

OKLAHOMA STATE SENATE



2005 LEGISLATIVE SUMMARY AND FY'06 BUDGET REVIEW

Oklahoma State Senate



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July 1, 2005

We are pleased to present the 2005 Legislative Summary and FY 2006 Budget Review. Included within this document are summaries of all substantive bills and resolutions enacted in the 2005 session and information on appropriation measures and the state budget adopted by the Legislature for FY 2006.

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SESSION OVERVIEW

The first session of the 50th Legislature featured an ambitious agenda, addressing a variety of high-profile issues ranging from a \$500 million higher education bond proposal (SB 745, HB 1191), a landmark road and bridge funding agreement (HB 1078), a significant tax relief package (SB 435, HB 1547), and prescription drug assistance (SB 547), as well as laws aimed at giving citizens greater protection from criminals while enhancing the investigative tools law enforcement needs to bring criminals to justice. Governor Brad Henry called a special session, which began the last week of the regular session, at which legislation to significantly overhaul the workers' compensation system was approved (SB 1X).

During the regular session, the Senate considered 1,017 Senate bills, 549 House bills, 42 joint resolutions, 62 concurrent resolutions and 59 simple resolutions. Of those measures, 480 were signed into law and 12 were vetoed. Two constitutional amendments and 92 concurrent or simple resolutions were filed with the Secretary of State.

The Senate welcomed 15 new members in the 2005 session: Senators Tom Adelson, Patrick Anderson, Don Barrington, Randy Bass, Brian Crain, Judy Eason McIntyre, John Ford, Earl Garrison, Clark Jolley, Ron Justice, Todd Lamb, Mike Mazzei, Susan Paddack, Jim Wilson and Charles Wyrick. 2005 marked the final year of service in the legislature for Sen. Angela Monson due to term limits. Sen. Mike Morgan, D-Stillwater, was elected President Pro Tempore following the resignation of Sen. Cal Hobson from the post.

The Senate remained on the technological forefront in state government, providing wireless internet access for visitors to the gallery, the rotunda, and committee and press rooms. The Senate also unveiled streaming video for greater public access to business conducted both in the chamber and within its largest committee room.

In addition, Oklahoma's first Women's Legislative Caucus was formed in an attempt to better address issues of importance to women, children and families, provide resources and support to women serving in the State Legislature and to help encourage more Oklahoma women to seek public office.

The following overview details the legislation approved during the 2005 legislative session.

APPROPRIATION OVERVIEW

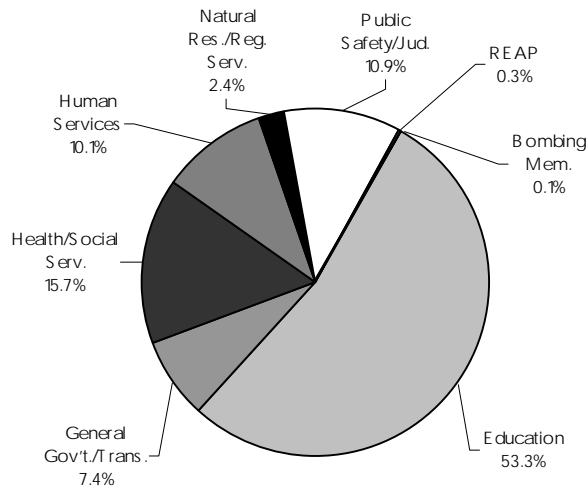
Revenues available for appropriation for Fiscal Year 2006 (FY'06) totaled approximately \$6,212,363,643. Of this amount, about \$101.1 million was used for FY'05 supplemental appropriations and another \$58 million was set aside for various tax cuts. More detail on those two subjects is provided later in this document. Final appropriations for the FY'06 budget year totaled approximately \$6,056.6 million. This represents an 11.0 percent increase over the FY'05 appropriation level of about \$5,457.9 million including supplemental funding. It is a total dollar increase of \$598.6 million. To arrive at the appropriated levels the Senate removed one-time expenditures and one-time funding sources from agency allocations and then added the following:

- Revenue growth from certified funds;
- Cash-flow reserve from revenue collections in the current fiscal year;
- Carryover in Oil Gross Production Revolving funds;
- State Treasurer's Unclaimed Property Fund

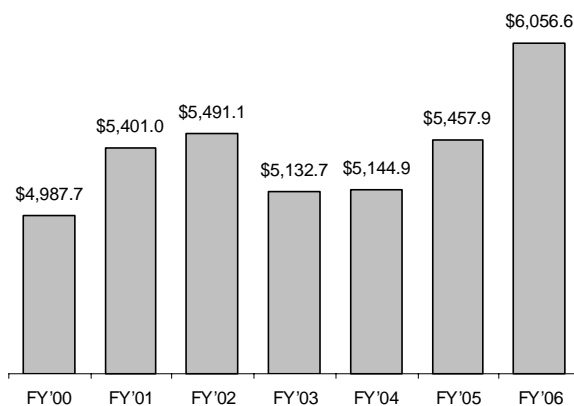
Comparison of Funding, FY'05-FY'06
(in millions)

	FY'05	FY'06	Change	
	Approp.	Approp.	\$	%
Education	3,035.3	3,231.2	195.9	6.5
Gen. Gov/Trans.	346.5	448.6	102.9	29.7
Health/Soc. Serv.	767.5	949.8	182.2	23.7
Human Services	550.2	610.7	60.5	11.0
Natural Res.	133.8	148.2	14.4	10.8
Public Safety	609.1	647.6	38.5	6.3
REAP	15.5	15.5	0.0	0.0
Bombing Memorial	0	5.0	5.0	N/A
Total	5,457.9	6,056.6	598.6	11.0

**Appropriations by Subcommittee
FY'06**



**Total State Appropriations
Historical Comparison, FY'00 - FY'06**



Figures include revenue shortfalls and supplementals.

FY'05 SUPPLEMENTAL FUNDING

The Legislature approved \$101.1 million in FY'05 supplemental appropriations. Funding was provided for a wide array of services including the following: SB 60 provided an additional \$11,400,000 to Common Education to pay for a shortfall in the teacher salary line item.

