. Also allows the Department of Human Services to sell certain property. Effective 11-1-04.

HB 2317 (Rice/Helton): Authorizes the Adjutant General to determine the transfer of property no longer needed by the military department to a municipality, county, state agency or other public entity. Also provides for an Executive Director of the 45th Infantry Division Museum. Effective 11-1-04.

HB 2311 (Taylor/Price): Authorizes a member of a municipal governing body to run for county or state office without resigning from the current office held. Effective 8-27-04.

HB 2663 (Adair/Corn): Provides procedures for holding elections to fill seats of members of the Legislature who are not eligible to complete the term of office to which such members were elected due to the term limits provision of the Constitution. Clarifies current statutory references to Special Primary and Runoff elections. Clarifies that special elections for ballot measures may be held on the same day as a regularly scheduled election. Provides additional location where candidate for member of the board of education of a school district or technology center school district which is located in more than one county may file for office. Requires additional notification of elections for members of the boards of education of school districts and technology center school districts. Effective 5-28-04.

HB 2664 (Adair/Hobson): Imposes a registration fee of \$100 per year for each registered lobbyist, and a fee of \$50 per year for each party committee and political action committee accepting contributions or making expenditures of at least \$500 per year. Fees are deposited to the Ethics Commission Fund. Effective 11-1-04.

HB 2677 (Dorman/Monson): Modifies dates of residency requirements for candidates to file for the Senate, House of Representatives, and county offices.

Also modifies dates for formation of a recognized political party. Modifies the time period to file as a candidate for a special election and qualifications for school board elections. Effective 4-1-04.

HEALTH MEASURES

SB 369 (Shurden/Stanley): Amends Enrolled House Bill No. 2321 by making placement of the symptom or purpose for which a prescription is written permissive rather than mandatory. Also updates obsolete references in the Oklahoma Pharmacy Act. Other amendments to the Oklahoma Pharmacy Act include other definition updates to comply with federal law; conducting of pharmacy/pharmacist surveys by pharmacy compliance officers; clarification of language related to establishment of and maximum amounts for fees for training components, score transfers, late filings, permits and reinstatement; and clarification of procedures for licensure, regulation and permits. Addresses various provisions in the Allopathic Medical and Surgical Licensure and Supervision Act, the Medical Licensure and Supervision Act, the Osteopathic Examiners Act and the Orthotics and Prosthetics Practice Act. Establishes term ending dates for the Oklahoma Licensed Behavioral Practitioners Advisory Board and extends by three years the time period for completion of education requirements for licensure. Provides that a doctor who renders medical care on a voluntary basis at a free medical clinic or an educational sporting event is not liable for any civil damages with certain exception. Effective 6-9-04.

SB 1109 (Cain/Blackburn): Amends the Home Care Act by exempting Consumer-Directed Personal Assistance Supports and Services (CD-PASS) providers and participants from the Act and the definition of a home care agency. Further exempts home and community-based waiver assessments from rules related to restrictions on the provision of skilled care for purposes of Medicaid. Includes CD-PASS program providers in the definition of a caregiver. Effective 11-1-04.

SB 1372 (Monson/Nations): Requires the Oklahoma Health Care Authority to annually report savings realized and costs incurred in the implementation of any drug cost containment programs. Effective 11-1-04.

SB 1406 (Robinson/Staggs): Provides that any confidential health information or data acquired by the State Commissioner of Health shall remain confidential. Effective 11-1-04.

SB 1429 (Monson/Cox): Exempts Oklahoma Health Care Authority contracted domestic health maintenance organizations from specified provisions in the Health Maintenance Organizations Act of 2003 and

the Risk-based Capital for Health Maintenance Organizations Act of 2003. Effective 11-1-04.

SB 1490 (Morgan/Roberts): Creates the Lead-Impacted Communities Relocation Assistance Act to relocate young children living in the Tar Creek Superfund Site in far northeastern Oklahoma. Allows families with a child six years old or younger to voluntarily, apply to a local trust authority to purchase their home or, if the family rents, to be eligible for 12 months comparable rental payments. Additionally, such families are eligible for a small stipend to assist with their moving expenses. Prohibits use of houses or rental properties affected by the buyouts for occupancy by young children until deemed safe by the State Commissioner of Health. Companion bill SB 2060 appropriated \$3 million to fund the activities of the trust authority. Effective 9-1-04.

SB 1546 (Robinson/Leist): Authorizes the Oklahoma Health Care Authority to conduct a pilot premium assistance plan to assist small businesses and/or their eligible employees to purchase employer-sponsored health coverage, or to buy-in to a state-sponsored plan. Effective 7-1-04.

SB 1554 (Robinson/Hilliard): Creates the Oklahoma Trauma Systems Improvement and Development Act to enable hospitals and emergency medical service providers to provide an organized system of trauma care. The Act:

- ♦ Specifies that provisions for trauma care according to location, capacity and capability be included in State Board of Health promulgated rules;
- ♦ Creates the Oklahoma Trauma Systems Improvement and Development Advisory Council to make recommendations about the State Health Department's role under the Act;
- ♦ Provides for OSDH recognition of trauma systems by geographic regions;
- ♦ Establishes regional trauma advisory boards by hospital and ambulance service providers, whose purpose shall be to provide regional representation and continuous quality improvement. Allows funding of such activity as funds become available;
- ♦ Provides for review of and reporting on trauma patient care and continuous quality improvement activities by the Medical Audit Committee, an appointed committee of licensed physicians, and requires OSDH to provide funding and administrative support. Information pursuant to such review is confidential and shall only be used for trauma patient care improvement;
- ♦ Establishes trauma transfer and referral centers in certain geographic areas based on population to manage the area's emergency medical care needs. Allows operator reimbursement of such centers as funds become available;

- ♦ Makes ambulance service providers and physicians eligible for reimbursement for uncompensated trauma care; and
- ♦ Allows transfer of Trauma Care Assistance Revolving fund monies to the Oklahoma Health Care Authority in order to maximize Medicaid reimbursement for trauma care and, in combination with federal matching funds, to reimburse hospitals, ambulance service providers and physicians for trauma care to severely injured Medicaid participants. Effective 6-4-04.

SB 1569 (Monson/Askins): Creates until January 31, 2005, the Joint Legislative Task Force on Patient Safety to study the feasibility of legislative or regulatory efforts to improve patient safety. Adds the clinical practices of accredited allopathic and osteopathic state medical schools to the definition of a health care facility. Effective 6-9-04.

SB 1578 (Cain/Balkman): Allows a patient of a physician, psychotherapist, mental health facility, or drug or alcohol abuse treatment facility access to certain records and information related to the patient's treatment, and provides procedures for release, revocation of release, and authorizations for certain uses and disclosures of such information. Allows Attorney General, the Department of Mental Health and Substance Abuse Services or district attorneys to bring actions for injunctions for violations of the Oklahoma Alcohol and Drug Abuse Services Act or other orders of the Department. Specifies rights of persons in inpatient or residential mental health facilities. Effective 11-1-04.

SB 1582 (Cain/Peters): Directs the State Board of Health to promulgate rules to designate communicable or infectious diseases, if any, for which a blood test shall be conducted prior to a couple obtaining a marriage license. Effective 11-1-04.

SB 1592 (Monson/Toure): Requires the Oklahoma Health Care Authority to make Medicaid reimbursement payments to hospitals. Effective 6-4-04.

SB 1622 (Laster/Nations): Creates the Oklahoma Nursing Facility funding Advisory Committee to develop and submit to the Oklahoma Health Care Authority for approval by January 15, 2005, a methodology for calculating state Medicaid program nursing facility reimbursements based on direct care staffing. Effective 5-11-04.

HB 1866 (Gilbert/Cain): Creates the Utilization of Unused Prescription Medications Act and expands the scope of pilot program statewide, effective January 1, 2005. Under the program, unused prescription drugs other than controlled dangerous substances may be transferred from nursing facilities, assisted living centers or pharmaceutical manufacturers to specified pharmacies for distribution to medically indigent Oklahoma residents. Specifies criteria to be used in accepting and dispensing un-

used prescription drugs, including a provision that such items dispensed for purposes of a medical assistance program or drug product donation program may also be accepted. Participation by sending entities is voluntary. Exempts specified persons and entities from criminal or civil liability in relation to the program, and specifies contents of rules to be promulgated by the Board of Pharmacy. Amends the Oklahoma Pharmacy Act to exempt program donated drugs from prohibitions related to the selling, offering for sale or bartering of professional samples, and to provide that it is unlawful to possess dangerous drugs without a valid prescription or a valid license to possess such drugs. Effective 6-3-04.

HB 1870 (Gilbert/Lawler): Expands the purview of the Children with Special Health Care Needs Program to include those children who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required by children generally. Effective 4-15-04.

HB 2134 (Peters/Riley): Deletes syphilis testing requirement for a marriage license application. Effective 1-1-05.

HB 2282 (Mitchell/Robinson): Requires the State Board of Health to promulgate by September 30, 2004, rules related to temporary emergency waivers effective November 1, 2004, until October 31, 2005, for long-term care facilities that cannot meet staffing requirements (*The effective date of the Act, however, is November 1, 2004*). Prohibits issuance of penalties and licensure deficiencies to such facilities regardless of the status of the waiver application. Also requires annual licensure of public bathing places and authorizes fees for licensure and regulation. Limits licensure fee to no more than \$50 for municipalities of 5,000 or fewer population. Subjects public bathing places that have been declared a nuisance to reinspection and a reinspection fee. Effective 11-1-04.

HB 2305 (Hamilton/Shurden): Creates the Advisory Council on Pain Management to provide advice and recommendations to the Legislature on pain management policy in this state. The Council is to submit an interim report by November 30, 2004, and the final report by April 1, 2005, at which time the Council expires. Further requires nursing facilities to include and chart pain as part of a resident's vital signs assessment. Effective 6-3-04.

HB 2306 (Hamilton/Shurden): Creates the Danielle Martinez Act and the Advisory Council on Cord Blood Donations to study and make recommendations to the Legislature on the development of a level cord blood donor program in Oklahoma. Effective 6-9-04.

HB 2321 (Wilson/Corn): Requires prescription labels to include the purpose or symptom for which a drug is being prescribed, if a patient so requests, but al-

lows a pharmacist to fill the prescription even if the information is not provided. Includes non-laser surgery procedures in the definition of the practice of Optometry. Effective 4-28-04.

HB 2552 (Hilliard/Leftwich): Creates the Belle Maxine Hilliard Breast and Cervical Cancer Treatment Fund to be budgeted and expended for the purpose specified and associated with the Oklahoma Breast Cancer Act. Effective 11-1-04.

HB 2568 (Morgan, Fred/Coffee): Modifies the Advanced Directive for Health Care. Effective 11-1-04.

HB 2600 (Hilliard/Monson): Assesses special trauma care fees ranging from \$100 to \$200 for certain traffic, controlled dangerous substance and drug trafficking violations for deposit into the Trauma Care Assistance Revolving Fund. Effective 11-1-04.

HB 2667 (Askins/Monson): Requires health care facilities that have not received approval to construct a new facility by July 1, 2006, to provide documentation that at least 30% of its net revenues are from Medicare and/or Medicaid, with allowances for uncompensated care, and state corporate tax contributions. Facilities that fail to meet the 30% threshold shall be assessed a fee, provided the fee shall not be calculated prior to the effective date of the Act and shall be prospective. Fees collected shall be deposited into the Uncompensated Care Equalization Revolving Fund established in Section 3 of the Act. The Act creates the Uncompensated Care Equalization Committee to develop and recommend by February 1, 2006, a formula to equalize the burden of uncompensated care that takes specific factors into account. Effective 6-4-04.

HB 2723 (Pettigrew/Coffee): Amends the Long-Term Care Certificate of Need Act by:

- ♦ Expanding definition of "history of noncompliance";
- ♦ Modifying monthly reporting procedures;
- ♦ Amending conditions under which a certificate of need is required and expanding conditions under which the State Health Department may issue an exemption from certificate of need requirements;
- ♦ Modifying list of reasons that the State Commissioner of Health may refuse to issue a certificate of need;
- ♦ Establishing and increasing various certificate of need related fees;
- ♦ Increasing the number of months for which an extension of a certificate of need may be issued;
- ♦ Increasing the length of time applicants have to begin construction of a facility;
- ♦ Providing for Health Department review of facility expansion plans and establishing a maximum fee for such review;
- ♦ Amending definitions used in the Nursing Home Care Act;
- ♦ Modifying types of facilities that are prohibited

from hiring individuals as nurse aides that are not certified and eligible for placement on the nurse aide registry and providing an exception from November 1, 2004 until October 31, 2005, provided the facility has applied for a temporary waiver and regardless of the status of the waiver application;

- Authorizing certified medication aides to perform certain procedures; and
- Repealing obsolete language related to the collection of occupancy rate data.

Effective 6-4-04.

HEALTH CARE AUTHORITY FUNDING

The Oklahoma Health Care Authority (OHCA) base appropriation for FY'05 was allocated in SB 978. The agency, charged with administering the state's Medicaid program, received \$482,256,505. This is a 9.9 percent increase over the agency's FY'04 appropriation.

Major funding items include:

- \$18.7 million for prescription drugs;
- \$15 million for growth in enrollment/utilization; and
- \$2.5 million for breast and cervical cancer treatment.

The agency has experienced a growth rate of nine to ten percent per year for the last four years. This year's appropriation is in line with the agency's historical trend. The agency and the Legislature will monitor expenditure data closely in FY'05 and continue to try to find ways to reduce costs in the Medicaid program.

PUBLIC HEALTH FUNDING

The appropriation for the Department of Health was \$57,563,226 (HB 2042). This is 7.1 percent more than the agency received in FY'04.

Funding for the following items was provided:

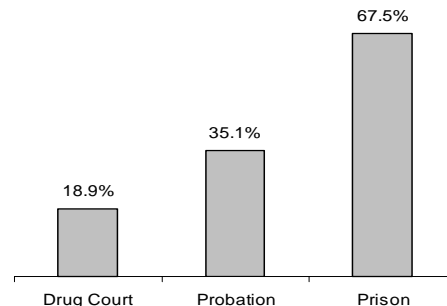
- \$900,000 for county health departments;
- \$500,000 to purchase flu vaccines;
- \$600,000 to replace federal cuts in the long-term care facility inspection division;
- \$600,000 to operate a trauma referral call center; and
- \$100,000 to increase funding for the state's community health care system network.

MENTAL HEALTH & SUBSTANCE ABUSE FUNDING

The Department of Mental Health and Substance Abuse Services received an appropriation of \$155,447,428 for FY'05 (HB 2044). This is a 7.2 percent increase over the agency's FY'04 appropriation. Major funding items are as follows:

- Core Mental Health Services (\$2,500,000) - The agency received funds to provide core services to persons with mental illness. During FY'04, the agency turned away approximately 850 individuals a month who requested services because of a lack of resources. Without services, people will often end up in the emergency room or jail, either of which is much more expensive than treatment. These funds will reduce that number significantly.
- Program for Assertive Community Treatment (\$750,000) - PACT teams have been shown to be extremely effective. In both national and Oklahoma studies they provided dramatic positive outcomes for persons with serious mental illness. An evaluation of PACT clients admitted in FY'03 shows that those clients used 5,548 fewer hospital days and spent 536 fewer days in jail. This funding will allow two additional teams to start up next fall in rural areas.
- Drug Courts (\$1,000,000) - There are currently 13 drug courts in planning stages and waiting for funding to begin operations. This funding will be used to fund treatment associated with several of these drug courts so they may begin operations. Drug courts are a proven best practice model that increase employment and reduce recidivism rates. There was a 75.1 percent decrease in unemployment among drug court graduates from entry to graduation.

Re-Arrest Rate After 36 Months



Source: ODMHSAS

- Systems of Care (\$1,000,000) – The Systems of Care model provides an organized and comprehensive service package to children with mental illness who require services from more than one state agency. ODMHSAS works in conjunction with DHS, OJA and OHCA, the child's school and others to ensure that one agency's plan of care does not contradict that of another. After six months in the program, the first 98 children served saw a decrease of 202 days of school suspension and an over 50-percent reduction in contacts with law enforcement. This funding will be used to serve 200 more children.
- Forensic Center Bond Issue – \$500,000 was provided to pay debt service on an \$18.9 million bond issue to replace the current facility which is 74 years old.

UNIVERSITY HOSPITAL AUTHORITY FUNDING

The University Hospital Authority received an appropriation of \$39,029,342 in FY'05. Funds appropriated to the Authority are used to reimburse the OU Medical Center for indigent care as well as to provide the state matching funds for Medicaid programs that benefit other teaching hospitals within the state. Those programs, known as the Graduate Medical Education (GME) programs, received an increase of \$1,365,118 in state funds in FY'05. These funds will be used to draw down approximately \$3,276,283 in federal Medicaid matching funds.

The Authority also received \$3,065,639 in new funds to ensure that Level I trauma services continue to be provided at the OU Medical Center.

HOMELAND SECURITY MEASURES

HB 2280 (Paulk/Wilkerson): Enacts Oklahoma Homeland Security Act. Creates Oklahoma Office of Homeland Security. Authorizes Governor to appoint director. Requires director to establish strategic security objectives for Oklahoma and to establish a plan for a statewide emergency all-hazards response system. Creates regional planning and coordination advisory councils for homeland security. Effective 4-26-04.