SB 141 appropriates \$645,000 to OJA for a new security fence at the L. E. Rader Center.

SB 159 provided an additional \$904,000 to the Historical Society for costs associated with the new History Center.

SB 187 provided additional funds to the District Attorneys Council to prevent furloughs.

SB 216 provided \$14,831,215 for teacher health benefits and another \$387,725 for a shortfall in the National Board Certification program.

SB 219 allocated an additional \$20,000,000 to the Department of Human Services. This funding covered shortfalls in the budgets for Child Welfare and Adoption Subsidy programs, Aging and Personal Care Advantage Programs and DDS programs among other things.

SB 228 appropriated \$500,000 to the Lottery Commission to aid in its start-up expense and the hiring of a director. The Lottery Commission is required to pay this money back to the state.

HB 1178 allocated an additional \$1,500,000 to Career Tech to pay for the Training in Industry (TIP) program. This program provides customized business training to new and expanding businesses.

HB 1179 appropriated an additional \$1,000,000 to the Oklahoma Indigent Defense System.

HB 1181 provided an additional \$17,924,000 to the Department of Corrections.

HB 1183 provides \$25,000,000 to school districts to help cover a shortfall in the Ad Valorem Reimbursement Fund.

HB 1185 allocated an additional \$4,000,000 to the Regents for Higher Education to cash flow the OHLAP Scholarship Fund until gaming revenues could be collected to help support the program.

HB 1188 provided funding for temporary employees at the Tax Commission to expedite tax returns.

**AGRICULTURE & RURAL DEVELOPMENT
MEASURES**

SB 270 (Lawler/DeWitt): Modifies the date for completing annual educational requirements for poultry feeders from March 1 to December 31 annually. Effective 11-1-05.

SB 317 (Lawler/DeWitt): Authorizes the acquisition of property for the Oklahoma Department of Agriculture, Food, and Forestry Laboratory. Effective 7-1-05.

SB 412 (Anderson/Armes): Modifies the Pharmacy Act by providing an exemption for veterinarians which will allow the veterinarians an easier avenue to write prescriptions for animals. Effective 11-1-05.

SB 479 (Lawler/McMullen): Modifies the Soil Amendment Act adding definition of active ingredient to include any natural or synthetic substance when applied to plants or seeds that is intended to improve crop production, germination, growth, yield, product quality, reproduction, flavor or other desirable characteristics of plants, requires certain soil amending ingredients to be subject to inspection and analysis and authorizes the Board of Agriculture to promulgate rules. Effective 11-1-05.

SB 484 (Lawler/DeWitt): Authorizes state law to preempt local regulation of fertilizer. Effective 7-1-05.

SB 653 (Coffee/Smaligo): Authorizes the Oklahoma Department of Agriculture, Food, and Forestry to issue a service technical identification upon completion of a successfully completed written examination, a completed service technical identification application form at the time of testing and payment of all fees at time of testing. The act lowered the fee for the issuance or renewal of the service technician identification from \$40 to \$20. Effective 7-1-05.

HB 1229 (Braddock/Kerr): Modifies the audit procedures, the acreage certification, the assessment procedures and penalties of the Boll Weevil Eradication Act. Authorizes the Board of Directors to make available all books, records of account and minutes of proceedings maintained by the Organization for annual independent audit when bonds are issued pursuant the Boll Weevil Eradication Act; requires every person growing cotton to provide the legal description and the FSA numbers of the USDA for each field; and requires each grower to keep accurate production records on the amount of cotton ginned and the number of acres planted and harvested for a minimum of two years. Effective 11-1-05.

HB 1467 (DeWitt/Shurden): Creates the Oklahoma Agriculture Pollutant Discharge Elimination System Act and the Oklahoma Agriculture Environmental Permitting Act, and makes other changes relating to the federal Clean Water Act.

The bill assists the Department of Agriculture, Food and Forestry in obtaining delegation of all federal Clean Water Act programs within the Department's areas of environmental jurisdiction. Delegation allows the state to implement federal Clean Water Act programs on behalf of EPA with oversight from EPA. The Department must spell out all procedures that will be followed when issuing AgPDES permits and those procedures must meet certain minimum requirements of EPA. The bill also provides setup language to assist the Department in obtaining delegation of federal Clean Water Act programs related to agriculture and provides the framework so that when EPA is ready to delegate, the Department has the appropriate statutes and procedures in place.

Main components of the Oklahoma Agriculture Pollutant Discharge Elimination System Act:

- ♦ Spells out the powers and duties of the Board and includes the authority to promulgate rules implementing the act and defines potential topics of rules.
- ♦ Allows for appointment of a Director of AgPDES permitting and outlines the Director's powers and duties.
- ♦ Discusses the content of permits and the Director's powers and duties concerning permits.
- ♦ Requires permits for discharges within the Department's environmental jurisdiction and allows for storm water permits.
- ♦ Provides enforcement procedures and penalties.
- ♦ Calls for permits to be submitted on forms required by the Department and that applicants must meet local requirements.

Main components of the Oklahoma Agriculture Environmental Permitting Act:

- ♦ Outlines the Department's procedures for permitting facilities and includes public participation requirements as well as clarifying the Board's intent to perform rulemaking to address the Attorney General's due process concerns.
- ♦ Includes procedures for development of General Permits where appropriate.
- ♦ Procedures contained in this bill include permitting procedures, enforcement procedures, and public participation procedures. Effective 7-1-05.

HB 1471 (DeWitt/Coates): Authorizes the Legislature to preempt local jurisdiction for the registration, labeling, sale, storage, transportation, distribution, notification of use and use of seeds. Effective 11-1-05

HB 1809 (Armes/Corn): Amends the Oklahoma Apiary Act; by adding the definition of the Africanized honeybee and modifying other definitions. Prohibits retaining Africanized honeybees except for specifically approved research purposes determined by rules promulgated by the State Board of Agriculture. Effective 11-1-05

HB 1815 (Armes/Justice): Provides for the State Board of Agriculture to regulate the use of pesticides. Effective 11-1-05

AGRICULTURE FUNDING

HB 1108 appropriated \$27,196,069 to the Department of Agriculture, Food and Forestry. This amounts to a \$3,384,853 increase over the agency's FY'05 appropriation.