HUMAN SERVICES MEASURES

SB 899 (Morgan/Rice): Adds advanced registered nurse practitioners to the list of health care providers who may issue handicapped placards. Effective 7-1-04.

SB 1110 (Cain/Eddins): Adds a Child Advocacy Center representative to the Child Abuse Training and Coordination Council (CATCC). Effective 5-5-04.

SB 1111 (Cain/Blackburn): Includes infants and toddlers cared for in a public school setting in licensed child care regulatory provisions. Effective 5-5-04.

SB 1184 (Wilkerson/Braddock): Increases criminal history background check fee from \$10 to \$15. Effective 7-1-04.

SB 1232 (Corn/Winchester): Grants discretion to the Director of Human Services in classifying positions within the agency. Effective 6-9-04.

SB 1263 (Robinson/Staggs): Provides that telephonic, electronic or other provision of speech-language pathology or audiology services constitutes speech-language pathology or audiology practice and must be licensed. Further sets our initial licensure requirements and modifies reappointment provisions and terms of the Board of Examiners for Speech-Language Pathology and Audiology. Increases late licensure renewal fees from 10% to 50% of up to a maximum of three times the current renewal amount. Effective 7-1-04.

SB 1280 (Robinson/Hilliard):

- Specifies the functions of the director of the Department of Rehabilitation Services, and the authority of the Department and the Commission for Rehabilitation Services.
- Creates and transfers all real property held by the Commission for the benefit of the Oklahoma School for the Deaf and Blind into a trust, the proceeds from which will be used to provide ongoing funding for the school.
- Provides that licensed speech pathology and audiologists are practitioners of the healing arts for purposes of referrals under the Individuals with Disabilities Education Act and the Rehabilitation Act of 1973. Further provides that a plan of care developed pursuant to the Physical Therapy Practice Act and the Occupational Therapy Practice Act is a prescription for purposes of the same two laws.

Effective 7-1-04.

SB 1405 (Williams/Lindley): Designates the Oklahoma 2-1-1 Advisory Collaborative as the state coordinating entity for 2-1-1 Call Centers, the vehicle to develop an integrated service map, and the certifying body for information and referral providers. Effective 6-3-04.

SB 1522 (Gumm/Carey): Requires the Chief Medical Examiner to track and forward demographic information about sudden, unexpected and nontraumatic infant deaths, including Sudden Infant Death Syn-

drome (SIDS) to the Health Department and the SIDS Foundation of Oklahoma. Requires the medical examiner to advise affected families of available support services and procedures to expedite receipt of such services. Effective 7-1-04.

SB 1547 (Wilcoxson/Greenwood): Contingent upon repeal of asset protection restrictions contained in the Omnibus Budget Reconciliation Act of 1993 (PL 103-66), establishes the Oklahoma Long-Term Care Partnership Program (LTCPP) to encourage pursuit of private long-term care initiatives as a potential offset to long-term care costs under Medicaid.

The act:

- ♦ Provides that a beneficiary of a LTCPP-approved policy is eligible for Medicaid assistance. The Act also allows reciprocity for other state LTCPP-approved policies that are substantially similar.
- ♦ Defines asset disregard as the total assets that may be retained for Medicaid eligibility determination purposes by an individual who is a beneficiary of a LTCPP-approved policy and who has exhausted the benefits of such policy. Such policies are to be approved by the Insurance Department which is also required to develop consumer long-term care insurance policy notice provisions regarding current asset disregard and asset tests law.
- ♦ Requires an amendment to the state Medicaid program to disregard insurance benefits paid under a LTCPP-approved policy as assets for purposes of Medicaid eligibility, payments and medical service recovery payments.

The Oklahoma Health Care Authority, with assistance from the Insurance Department, will promulgate rules to implement and administer the program. Effective 60 days after Congressional repeal of OBRA 1993 asset restrictions.

SB 1609 (Monson/Winchester): Adds cervical cancer to the renamed Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee and contains various provisions related to appointments, membership and terms of Advisor Committee members. Clarifies dates for purposes of income tax check off to the Breast and Cervical Cancer Act Revolving Fund. Effective 5-4-04.

SJR 48 (Leftwich/Staggs): Provides for a study of the living conditions of children of incarcerated women. Effective 5-11-04.

HB 1835 (Lindley/Cain): Expands the scope and membership of the Task Force to Eliminate Health Disparities to include representation for mental health and substance abuse. Effective 5-4-04.

HB 2102 (Carey/Riley): Exempts from public indecency statutes and excuses from jury duty breastfeeding mothers. Emergency

HB 2108 (Case/Robinson): Beginning July 15, 2004, prohibits any increase in the Nursing Facility Quality of Care (NFQC) Fee unless specifically authorized by the Legislature, and subjects annualization of the fee to the same provision. The act deletes:

- ♦ Funding provisions related to a nursing facility reimbursement methodology study;
- ♦ Financial incentives for physicians practicing in underserved rural areas; and
- ♦ Criteria for exempting NFQC Fee funding and programming from fiscal cuts.

Repeals Medicaid certification survey service fees for intermediate care facilities and quality assurance assessment fees for health maintenance organizations. Effective 6-3-04.

HB 2300 (Tibbs/Cain): Creates the Oklahoma Consumer-Directed Personal Assistance and Support Services (Oklahoma CD-Pass) Act to assist frail elderly and disabled adults who are Medicaid eligible to remain in their homes with maximum control over the persons providing their care. Also adds CD-PASS personal care attendants to the definition of a caregiver with regard to accepting gifts from a person in his or her care. Effective 7-1-04.

HB 2314 (Lindley/Corn): Provides for specific electronic reporting of domestic violence and sexual assault program services by type with identification and risk of harm prohibitions. Extends for five years the Youth Suicide Prevention Council. Effective 11-1-04.

HB 2375 (Gilbert/Cain): Expands the duties and authority of the Oklahoma Commission on Children and Youth to include recommending that a facility providing services to children and youth be closed or that its contract with the state be terminated. Expands membership on the Board of Child Abuse Examination to include the Oklahoma Health Care Authority (OHCA), the Board of Nursing, and Child Advocacy Centers. Authorizes physician assistants and registered nurses to be trained and certified as Child Abuse Examiners. Adds OHCA to the membership of the Child Death Review Board. Modifies the Delinquency and Youth Gang Intervention and Prevention Act. Replaces provisions for programs in schools for at-risk youth with programs in neighborhoods for adjudicated delinquents and the highest risk children. Effective 6-4-04.

HB 2464 (Gilbert/Robinson): Creates the State Board of Licensed Alcohol and Drug Counselors to prescribe rules for licensure, to conduct examinations, and to issue licenses. Requires that anyone wishing to practice alcohol and drug counseling must obtain a license. Effective 5-19-04.

HB 2556 (Nations/Nichols): Provides for deposit into the J. D. McCarty Center for Children with Developmental Disabilities Revolving Fund all proceeds from the sale of surplus property and fixtures to be used to

move the Center to new facilities. Adds two members to the Oklahoma Cerebral Palsy Commission. Effective 7-1-04.

HB 2612 (Sweden/Corn): Provides that the terms of all members of the Board of Juvenile Affairs shall expire at the end of their current terms. Requires that each congressional district be represented on the Board as well as representation of various areas of expertise. Effective 6-4-04.

HB 2718 (Calvey/Reynolds): Requires child protective services worker to inform parents of the specific complaint or allegation made against them upon initial contact with the parent pursuant to a child welfare investigation. Effective 11-1-04.

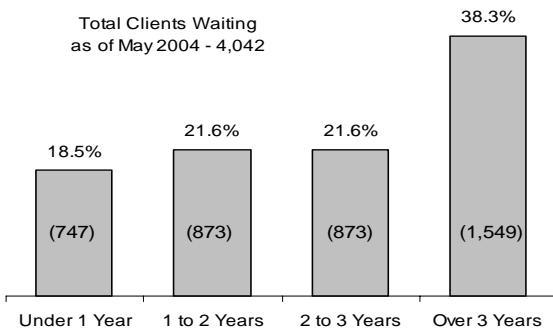
HUMAN SERVICES FUNDING

The Department of Human Services (DHS) was appropriated \$408,330,849 for FY'05 (HB 2048). This amount represents a 5.4 percent increase over the FY'04 appropriation.

Some important programs that will be funded with this increase for FY'05 include:

- Ensures that children of low-income working parents have access to safe, high-quality child care by continuing to subsidize the cost of that care;
- Establishes group homes for mentally retarded persons charged with dangerous crimes, but found incompetent to stand trial;
- Provides support for the Partnership for School Readiness, which works with communities to develop early childhood education initiatives;
- Increase rates for therapeutic foster care service providers as well as payments for foster care families; and
- Provides home and community based waiver services for persons on the Developmental Disabilities Services Division (DDSD) waiting list.

Percent of Clients on the DDSD Waiting List

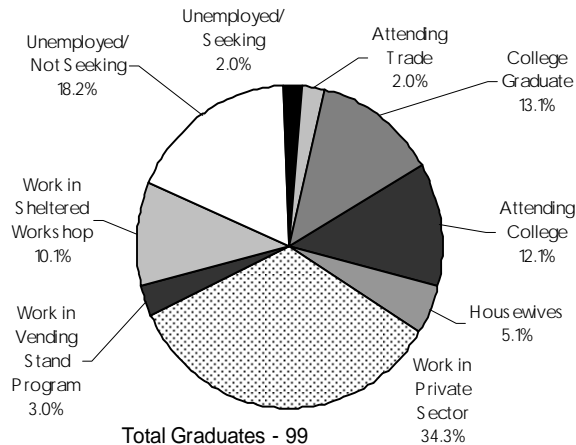


DEPARTMENT OF REHABILITATION SERVICES FUNDING

The Department of Rehabilitation Services (DRS) was appropriated \$25,479,628 for FY'05 (HB 2053). This amount represents a 2.9 percent increase in state funds over the FY'04 appropriation. With this increase, DRS will perform a number of functions for FY'05:

- Continue to provide vocational rehabilitation and employment services to clients in Priority Groups 1 and 2.
- Match the anticipated \$740,000 increase in federal funding for vocational rehabilitation and employment programs.
- Move teachers at the Oklahoma School for the Blind and Oklahoma School for the Deaf to the Public School Minimum Teacher Salary Schedule.
- Continue to provide Braille Educational Services and Braille textbook distribution.

Oklahoma School for the Blind Post Graduate Summary 1992-2002



INSURANCE & MANAGED CARE MEASURES

SB 587 (Cain/Hamilton): Requires insurers in this state to provide coverage for routine annual obstetrical/gynecological examinations. Provides that such coverage shall not diminish or limit other diagnostic benefits of a plan. Specifies that coverage is not contingent upon the examination's performance by an obstetrician, gynecologist or an ob/gyn. Defines health benefit plan and makes provisions inapplicable to coverage of groups with fewer than 50 employees. Effective 11-1-04.

HB 1839 (Pope/Price): Modifies provisions relating to farmers mutual fire insurance associations. Changes the population of a town in which a farmer's association may own property and include it in the insurance coverage with their rural property from 4,000 or less to 6,000 or less. Effective 11-1-04.

HB 2140 (Hastings/Smith): Allows certain nonprofit professional trade associations to establish and operate a multiple employer welfare arrangement (MEWA). Effective 6-4-04.

HB 2141 (Hastings/Smith): Modifies provisions related to the Oklahoma Risk Retention Act, and creates the Oklahoma Captive Insurance Company Act, to regulate foreign insurance companies writing insurance in this state. Effective 5-25-04.

HB 2322 (Cox/Horner): Prohibits a lender from requiring a borrower to purchase homeowner insurance coverage, mobile or manufactured home insurance coverage, dwelling fire coverage or other residential property coverage in an amount that exceeds the replacement value of the dwelling and its contents, regardless of the amount of the mortgage or other financing arrangement entered into by the borrower. Prohibits the lender from including the fair market value of the land the dwelling is located on in the replacement value. Allows the lender to accept the value of the dwelling as determined by the insurer or use the value placed on the dwelling as determined by an appraisal of the real property by the lender to determine the replacement value. Effective 11-1-04.

HB 2324 (Cox/Shurden): Provides that no insurer that issues any type of property or casualty insurance policy in this state shall increase premium rates, cancel a policy, or refuse to issue or renew a policy based solely on the policyholder making an inquiry about making a claim, if the policyholder does not in fact submit a claim. Effective 11-1-04.

HB 2385 (Cox/Robinson): Modifies numerous sections and adds a section of law relating to the Insurance Department, authorization of insurance companies, rating organizations, the Unfair Claims Settlement Practices Act, the Oklahoma Producer Licensing Act, the Third-party Administrator Act, offsets, standard non-forfeiture law for individual deferred annuities, and the Health Insurance High Risk Pool Act. Repeals a section of law relating to the Oklahoma Producer Licensing Act which provided for persons receiving exclusive agency contract overrides to be licensed as agents. Effective 7-1-04.

HB 2446 (Easley/Robinson): Amends provisions relating to the Anti-Fraud Unit in the Insurance Department. Places the Anti-Fraud Unit in the Legal and Investigation Division of the Department. Increases fees for certain insurers for the purposes of investigation and prosecution of insurance fraud. Effective 8-27-04.

HB 2469 (Braddock/Robinson): Modifies the definition of the term "person" in the Oklahoma Insurance Code to include any farmer's educational and cooperative union. Effective 11-1-04.

HB 2470 (Braddock/Laster): Exempts certain written medical reports from the hearsay rule and requires certain insurance agreements to be produced if requested pursuant to the Oklahoma Discovery Code. Applies the Property and Casualty Competitive Loss Cost Rating Act to personal risk property and casualty insurance and modifies procedures for rate filings. Modifies provisions of the Automotive Dismantlers and Parts Recycler Act. Increases the required limits on a motor vehicle liability policy to \$25,000 for bodily injury or death to one person, \$50,000 for bodily injury or death to two or more persons, and \$25,000 for property damage. Effective 11-1-04.

HB 2549 (Morgan, Danny/Laster): Exempts a commercial automobile liability policy that covers motor trucks where the named insured has employees that are covered by workers compensation policies from maintaining uninsured motorist coverage. Effective 11-1-04.

HB 2668 (Staggs/Robinson): Prohibits insurance carriers from canceling, refusing to issue or renew or charging a higher premium for any motor vehicle liability or collision insurance policy because the insured had lower liability limits with a previous insurer without actuarial justification. Prohibits using prior limits for company or tier placement unless the insurer provides actuarial justification. Requires that every motor vehicle liability insurance policy provide that financial responsibility limits of other states shall be met if so required by the other state and if the financial responsibility limits of the other state or province are higher than those required by the state where the motor vehicle is principally garaged. Requires every property and casualty insurance policy to contain a provision describing the process for premium refund if the insured cancels the policy before the end of the policy period. Prohibits any insurer that issues property or casualty insurance policies from canceling or refusing to issue or renew a policy solely on the basis of a policyholder inquiring about making a claim or requesting information about a possible claim, if the policyholder does not submit a claim. Effective 11-1-04.

INTOXICATING LIQUOR, SMOKING & TOBACCO MEASURES

SB 1256 (Robinson/Vaughn): Modifies provisions of the Prevention of Youth Access to Tobacco Act relating to distribution, penalties, violations by employees and liabilities of owners of multiple locations, county sheriffs and enforcement of the Act, contents of required sign to be posted, and where vending machines for tobacco products may be located. Adds

new provisions restricting public access to tobacco products, sets penalties and authorizes cities and towns to enact and municipal police officers to enforce certain ordinances. Modifies provisions relating to enlisting persons less than 18 years of age for compliance checks. Requires certain notice by the Alcohol Beverage Law Enforcement (ABLE) Commission relating to violations by employees. Effective 7-1-04.

SB 1543 (Morgan/Rice): Provides that, with respect to certain licenses and special event permits for retail sale of low-point beer, a single license or permit may be used when there are multiple bars or service areas within the same enclosed area or general vicinity. Effective 11-1-04.

HB 1867 (Worthen/Robinson): Modifies the Prevention of Youth Access to Tobacco Act by expanding the definition of tobacco products that may not be sold to minors to include any material or device used in the smoking, chewing, or other form of tobacco consumption, including cigarette papers, pipes, holders of smoking materials of all types, and other items designed primarily for the smoking or ingestion of tobacco products. Establishes a penalty of \$100 for each offense. Effective 7-1-04.

HB 2128 (Morgan, Danny/Lerblance): Modifies provisions relating to authority of a winemaker's license. Currently, winemakers are allowed to serve visitors to a licensed premise free samples of wine produced at the winery and free samples of such wine at festivals and trade shows. The bill deletes the word "free". Effective 7-1-04.

HB 2250 (Paulk/Robinson): Imposes an additional \$100 fine, increases certain fees by \$10 and \$100, and apportions certain amounts of existing fines for various traffic-related infractions for deposit to the Trauma Care Assistance Revolving Fund. Requires annual reports detailing fund disbursements. Effective 6-3-04.

HB 2308 (Hamilton/Littlefield): Modifies provisions relating to intoxicating liquors and wholesaler licenses and package stores licenses and allows a licensed wholesaler to sell alcoholic beverages in containers with a capacity of less than 1/20th gallon, if the containers are packaged with other containers and the total capacity is greater than 1/20th gallon. Also allows package store licensees to purchase and sell alcoholic products in such packaged containers. Effective 11-1-04.