One-time expenditures totaling \$551,356 were removed from the agency's appropriation. These expenditures included funding for tick eradication, debt service on the boll weevil eradication bond, and funding for the Rural Development Foundation.

The agency received \$1,800,000 for debt service on a \$24 million bond that will be used to construct a new laboratory building for the Oklahoma Department of Agriculture, Food and Forestry and to renovate a laboratory for the Oklahoma Animal Disease Diagnostic Laboratory.

In FY'05, a portion of the agency's General Revenue allocation was replaced with REAP funds. As a result, the agency has received \$1,384,853 in order to replace the REAP funding from the previous year.

The agency has been authorized to receive a transfer of \$500,000 from the Gross Production Tax REAP Water Projects Fund in order to increase funding for the Wildlife Services Division, Rural Fire Grants and the 80/20 Rural Fire Program.

BANKING, FINANCE & SECURITIES MEASURES

SB 362 (Coates/Miller, Ken): Repeals section covering perfection of a lien on leased or rented equipment. Effective 11-1-05.

SB 419 (Gumm/Armes): Modifies lien procedures related to farm equipment. Effective 11-1-05.

SB 451 (Gumm/Askins): Modifies notice procedures under the Uniform Unclaimed Property Act and reviews procedures under the Oklahoma Rural and Affordable Housing Linked Deposit Program. Effective 11-1-05.

SB 573 (Coffee/Peters): Amends the Family Wealth Preservation Trust Act to allow nonresidents to create preservation trusts, adds assets allowed to be included in these trusts and allows partial revocation of these trusts. Effective 6-8-05.

SB 692 (Laster/Morgan, Fred): Updates definitions in the Uniform Commercial Code. Effective 6-9-05.

SB 758 (Jolley/Morgan, Fred): Adds bankruptcy exemptions for personal computer equipment and wedding and anniversary rings with an aggregate value of \$3,000, increases motor vehicle exemption to \$7,500, increases exemption for farm equipment and tools to \$10,000, allows exemption for all guns with an aggregate value of \$2,000, and modifies bankruptcy exemption for retirement plans qualified for tax exemption or deferment purposes. Effective 8-26-05.

SB 835 (Gumm/Piatt): Modifies lien procedures for repair or improvements on personal property. Effective 11-1-05.

SB 946 (Monson/Peterson, Ron): Makes certain statements about credit unions unlawful and modifies criteria relating to loans to certain credit union members by increasing the dollar threshold of loans which require board approval. Modifies the criteria for credit unions which may be allotted free space in public buildings. Effective 11-1-05.

HB 1234 (Piatt/Gumm): Modifies various procedures relating to the Banking Department and its regulatory authority, including: permits imposition of civil money penalties against a bank under certain circumstances, permits assessments against trust companies based on assets held in trust, increases hourly fee for certain examiners, conforms certain provisions to FDIC requirements, permits a bank and trust company to purchase a letter of credit as security for trust operations, adds the Commissioner to the list of those who may review and authorize certain loans, clarifies certain fee amounts relating to general trust fund code requirements and repeals provision for certain revolving fund. Effective 11-1-05.

HB 1245 (Carey/Gumm): Requires any state entity which provides voluntary payroll deductions to any credit union to provide the same deduction for specified banks or savings associations. Requires any county, municipality or school district which provides voluntary payroll deductions to specified credit unions to provide the same deduction for any credit union, bank or savings association with specified minimum employee participation. Effective 7-1-05.

HB 2028 (Morgan, Fred/Laster): Modifies provisions of the Uniform Commercial Code. Effective 5-5-05 (Section 37); 1-1-06 (all other sections).

HB 2035 (Morgan, Fred/Laster): Modifies provisions of the Uniform Commercial Code. Effective 1-1-06.

BUSINESS & LABOR MEASURES

SB 374 (Bass/Dorman): Modifies the definition of "testing facility" in the Standards for Workplace Drug and Alcohol Testing Act to prohibit certain on-site drug testing. Effective 11-1-05.

SB 616 (Gumm/Carey): Allows sellers registered with the U.S. Treasury as a money transmitter who provides an electronic funds transmission service to charge a different price for the service based on the mode of transmission used in the transaction if the price charged for a service paid for with an open-end credit card account is not greater than the price charged for the service if paid for with currency or other similar means accepted with the same mode of

transmission. The seller must conduct business at a location in the state or comply with certain corporation laws. No such seller may conduct such business if the seller conducts its business or allows its services to be used in a manner designed to facilitate or promote any type of gambling activity. Effective 11-1-05.

SB 722 (Bass/Worthen): Changes the definition of the term "bona fide disagreement" and modifies the provisions for payment of certain wages whenever an employee's employment terminates. Modifies provisions for certain liquidated damages if the employer fails to pay such wages. The bill modifies the procedures in case of a bona fide disagreement over certain wages to provide for the successful alleging of a bona fide disagreement and provides for certain written explanation by the employer within a certain time frame. Effective 11-1-05.

SB 763 (Leftwich/Wilt): Modifies various provisions for the Employment Security Act of 1980. Clarifies definitions of employer and authorizes the Commission to combine merit rating accounts for two or more employers sharing common ownership, management, or control; clarifies what the term wages shall not include; modifies the term file, files or filed to allow electronic transmission via data lines and the use of transmission logs to determine timely transmission; requires the Commission to deduct the principal sum from any future benefits payable to an individual in fraud overpayment or claimant error overpayment; stating that an employer shall be relieved of a benefit wage charge if the employer proves to the satisfaction of the Commission that the benefit wage charge includes certain wages paid to an employee; removing certain provision relating to the requirement for a certain protection order; adding provisions relating to the determination of successor and predecessor employers and requiring the successor employer to acquire the merit rating account of the predecessor employer; establishing new law relating to successor and predecessor employers and special rules on transfer of rates and experience; provides for the reinstatement to the classified service of the Associate Director of the Commission under certain circumstances; increases the amount for certain petty cash fund; clarifies who certain confidential information may be released to; adds cite for the State Unemployment Tax Act (SUTA) dumping penalty, makes an appropriation to the Employment Security Administration Fund; repeals certain provisions relating to bond for certain appeals from decisions and a certain petty cash fund. Effective 11-1-05.

SB 929 (Corn/Wilt): Relates to the Oklahoma Solicitation of Charitable Contributions Act. Any fraternal or membership organization not based in Oklahoma which solicits contributions from any person of this state by telephone, or contracts with professional fund-raisers to solicit such contributions, is required to have at least one member or employee of the fra-

ternal or membership organization residing within the county where the call is received. Effective 6-6-05.

SB 1001 (Coates/Liebmann): Relates to the Fair Pay for Construction Act. The bill modifies the definition of "proper invoice", clarifies that a payment application is a proper invoice, modifies the costs that must be paid under certain work suspension, clarifies the authorized amount of certain retainage to be the value of the contract, adds turnpike construction as an exception to the Act and recodifies the Act from Title 15 to Title 61. Effective 11-1-05.

HB 1278 (Peters/Myers): Requires that certain bars or coverings installed over certain openings of any residential occupancy built or retrofitted after November 1, 2005, shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of such openings. Effective 11-1-05.

HB 1323 (Young/Leftwich): Amends the Oklahoma Small Business Regulatory Flexibility Act to change or update the names of the Senate and House Committees whose chairs will serve on the Small Business Regulatory Review Committee. Effective 11-1-05.

HB 1986 (Ingmire/Lerblance): Creates the Gift Certificate and Gift Card Disclosure Act. Provision is made for definitions, unlawful acts for a seller of a certificate or gift card, certain exceptions, dormancy fees, refund to contributors for a purchase of a certificate or card as a gift, value of the certificate or card held in trust by the issuer to the beneficiary, bankruptcy by the issuer, what the law does not require of the issuer, fiduciary relationships, paying certain interest by the insurer, public policy, exceptions to the act and penalties for violation. Effective 11-1-05.

CRIMES & PUNISHMENTS & CRIMINAL PROCEDURE MEASURES

SB 236 (Morgan/Benge): Creates a Victim Services Unit within the Office of the Attorney General. Requires the Attorney General to provide certain services for victims of domestic violence or sexual assault previously provided by the Department of Mental Health and Substance Abuse Services. The measure creates the Domestic Violence and Sexual Assault Advisory Council pursuant to the Oklahoma Sunset Law. Provides for membership, term of office and allows continuation of current members of the Domestic Violence and Sexual Assault Committee. Requires maintenance of a twenty-four hour state-wide telephone communication service for victims of rape. Transfers all rules promulgated by the Department of Mental Health and Substance Abuse Services to the Attorney General along with the certi-

fication authority for certain providers and other domestic violence provisions. Changes the membership of the Board of Mental Health and Substance Abuse Services, the Domestic Violence Fatality Review Board and the Commission of Children and Youth. Repeals sections relating to the Department of Mental Health and Substance Abuse Services' duty to provide services and functions related to domestic violence and sexual assault. Effective 7-1-05.

SB 432 (Pruitt/Morgan, Fred): Amends the provisions for search of occupied dwellings between certain times to allow searches for evidence relating to illegal manufacture of methamphetamine or other controlled dangerous substance at any time. Effective 11-1-05.

SB 440 (Myers/DeWitt): Allows the State Superintendent of Public Instruction to receive a copy of the sex offender registry from the Department of Corrections and to distribute such information to school districts and public and private schools within the state. A statement of civil liability for employing a sex offender or criminal prosecution must accompany the information. Effective 5-16-05.

SB 446 (Garrison/Nance): Modifies the medical expense liability claims for jails. Excludes municipal ordinances from the required fee assessment. Prohibits claims within 12 months of a previous claim and limits claims to inmates with state charges. Deletes authority for municipal jails to file medical expense claims. The bill lowers the medical expense claim minimum from \$15,000 to \$8,000 and provides for claims to be paid in the order received. Provisions are made for insufficient funds. Effective 6-9-05.

SB 458 (Riley/Lamons): This measure creates the Youthful Offender Task Force of 2005 to study the effectiveness of the Youthful Offender Act. Designates members, duties and requires a report be filed before January 31, 2006. Effective 7-1-05.

SB 513 (Branan/Miller, Ken): Requires computer technicians to report prohibited materials and child pornography observed in the professional course of handling any film, tape, data, picture, and other media. The report must be made to a law enforcement agency within 36 hours. Effective 4-5-05.

SB 631 (Wyrick/Ingmire): Creates the Jessica Lunsford's Law. The bill requires a habitual or aggravated sex offender to wear a global position monitoring device for the duration of the sex offender registration term. The cost is paid by the offender and the Department of Corrections is required to monitor the person and device. In addition, every offender assigned to any community placement or who is paroled and has a current or previous sex offense must wear a global position monitoring device. Effective 5-17-05.

SB 636 (Laster/Jett): Shifts the costs of emergency medical treatment from the law enforcement agency to the individual for persons not yet in custody that have an injury or condition that threatens life or the loss or use of a limb. The person needing such emergency medical treatment shall be taken directly to a hospital or medical facility and shall be liable for costs of all medical treatment. All medical costs for persons actually received into custody prior to the medical condition shall be reimbursable to the jail or holding facility. The court clerk shall not receive a fee for collection of court-order reimbursement for medical costs. The limitation of reimbursable jail costs is removed. This measure incorporates the provisions of HB 1434 and repeals duplicate sections. Effective 6-9-05.

SB 644 (Reynolds/Roan): Amends the Pump Pirates Act by increasing the penalty for pumping gas and not paying from \$100 to \$500. Effective 11-1-05.