HB 2474 (Braddock/Coffee): Creates the Master Settlement Agreement Complementary Act. Expresses legislative intent, defines terms and requires tobacco manufacturers to certify compliance with the Master Settlement Agreement or certain statutory escrow requirements. Requires the certification to contain specific items of information. Requires the Attorney General to maintain a website directory of tobacco

manufacturers who are in compliance with this act. Requires nonresident and foreign nonparticipating manufacturers to obtain service agents as a condition for inclusion in the directory. Requires stamping agents and tobacco manufacturers to provide certain information to the Oklahoma Tax Commission and to the Attorney General. Provides penalties for violations of the Act. Effective 5-6-04.

JUDICIARY/COURTS MEASURES

SB 450 (Coffee/Wright): Increases fees for publication of legal notices. Effective 11-1-04.

SB 479 (Smith/Askins): Modifies requirements for jury service and requires Supreme Court to establish a Lengthy Trial Fund to compensate jurors who serve on long trials. Effective 7-1-04 and 1-1-05.

SB 601 (Smith/Peters): Establishes a misdemeanor offense for a person making false statements on an employment application with this state, and establishes a felony offense for a person making false statements to obtain payment from this state. Effective 11-1-04.

SB 850 (Crutchfield/Piatt): Increases number of persons required to notify the Attorney General of misconduct by an officeholder. Effective 11-1-04.

SB 883 (Cain/Winchester): Allows a provider of health services to a party involved in a collision access to the traffic collision report. Effective 7-1-04.

SB 889 (Crutchfield/Walker): Clarifies effective date of permanent rules. Effective 5-3-04.

SB 1068 (Morgan/Mitchell): Requires Administrative Director of the Courts to estimate funds to accrue to the State Judicial Revolving Fund in the subsequent fiscal year. Effective 7-1-04 and 11-1-04.

SB 1090 (Gumm/Dorman): Allows a vulnerable adult or a child under 13 years of age to testify by alternative methods. Effective 6-4-04.

SB 1210 (Robinson/Toure): Modifies requirements for assignment of child support to an attorney. Effective 6-3-04.

SB 1220 (Nichols/Ericson): Clarifies procedures related to stays of execution and post-conviction relief in capital cases. Effective 11-1-04.

SB 1234 (Coffee/Carey): Creates the Unlawful Use of a Recording Device Act to prohibit the recording of motion pictures without consent. Effective 7-1-04.

SB 1246 (Nichols/Smithson): Allows the Department of Mental Health and Substance Abuse Services to grant therapeutic visits to persons hospitalized fol-

lowing an acquittal on the grounds of insanity and establishes procedures for the granting of such visits. Effective 11-1-04.

SB 1265 (Smith/Case): Modifies accounting procedures for certain amounts deposited in the court fund and requires payment of postage for preparing and mailing notice of mechanics' lien. Effective 11-1-04.

SB 1267 (Smith/Hastings): Requires a notary public to file oaths, official signature, seal and bond with the Secretary of State, and increases the filing fee to \$10. Effective 11-1-04.

SB 1269 (Smith/Calvey): Clarifies language used for execution of a loyalty oath and affirmation. Effective 11-1-04.

SB 1275 (Smith/Hastings): Modifies civil procedure provisions related to judgment debtors and garnishment proceedings. Effective 11-1-04.

SB 1325 (Coffee/Ericson): Clarifies that prosecution assessments are to be paid for each offense within a case. Effective 11-1-04.

SB 1331 (Wilkerson/Nance): Allows a judge to grant emergency oral authorization to a law enforcement officer for the interception of wire, oral or electronic communications under certain circumstances and establishes procedures for application for such authorization. Effective 11-1-04.

SB 1340 (Laster/Blackburn): Decreases the required period of court supervision of the placement of certain children to 6 months and modifies procedures for permanency hearings. Effective 11-1-04.

SB 1366 (Nichols/Sullivan): Modifies distribution of costs charged in a DUI case. Effective 11-1-04.

SB 1397 (Robinson/Braddock): Concerns civil procedure and release of privacy information on inmates. Expands the time to bring civil damage actions for sexual abuse to include 5 years after the perpetrator is released from prison. Allows civil damage action for criminal conduct any time during incarceration or within 5 years after the perpetrator is released from prison. Sets notice requirements for habeas corpus writs for prisoners to appear in court. Inmates are required to list all lawsuits filed within a ten-year period when commencing pro se court actions. Medical/patient information on inmates may be released for safety and law enforcement purposes. Inmates may be charged costs of incarceration up to 100 percent of inmate awards on workers' compensation benefits. Frivolous court actions may be dismissed after notice to inmates. Inmates receiving monies from settlements or damage suits are required to pay all outstanding debtors from such monies and the statute of limitations on debt collection does not apply. False allegations of poverty in filing a court ac-

tion will allow dismissal of the case. Inmates must first exhaust all administrative remedies prior to filing court actions. The Department of Corrections may release privacy information on any inmate to protect the safety of any person and for law enforcement purposes. Contraband and controlled substances may be disposed of when no longer needed as evidence in litigation. The authority to release medical/patient information and the requirement for inmates to exhaust administrative remedies became law on April 27, 2004. Effective 11-1-04.

SB 1400 (Horner/Gilbert): Modifies penalty provisions related to juvenile curfew violations. Effective 5-26-04.

SB 1401 (Cain/Ingmire): Allows a defendant, upon completion of a deferred sentence, to request release of confidential records for the purpose of updating the defendant's criminal history record with the Oklahoma State Bureau of Investigation. Effective 4-21-04.

SB 1407 (Coffee/Morgan, Fred): Prohibits driving under the influence on private roads that provide access to single or multi-family dwellings and doubles the fine for driving under the influence if the person convicted was transporting a child 15 years old or younger. Effective 6-9-04.

SB 1408 (Smith/Lamons): Allows persons who perform pretrial services to take bail from a defendant. Effective 11-1-04.

SB 1430 (Robinson/Dorman): Requires a court to order a nonprevailing party to pay court costs and attorney fees if the court finds the action is frivolous. Effective 11-1-04.

SB 1435 (Laster/Toure): Modifies procedures related to the revocation or suspension of driver and professional licenses for nonpayment of child support or for failure to comply with court orders related to paternity or child support proceedings. Effective 11-1-04.

SB 1542 (Nichols/Balkman): Increases fingerprinting fee for persons convicted of certain offenses and decreases the number of copies of fingerprint impressions required to be taken. Effective 11-1-04.

SB 1583 (Rozell/Askins): Modifies procedures for determination of competency. Effective 4-1-05.

SB 1598 (Cain/Winchester): Allows a petitioner hospital to participate in an involuntary commitment proceeding without legal counsel if the hospital provides a mental health professional as a witness. Effective 5-3-04.

SB 1600 (Cain/Vaughn): Updates provisions in the Uniform Interstate Family Support Act to provide uniformity in enforcement of child custody and support orders from state to state. Effective 11-1-04.

SB 1618 (Smith/Harrison): Requires attorney to pay costs of deposition, imposes \$200 fee for application for reinstatement to the Oklahoma Bar Association and modifies continuing education requirement for court reporters. Effective 11-1-04.

SB 1625 (Smith/Hastings): Modifies procedures related to own recognizance bonds. Effective 11-1-04.

HB 1734 (Wells/Robinson): Creates the Bryar Wheeler Act to limit custody, guardianship and visitation of children by persons convicted of domestic abuse or drug or alcohol dependent persons, creates the Oklahoma Child Supervised Visitation Program and modifies eligibility requirements for adoption assistance payments. Effective 6-4-04 and 12-15-04.

HB 1821 (Winchester/Smith): Establishes procedures for registration of foreign adoption decrees, judgments or orders. Effective 7-1-04.

HB 1872 (Graves/Smith): Increases maximum estate value for summary administration to \$150,000 and modifies requirement for publication of notice. Effective 11-1-04.

HB 2106 (Ingmire/Wilkerson): Increases maximum monetary amount eligible for small claims court to \$6,000. Effective 11-1-04.

HB 2154 (Rice/Corn): Limits liability for certain qualified persons who render emergency medical treatment with automatic external defibrillators. Effective 11-1-04.

HB 2205 (Wilt/Coffee): Prohibits an inmate or former prisoner from filing a tort action against the state without complying with all notice provisions of the Governmental Tort Claims Act and prohibits a court clerk or other official from accepting a lien filed by an inmate or former inmate arising from such claim without a valid court order. Effective 6-3-04.

HB 2223 (Piatt/Pruitt): Increases to \$20,000 the maximum value of property required to be delivered to a successor of a decedent upon presentment of an affidavit to a person in possession of the decedent's property. Effective 11-1-04.

HB 2249 (Case/Riley): Exempts from confidentiality requirements any records related to a juvenile offender convicted of an out-of-state offense and placed or treated in a facility in this state. Effective 11-1-04.

HB 2252 (O'Neal/Smith): Specifies maximum number for a jury pool for a multi-county grand jury and establishes procedures for electronic transmission of a judgment and sentence. Effective 7-1-04.

HB 2253 (O'Neal/Smith): Establishes procedures for certification of instruments and documents electronically transmitted to a court clerk. Effective 7-1-04.

HB 2263 (Hilliard/Crutchfield): Designates a youth services agency as a political subdivision under the Governmental Tort Claims Act. Effective 7-1-04.

HB 2271 (Coleman/Reynolds): Allows a person to file a motion for expungement of records if all charges against the person are dismissed on the merits. Effective 11-1-04.

HB 2303 (Mitchell/Monson): Allows courts with a juvenile or deprived child docket to employ an assistant juvenile officer or to contract with a court appointed special advocate to provide juvenile officer or assistant juvenile officer services. Effective 8-27-04.

HB 2307 (Hamilton/Cain): Authorizes court to receive a report of any home study and investigation of the prospective guardian of a minor prior to making the guardianship appointment. Effective 8-27-04.

HB 2365 (Cargill/Vaughn): Modifies the maximum amount of an appeal bond, decreases population requirement to 65,000 for creating a municipal court of record and establishes procedures for creating courts of record. Effective 11-1-04.

HB 2383 (Harrison/Lerblance): Allows correctional personnel approved by the Director of the Department of Corrections to witness executions. Effective 11-1-04.

HB 2419 (McIntyre/Wilkerson): Allows a juvenile proceeding to be filed before the child becomes 18 years of age or within 90 days after the date of the 18th birthday of the child. Effective 11-1-04.

HB 2526 (Vaughn/Laster): Modifies procedures for reimbursement to the Department of Human Services for services provided on behalf of a deprived child and modifies procedures for establishing paternity of a deprived child and for awarding child support on behalf of the deprived child. Effective 5-4-04.

HB 2527 (Vaughn/Cain): Modifies procedures for income assignment for delinquent child support, insurer requirements related to enrollment of a child under a noncustodial parent's health care plan and guidelines related to child care costs. Effective 6-3-04.

HB 2528 (Vaughn/Williamson): Requires the Administrative Director of the Courts to develop a standard visitation schedule and advisory guidelines to be used by courts in child custody proceedings, authorizes a court to order certain medical tests in a child custody proceeding and prohibits a parent or guardian from consenting to the marriage of an underage child who is in the custody of the Department of Human Services or the Department of Juvenile Justice. Effective 7-1-04.

HB 2606 (Peterson, Ron/Pruitt): Increases fine, fees and bond for violation of certain municipal ordinances and modifies judicial eligibility requirements in certain municipalities. Effective 11-1-04.

HB 2639 (Steele/Aldridge): Requires any action to challenge an order of a municipal governing body for the condemnation of a dilapidated building to be filed within 30 business days from the date of the order. Effective 11-1-04.

HB 2661 (Adair/Hobson): Modifies civil procedure provisions related to venue, dismissal of medical liability actions, prejudgment and postjudgment interest, joinder of parties, protective orders related to discovery and qualification of expert witnesses. Requires a manufacturer to indemnify a seller against loss arising from a product liability action. Allows the Supreme Court to create a Judicial Panel on Multi-district Litigation and to establish a business court division in certain judicial districts. Imposes a \$300,000 cap on noneconomic damages in certain medical liability actions. Prohibits admission into evidence of expressions of apology or sympathy by a health care provider. Creates the Oklahoma Limitation of Liability for Farming and Ranching Land Act, the Volunteer Medical Professional Services Immunity Act, the Registration of Out-of-State Attorneys Act and the Oklahoma Medical Professionals Liability Trusts Act. Imposes a moratorium on maintenance of adequate reserves and surplus for insurers issuing medical malpractice policies. Effective 7-1-04 and 11-1-04.

HB 2713 (Toure/Smith): Modifies civil procedure provisions related to judgments, foreign judgments, post-trial motions, defenses and objections, depositions, and guardian's bond and settlement of accounts. Effective 11-1-04.

LEGAL SERVICES FUNDING

Supreme Court

The Legislature appropriated \$13,337,544 in SB 1065 to the Supreme Court. The appropriation for FY'05 includes the following:

- \$1 million for the operations of the court.
- \$202,278 for debt service on the new Supreme Court building.

District Courts

The state's 77 district courts were provided an appropriation of \$43,043,226 in SB 1059. The district court's appropriation also included \$118,000 for three new court positions: one secretary-bailiff and one court reporter in Cleveland County; and one secretary-bailiff in Oklahoma County. Also this year, the State Judicial Fund was changed into a revolving

fund. This change should allow the district courts to realize an additional \$2.6 million for FY'05.

Court of Criminal Appeals

The Court of Criminal Appeals was appropriated \$2,675,541 in SB 1055. The Court of Criminal Appeals was also appropriated \$75,000 in SB 1051 for operations of the Court.

District Attorneys Council

The District Attorneys Council was appropriated an additional \$500,000.00 in SB 1051 for FY'05. The additional revenue ensures that all employees within the 27 District Attorney offices will receive the state employee pay raise that goes into effect on January 1, 2005.

MOTOR VEHICLES, WATER VESSELS & LICENSING MEASURES

SB 141 (Smith/Mitchell): Creates the Trucking One-Stop Shop Act to consolidate trucking industry operations. Outlines the phases for moving the Motor Vehicle Enforcement Section (Phase I) and the International Registration Plan (IRP) and International Fuel Tax Adjustment (IFTA) Sections (Phase II) of the Oklahoma Tax Commission to the Corporation Commission. The measure transfers powers, duties, responsibilities, records, property, funds, rules and employees and provides for a transitional period for transferring the IRP and IFTA Sections during FY 05 and authorizes the Corporation Commission to promulgate rules to set fine and penalty amounts and to adjudicate enforcement actions. Revenue from fines and penalties is apportioned as in Section 1104 of Title 47 (the first \$850,000 each year), to the One Stop Trucking Fund to be appropriated by the Legislature (one-half) and to the Weigh Station Improvement Revolving Fund (one-half). Facilities and equipment for weigh stations are transferred from the Tax Commission to the Department of Transportation.

Amends various sections in Title 47 to transfer responsibilities for commercial motor vehicle regulation to the Corporation Commission. Increases various fines and penalties. The Tax Commission remains solely responsible for prior IRP claims. Monies allocated for weigh stations are transferred from the Tax Commission to the Weigh Station Improvement Revolving Fund. Section 116.15 of Title 47, which contains obsolete language pertaining to disposition of license fees, is repealed. Effective 7-1-04.

SB 884 (Laughlin/Maddux): Authorizes all-terrain vehicles to be operated on streets and highways in order to cross a railroad track and stipulates such vehicles may not travel more than 300 feet on a street or highway in order to cross a railroad track. Also

modifies restrictions on what types of all-terrain vehicles may be operated on city streets. Effective 5-17-04.

SB 890 (Crutchfield/Hilliard): Modifies requirement for qualifying instructors for driver improvement courses. Effective 3-23-04.

SB 901 (Pruitt/Morgan, Fred): Creates the Korean Conflict Medallion Program. Authorizes the Governor to solicit potential designs from elementary and secondary schools, veterans groups and any other interested parties to design a medallion which includes the words Oklahoma Korean Conflict Medallion and directs the Department of Veterans Affairs to expend the monies for the cost of the medals. Effective 7-1-04.

SB 1224 (Robinson/Peters): Requires any child younger than six years of age to be in a child passenger restraint system while riding in a motor vehicle and any child six to 12 years of age to be protected by a seat belt. Also provides exemptions for any child who weighs more than 40 pounds and is transported in the back seat of a vehicle. For purposes of this act, the back seat of a vehicle is any seat located behind the front seat of a vehicle operated by a licensed child care or day care facility. Effective 3-31-04.

SB 1299 (Shurden/Leist): Requires members of the Capitol Patrol to complete patrol training by January 1, 2005. Modifies court fees and penalty assessment for forfeiture of bond. Effective 7-1-04.

SB 1504 (Monson/Cox): Subjects vehicles classified as frac tanks to certain commercial vehicle registration requirements and fees and to certain excise taxes. Effective 11-1-04.

SJR 50 (Lawler/Tyler): Designates the month of May as Motorcycle Safety Month. Effective 4-1-04.

HB 1418 (Hutchinson/Shurden): Allows expenditures necessary to provide funds from the state contingency and emergency fund for cooperative actions with the United States Army Corp of Engineers to respond to emergencies or to protect the public health, safety or welfare. Also provides an exception to prior payments for certain services rendered by the United States Army Corp of Engineers. Effective 7-1-04.