SB 646 (Nichols/Morgan, Fred): Requires every person convicted of a felony offense to submit a DNA sample to be included in the OSBI Combined DNA Index System (CODIS) Database. There are provisions to obtain DNA samples from felony offenders who are currently incarcerated, under supervised probation or parole and for those who receive unsupervised probation. Allows the OSBI to make a DNA profile from any specimen received for any purpose. Changes the official name of the database and authorizes secondary databases and indexes for evidence and samples collected by the OSBI. Effective 1-1-06.

SB 703 (Lerblance/Mass): Removes the age limitation of having to be at least 16 years of age for prosecuting negligent homicide. Effective 5-11-05.

SB 705 (Corn/Banz): Clarifies the method to calculate correctional teachers' and instructors' salaries. Requires a recalculation of correctional teachers' salaries and provides a one-time payment for any difference in salary following recalculation. Eliminates all longevity payments one month after the required recalculation of salaries and authorized legislated pay increases in addition to the Title 70 minimum salary schedule when given to all common education/vocational technical teachers. Effective 7-1-05.

SB 715 (Lamb/Ingmire): Authorizes the Crime Victims Compensation Board to consider crisis counseling claims within three years of the crime in an amount not exceeding \$3,000. The burial expense compensation is increased from \$5,000 to \$6,000. Effective 7-1-05.

SB 725 (Aldridge/Roan): Requires city and county jails having twenty or more inmates to have at least one jailer and one other person meeting CLEET certification and to have certain electronic observation and communication systems. Sheriffs are re-

quired to train jailers to meet jail standards and to comply with such standards. Cross-training of employees as backup jailers, if otherwise qualified, is authorized. Effective 7-1-05.

SB 759 (Laughlin/Blackwell): Limits the Delayed Sentencing Program for Young Adults to nonviolent offenses. The time for the Department of Corrections to file an accountability plan for the offender is increased from 30 to 90 days. Effective 7-1-05 (Sections 1 and 2); 11-1-05 (Section 3).

SB 802 (Leftwich/Armes): Allows the Oklahoma State Bureau of Investigation to transfer title to law enforcement equipment that will be used by another law enforcement agency for official purposes. Effective 6-6-05.

SB 803 (Cain/Glenn): Provides that information submitted to the Oklahoma State Bureau of Investigation for publication in the Uniform Crime Report is public record. Procedures are provided to access OSBI information and to clarify what information is not subject to the Oklahoma Open Records Act. Effective 4-26-05.

SB 830 (Leftwich/Morrisette): Increases the maximum fee allowed for victim impact panel programs from \$25 to \$50. Effective 5-16-05.

HB 1013 (Glenn/Leftwich): The statute of limitations for the crimes of rape, forcible sodomy and lewd or indecent acts against children is increased from 7 to 12 years. The bill also removes a retroactive provision for certain offenses. Effective 11-1-05.

HB 1242 (Hastings/Williamson): Allows the court to require an electronic monitoring device as a condition of pretrial release and order payment of supervision fees in whole or by installments. Any person removing an electronic monitoring device is deemed to have escaped. Effective 11-1-05.

HB 1267 (Ingmire/Lerblance): Requires the Department of Corrections to develop a matrix of technical violations and sanctions for probationers. A procedure is provided for hearing and applying the sanctions for violations of technical conditions of probation. An appeal process is available to the district court. The court clerk is authorized to retain a fee for collection of certain supervision fees. Effective 11-1-05

HB 1277 (Peters/Riley): Requires any physician or health care professional to report criminal injurious conduct as a result of domestic abuse if the victim is over 18 years of age and is not incapacitated, only if the victim requests reporting of the incident. If requested, the report must be made to the nearest law enforcement agency. In all domestic abuse cases, all treatment must be documented and the victim referred to victim services. Every health care professional and medical facility or hospital must provide

copies of treatment information on victims to any law enforcement officer conducting a criminal investigation of domestic abuse. Every person reporting an act of domestic abuse, or directed by the victim to not report, shall have immunity from liability. Effective 11-1-05

HB 1288 (Cox/Paddack): This bill adds certain controlled substances to Schedule I drugs, but makes an exception for industrial uses. Removes some substances from Schedule II and adds controlled substances to Schedule III. Penalties are modified for certain substance. Effective 11-1-05.

HB 1294 (Lamons/Gumm): Creates a misdemeanor offense for false reporting of a missing child that causes the activation of an early warning system. Effective 11-1-05.

HB 1318 (Ingmire/Bass): Authorizes fingerprints to be taken by use of a live-scan device and allows transmission to the Oklahoma State Bureau of Investigation. Authorizes the Director of the OSBI to contract for certain food, lodging and expenses for conferences, meetings and training sessions. The OSBI is additionally authorized to expend funds for awards and commemorative items for participants of the OSBI Citizen Academies and to further the mission and operation of the Bureau. Effective 11-1-05.

HB 1379 (Piatt/Crutchfield): Increases the penalty for removing and selling a veteran cemetery marker. If the value of the marker is less than \$5,000 the penalty is a fine up to \$1,000 and not less than 90 days in jail. If the value is over \$5,000 the penalty is a felony with 6 months in the county jail and a fine up to \$2,500. In addition, misdemeanor offenses require up to 120 hours of community service and felony offenses require up to 240 hours. Community service hours may not be suspended. Effective 11-1-05.

HB 1385 (Smaligo/Jolley): Every person obtaining an order of expungement for a criminal history record is required to pay the Oklahoma State Bureau of Investigation \$150 for processing the expungement. Effective 9-1-05.

HB 1395 (Ellis/Corn): Modifies treatment requirements for a person convicted of a DUI offense and requires law enforcement officer to inform individual to be tested for blood alcohol content that the test can only be performed by certain medical personnel. Effective 11-1-05.

HB 1405 (Young/Crutchfield): Expands the operating procedures and provisions for juvenile drug court. Modifies adjudication and deferral proceeding to allow for drug court. Establishes jurisdiction and sets provisions for plea agreements, investigation, evidence and findings, noncompliance, sanctions, progress reports and duration of program. Effective 11-1-05.

HB 1434 (Wilt/Shurden): Requires the sheriff to maintain a list of every appointment and revocation of an undersheriff or deputy sheriff and make the list available to the public upon request. This measure allows holding facilities to be reimbursed for costs of incarceration and medical expenses. Removes the limitation on the maximum amount of reimbursable jail costs. The provisions of this measure relating to holding facilities and removal of jail cost limitations are incorporated into SB 636 and become effective 6-9-05. Effective 11-1-05.

HB 1450 (Duncan/Lamb): Requires all persons sentenced to any form of probation or parole for any sex offense to register as a sex offender. The measure includes persons convicted in jurisdictions other than in this state and provides a ten-year registration period unless the person is classified as a habitual or aggravated sex offender. The period of registration for a habitual or aggravated sex offender shall be continuous. Effective 11-1-05.

HB 1465 (Sherrer/Lerblance): Authorizes certain persons to file a motion for expungement of victim protection orders (VPOs). Sets a procedure for notice, hearing and for filing objections. When an order is issued the records shall be sealed, but law enforcement and the district attorney shall still have access to the records without a court order. Any order issued may be appealed to the Oklahoma Supreme Court. No employer, governmental agency or educational institution shall require a person to disclose any expunged information. Procedures are provided for sealing certain records. Effective 11-1-05.

HB 1502 (Roan/Corn): Modifies numerous public safety provisions including a change in fine for transporting beer or intoxicating beverages in vehicle; the prohibition for a convicted felons to possess a firearm; posting cash bonds for water safety violations; changing certain act to the State and Municipal Traffic, Water Safety and Wildlife Bail Bond Procedure Act; including the National Highway Traffic Safety Administration for onsite alcohol testing; specifying vehicles allowed to have sirens and flashing red lights; expanding peace officer status and authority within the Department of Public Safety; eliminating driver record points for certain speeding violation except for commercial drivers; authorizing exception to seat belt law for medical reasons upon application; prohibiting mirrored sunscreen devices in vehicles; exempting state owned vehicles and vessels from registration fees; requiring each wrecker vehicle to register and display a license plate; changing certain positions to unclassified; repealing provisions relating to wildlife tickets; Oklahoma Police Corps Act; driver record points and officers of OSBI. Effective 9-1-05.

HB 1507 (Roan/Gumm): Authorizes the Bureau of Narcotics and Dangerous Drugs Control to implement a real-time electronic logbook for monitoring

sale of pseudoephedrine products. Requires a driver license or state identification card be presented at the time of sale and expands information to be reported. The standard of proof for release on bond for certain drug arrests is changed from a preponderance of the evidence to clear and convincing evidence. Effective 11-1-05.

HB 1524 (Lindley/Eason McIntyre): Expands the definition of service animal and prohibits any person or state or municipal political subdivision from interfering with a service animal. Prohibits municipal ordinances that require licensing or registration of service animals and penalizes an official that enacts or enforces a prohibited rule or ordinance. Effective 11-1-05.

HB 1544 (Calvey/Shurden): Requires all applicants for firearms instructors under the Oklahoma Self-Defense Act to attend an approved firearms instructor school prior to application. The approved firearms instructor course must be at least 16 hours in length and provide a certificate of completion. Effective 11-1-05.

HB 1623 (Wilt/Coffee): Modifies provisions relating to inmate litigation. An inmate may apply for a writ of habeas corpus to testify at an evidentiary hearing. The court is directed to not consider a writ of habeas corpus ad testificandum except for hearings on the merits in a civil action. All pretrial hearings in civil actions concerning inmates shall be conducted by phone, deposition or video conference. The Department of Corrections is authorized to invest any held inmate funds in an interest-bearing account payable to the Crime Victims Compensation Fund. Before an inmate may initiate a district court action, all available administrative remedies must be exhausted. In disciplinary proceedings where earned credits are revoked, after all administrative remedies are exhausted, the inmate may seek judicial review. Procedures are established for the judicial review and for the appeal process. Effective 5-10-05.

HB 1686 (Hamilton/Lawler): Concerns abortion and allows for a wrongful death action for the death of an unborn child. Prohibits wrongful death actions for abortions or acts committed pursuant to usual and customary standards of medical practice during testing and therapeutic treatment. The crimes of willful killing, shooting with intent to kill, assault and battery by a deadly weapon and discharging a firearm from a vehicle shall apply to an unborn child. Willful killing of an unborn child is manslaughter punishable by up to life imprisonment. Abortion is excepted. No proof of pregnancy or intent to cause a death of an unborn child is required for prosecution. The bill prohibits abortion without voluntary informed consent, except for medical emergency, and sets procedures for informed consent. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall promulgate rules for physicians. Printed

materials shall be published and distributed. No abortion shall be performed on an unemancipated minor or female with a guardian until after 48 hours of written notice to the parent, unless the court authorizes such abortion without notification to the parent. Procedures are established for court authorization for abortions on minors. Abortions performed in violation of law are misdemeanors and grounds for punitive damages. No female may be prosecuted for obtaining a legal abortion. Effective 5-20-05.

HB 1747 (Sullivan/Mazzei): Allows reserve deputies to retain peace officer status upon retirement and keep the county-issued firearm and badge. Surviving spouses may retain the firearm and badge upon death of an officer. Retired state, county or municipal peace officers may carry concealed firearms with a CLEET identification card. A State Fire Marshall officer may retain the firearm and badge upon retirement. Effective 11-1-05.

HB 1804 (Cargill/Fisher): Expands the crime of obscene and threatening phone calls to include any telecommunication or electronic device, including electronic mail, instant message, facsimile machines and communications to a paging device. Effective 11-1-05.

HB 1944 (Shelton/Eason McIntyre): Prohibits transitional living facilities within 2,500 feet of any public or private elementary or secondary school, state training school or residential neighborhood. Requires written authorization from the governing body of a municipality or the board of county commissioners prior to establishing such facility and defines the term "transitional living facility". Effective 5-3-05.