HB 1832 (Paulk/Helton): Adds exception for state preemption of firearm regulation by allowing a municipality to issue a traffic citation for transporting a firearm improperly and stating the penalties shall not exceed those established in the Oklahoma Self Defense Act. Effective 11-1-04.

HB 1844 (Pope/Myers): Exempts utility service vehicles from the federal hours of service regulations but does not include television, cable or community antennae service vehicles. Allows the Department of

Public Safety (DPS) to suspend the effective date of the Act for up to three years or any rule promulgated by the federal Department of Transportation as applied to vehicles engaged in intra-state commerce only, to enter into agreements with local emergency management agencies concerning the suspension of hours of service regulations during emergencies and to grant waivers allowed by the federal government as long as it does not result in the loss of federal monies. Effective 4-7-04.

HB 1890 (Ellis/Helton): Creates a disabled veterans license plate with the international accessibility symbol for those individuals who qualify for both. Preempts the enforcement of registration and licensing of automobiles. Prohibits the enactment or enforcement of certain municipal orders, ordinances, or regulations. Effective 11-1-04.

HB 1896 (Lamons/Helton): Modifies the distance for clear vision of a stopped vehicle from 200 feet to 400 feet, defines "highway" as any public road, street, or turnpike used for vehicular travel, and modifies payment requirement for removal of stopped vehicles. Applies the requirement for a clearly visible license plate to any vehicle operated in this state, regardless of which state the vehicle is registered in. Effective 11-1-04.

HB 1899 (Nance/Gumm): Relates to cancellation, suspension or revocation of driver licenses. Modifies the requirement on how the license application shall be forwarded to the Data Management Center of the Selective Service System in order to register the applicant with the Selective Service System. Also requires applicants for a commercial driver license with a hazardous material endorsement to submit to the Department of Public Safety a current criminal history record to be used to determine eligibility for such license and also provides notice of ineligibility for the endorsement. Effective 11-1-04. (Sections 1-6 and 8) and 9-30-05 (Section 7).

HB 1994 (Mitchell/Morgan): Modifies statutory provisions relating to the issuance of special license plates, including:

- ♦ Restructures single provision into multiple provisions distinguished by tag type;
- ♦ Increases and modifies fees by tag type (reduced fee plates \$0 to \$8, recognition of service plates \$8, demonstration of support plates \$15, personalized plates \$20 and fund raising plates \$35);
- ♦ Amended language to conform to new fee structure;
- ♦ Directs the Tax Commission to develop and implement a system whereby tag agents take application for certain special tags;
- ♦ Provides that for certain tag types and depending upon the date of issuance, tags or either discontinued or not developed or issued unless a certain number threshold is met; and

- ♦ Creates various new tags, including a \$40 NASCAR tag.

Effective 7-1-04.

HB 2101 (Paulk/Leftwich, Debbe): Provides certain abandoned vehicle auctions exemptions from various fees incurred by prior owners of vehicles. The bill also provides adjustments in rates of certain wrecker or towing services and provides for certain skilled or specialized labor or equipment costs to be added to invoices or freight bills for wrecker or towing services and for storage and after-hours release of towed vehicles. Provides for a fuel surcharge based on certain Department of Energy prices for a region and provides for an increase in the maximum after-hours release rate for towed vehicles. Effective 5-27-04.

HB 2159 (Pettigrew/Milacek): Relates to highway maintenance, construction and safety zones. Requires the placement of traffic-control device to warn and guide the public using the highway to be no greater than one mile nor less than 1500 feet in advance of the highway maintenance or construction area. Modifies penalty for removing a traffic-control device. Effective 11-1-04.

HB 2230 (Morgan, Danny/Rozell): Clarifies the law to recognize the fact that a lien on a motor vehicle which is noted on the face of a tribal certificate of title is deemed valid under Oklahoma law if validly perfected under applicable tribal law. Effective 4-13-04.

HB 2265 (Paulk/Smith): Relates to the Department of Public Safety.

- ♦ Allows the testing retainment and administration of specimens by laboratories exempt by the State Board of Medical Licensure and Supervision;
- ♦ Amends the installation of the ignition interlock device to include payment at the expense of the defendant and reduces the blood alcohol concentration to two-hundredths or greater;
- ♦ Provides for reclassification of certain employees of the Department of Public Safety and provides salary increases for reclassified and transferred employees;
- ♦ Adds certain dependents as exempt persons in relation to the issuance, expiration and renewal of driver licenses;
- ♦ Provides exceptions in the use of certain self-propelled or motor-driven vehicles prohibited from operating on the streets and highways of this state;
- ♦ Recreating the Board of Tests for Alcohol and Drug Influence; and
- ♦ Prohibits certain operators of a wrecker or towing service to solicit business without being licensed by the Department of Public Safety.

Effective 7-1-04.

HB 2299 (Tibbs/Monson): Modifies fines and court costs for persons driving a vehicle when that person's driving privilege has been revoked. Provides for fines to be deposited in the Trauma Care Assistance Revolving Fund. Effective 11-1-04.

HB 2336 (Carey/Crutchfield):

- ♦ Deletes requirements for sheriff to approve permits for house movers,
- ♦ Modifies application information for driver licenses;
- ♦ Requires applicants for hazardous materials endorsement to submit to a national criminal history records search;
- ♦ Deletes certain information for replacement of driver license;
- ♦ Restricts modifications granted by district court to Class D motor vehicles;
- ♦ Requires the Oklahoma Tax Commission to refuse registration and issuance of titles under certain circumstances; and
- ♦ Exempts registration, fees and licensing provisions from special mobilized equipment brought into the state solely for fabrication, repair, testing, etc.

Effective 7-1-04.

HB 2352 (Benge/Leftwich): Requires a six-month instructional permit before a person at least 16 years of age receives a non restricted Class D driver license. Effective 11-1-04.

HB 2374 (Leist/Shurden): Prohibits any person having property under his or her control for the purpose of interstate transportation for hire from abandoning the property contained without notice to the owner of the property. Provides a penalty for the violation of such act. Effective 11-1-04.

HB 2435 (Askins/Wilkerson): Adds laboratories accredited in toxicology by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board or by the American Board of Forensic Toxicology to labs eligible to do collection and analysis of a person's blood, breath, saliva or urine. Also exempts laboratories accredited in toxicology by the ASCLD/LAB or the ABFT from certain uniform standards. Effective 11-1-04.

HB 2441 (Roan/Coffee): Expands the scope of the Lake Patrol of the Section of the Oklahoma Highway Patrol and modifies certain aspects of enforcement. Modifies certain requirements and procedures relating to vessels. Effective 11-1-04.

HB 2548 (Sullivan/Aldridge): Creates the Oklahoma Anatomical Organ Donor Identification Act. Providing procedures for individuals who desire the removal of organ donation from their driver license or identification card, and establishes within the State Department of Health and organ, eye and tissue donor reg-

istry for the State of Oklahoma. Creates the Task Force on Men's Health and provides for membership to the task force. Effective 7-1-04.

HB 2557 (Nations/Crutchfield): Creates a \$25 Animal Friendly license plate and a \$5 American Legion license plate. Modifies types of military decoration specialty license plates available. Provides tag agents with the option of stocking an inventory of a certain type of plate. Establishes a Pet Overpopulation Fund for the purpose of establishing programs for pet overpopulation and sterilization. Directs that \$20 of the license plate fee and a newly created income tax refund check-off accrue to the fund. Authorizes the Oklahoma Department of Agriculture, Food, and Forestry to undertake programs relating to pet overpopulation. Effective 1-1-05.

HB 2637 (Steele/Laster): Defines electric assisted bicycle, motorized bicycle, motorized scooter, electric personal assistive mobility device, motorcycle, and motor driven cycle. Provides for speed limits for motorized scooters and authorizes the board of county commissioners to enact ordinances or regulations for motorized scooters. Effective 11-1-04.

HB 2674 (Dorman/Leftwich): Authorizes the State Fire Marshal to expand officers authorized to order evacuation and authorizes the establishment of fees, fines and penalties for inspections, plan reviews and permits provided for in the adopted codes of the State Fire Marshal Commission. Effective 7-1-04.

HB 2697 (Ferguson/Lawler): Deletes limitation on number of headlamps on motorcycles. Effective 4-19-04.

PROFESSIONS & OCCUPATIONS MEASURES

SB 1098 (Gumm/Miller, Doug): Amends the Oklahoma Security Guard and Private Investigator Act. Modifies application and renewal fees and requires the fee for an original application to include a nonrefundable fee for a national criminal history record with fingerprint analysis. Effective 11-1-04.

SB 1211 (Snyder/Paulk): Modifies dates the Construction Industries Board assumes responsibilities for receipts and expenditures of monies of the Board and responsibilities for the regulation of the plumbing, electrical and mechanical trades. It authorizes the Board to contract for administrative services and provides for licensing and the installation, repair and maintenance of radiant-floor heating system piping in residential homes. It provides for renewal of licenses issued without state examination under the Mechanical Licensing Act. Effective 4-26-04.

SB 1312 (Ford/Miller, Doug): Modifies provisions of the Oklahoma Real Estate License Code. Authorizes the Oklahoma Real Estate Commission to promulgate

rules relating to persons called to active military service for post-licensing educational requirements and post-education requirements. Expands the authority of the Commission and sets procedures and penalties relating to unlicensed persons engaging in acts or practices in violation of the Code. Effective 11-1-04.

SB 1381 (Smith/Braddock): Modifies requirements for affidavit by a bondsman or agent prior to issuance of a new surety appointment stating that no forfeitures are owed to any court, no fines are owed to the Insurance Department, and no premiums or indemnification for forfeitures or fines are owed to any insurer. Effective 11-1-04.

SB 1488 (Fisher/Askins): Modifies the Oklahoma Accountancy Act by amending numerous sections and adding new sections relating to definitions; the Oklahoma Accountancy Board structure, authority and duties; examinations; education and continuing education requirements; license and certificate requirements; fees; temporary practice; certificate or license holders of other jurisdictions; certificate holders from a foreign country; registration; firm permits; violations of the Act; and general conforming, updating and clarification of language throughout the Act. Effective 11-1-04.

HB 1503 (Maddux/Rabon): Shortens the duration of a mortgage broker license from three years to one year. Modifies fees related to licensure. Effective 7-1-04.

HB 2627 (Miller, Doug/Coffee): Modifies provisions relating to the Home Inspection Licensing Act requiring that any single-item inspection requested by a client be performed by a professional craftsman whose expertise is in the specific area or by persons qualified by education or training. If such a single-item inspection is requested on an item that is in an area of expertise that is licensed by the state, then the person conducting the inspection shall be licensed in respect to that particular area. Effective 11-1-04.

HB 2724 (Stanley/Shurden): Modifies the Oklahoma Chiropractic Practice Act by amending numerous sections and adding new sections relating to definitions; the Board of Chiropractic Examiners structure, membership requirements, terms, and new districts; duties of the secretary-treasurer, rule making of the Board, authority and power of the Board, and audit of the Board; examinations for applicants, education and other requirements for applicants, out-of-state licensed applicants, and orientation course of training; relocation of practice; associations offering continuing education courses; license fees; continuing education requirements; malpractice insurance requirements; renewal license renewal and fee; reinstatement; guidelines for the disposition of certain disciplinary cases; chiropractic education scholarships; and the Chiropractic Code of Ethics. Repeals

a section relating to educational requirements for chiropractic physicians. Effective 5-6-04.

PUBLIC FINANCE MEASURES

SB 865 (Gumm/McCarter): Creates the Local Development Financing Act, which enables specified entities to issue and market pooled obligations of local tax increment finance bonds. Also authorizes a broad range of persons and entities to invest funds in such pooled obligations and authorizes the Oklahoma Development Finance Authority to provide credit enhancement and secure payment for pooled bond issues. Effective 7-1-04.

SB 1016 (Morgan/Mitchell): Authorizes the Oklahoma Capitol Improvement Authority to issue \$5 million in bonds to provide funding for construction costs associated with the dome for the State Capitol building. This measure requires the bonds to be approved by the Supreme Court in a validation proceeding prior to issuance. Effective 9-1-04.

SB 1088 (Kerr/Walker): Authorizes and directs the Oklahoma Development Finance Authority to provide funds to the Oklahoma Department of Commerce to conduct a study to determine the feasibility of acquiring property in the vicinity of electrical generating plants. The acquired property would be developed into industrial parks where construction and leasing of manufacturing facilities could occur and promote firms with high electrical needs and the development of new manufacturing jobs within the state. Effective 11-1-04.

SB 1483 (Fisher/Askins): Modifies the Uniform Unclaimed Property Act by: 1) establishing a presumption of abandonment of certain property related to reorganization or demutualization of an insurance company; 2) limiting the time period for reporting or remitting mineral interests; 3) deleting a deduction for a certain amount filed as a bond; 4) deleting a specific optional payment for certain abandoned property; 5) deleting requirement, and procedures related to such requirement, that State Treasurer hold certain property for at least one year; and 6) making authority to impose certain penalties permissive. Effective 7-1-04.

SB 1489 (Fisher/Askins): Authorizes the State Treasurer to invest in short-term bond funds and certain public agency and entity types to accept gifts, grants or contracts. Effective 7-1-04.

SB 1580 (Fisher/Askins): Modifies provisions relating to agreements between the State Treasurer and companies which provide direct payroll deposit services. Requires all employees hired after December 31, 2004 to participate in direct deposit and all those hired before that date to participate after June 30,

2007. Provides for limited exception to the requirement. Effective 8-27-04.

HB 1904 (Mitchell/Morgan): Authorizes the Oklahoma Capitol Improvement Authority to issue up to \$50 million in bonds to provide the state's matching share for endowed chairs, with the bonds to be retired from the \$7.5 million that the Regents are currently putting into the endowed chair program each year. Requires no new appropriations for debt service. Effective 4-19-04.

HB 2164 (Deutschendorf/Monson): Amends the Oklahoma Private Activity Bond Allocation Act. Creates a "Metropolitan Area Housing Pool" and a "Rural Area Housing Pool" and provides each of these pools with allocations of the private activity bond cap received by the state. It also modifies the amount of allocations which go to existing pools. Effective 1-1-05.

PUBLIC EMPLOYEES - RETIREMENT/ INSURANCE/PAY/BENEFITS MEASURES

SB 1066 (Morgan/Mitchell): Sets the salaries of the Court of Criminal Appeals judges to be equal with that of a Justice of the Supreme Court. Effective 6-6-04.

SB 1075 (Morgan/Mitchell): Raises the salaries of the Justices of the Supreme Court, the judges of the Court of Civil Appeals, the judges of the Court of Criminal Appeals, and the judges of the district courts. It also creates the Board on Judicial Compensation. Effective 7-1-05.

SB 1106 (Corn/Adair): Requires school districts to pay amounts paid for fringe benefits that were utilized to meet the minimum salary requirements for the 2003-04 school year to teachers in salary for the 2004-05 school year. Prohibits inclusion of amounts paid for health insurance over and above the flexible benefit allowance in calculation of total compensation if the district provided the benefit as a use-it-or-lose-it benefit and if the district did not apply the benefit toward meeting the minimum salary schedule. Clarifies that districts are not required to use certain funds for instruction costs if the 17 percent district payment for 2003-04 was used to meet the minimum salary requirements. Expands use of certain funds to include payment for certified counselors, librarians, nurses and other professional specialists. Clarifies that a district shall pay certain increased total compensation only to teachers who participated in the district's health insurance plan. Effective 7-1-04.

SB 1134 (Corn/Ferguson): Provides cost of living adjustments for retired members of the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges,

the Oklahoma Law Enforcement Retirement System, the Teachers' Retirement System of Oklahoma and the Oklahoma Public Employees Retirement System. Requires the Boards of these systems to add a cost of living adjustment assumption to their annual actuarial valuation reports. It raises the cap on judicial retirement from 72½ percent to 100 percent of the average monthly salary. It requires the Oklahoma Public Employees Retirement System to review judicial contributions and study the creation of a deferred retirement option plan. Effective 7-1-04.

SB 1140 (Corn/Braddock): Requires the Oklahoma Employment Security Commission to convert its agency-offered life insurance plan to the life insurance plan offered by the State and Education Employees Group Insurance Board. Provides that if the Commission contracts with the Board for a supplemental health insurance plan that such plan may be combined with the other state plans and actuarially rated as a single plan. Effective 5-10-04.

SB 1144 (Corn/Covey): Allows a surviving spouse of a member of the Oklahoma Law Enforcement Retirement System who is killed in the line of duty to retain the health insurance offered by the State and Education Employees Group Insurance Board upon remarriage or eligibility for another group health insurance plan. Clarifies the health insurance eligibility requirements for certain vested members of the Teachers' Retirement System of Oklahoma. Allows the Board to conduct certain audits. Effective 7-1-04.

SB 1160 (Helton/Askins): Amends the eligibility requirements of vision plans participating in the state-offered insurance programs. Effective 7-1-04.

SB 1162 (Lerblance/Sweeden): Allows the State and Education Employees Group Insurance Board and the Oklahoma State Employees Benefits Council to contract with a vendor to offer a point-of-service plan. If an HMO also has a point-of-service plan it may choose to only offer its point-of-service plan and not its HMO product. Any point-of-service plan offered shall be excluded from the flexible benefits calculation. Effective 7-1-04.