HB 1963 (Steele/Leftwich): Creates the Long-term Care Security Act. Requires any notification from a law enforcement agency under the Sex Offenders Registration Act and the Mary Rippy Violent Crime Act to be posted in the long-term care facility. The Department of Corrections must notify the Department of Health of any person seeking placement through the Department of Corrections in a long-term care facility and for any person released and required to register as a sex or violent crime offender. The facility shall notify the Department of Health of any person determined to be registered as a sex or violent crime offender. Provisions are made to conduct licensure and criminal history background checks on all persons working in a long-term care facility and to prohibit employment of certain persons. Effective 6-9-05.

SJR 5 (Gumm/Worthen): Orders the Secretary of State to refer to the people a constitutional amendment to provide that if a member of the Legislature is incarcerated for an offense and is later found guilty of the offense, the legislator shall reimburse

any compensation received from the state during incarceration.

Filed with Secretary of State: 5-12-05.

CORRECTIONS FUNDING

For FY'06, the Department of Corrections (DOC) received \$409,443,403 in state appropriations. The appropriation included annualization of the \$17,924,000 FY'05 supplemental, which provided funding for contract beds, payroll and medical services.

Included in the DOC appropriation were mandates from the Legislature to apply a performance-based per diem increase not to exceed 2% for private prison and halfway house contractors in FY'06.

DOC was also authorized to add 100 correctional officers beginning in July to help reduce the position vacancy rate, rebuild the Clara Waters Community Corrections Center, and issue bonds for purchase of the Union City Community Corrections Center. The Clara Waters facility was damaged by a May 2003 tornado and the Department recently entered into a lease agreement for Union City and began moving inmates into the facility in April.

JUVENILE JUSTICE FUNDING

The Office of Juvenile Affairs (OJA) was appropriated \$98,323,188 for FY'06. This represents a 5.9 percent increase (\$5,515,188) from their FY'05 appropriation.

This increase will provide funding for:

- 24 additional group home beds for juveniles with serious mental health and/or substance abuse issues. (\$778,000)
- 12 sanction detention beds to provide immediate consequences for juveniles who are not complying with their reintegration and treatment plans. (\$485,000)
- Mental health screenings for juveniles in county detention centers. (\$178,000)
- Rate increases for county detention centers. (\$1.45 million)
- Capital improvements and repairs at secure juvenile facilities. (\$425,000)
- Establishing a contract management and oversight division within OJA. (\$488,000)
- Replacement of federal funds lost on Medicaid-reimbursable programs due to the 2.27% reduction in Oklahoma's Federal Medical Assistance Percentage (FMAP). (\$134,000)

LAW ENFORCEMENT FUNDING

Department of Public Safety

The Department of Public Safety (DPS) received \$78,887,770 in state appropriated revenue for FY'06. Included in the appropriation was \$5,600,000 to replace temporary tag fee revenue that expires in August, 2005. The \$2 tag fee was enacted in 2003 to prevent a reduction in force, including Oklahoma Highway Patrol (OHP) Troopers.

Also included in the FY'06 appropriation was \$3,400,000 to fund two 50-cadet OHP trooper academies, which will help offset the mandatory retirement of nearly 90 OHP troopers beginning in 2006. DPS plans to use \$1,300,000 in drug asset forfeiture funds to supplement the \$3,400,000 to pay for the total cost of the academies.

Also included in the appropriation was \$35,000 to move the OHP Troop K headquarters to a temporary facility until a permanent facility can be located and acquired. The current headquarters in Pawnee is in a state of severe disrepair and poses a health risk to the staff.

State Bureau of Investigation

The State Bureau of Investigation received an appropriation of \$11,154,628 for FY'06, a 15% increase from FY'05. Increased funding was provided to offset costs associated with SB 646, which requires the Agency to collect DNA samples from convicted felons, as well as to cover increased cost of operations.

Board of Medicolegal Investigations

The Chief Medical Examiner's Office was appropriated \$3,922,904 for FY'06, a 15 percent increase from FY'05. Included in the increased funds was \$400,000 to replace vacant pathologist positions to reduce caseload, which increasingly threatens the agency's accreditation. With the new funds, the Office may also attempt to hire two additional regional investigators.

ECONOMIC DEVELOPMENT & COMMERCE MEASURES

SB 407 (Mazzei/Young): Modifies the Quality Jobs Act by: including in the definition of "basic industry" specified activities performed by the federal civilian workforce at a facility of the Federal Aviation Administration located in this state, modifying the qualifications for an automatic application of a five percent net benefit rate to certain counties and providing that the net benefit rate shall not exceed six percent for specified establishments and excluding certain items from computations. Modifies the Small Employer Quality Jobs Act by clarifying definitions, permitting an establishment to postpone the date

payments begin and increasing the length of time certain establishments have to meet employment requirements. Effective 6-6-05 (Section 1); 7-1-05 (Sections 2 and 3).

SB 424 (Lawler/Armes): Creates the Oklahoma Rural Task Force to Access Capital and Financing for Business Development. The purpose of the Task Force shall be to study the access to capital and financing, financial assistance, low interest rates and industrial rural business development in rural Oklahoma to revitalize rural communities. Effective 7-1-05.

SB 755 (Leftwich/Nance): Sends to a vote of the people a proposed constitutional amendment to provide for incentive payments to be made to manufacturing establishments which are at risk of closing or leaving the state without investment in new capital assets. Provides for the incentive payments to be made from the Rainy Day Fund in years when there was both at least \$80 million in the Fund at the start of the Fiscal year and there was a growth in revenue forecast to accrue to the General Revenue Fund. Limits the amount which could be paid to \$10 million in a single year. Provides for an independent review committee to make recommendations to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate who would make the final decisions on payments. Effective upon approval by the voters.

SJR 4 (Gumm/Carey): Designates Bryan County as a Foreign Trade Zone. Effective 8-26-05.