SB 1203 (Helton/Roberts): Allows Department of Corrections correctional officers, probation and parole officers and fugitive apprehension agents to continue in the twenty-and-out retirement plan if they are promoted in the department to another position as long as they have had five years of service in such position. Expands certain death enhanced benefits to all department employees. Adds a dependent benefit for those killed or mortally wounded during the performance of the member's duties. Requires a study regarding the purchase of a long-term disability insurance plan for its employees. Effective 7-1-04.

SB 1261 (Corn/Ferguson): Amends the Oklahoma Law Enforcement Retirement System statutes concerning disability benefits and the deferred retirement option plan. Deletes a requirement that a member may receive a disability pension only prior to meeting the member's normal retirement date. Allows a member who is participating in the deferred retirement option plan to be eligible for a disability pension. However, it provides for a reduction in disability pension benefits for such members participating in the deferred retirement option plan. Provides that the deferred retirement option plan payments shall be considered as disability payments if the disability was incurred in the line of duty. Allows for the deferred retirement option plan account to be paid to a beneficiary or to the estate of the member. Effective 7-1-04.

SB 1345 (Corn/Ferguson): Requires the Oklahoma Public Employees Retirement System to conduct a study focusing on the creation of a new system for state employees not otherwise in the Oklahoma Law Enforcement Retirement System who are engaged in public safety services. The study shall be completed and a report and recommendations shall be made by December 1, 2004. Effective 7-1-04.

SB 1384 (Monson/Ferguson): Allows certain statewide organizations that represent state employees to send out an annual mailing concerning their organization through the Oklahoma Public Employees Retirement System. Effective 7-1-04.

SB 1389 (Monson/Erwin): Amends provisions of law concerning the Oklahoma Firefighters Pension and Retirement System. Clarifies that certain volunteer experience may not be used to determine eligibility to be a paid fire chief. Modifies the treatment of certain disability pension benefits. Allows a spouse of an active member who dies after 20 years of service to make a deferred retirement option plan election. Clarifies the provisions concerning surviving beneficiary pension benefits upon the death of certain disabled members. Provides for a waiver of benefits upon an election made by an eligible recipient. Effective 7-1-04.

SB 1422 (Corn/Ferguson): Amends provisions of law concerning the Oklahoma Police Pension and Retirement System. Provides for interest to be paid on contributions accumulated in the deferred retirement option plan. Allows a spouse of an active member who dies after 20 years of service to make a deferred retirement option plan election. Effective 6-9-04.

SB 1434 (Hobson/Adair): Clarifies military service that is eligible for state retirement service credit. Provides a confidentiality exemption for certain member records. Effective 5-13-04.

HB 1437 (Toure/Monson): Allows covered employees under the State and Education Employees Group Insurance Act and the State Employees Flexible Benefits Act who are enrolled in an HMO to have an option to remain with their primary care physician for the remainder of the plan year even if the provider group is removed from the network. Effective 6-4-04.

HB 1571 (Harrison/Rabon): Amends the flexible benefit allowance that a school district is responsible for paying on behalf of certified employees. Bases the flexible benefit allowance for such employees on 100 percent of the HealthChoice (HI) Option plan premium. It also establishes some criteria for state offered dental plans. Effective 7-1-04.

HB 1851 (Pettigrew/Dunlap): Requires educational entities who cease participation in the State and Education Employees Group Insurance plans to cover their active employees, retired employees who make an election and their dependents under another plan. Effective 4-1-04.

HB 1891 (Benge/Brogdon): Deletes the provisions to allow a former Oklahoma Public Employees Retirement System member who had not withdrawn his or her contributions to transfer such service credit to a county defined benefit retirement plan. Effective 5-27-04.

HB 2226 (Ingmire/Morgan): Creates the Alternate Retirement Plan for Comprehensive Universities Act. Allows comprehensive universities to create an alternate retirement plan for its employees. Employees may choose whether to participate in the alternate retirement plan or in the Teachers' Retirement System of Oklahoma. Requires such comprehensive universities to pay an amount to the system over a period of time to cover certain unfunded liabilities. Effective 7-1-04.

HB 2330 (Tyler/Lerblance): Allows circuit engineering districts to participate in the Oklahoma Public Employees Retirement System. Effective 7-1-04.

HB 2442 (Roan/Corn): Requires the Oklahoma Law Enforcement Retirement System to pay 100 percent of the health care premiums for a member and his or her spouse who retired with a catastrophic injury incurred in the line of duty or who died in the line of duty. Effective 7-1-04.

HB 2506 (Roberts/Corn): Repeals Section 1319 of Title 74 of the Oklahoma Statutes, which restricted the amount of life insurance coverage a person could receive if joining when 65 years of age or older. Effective 4-12-04.

HB 2536 (Walker/Corn): Creates a Task Force for the Study of Public Retirement Systems Benefit Design and Equity. The task force will conduct a comprehensive study of the major public retirement systems. Effective 7-1-04.

HB 2643 (Staggs/Crutchfield): Extends the \$18,000 death benefit for in-service members of the Teachers' Retirement System of Oklahoma who joined the system after June 30, 1992. Modifies the definition of "regular annual compensation" to exclude compensation related to certain expense reimbursements and allowances. Prohibits a member from receiving retirement benefits for the 60-day period following retirement if such member provides volunteer services for a public school. Effective 7-1-04.

HB 2693 (Ferguson/Corn): Allows small police departments that employ two or fewer police officers to hire persons who are over the age of 45 years. Such persons shall not have participated in the Oklahoma Police Pension and Retirement System nor can they after being hired by such police department. It also allows a member of the system who terminates employment to work as a police officer for the United States Department of Defense or the State Department of the United States in a war zone to purchase up to one year of service credit in the system upon participating reemployment. Effective 7-1-04.

STATE EMPLOYEE PAY RAISE FUNDING

HB 2005 provided a staggered pay raise for state employees. Effective January 1, 2005, all full-time and part-time officers and employees, including temporary and other limited-term employees, will receive an annualized salary increase equal to \$1,400. Effective July 1, 2005, all full-time and part-time officers and employees, including temporary and other limited-term employees, will receive an additional annualized salary increase of \$700.

HB 2006 provided a raise for chief executive officers of both appropriated and non-appropriated agencies. Non-appropriated agencies, boards, and commissions are given the ability to establish the salary of each of the chief executive officers for which they have appointing authority. Those salaries are to be set between a new minimum and maximum salary range specified by law. Officers of appropriated agencies received the same salary adjustment that was provided for other state employees in HB 2005.

REVENUE & TAXATION MEASURES

SB 858 (Reynolds/Reynolds): Provides an income tax check-off for donation to the debt incurred for the State Capitol Dome. Effective 7-1-04.

SB 1081 (Morgan/Mitchell): Modifies the date by which gross production tax is due and by which tax becomes delinquent. Mandates a one-time payment of gross production tax to cover gap created by change in due dates and reduces certain bond requirement to offset one-time payment. Authorizes the Oklahoma Tax Commission to relieve certain pur-

chasers and producers of the duty to file a required notice. Effective 11-1-04 (Sections 1 - 3) and 9-1-04 (Section 4).

SB 1120 (Rabon/Pope): Modifies various provisions relating to motor vehicle registration and taxation, including the following:

- ♦ Amends the definition of special mobilized machinery to include frac tanks;
- ♦ Clarifies the exemption from title requirements for interstate trucks and trailers;
- ♦ Authorizes used car dealers to reassign out-of-state title under certain circumstances;
- ♦ Modifies motor vehicles records confidentiality to allow release of certain records;
- ♦ Provides the Tax Commission with authority to charge certain fee for all replacement license plates;
- ♦ Broadens the exemption for registration fees and excise taxes on donated vehicles and repeals the title fee exemption on certain donated vehicles;
- ♦ Provides for a specified fee for certain changes to IRP amended registrations;
- ♦ Modifies certain obsolete language related to license tags;
- ♦ Provides for temporary IRP permits under specified circumstances;
- ♦ Authorizes Tax Commission to require tag agents to pay certain costs and to utilize tag agents to perform additional duties;
- ♦ Expands the exceptions from confidentiality for boat and motor records for certain lien holders;
- ♦ Authorizes the Tax Commission to accept an affidavit to remove a lien on a boat or motor title; and
- ♦ Provides an exemption from taxes and certain fees for boats and motors donated to charitable organizations.

Effective 11-1-04.

SB 1121 (Rabon/Pope): Amends various provisions relating to tax and sales tax, including the following:

- ♦ Requires interest, in addition to the tax itself, to be paid within 60 days of an assessment to avoid payment of penalty;
- ♦ Modifies the 10-year statute of limitations barring liens for estate taxes;
- ♦ Extends time to protest an assessment of additional estate tax due from 30 to 60 days;
- ♦ Provides for a simplified return for lineal heir estates of a specified value;
- ♦ Authorizes the Tax Commission to provide liability relief to certain vendors who incorporate OTC databases into their sales tax collection systems;
- ♦ Provides sales tax exemption for: certain school construction projects financed by nonprofit entities, veterans organizations constructing a memorial or museum; nonprofit organizations expending money from a private foundation in conjunction with local sales tax expenditures to con-

struct a public library and 45 percent of the total sales price of modular dwelling units affixed to real property;

- ♦ Simplifies the issuance and use of sales tax exemption cards for volunteer fire departments;
- ♦ Clarifies sales tax exemption for certain medical equipment;
- ♦ Amends State Treasurer investment requirements relating to a certain sales tax refund;
- ♦ Eliminates a conditional requirement related to electronic filing and remittance for building materials suppliers;
- ♦ Requires cities and towns which levy sales and use tax to levy identical amounts;
- ♦ Modifies certain bonding requirements;
- ♦ Clarifies the applicability of certain reporting requirements relating to income tax refund warrants subject to the Unclaimed Property Act;
- ♦ Modifies existing aircraft excise tax exemption by permitting designation of funds for the benefit of a public airport; and
- ♦ Repeals obsolete estate tax provisions.

Effective 11-1-04.

SB 1122 (Rabon/McClain): Modifies the out-of-state visitor threshold requirement for approval under certain tourism project agreements under the Tourism Development Act. Modifies the dates by which certain tourism tax reports and remittances are due and by which certain remittances are considered delinquent. Effective 9-1-04.

SB 1176 (Williams/Peters): Amends the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act by providing "state local government matching payments" to tax increment districts under specified circumstances. Establishes eligibility requirements for local government entities seeking to receive payments. Requires a certification, with specified contents, to be provided to the Tax Commission before payments are made. Specifies the amount of such payments. Effective 6-4-04.

SB 1253 (Crutchfield/Sweeden): Extends for an additional three years the current gross production tax scheme. Effective 7-1-04.

SB 1254 (Gumm/Carey): Clarifies provisions of SB 1342 regarding continued collection of sales tax to retire debt for a hospital if a hospital is sold. Modifies ad valorem manufacturing exemption by providing for certain tax treatment of property damaged by 2003 tornado. Provides that if a taxpayer fails to claim an exemption for any year during a year it would have otherwise qualified for the five-year manufacturing exemption, the claim may be filed for that year within two years from the end of the original period. Repeals duplicate section. Effective 5-19-04.

SB 1342 (Gumm/Roan): Modifies authorization for collection of sales tax for support and operation of a hospital, levied by a county or by a hospital author-

ity, by providing that the tax may continue to be collected if the hospital is sold and the debt has not been retired. Authorizes the dissolution of a hospital's governing board at the time of sale and relieves the county or hospital authority of liability for the hospital's operation. Effective 4-14-04.

SB 1356 (Shurden/Leist): Modifies an exemption from payment of motor fuel tax for certain vehicle types by specifying the amount and procedure for refunds. Effective 11-1-04.

SB 1363 (Pruitt/Balkman): Requires state agencies to provide a written response containing specified information when denying a permit, license or tax exemption. Effective 11-1-04.

SB 1382 (Monson/Stanley): Deletes expiration date for tax credit for operators of food service establishments for the cost of immunizations against Hepatitis A. Effective 11-1-04.

SB 1383 (Monson/Pope): Provides sales tax exemption for admission tickets to certain championship collegiate athletic events held at facilities owned or operated by a municipality or public trust. Provides sales tax exemption for personal property or services to or by a 501 (c) (3) organization operating the Oklahoma City National Memorial. Effective 4-1-04.

SB 1478 (Monson/Pope): Deletes expiration date for tax credit for expenses incurred by entities engaged in providing child care services. Effective 11-1-04.

SB 1516 (Fisher/Hilliard): Creates the Incentive Review Committee to annually conduct a review of existing tax incentives which may include an in-depth review of the cost and benefits of selected tax incentives. Authorizes the Tax Commission to require from taxpayers and submit to the Committee certain information. Effective 7-1-04.

SB 1556 (Crutchfield/Pope): Modifies withholding requirements for pass-through entities by: 1) permitting entities who make distributions more than once per quarter to withhold less frequently; and 2) establishing an alternative to the withholding requirement under specified circumstances. Effective 7-1-04.

SJR 30 (Monson/Pope): Refers to a vote of the people a constitutional amendment modifying the income threshold for freezing the fair cash value of property owned by senior citizens of a certain income.

HB 1864 (Erwin/Shurden): Deletes the authority for, and certain procedures relating to, the assignment of tax liens on certain properties by the county assessor. Effective 5-3-04.

HB 1889 (Ellis/Rabon): Amends the Oklahoma Charity Games Act by exempting from the tax any bingo game, U-PIK-EM game set, break open ticket game, and certain charity game equipment if pur-

chased by certain veterans organizations. Requires distributors to submit copies of invoices to exempt organizations to the Oklahoma Tax Commission. Modifies related section to clarify exemption. Effective 1-1-05.

HB 1894 (Bonny/Capps): Extends the deadline for which qualified space transportation vehicle providers can receive certain tax credits from January 1, 2007, to January 1, 2009. Effective 3-23-04.

HB 2124 (Pope/Rabon): Amends the Small Business Capital Formation Incentive Act and the Rural Venture Capital Formation Incentive Act by modifying certain definitions as they relate to those entities which qualify for certain tax credits. Extends the sunset dates for certain tax credits until 2012 and limits the use of credits based upon the date investments are made. Effective 6-9-04.

HB 2129 (Carey/Gumm): Provides an income tax check-off for donation to Court Appointed Special Advocate programs. Effective 7-1-04.

HB 2132 (Peters/Dunlap): Provides an optional three-year registration under the Vessel and Motor Registration Act and sets the fee at 90 percent of the annual fee. Requires the Tax Commission to adopt rules for alternative placement of registration decals for antique boats. Effective 11-1-04.

HB 2192 (Pope/Maddox): Modifies the date after which certain provisions are applied to the five-year manufacturing exemption from ad valorem taxes. Clarifies the application of an exemption for certain entities engaged in the generation of electric power by wind. Effective 3-15-04.

HB 2208 (Case/Monson): Modifies the provision relating to the qualifying income limit for a freeze on the fair cash value of a home for certain individuals. Effective 1-1-05.

HB 2213 (Piatt/Crutchfield): Provides a sales tax exemption for certain contractors and subcontractors of the Ardmore Development Authority, Durant Industrial Authority and the Oklahoma Ordnance Works Authority. Effective 7-1-04.

HB 2218 (Maddux/Shurden): Provides a one-year, \$5 per ton, income tax credit for the purchase and transportation of poultry litter. Limits the total credits granted to \$375,000 annually and establishes qualification criteria. Effective 1-1-05.

HB 2335 (Staggs/Rabon): Exempts the labor charges for construction and installation of cellular towers from the sales tax. Effective 5-27-04.

HB 2372 (Hutchison/Corn): Establishes the Oklahoma Volunteer Firefighter Training Incentive Act of 2004. Creates the nine-member Oklahoma Council on Firefighter Training and provides for membership,

terms, responsibilities, quorum and other procedural matters. Provides for an income tax credit of a specified dollar amount based upon proof of completion of certain volunteer firefighter certification hours. Requires certain municipalities to offer specified benefits to retired employees. Effective 7-1-04.

HB 2421 (Pope/Rabon): Modifies sales tax and other tax provisions, including:

- Exempts sales of tangible personal property or services to a border state or political subdivision to the extent that the other state or political subdivision provides a reciprocal exemption;
- Exempts sales of tangible personal property or services to certain Career Tech student organizations beginning July 1, 2005;
- Modifies sales tax collection and remittance for special events by providing an alternative procedure for qualifying promoters or organizers and by exempting certain types of events from the definition;
- Eliminates a procedure to suspend a tax credit for donations to biomedical research under certain conditions;
- Modifies requirements for certain pass-through entities relating to withholding income tax; and
- Modifies certain protest procedures relating to ad valorem tax.

Effective 7-1-04.

HB 2660 (Adair/Hobson): Sends to a vote of the people at the November 2004 General Election for their approval or rejection a referendum to increase cigarette and tobacco taxes and reduce income taxes. Levies an additional excise tax on cigarettes of 80¢ per 20-cigarette pack (or 40 mills per cigarette) for a total tax of \$1.03 per 20 cigarette pack. An additional tax on tobacco products is also levied in the following amounts: 27 mills for each little cigar (total tax of 36 mills); \$90 per thousand upon all other cigars (total tax of \$120 per thousand); 40 percent of the factory list price on smoking tobacco (80 percent of the factory list price); and 30 percent of the factory list price of chewing tobacco (60 percent of the factory list price). Cigarettes and tobacco products are also exempt from sales taxes, which lowers the net increase on cigarettes from 80¢ per pack to approximately 55¢ per pack. Revenue resulting from a payment in lieu of taxes on cigarettes and tobacco products levied by this act pursuant to a compact with an Indian tribe after deductions for deposits into trust accounts is apportioned for health care. Creates the Cigarette and Tobacco Tax Advisory Committee to review proposed rules of the Oklahoma Tax Commission and discuss other issues relating to the implementation and enforcement of the levy and collection of taxes on cigarettes and tobacco products. The Tax Commission may not administer the additional excise taxes in a manner that results in collection of such

tax upon any inventory of cigarettes or tobacco products held for sale before the effective date of the tax levy. The new levies shall only be imposed upon inventory of cigarettes or tobacco products acquired on or after the effective date of the tax levy. Procedures are provided for reimbursing vendors for administrative expenses, enforcement of tribal compacts, and audits. Makes several income tax changes. The top marginal rate for Method I filers is permanently set at 6.65 percent and the "trigger" mechanism as it relates to income tax rates and the qualifying income limits for the Sales Tax Relief Act is eliminated. Tax benefits are provided for retirees, including increasing from \$5,500 to \$7,500 the amount of the income tax exemption for public and private sector retirement benefits. The income threshold for qualification for the private sector exemption is increased from \$25,000 to \$37,500 for single filers and from \$50,000 to \$75,000 for joint filers. Capital gains tax cuts are provided in the form of an income tax deduction for any individual taxpayer for qualifying gains receiving capital treatment earned by the taxpayer and included in the federal taxable income of such taxpayer. Qualifying gains are defined to mean the amount of net gains included in an individual's federal income tax return that was earned on real or tangible personal property located within Oklahoma that had been owned for a holding period of at least five years prior to the date of the transaction from which capital gains arise or earned on the sale of stock in an Oklahoma company where such stock or interest has been owned for at least three years prior to the date of the transaction from which capital gains arise. Effective 12-1-04 (upon voter approval).

HJR 1044 (McCarter/Helton): Refers to a vote of the people a constitutional amendment creating an ad valorem tax exemption for the full amount of the fair cash value of a homestead for certain disabled veterans.

OKLAHOMA TAX COMMISSION FUNDING

The Oklahoma Tax Commission's (OTC) FY'05 appropriation is \$41,812,019, a 19-percent decrease from FY'04. This decrease reflects a reduction in one-time expenditures from the previous year.

Despite the overall reduction, the agency received additional revenues for the following:

- \$300,000 to improve enforcement of cigarette and tobacco tax laws (it is estimated that tobacco tax evasion costs the state \$6.6 million annually).
- \$350,000 to initiate a feasibility study for a new Tax Commission Building as part of the Lincoln Renaissance Project.

SUNSET MEASURES

HB 2090 (Sweeden/Gumm): Repeals the Telemedicine Advisory Council at the request of the State Health Department. This council has met its statutory obligations and is no longer active or necessary. Effective 8-27-04.

HB 2091 (Sweeden/Gumm): Re-creates the Commission on Marginally Producing Oil and Gas Wells. Effective 8-27-04.

HB 2092 (Sweeden/Gumm): Re-creates the Minority Teacher Recruitment Advisory Committee. Effective 8-27-04.

HB 2093 (Sweeden/Gumm): Re-creates the Long-Term Care Facility Advisory Board. Effective 8-27-04.

HB 2094 (Sweeden/Gumm): Re-creates the State Board of Registration for Professional Engineers and Land Surveyors. Effective 8-27-04.

HB 2095 (Sweeden/Gumm): Terminates statutory entities which are no longer active. This year those entities include: the Child Welfare System Reform Review Committee; the Task Force on Behavioral Health; the Nursing Workforce Task Force; the Certified School Professional Nurse Staff Task Force; the Joint Legislative Task Force on Prenatal Addiction and Treatment; the Telemedicine Advisory Council; the Racial and Social Economic Statistical Analysis on Imprisonment Task Force; the Electronic and Information Technology Accessibility Task Force; the Special Task Force for Women Incarcerated in Oklahoma; the State Architectural Act Task Force; the Task Force on Hospital Emergency Services and Trauma Care; and the Surface Damage Advisory Committee. Effective 7-1-04.

HB 2096 (Sweeden/Gumm): Updates the 2004 omnibus Sunset Review list of entities to reflect that those recreated entities will be up for review again in 2010 and removes the State Use Committee from the provisions of the Oklahoma Sunset Review Law. Effective 8-27-04.

HB 2097 (Sweeden/Gumm): Re-creates the Oklahoma Accountancy Board. Effective 8-27-04.

HB 2098 (Sweeden/Gumm): Re-creates the Oklahoma Funeral Board. Effective 8-27-04.

HB 2099 (Sweeden/Gumm): Repeals the Eldercare Program Advisory Committee at the request of the State Health Department due to funding cuts which eliminated the program in the last fiscal year. Effective 8-27-04.

HB 2100 (Sweeden/Gumm): Re-creates the Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma. Effective 8-27-04.

TELECOMMUNICATIONS & TECHNOLOGY MEASURES

SB 1284 (Robinson/Adair): Under the provisions of the Oklahoma Telecommunications Act of 1997, adds county health departments, city-county health departments, and federally qualified health centers as Special Universal Services. As such, these entities become eligible to receive, free of charge, one telecommunications line or wireless connection for providing telemedicine and clinical and consultation services. Effective 11-1-04.

HB 2197 (Deutschendorf/Capps): Directs all agencies of the executive branch to include in their long-range electronic data processing plans an assurance of compliance with state standards on accessibility of information technology for individuals with disabilities. The plan is submitted annually to the Information Services Division of the Office of State Finance and covers of period of not less than the three ensuing fiscal years. The Information Division of the Office of State Finance and the Department of Central Services are directed to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of Section 508 of the Workforce Investment Act of 1998. Effective 7-1-04.

HB 2451 (Pope/Helton): Modifies the threshold for local exchange telecommunications service providers relating to adjusting rates. The minimum requirement for allowing service providers to adjust local exchange rates was changed from less than 75,000 access lines to less than 15 percent of the total access lines. Effective 5-5-04.

TOURISM MEASURES

SB 1465 (Littlefield/Sullivan): Allows all gifts, devises, bequests, money or property, either real or personal, which may be or have been conditionally tendered to the Oklahoma Historical Society to be deposited in the agency special account established for the Society in accordance with Section 7.2 of Title 62 of the Oklahoma Statutes. It directs, authorizes and empowers the Board of Directors of the Oklahoma Historical Society to hold the funds or property in trust or invest or sell them and use either principal or interest or proceeds of sale for the benefit of the Oklahoma Historical Society, in a manner which is consistent with the terms of the gift as stipulated by the donor and within the provisions of other applicable laws. Effective 4-22-04.

HB 2318 (Wilson/Shurden): Encourages the Oklahoma Tourism and Recreation Commission to explore the benefits of not-for-profit foundations for support of state parks. It specifies that the support shall not substitute for the obligation of the natural resources infrastructure of the state and shall serve only as a supplement to state funding to assist the Oklahoma Tourism and Recreation Department.

The bill authorizes the Commission to refuse or accept any grant, award, or donation of real or personal property offered by or through a state park foundation and prohibits any employee of the Oklahoma Tourism and Recreation Department from being a voting member of a state park foundation board. Members of the Oklahoma Tourism and Recreation Commission may serve on the board of a state park foundation, but may not constitute a majority of the members of the board of the foundation. A state park foundation shall not be an entity of state government and no public funds shall be deposited in any account owned or controlled by a state park foundation. Effective 7-1-04.

TOURISM FUNDING

The Legislature increased the appropriations to the Tourism and Recreation Department by 6.8 percent (HB 2070). The majority of this increase, nearly \$800,000, will be used to undertake park maintenance and renovation projects. The agency has never had a permanent maintenance fund. The agency currently has over \$80,000,000 in maintenance requests.

The Legislature funded a \$2,000 pay raise for Park Rangers. The raises will be provided to 40 employees for a total cost including benefits of \$100,000.

The Legislature continued its funding for the Multi-county Organizations Matching Funds Program in the amount of \$476,000. The program will allow Oklahoma's 19 qualifying lake and country associations to expend additional resources for local promotion and advertising.

TRANSPORTATION MEASURES

SB 1480 (Wilkerson/Plunk): Designates a portion of Interstate 40 as the "Matthew Evans/Jeffery Rominger Memorial Parkway", a portion of State Highway 1 as the "David 'Rocky' Eales Memorial Highway", a portion of State Highway 2 in Vinita, Oklahoma, as the "Vernon Glenn Memorial Highway", a portion of State Highway 77 as the "Sid Cookerly Memorial Highway", a portion of State Highway 7 as the "Tom Puckett Memorial Highway", a portion of State Highway 75, as the "John C. Blaylock Memorial Highway", a portion of State Highway 99 as the "Dr. Robert E. Cowling Memorial Highway", a portion of State High-

way 99 as the "Troy Leathers Memorial Highway", a portion of State Highway 270 between Krebs and Hartshome, Oklahoma, as the "William Ross Stewart Memorial Highway", a portion of State Highway 270 in Harrah, Oklahoma, as the "Billy Fairl Morgan Memorial Highway", a portion of State Highway 65 as the "Jody Latimer Memorial Highway", a portion of State Highway 75 as the "W.R. 'Dick' Stubbs Memorial Highway", the bridge across Bird Creek on State Highway 11, near Skiatook, Oklahoma, as the "Perrier Bridge", a portion of State Highway 33 as the "Dr. Ernest L. Holloway Highway", and a portion of State Highway 62 as the "Teddy Lehman Expressway". Requires the Department of Transportation to cause suitable permanent markers to be placed on the parkways, bridges and highways bearing the appropriate names. This bill also amends the statutes to require the board of county commissioners to provide notice by regular mail at least 21 days prior to the hearing date set by the board to open, establish, reserve, condemn, vacate, alter, widen, change or lay out other new roads on section lines. Effective 6-3-04.

SB 1523 (Corn/Smithson): Designates the Welcome Center located at Sallisaw, Oklahoma, near mile marker 314, as the "Hoppy Lockhart Welcome Center". It also requires the Department of Transportation to place suitable permanent markers at the facility bearing his name. Effective 4-20-04.

SB 1539 (Helton/Covey): Provides that motor carriers are not required to sign statements of liability or indemnify another person for acts or omissions not arising from wrongful or negligent acts. This provision exempts railroad intermodal and transload facilities and contracts with railroads and ocean carriers. Effective 6-4-04.

SB 1574 (Corn/Smithson): Requires the maintenance of public utility facilities within a public right-of-way to be pursuant to rules promulgated by the Department of Transportation and the boards of county commissioners. It clarifies the definition of "prior rights" as it relates to utility facilities in a private easement. It provides that companies which operate in compliance with rules adopted by the Department of Transportation shall not be liable for damage to facilities that are not in compliance or that have not been installed properly within public right-of-way. Effective 4-20-04.

SB 1608 (Littlefield/Wilson): Requires the Department of Transportation to expand its logo signing program to include tourism attractions on right-of-way and controlled access highways. Effective 4-7-04.

HB 1693 (Tyler/Williams): Authorizes the Oklahoma Transportation Authority to construct, maintain and repair a new bridge crossing the Arkansas River in the vicinity of South Yale Avenue and South Yale Place in Tulsa County. It specifies that the project

shall commence upon a determination by the Oklahoma Transportation Authority and that the bridge shall be self-sufficient at some point over a 30-year period from the toll charges associated with the bridge project. Effective 4-14-04.

HB 1694 (Tyler/Leftwich): Authorizes the Oklahoma Transportation Authority to contract or lease concessions for gas stations, garages, restaurants, parking facilities and other services for all or any portion of any turnpike project or projects. Effective 5-17-04.

HB 1695 (Tyler/Leftwich): Clarifies that the definition of "record" does not mean digital audio/video recordings of the toll collection and safeguarding activities of the Oklahoma Transportation Authority. The bill allows the Oklahoma Transportation Authority to authorize the Director of the Authority to approve change orders in an amount not to exceed \$250,000. It also requires the change orders to be presented to the Authority specifying the reasons for the orders and requires the orders to be recorded in permanent records. Effective 7-1-04.

HB 2274 (Case/Rozell): Requires engineering plans and specifications to be prepared by the county engineer of a county to insure sound engineering practices if a culvert or bridge is to be constructed at an estimated cost of \$50,000 or more, or any culvert or bridge reconstruction is to be accomplished at an estimated cost of \$75,000 or more. The bill changes the priority for reconstructing, replacing, or closing of bridges rated at less than ten to fifteen tons for those bridges on school bus routes in the county. The bill also requires the Oklahoma Department of Transportation to maintain the structure and surface of bridges and overpasses where a county road crosses over or under a turnpike, except for routine surface maintenance. Effective 11-1-04.

HB 2316 (Miller, Ray/Lerblance): Designates the bridge located on State Highway 82 near Stigler, Oklahoma, as the "Doc Scantlen Bridge" in appreciation for and in recognition of his many outstanding contributions to those around him. It also requires the Department of Transportation to cause suitable permanent markers to be placed at the north and south ends of the bridge bearing his name. Effective 11-1-04.

HB 2327 (Tyler/Milacek): Authorizes the Department of Transportation to transfer surplus bridge beams to local governments for use in the construction or repair of public roadway bridges. It prohibits the local governments from selling the surplus beams and requires the local governments to cause the surplus beams to be inspected by a registered professional engineer prior to the transfer. The local governments must assume full responsibility for the cost of transporting the beams and for the use of the beams. It requires the Department to retain the surplus beams for a requesting local government for a period not to

exceed 180 days before disposal of the surplus beams. Effective 11-1-04.

HB 2472 (Braddock/Helton): Relates to land use hazardous to aircraft operation. Updates references to affected military bases. Effective 11-1-04.

HB 2494 (Adkins/Coffee): Creates new law relating to aircraft and airports. Defines "agreement", "dealer" and "manufacturer". Provides prohibitions relating to aircraft manufacturers in connection with the offer, sale, purchase, operation, or transfer of any license, dealership, franchise, or other agreement relating to the sale or service of aircraft or aircraft parts. The bill provides that no manufacturer may terminate, cancel, or fail to renew a dealership, franchise, or license agreement authorizing the sale of new or used aircraft, the sale or installation of aircraft parts, the service or maintenance of aircraft, or the performance of warranty work for the manufacturer without good cause, and amplifies meaning of "good cause". Effective 11-1-04.

HB 2551 (Leist/Shurden): Requires the Oklahoma Transportation Authority to transfer to the Department of Transportation the one-and-one-half-mile section on the north end of the Indian Nation Turnpike. It also directs the Authority to transfer the sum of \$5,000,000 from the Reserve Maintenance Fund to the State Highway Construction and Maintenance Fund of the Department of Transportation for the construction of necessary interchanges and maintenance of the roadway. Effective 11-1-04.

VETERANS FUNDING

The Department of Veterans Affairs received an appropriation of \$30,091,172 in HB 2046. This is an 11.7 percent increase over the agency's FY'04 appropriation.

- This appropriation includes \$1,607,321 for the operation of the new Lawton Veterans Center which opened in November 2003.

OKLAHOMA MILITARY DEPARTMENT FUNDING

For FY'05 the Legislature appropriated \$8,062,531 to the Military Department. This reflects a 14.8 percent increase over the agency's FY'04 appropriation. The additional monies are for the following:

- \$675,000 to expand the Thunderbird Youth Academy's candidate base from 100 to 200 cadets (matched by \$2.5 million in federal funds).
- \$225,000 for debt service on a \$6 million bond issue (HB 2001) that will finance completion of

the National Guard Armory roof repair (34 armor-ies).

WILDLIFE MEASURES

SB 1466 (Corn/Armes): Requires the Wildlife Conservation Commission to develop and implement an Internet-based electronic application by which persons may apply for a migratory bird permit by July 1, 2004. It requires the Commission to waive the two-dollar fee that is required for the permit if a person applies by means of the Internet. It exempts persons under 16 years of age and 64 or older and landowners hunting only on their own property from the permit requirement. Effective 5-10-04.

SB 1617 (Corn/Brannon): Increases the fee for annual hunting licenses for nonresidents hunting game other than deer, antelope, or elk from \$91.50 to \$136.00. The bill also eliminates the lifetime nonresident small game hunting license to hunt game other than deer, antelope, elk, or turkey and the lifetime nonresident combination fishing and small game hunting license, and the related fee. Effective 5-10-04.

HB 1860 (Mitchell/Shurden): Authorizes the Department of Wildlife Conservation to issue a 90-day permit to allow a landowner, lessee or a designated agent of the landowner or lessee to hunt feral hogs at night to protect crops from damage. It allows the permit to be renewed upon request of the permit holder. A person is ineligible to receive the permit if the person has been convicted of, or pled guilty to, a violation of the wildlife code in the past three years. It also allows the permit to be issued by the local game warden in the county for which the permit is to be used or by the Law Enforcement Division of the Department of Wildlife. Effective 7-1-04.

HB 1882 (Smith/Shurden): Prohibits persons with a commercial wildlife breeder's license, who keep or maintain on premises native cats or bears that will reach the weight of 50 pounds or more, from selling the animals to anyone not possessing a commercial wildlife breeders license. It specifies that all commercial wildlife breeders' licenses issued by the Department of Wildlife Conservation shall expire on June 30 of each year. It also repeals the statute which relates to legislative review and termination of the Waterfowl Hunting Stamps. Effective 6-3-04.

HB 2182 (Armes/Corn): Requires the Wildlife Conservation Commission to develop and implement an Internet-based electronic application by which persons may apply for a migratory bird permit by July 1, 2004. It requires the Commission to waive the two-dollar fee that is required for the permit if a person applies for the migratory bird permit by means of the Internet. Effective 4-13-04.

HB 2341 (Shurden/Smith): Requires all persons to have the Oklahoma Wildlife Land Stamp in their possession when hunting, fishing, or taking any wildlife in this state. It provides that the stamp fee shall be Five Dollars and fifty cents (\$5.50). It requires Fifty cents (\$0.50) of the fee to be retained by the authorized agent issuing the stamp and the remainder of the fee shall be deposited in the Oklahoma Wildlife Land Fund, also created by this Act. It authorizes the Oklahoma Capitol Improvement Authority to acquire real property for public hunting, fishing, and trapping and directs the Authority to lease the property to the Oklahoma Wildlife Conservation Commission. It removes the lifetime nonresident and the lifetime nonresident combination fishing and small game hunting license. Effective 9-1-04.

SENATE AND HOUSE CONCURRENT RESOLUTIONS

SCR 35 (Helton/Kirby): Commending the career of Colonel Hardy R. Stone and offering condolences to his family. Adopted 5-28-04.

SCR 38 (Milacek/DeWitt): Authorizing the Commission for Human Services to enter into lease purchase agreements for office space in Garfield and Garvin Counties. Adopted 4-14-04.

SCR 39 (Maddox/Deutschendorf): Authorizing the Board of Regents of the University of Oklahoma on behalf of Cameron University to issue revenue bonds. Adopted 3-16-04.

SCR 40 (Shurden/Leist): Withholding permission from the U.S. government to purchase additional lands for the Deep Fork National Wildlife Refuge until a plan is formulated guaranteeing inholders ingress and egress to their property within the refuge. Adopted 5-28-04.

SCR 41 (Snyder/Pettigrew): Authorizing the Board of Regents of Oklahoma Colleges acting on behalf of the University of Central Oklahoma to issue revenue bonds. Adopted 3-17-04.

SCR 42 (Brogdon/Smaligo): Commending the Catoosa High School Marching Band upon their selection to represent Oklahoma for the dedication of the World War II Memorial in Washington D.C. Adopted 2-24-04.

SCR 43 (Hobson/Nations): Congratulating University of Oklahoma quarterback Jason White for winning the 2003 Heisman Trophy. Adopted 5-28-04.

SCR 44 (Fisher/Ferguson): Naming the site of the new Oklahoma Historical Center Park after Henry and Shirley Bellmon. Adopted 4-13-04.

SCR 45 (Fisher/Rice): Commending the life of Jenkin Lloyd Jones and extending condolences to his family. Adopted 3-8-04.

SCR 46 (Wilkerson/Askins): Commending Richard Guse for his work with victim's rights. Adopted 5-26-04.

SCR 47 (Wilkerson/Turner): Recognizing and praising Oklahoma Native American astronaut John Bennett. Adopted 5-3-04.

SCR 48 (Rabon/Ellis): Commending the life of the late Ted Woodruff and extending condolences to his family and friends. Adopted 5-28-04.

SCR 49 (Wilcoxson/Greenwood): Urging Congress to delete deadline date for state approval of long-term care partnership programs. Adopted 4-12-04.

SCR 51 (Kerr/Walker): Congratulating the Shattuck High School football team for winning a state championship. Adopted 4-1-04.

SCR 52 (Brogdon/Smaligo): Congratulating Owasso, Oklahoma, upon the occasion of their Centennial and designating March 26 as Owasso Centennial Day. Adopted 3-24-04.

SCR 54 (Hobson/Nations): Authorizing the Board of Regents of University of Oklahoma to issue revenue bonds on behalf of University of Oklahoma. Adopted 4-21-04.

SCR 55 (Capps/Bonny): Recalling SB 879, relating to rural water districts, from the Governor. Adopted 3-24-04.

SCR 56 (Price/Covey): Declaring March 25, 2004 Agriculture Day in the State of Oklahoma. Adopted 3-25-04.

SCR 57 (Maddox/Dorman): Designating Oklahoma as the Frontier Home of the Buffalo Soldier. Adopted 4-21-04.

SCR 58 (Wilcoxson/Coleman): Commending the life and career of the late State Senator Helen Cole. Adopted 4-26-04.

SCR 59 (Reynolds/Reynolds): Honoring veterans of the U.S.S. Oklahoma upon the occasion of their reunion in Oklahoma City. Adopted 4-19-04.

SCR 60 (Easley (Mary)/Hutchison): Designating the Mickey Mantle Memorial Highway. Adopted 5-4-04.

SCR 61 (Kerr/Braddock): Commending the Western Trail Historical Society and designating May 1, 2004, as Great Western Cattle Trail Appreciation Day. Adopted 4-26-04.

SCR 62 (Cain/Vaughn): Recalling SB 1600, relating to the Uniform Interstate Family Support Act, from the Governor. Adopted 4-22-04.

SCR 63 (Taylor/Jones): Commending Senator Bob Wadley for his service to the State and extending condolences to his family. Adopted 5-11-04.

SCR 64 (Hobson/Nations): Authorizing the Board of Regents of Oklahoma University to issue revenue bonds. Adopted 5-24-04.

SCR 65 (Leftwich (Debbe)/Reynolds): Authorizing the Board of Regents for Oklahoma City Community College to issue revenue bonds. Adopted 5-24-04.

SCR 66 (Rabon/Sweeden): Creating a Waste Tire Recycling Indemnity Fund Joint Task Force. Adopted 5-25-04.

SCR 67 (Morgan/Ingmire): Authorizing the Board of Regents for Agricultural and Mechanical Colleges to issue revenue bonds on behalf of Oklahoma State University. Adopted 5-21-04.

SCR 69 (Price/Covey): Commending the life of Henry Jo Von Tungeln and offering condolences to his family. Adopted 5-17-04.

SCR 70 (Shurden/Leist): Authorizing the Board of Regents for Oklahoma Agricultural and Mechanical Colleges to issue revenue bonds on behalf of Oklahoma State University at Okmulgee. Adopted 5-24-04.

SCR 71 (Robinson/Staggs): Authorizing the Board of Regents for Oklahoma A&M Colleges to issue revenue bonds on behalf of Connors State College. Adopted 5-21-04.

SCR 72 (Kerr/Braddock): Directing the Department of Transportation to provide signage along the route of historic cattle drives. Adopted 5-24-04.

SCR 73 (Corn/Rice): Creating the Public Utility Purchased Power Study Commission. Adopted 5-24-04.

SCR 74 (Hobson/Adair): Creating the Task Force on Deregulation of the Oklahoma Telecommunications Service Provider Industry. Adopted 5-27-04.

SCR 76 (Rabon/Ellis): Opposing certain actions by the Oklahoma Department of Wildlife Conservation. Adopted 5-28-04.

SCR 77 (Robinson/Leist): Allowing the University Hospitals Trust to demolish certain buildings to make way for future construction purposes; distribution. Adopted 5-28-04.

SCR 79 (Hobson/Adair): Authorizing the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges to issue revenue bonds, on behalf of the Oklahoma State University College of Osteopathic Medicine, for a building dedicated to telemedicine. Adopted 5-28-04.

SCR 80 (Hobson/Adair): Authorizing the Board of Regents of the University of Oklahoma, acting on behalf of the University of Oklahoma Health Sciences Center, to issue revenue bonds for a comprehensive cancer center. Adopted 5-28-04.

SCR 81 (Cain/Lindley): Supporting the recruitment and retention of a professional workforce to enhance the lives of those with mental retardation or other developmental disabilities. Adopted 5-28-04.

SCR 82 (Monson/Pope): Directing the Oklahoma Tax Commission to conduct a study of compliance with gross production tax laws. Adopted 5-28-04.

HCR 1044 (Lindley/Leftwich, Debbe): Urging health insurance coverage for certain medical foods and food products. Adopted 5-17-04.

HCR 1046 (Hastings/Smith): Providing for legislative intent for Enrolled Senate Bill No. 1414 of the 2nd Session of the 47th Oklahoma Legislature, which related to worker's compensation. Adopted 4-20-04.

HCR 1047 (Graves/Coffee): Praising the Bethany High School Broncos football team for their victory as Class 2A state champions. Adopted 2-17-04.

HCR 1048 (Lindley/Leftwich, Debbe): Congratulating the League of United Latin American Citizens. Adopted 2-24-04.

HCR 1051 (McCarter/Helton): Designating the Trooper Nikky Green Memorial Highway. Adopted 4-8-04.

HCR 1053 (Roan/Gumm): Designating a portion of State Highway 7 as the Lieutenant Commander Clarence O. "Smokey" Tolbert Memorial Highway. Adopted 4-7-04.

HCR 1056 (Boren/Coates): Making findings regarding economic effect of declines in manufacturing activity. Adopted 4-28-04.

HCR 1057 (Sweeden/Harrison): Recognizing the work of Conservation Districts and designating Conservation Day. Adopted 3-11-04.

HCR 1058 (Wells/Morgan): Commending and congratulating the Oklahoma State University Cowboys basketball and wrestling teams for achieving rank of champions. Adopted 5-28-04.

HCR 1059 (Adair/Hobson): Commending and applauding accomplishments of the Career Tech system. Adopted 4-6-04.

HCR 1061 (Paulk/Leftwich, Debbe): Expressing legislative support for establishment of a Center for Health Care Workforce Resources. Adopted 5-17-04.

HCR 1064 (Ellis/Rabon): Designating the Choctaw-Chickasaw Trail of Tears Memorial Highway. Adopted 5-26-04.

HCR 1065 (Pettigrew/Littlefield): Praising the life and career of Fern Leona Holland and extending condolences to her family. Adopted 4-7-04.

HCR 1067 (Hilliard/Crutchfield): Honoring Cassie John Jackson on her outstanding achievements. Adopted 4-7-04.

HCR 1068 (Plunk/Wilkerson): Authorizing the Board of Regents of Oklahoma Colleges, acting on behalf of East Central University, to issue revenue bonds. Adopted 5-13-04.

HCR 1070 (Nations/Hobson): Commending Howard H. Hendrick for his leadership and excellence in public service in Oklahoma. Adopted 4-22-04.

HCR 1071 (Vaughn/Snyder): Proclaiming April, 2004, as Multiple Sclerosis Awareness Month. Adopted 4-27-04.

HCR 1072 (Hefner/Helton): Proclaiming the second Tuesday of every April as Oklahoma National Guard and 45th Infantry Division Appreciation Day. Adopted 4-22-04.

HCR 1073 (Braddock/Helton): Recalling Enrolled House Bill No. 2472, relating to land use hazardous to aircraft operation, from the Governor. Adopted 4-13-04.

HCR 1074 (Blackwell/Laughlin): Praising the life of Army 2nd Lieutenant Luke S. James and expressing condolences to his family for his death. Adopted 5-18-04.

HCR 1075 (Lamons/Williams): Congratulating the Oklahoma State University Center for Health Sciences and the College of Osteopathic Medicine for again being named one of the best medical schools in the nation. Adopted 5-4-04.

HCR 1077 (Wilt/Coffee): Recalling Enrolled House Bill No. 2205, relating to inmate litigation reform, from the Governor. Adopted 4-26-04.

HCR 1078 (Ingmire/Morgan): Recognizing the contributions of Dr. Deke Johnson. Adopted 5-26-04.

HCR 1079 (Gilbert/Horner): Proclaiming the month of May 2004 as Arthritis Awareness Month. Adopted 5-17-04.

HCR 1080 (Leist/Shurden): Recalling Enrolled House Bill 1018, relating to emergency administrative rules, from the Governor. Adopted 4-27-04.

HCR 1084 (Lindley/Cain): Declaring May to be Mental Health Month. Adopted 5-18-04.

HCR 1085 (Miller, Ray/Corn): Commending and honoring Mike Bailey for receiving the Association of Community College Trustees Trustee Leadership Award. Adopted 5-25-04.

HCR 1086 (Braddock/Helton): Allowing the Oklahoma Strategic Military Planning Commission to adopt previously promulgated emergency rules, stating legislative intent and directing the adoption of permanent rules. Adopted 5-27-04.

HCR 1088 (Dorman/Johnson): Honoring former Oklahoma State University Cowboy, Heisman Trophy winner and Detroit Lion Barry Sanders for his many accomplishments in collegiate and NFL football. Adopted 5-28-04.

HCR 1089 (Lindley/Leftwich (Debbe): Urging the State Department of Education to review public school site security procedures and ensure uniform policies. Adopted 5-28-04.

HCR 1090 (Rice/Williams): Commending President Robert W. Lawless for his leadership and many accomplishments and wishing him happiness in his retirement from the University of Tulsa. Adopted 5-28-04.

HCR 1092 (Adair/Hobson): Establishing the legislative procedure schedule for the 50th Oklahoma Legislature. Adopted 5-28-04.

HCR 1094 (Nations/Nichols): Recalling Enrolled House Bill No. 2556, relating to the membership of the Oklahoma Cerebral Palsy Commission, from the Governor. Adopted 5-27-04.

SENATE AND HOUSE RESOLUTIONS

SR 35 (Ford) Recognizing the Jenks High School Trojans as the Class 6A State Football Champions.

SR 36 (Leftwich, Debbe) Commending Oklahoma University Sooner Derrick Strait upon his selection as the 2003 Jim Thorpe Award winner.

SR 37 (Coffee) Wishing former President Ronald Reagan a Happy Birthday.

SR 40 (Williamson) Congratulating Patty Bryant upon her selection as Sales Associate of the Year.

SR 41 (Laster) Congratulating the Shawnee Wolves as Oklahoma 2003 Class 5A high school football champions.

SR 42 (Nichols) Designating March 11, 2004 as Oklahoma Mesonet Day.

SR 43 (Nichols) Commending Rachel Clapper upon her selection as the state's top high school youth volunteer for 2004.

SR 44 (Morgan) Honoring the life and career of Daniel D. Draper II.

SR 45 (Milacek) Commending the career of NODA Rural Fire Defense Director Larry Zerger.

SR 46 (Johnson) Commending the Kingfisher Yellow Jackets for winning the 2003 Class 3-A high school football championship.

SR 47 (Morgan) Commending Sally Smith for her many years of service as Tulsa County Court Clerk.

SR 48 (Hobson) Thanking Senator Bruce Price for his service in the Oklahoma State Senate.

SR 49 (Hobson) Thanking Senator Sam Helton for his service in the Oklahoma State Senate.

SR 50 (Dunlap) Commending former State Senator Denzil Garrison.

SR 51 (Hobson) Thanking Senator Mark Snyder for his service in the Oklahoma State Senate.

SR 52 (Leftwich, Debbe) Commending the Southeast High School Boy's Basketball team for winning the State Class 5-A Championship.

SR 53 (Hobson) Thanking Senator Ben Robinson for his service in the Oklahoma State Senate.

SR 54 (Hobson) Thanking Senator Jim Dunlap for his service in the Oklahoma State Senate.

SR 55 (Hobson) Thanking Senator Dick Wilkerson for his service in the Oklahoma State Senate.

SR 56 (Hobson) Thanking Senator Rick Littlefield for his service in the Oklahoma State Senate.

SR 57 (Hobson) Thanking Senator Maxine Cissel Horner for her service in the Oklahoma State Senate.

SR 58 (Ford) Commending the Tulsa Union High School boys basketball team for winning the Class 6-A State Basketball Championship.

SR 59 (Hobson) Thanking Senator Robert Milacek for his service in the Oklahoma State Senate.

SR 60 (Hobson) Thanking Senator Mike Fair for his service in the Oklahoma State Senate.

SR 61 (Branan) Declaring May 2004 as Arthritis Awareness Month.

SR 62 (Monson) Commending the Oklahoma City Northeast High School 2004 Class 4-A State Basketball Champions.

SR 63 (Hobson) Thanking Senator Herb Rozell for his service in the Oklahoma State Senate.

SR 64 (Hobson) Thanking Senator Penny Williams for her service in the Oklahoma State Senate.

SR 65 (Hobson) Thanking Senator Jerry Smith for his service in the Oklahoma State Senate.

SR 66 (Reynolds) Commending Sherri Kelly as Ms. Wheelchair Oklahoma for 2004.

SR 67 (Hobson) Thanking Senator Charles Ford for his service in the Oklahoma State Senate.

SR 68 (Cain) Commending Brenda E. Price upon the occasion of her retirement for her service to the Oklahoma State Senate as a member of the Senate staff.

SR 69 (Lerblance) Expressing support for the Rock Island Red Railroad and encouraging the Oklahoma Department of Transportation to purchase 90 miles of unused rail from McAlester to Shawnee.

SR 70 (Wilcoxson) Creating the Task Force on Reading Curriculum and Instruction.

SR 71 (Ford) Commending Edith and Perry Shoals and expressing support for the work and mission of Families of Murdered Children in Tulsa, OK.

SR 72 (Gumm) Congratulating the Rock Creek Lady Mustangs for winning the Class 3-A Slow-pitch Softball State Championship.

SR 73 (Gumm) Declaring May 21 as Cardinal Glass Day.

SR 74 (Rabon) Commending Lacey Jones on becoming Oklahoma's first individual four-time state golf champion.

SR 75 (Gumm) Declaring Tuesday, June 8, 2004, as Big Lots! Day in the State of Oklahoma.

SR 76 (Gumm) Commending the Tishomingo Boys Track Team upon winning the State Class 3-A State Track Championship.

SR 77 (Gumm) Commending the Rock Creek Academic Team upon winning the Class A State Championship.

SR 78 (Gumm) Commending the Coalgate Lady Cats Track Team upon winning the 2004 Class 2-A Track Championship.

SR 79 (Pruitt) Celebrating the centennial of organized baseball in Oklahoma.

SR 80 (Hobson) Commending Barbara Horrell upon occasion of her retirement for her many contributions to the Oklahoma State Senate.

SR 81 (Taylor) Commending the life and ultimate sacrifice of Sergeant Kyle Brinlee.

SR 82 (Horner) Honoring the 2004 inductees into the Oklahoma Jazz Hall of Fame.

SR 83 (Fisher) Providing for protection of property and supplies of the Senate and specifying duties of the President Pro Tempore during the 2004 interim.

SR 84 (Dunlap) Designating Thursday, June 3, 2004, as Bartlesville Area Chamber of Commerce Centennial Day.

HR 1028 (Hamilton) Requesting the United States Congress to initiate hearings related to the impact of adopting and ratifying certain legislation.

HR 1029 (Adair) Providing for the temporary personnel of the House of Representatives.

HR 1030 (Adair) Commending Oklahoma military personnel for their service in the War with Iraq.

HR 1031 (Roberts) Requesting Congress to investigate the Federal Communications Commission.

HR 1032 (Adair) Honoring the life and career of Daniel D. Draper II, and expressing condolences to his family, colleagues and friends.

HR 1033 (Steele) Congratulating the Shawnee High School Wolves for winning the 2003 Class 5-A State Football Championship.

HR 1034 (Adair) Honoring and commending George G. Humphreys for distinguished service to the Legislature and the State of Oklahoma and wishing him a happy and fulfilling future and retirement.

HR 1035 (Hefner) Requesting Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century.

HR 1036 (McCarter) Supporting Dedication Day of the Global Agriculture Organization during International Student Awareness Day, and specifying that Dedication Day of the Global Agriculture Organization will serve certain future purposes.

HR 1037 (McCarter) Requesting Congress and the President of the United States to issue a waiver of the requirements of the No Child Left Behind Act for Oklahoma public schools or failing that, to fully fund the Act.

HR 1038 (Claunch) Observing May 6, 2004, as the National Day of Prayer.

HR 1039 (Steele) Creating awareness for the third Thursday in March as Vietnam Veterans Day.

HR 1040 (Trebilcock) Relating to a study and investigation of Carroll Fisher, Insurance Commissioner of the State of Oklahoma, creating a Special Investigating Committee and requiring report of findings and recommendations.

HR 1041 (Piatt) Declaring April to be Oklahoma Autism Awareness Month, and declaring April 27, 2004, to be Oklahoma Autism Awareness Day.

HR 1042 (Deutschendorf) Declaring that the Pledge of Allegiance is an expression and affirmation of patriotism and proclaiming that the words "under God" are an important part of that expression and affirmation and should be retained in the Pledge of Allegiance.

HR 1043 (Covey) Commending the professional career of Rural Fire Defense Director Larry Zerger, praising his many contributions and wishing him well upon the occasion of his retirement.

HR 1044 (Wilson) Making findings regarding quality of Oklahoma goods and services, requesting state governmental entities to purchase goods and services produced within state.

HR 1045 (Wilson) Requesting the Oklahoma Department of Wildlife Conservation to hold certain public hearings.

HR 1046 (Lamons) Honoring Oklahoma's fallen peace officers, designating the week of May 9 through May 15, 2004, as Police Week and designating May 15 as Peace Officers Memorial Day.

HR 1047 (Adair) Commending the career of Eastern Oklahoma Development District Rural Fire Coordinator Ernie Ledbetter and wishing him well upon the occasion of his retirement.

HR 1048 (Lindley) Recognizing the impact of injuries on Oklahomans and urging the State Department of Health to convene a work group to implement certain plan.

HR 1049 (Adair) Wishing Kathy Muckala the very best in her retirement years and thanking her for her years of service and superb work with the Oklahoma Legislature.

HR 1050 (Dorman) Supporting business development for enhancing the state's economy and encouraging state governmental entities to purchase Oklahoma goods and services.

HR 1052 (Hilliard) Honoring the leadership and service of Speaker Larry E. Adair in the Oklahoma House of Representatives and extending best wishes.

HR 1053 (Adair) Relating to the business and property of the House of Representatives during the 2004 interim, authorizing the employment of necessary personnel, providing for repairs to offices and equipment and the purchase of equipment, supplies, furniture, and fixtures.

HR 1054 (Pope) Requesting the State Board of Career and Technology Education to direct a formal study of the funding issues relating to the career and technology programs in the public comprehensive high schools.

HR 1055 (Harrison) Encouraging the Department of Transportation to purchase 90 miles of unused rail from McAlester, Oklahoma, to Shawnee from the Union Pacific Railroad line.

VETOED BILLS

SB 868 (Corn/Paulk): State employees; allowing state employees to run for elective office.

Vetoed 6-9-04: Veto message states that "This legislation violates the federal Hatch Act and could jeopardize millions of dollars in federal funding."

SB 1007 (Morgan/Mitchell): Insurance Department; modifying place of deposit of fees.

Vetoed 6-10-04: Veto message states that "Senate Bill 1007 would unnecessarily reduce funding currently designated for the state general revenue fund, the main source of funding for public education, health care, public safety and other essential services."

SB 1022 (Morgan/Mitchell): Oklahoma Historical Society; making an appropriation.

Vetoed 6-10-04: Veto message states that "This legislation is duplicative and unnecessary."

SB 1152 (Wilkerson/Harrison): State government; requiring Governor to appoint attorney if the Attorney General's office is disqualified.

Vetoed 3-30-04: Veto message states that "this bill creates a new statute which would require the Governor to appoint a full-time state employee who is an attorney employed by one agency to represent another agency when the Attorney General's office is disqualified. While this idea has merit and should be discussed further, this legislation, as drafted, is inflexible, unduly limits available options

to create efficiencies and save the state money, and would create an undue hardship on the employing agency to have its attorneys randomly assigned to other agencies, especially since there is no provision to allow for payment for the attorney. Additionally, the assigned attorney may not have either the time or the expertise to represent the requesting agency. It would create a hardship on the requesting agency if it was assigned an attorney without the required expertise to represent the requesting agency in a particular matter, potentially exposing the state to significant liability and additional costs."

SB 1268 (Smith/Braddock): Open records; allowing entities to keep specified information confidential.

Vetoed 4-14-04: Veto message states that "the bill restricts openness to government by creating an exception to the Open Records Act for governmental self-insurance pools. Further, the bill restricts the sharing of critical information between agencies."

SB 1447 (Helton/Askins): Criminal procedure; requiring mandatory DNA testing for violent offenders; specifying offenses to be tested.

Vetoed 6-9-04: Veto message states that "This legislation contains good concepts but is fraught with problems. While expanding the number of criminal offenders for which DNA samples must be taken is a positive step, this bill, as written, places substantial unfunded mandates on an already financially overburdened Department of Corrections. Additionally, either DOC or OSBI can currently contract with sheriffs to collect DNS samples without this legislation."

HB 1823 (Erwin/Shurden): State government; relating to longevity pay; adding type of service that may be used to determine longevity pay and leave accrual.

Vetoed 6-9-04: Veto message states that "This legislation is unconstitutional because it permits the use of public funds for a private purpose."

HB 2142 (Hastings/Coffee): Insurance; modifying the Oklahoma Risk Retention Act.

Vetoed 4-14-04: Veto message states that "The bill represents a significant change in Oklahoma law as it relates to the regulation of insurance companies. As such, further study should be conducted to determine the necessity for the change, the impacts on existing companies and consumers, overall market impacts, as well as the proper regulatory structure to be adopted. Additionally, the legislation prohibits inspection or subpoena of insurance company documentation by law enforcement authorities and other lawful authorities and concentrates too much power in the hands of one person."

HB 2680 (Carey/Kerr): Public lands; making capital gains on investments interest and income for purposes of calculating distributions.

Vetoed 5-25-04: Veto message states that "This legislation is bad public policy and violates the Oklahoma Constitution by permitting the Commissioners of the Land Office to utilize and distribute the principal corpus of the school land trust."

SUMMARY OF APPROPRIATIONS

<u>Agency</u>	<u>FY'04 Appropriation</u>	<u>FY'05 Appropriation</u>	<u>\$ Change</u>	<u>% Change</u>
Subcommittee on Education				
Arts Council	\$3,864,077	\$3,923,871	\$59,794	1.5%
Career and Technology Education	\$117,822,607	\$123,887,358	\$6,064,751	5.1%
Education, State Department of	\$1,968,446,150	\$2,007,663,450	\$39,217,300	2.0%
Educational Television Authority	\$3,448,064	\$4,201,753	\$753,689	21.9%
Higher Education, Regents for	\$768,130,521	\$802,136,296	\$34,005,775	4.4%
Land Office, Commissioners of	\$4,095,100	\$4,747,965	\$652,865	15.9%
Libraries, Department of	\$6,166,270	\$6,212,118	\$45,848	0.7%
Physician Manpower Training Commission	\$5,017,536	\$5,024,607	\$7,071	0.1%
Private Vocational Schools, Board of	\$152,989	\$155,456	\$2,467	1.6%
Science & Math, School of	\$6,204,693	\$6,572,319	\$367,626	5.9%
Science & Technology, Center for	\$11,014,880	\$11,669,647	\$654,767	5.9%
Teacher Preparation, Commission on	\$1,986,006	\$1,998,168	\$12,162	0.6%
Subtotal	\$2,896,348,893	\$2,978,193,008	\$81,844,115	2.8%
Subcommittee on General Government and Transportation				
Auditor and Inspector	\$5,226,966	\$5,523,603	\$296,637	5.7%
Bond Advisor	\$163,527	\$188,096	\$24,569	15.0%
Central Services, Department of	\$12,210,888	\$12,234,432	\$23,544	0.2%
Civil Emergency Management Administration	\$666,226	\$680,972	\$14,746	2.2%
Election Board	\$8,195,395	\$7,072,129	(\$1,123,266)	-13.7%
Ethics Commission	\$447,125	\$480,747	\$33,622	7.5%
Finance, Office of State	\$20,080,825	\$22,866,800	\$2,785,975	13.9%
Governor	\$2,477,660	\$2,522,709	\$45,049	1.8%
House of Representatives	\$17,437,944	\$18,080,670	\$642,726	3.7%
Legislative Service Bureau	\$2,060,969	\$2,303,193	\$242,224	11.8%
Lt. Governor	\$467,494	\$523,259	\$55,765	11.9%
Merit Protection Commission	\$504,885	\$512,154	\$7,269	1.4%
Military, Department of	\$7,021,379	\$8,062,531	\$1,041,152	14.8%
Personnel Management	\$4,602,700	\$4,497,011	(\$105,689)	-2.3%
Secretary of State	\$429,494	\$456,927	\$27,433	6.4%
Senate	\$12,147,920	\$12,769,707	\$621,787	5.1%
Space Industry Development Authority	\$515,852	\$518,323	\$2,471	0.5%
Tax Commission	\$51,651,406	\$41,812,019	(\$9,839,387)	-19.0%
Transportation, Department of	\$192,185,387	\$200,875,804	\$8,690,417	4.5%
Treasurer	\$4,377,639	\$4,926,592	\$548,953	12.5%
Subtotal	\$342,871,681	\$346,907,678	\$4,035,997	1.2%
Subcommittee on Health and Social Services				
Health Care Authority	\$439,000,000	\$482,256,505	\$43,256,505	9.9%
Health, Department of	\$53,763,633	\$57,563,226	\$3,799,593	7.1%
J.D. McCarty Center	\$2,757,898	\$3,162,767	\$404,869	14.7%
Mental Health & Substance Abuse Services	\$145,018,006	\$155,447,428	\$10,429,422	7.2%
University Hospitals Authority	\$36,736,052	\$39,029,342	\$2,293,290	6.2%
Veterans Affairs, Department of	\$26,943,202	\$30,091,172	\$3,147,970	11.7%
Subtotal	\$704,218,791	\$767,550,440	\$63,331,649	9.0%

Agency	FY'04 Appropriation	FY'05 Appropriation	\$ Change	% Change
Subcommittee on Human Services				
Children and Youth, Commission on	\$1,550,000	\$1,569,789	\$19,789	1.3%
Handicapped Concerns, Office of	\$356,000	\$362,128	\$6,128	1.7%
Human Rights Commission	\$650,000	\$662,762	\$12,762	2.0%
Human Services, Department of	\$387,455,619	\$408,330,849	\$20,875,230	5.4%
Indian Affairs, Commission of	\$244,000	\$248,942	\$4,942	2.0%
Juvenile Affairs	\$90,000,000	\$92,858,160	\$2,858,160	3.2%
Rehabilitation Services, Department of	\$24,750,000	\$25,479,628	\$729,628	2.9%
Subtotal	\$505,005,619	\$529,512,258	\$24,506,639	4.9%
Subcommittee on Natural Resources and Regulatory Services				
Agriculture, Food and Forestry, Dept. of	\$22,610,776	\$22,846,177	\$235,401	1.0%
Centennial Commission	\$526,503	\$536,453	\$9,950	1.9%
Commerce, Department of	\$22,322,034	\$33,337,845	\$11,015,811	49.3%
Conservation Commission	\$6,220,557	\$7,117,658	\$897,101	14.4%
Consumer Credit, Department of	\$602,747	\$616,513	\$13,766	2.3%
Corporation Commission	\$7,997,813	\$8,767,056	\$769,243	9.6%
Environmental Quality, Department of	\$5,928,921	\$9,495,264	\$3,566,343	60.2%
Historical Society	\$8,537,394	\$10,642,253	\$2,104,859	24.7%
Horse Racing Commission	\$1,761,748	\$1,858,182	\$96,434	5.5%
Insurance Commissioner	\$2,072,157	\$2,136,301	\$64,144	3.1%
J.M. Davis Memorial Commission	\$299,604	\$330,983	\$31,379	10.5%
Labor, Department of	\$2,958,570	\$3,061,658	\$103,088	3.5%
Mines, Department of	\$722,124	\$815,510	\$93,386	12.9%
Scenic Rivers Commission	\$258,158	\$333,158	\$75,000	29.1%
Securities Commission	\$501,088	\$0	(\$501,088)	-100.0%
Tourism and Recreation, Department of	\$22,616,482	\$24,162,640	\$1,546,158	6.8%
Water Resources Board	\$6,228,494	\$6,440,345	\$211,851	3.4%
Will Rogers Memorial Commission	\$792,798	\$882,678	\$89,880	11.3%
Subtotal	\$112,957,968	\$133,380,674	\$20,422,706	18.1%
Subcommittee on Public Safety and Judiciary				
Alcoholic Beverage Laws Enforcement	\$3,431,691	\$3,626,853	\$195,162	5.7%
Attorney General	\$5,794,927	\$5,953,778	\$158,851	2.7%
Corrections, Department of	\$378,931,566	\$384,286,568	\$5,355,002	1.4%
Court of Criminal Appeals	\$2,634,378	\$2,750,541	\$116,163	4.4%
District Attorneys and DAC	\$25,972,055	\$26,926,731	\$954,676	3.7%
District Courts	\$40,897,067	\$43,043,226	\$2,146,159	5.2%
Fire Marshal	\$1,504,323	\$1,537,061	\$32,738	2.2%
Indigent Defense System	\$14,243,912	\$14,428,761	\$184,849	1.3%
Investigation, State Bureau of	\$9,441,383	\$9,681,910	\$240,527	2.5%
Judicial Complaints, Council on	\$267,999	\$271,152	\$3,153	1.2%
Law Enforcement Education and Training	\$2,649,441	\$2,686,318	\$36,877	1.4%
Medicolegal Investigations, Board of	\$3,357,458	\$3,427,372	\$69,914	2.1%
Narcotics and Dangerous Drugs, Bureau of	\$4,859,814	\$4,967,062	\$107,248	2.2%
Pardon and Parole Board	\$2,115,485	\$2,150,328	\$34,843	1.6%
Public Safety, Department of	\$62,429,532	\$65,062,004	\$2,632,472	4.2%
Supreme Court	\$11,962,341	\$13,337,544	\$1,375,203	11.5%
Workers' Compensation Court	\$3,691,957	\$3,770,409	\$78,452	2.1%
Subtotal	\$574,185,329	\$587,907,618	\$13,722,289	2.4%
Rural Economic Action Plan	\$6,000,000	\$15,500,000	\$9,500,000	158.3%
Governor's Emergency Fund	\$4,000,000	\$0	(\$4,000,000)	-100.0%
GRAND TOTAL	\$5,145,588,281	\$5,358,951,676	\$213,363,395	4.1%

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