COMMERCE FUNDING

SB 149 appropriated \$27,334,663 to the Department of Commerce. This results in a \$6,003,182 decrease from the agency's FY'05 appropriation.

The most significant change is the removal of one-time expenditures from the Substate Planning Districts, the Rural Development Foundation, the Little Dixie Statewide Youth Restitution Program, the KEDDO Small Business Incubator, and the Community Action Agency Enterprise Zone. The result is the removal of \$9,272,234 from the agency's FY'05 appropriation.

\$77,556 was appropriated to the agency for debt service on the American Indian Cultural Center.

\$1,000,000 was appropriated to the agency for the Military Base Closure Fund. These funds will be used to ensure that the five military bases in the state of Oklahoma remain intact and that their positive economic impact for the state is not jeopardized. Money from the fund is matched by local funds of communities that could be potentially affected by military base closures or downsizings.

The Department of Commerce received \$1,000,000 to implement the Prescription Drug Program for Oklahoma (Rx for Oklahoma). This program will help medically indigent residents of Oklahoma to receive prescription drugs from drug manufacturer assistance programs.

The agency has been authorized to receive a transfer of \$1,000,000 from the Gross Production Tax REAP Water Projects Fund in order to increase funding to the Oklahoma Department of Commerce for operational expenditures.

HISTORICAL SOCIETY FUNDING

SB 160 appropriated \$13,106,387 to the Oklahoma Historical Society. This is a \$2,964,134 increase over the agency's FY'05 appropriation.

Included in this increase is \$2,779,000 for debt service and operations of the new Oklahoma History Center. The new center is 195,000 square feet and will require more funds to operate than the former museum of 50,000 square feet.

COMMON EDUCATION MEASURES

SB 265 (Cain/Winchester): Prohibits elementary school student access to foods of minimal nutritional value (FMNV) except on special occasions. Limits middle and junior high school student access to FMNV to after school, evening events, and special occasions, with the exception of diet soda. Requires school districts to provide healthy food options and incentives to encourage healthy food choices to high school students. Requires school principals to consider recommendations of the Healthy and Fit School Advisory Committee. Effective 7-1-07.

SB 312 (Cain/Winchester): Requires school districts to provide physical education programs, which may include athletics, to all students by the 2006-07 school year. Requires elementary schools to provide physical education or exercise programs for a minimum average of sixty minutes each week. Directs the State Board of Education to disseminate information to school districts on the benefits of physical education programs and to strongly encourage districts to provide physical education instruction to students in grades six through twelve. Directs school districts to strongly encourage students to complete two units of physical and health education in high school. Effective 11-1-05.

SB 326 (Paddock/Hilliard): Removes restriction on deposit of public funds in accounts of local school foundations. Prohibits transfer of funds without documented payment or reimbursement according to written contract. Authorizes districts to reimburse foundations for expenses of fund-raising for

the benefit of the district if approved in advance. Effective 9-1-05.

SB 390 (Monson/Winchester): Modifies eligibility determination for the SoonerStart Early Intervention Program to authorize utilization of measurements in standard deviations. Authorizes State Board of Education to modify eligibility definitions as required to receive federal funds. Effective 7-1-05.

SB 531 (Pruitt/Wilt): Modifies amounts school districts may carryover in the general fund at fiscal year end. Requires districts to exceed the limits for two consecutive years before penalty assessed. Effective 7-1-05.

SB 569 (Wilcoxson/Dank): Requires public schools to request certain early childhood program participation information from parents upon initial enrollment of a student in the district. Directs the State Department of Education to include information in the statewide student record system and provide effective reporting and research on the identified early childhood programs. Effective 7-1-05.

SB 618 (Easley/Sherrer): Enacts the Dustin Rhodes and Lindsay Steed CPR Training Act. Directs each public school district to ensure that a minimum of one certified teacher and one staff member at each school site receives training in cardiopulmonary resuscitation and the Heimlich maneuver each year. Limits liability to that which may exist under the Governmental Tort Claims Act. Effective 7-1-05.

SB 668 (Monson/Staggs): Makes numerous technical revisions to school finance laws. Consolidates statutes requiring noncollusion affidavits. Eliminates requirement for districts to adopt and publish a preliminary estimate of needs for districts that have adopted a permanent millage. Clarifies requirements for school auditors and adds requirements of recent auditing standards. Effective 7-1-05.

SB 700 (Monson/Staggs): Modifies requirement for district attorney to notify superintendent of school district if it is discovered in the course of an investigation that a person charged with a felony or violent misdemeanor is an employee of a company that provides services to schools. Clarifies that contractors performing services on school property must provide certain affidavit at the time of contracting. Effective 7-1-05.

SB 966 (Wilcoxson/Coody): Amends the Reading Sufficiency Act by modifying the reading goal to include all third grade students, excluding up to 15 percent of students on IEPs and certain students who are English language learners. Updates the criteria for determining the percentage of students reading at grade level to utilize the third grade criterion-referenced reading test. Delays the dates for determination of baseline data and attainment of the

reading goal. Directs the State Board of Education to approve no more than three screening instruments, one of which shall be recommended by the Oklahoma Commission for Teacher Preparation, for purposes of this act. Modifies information included in the Reading Report Card. Requires State Department of Education to ensure reading competencies for elementary teachers are included in competencies for special education teachers. Effective 9-1-05.

SB 982 (Morgan/Cargill): Created the Achieving Classroom Excellence Act of 2005, Governor Henry's education initiative.

Full Day Kindergarten - School districts will be required to offer full day kindergarten by the 2011-12 school year. More than 70 percent of school districts already offer this, and the FY06 budget provides school districts an increased rate for full day kindergarten at a cost of \$21.6 million as an incentive to implement the program. Exempts districts from requirement if bonded indebtedness exceeds 85 percent of the maximum allowable at any time within previous five years.

Middle School Math Improvement - \$2 million was provided for training of 500 teachers and awarding a \$1,000 bonus to teachers who attend the continuing education and successfully pass the intermediate math certification exam. The budget also included \$2 million for Middle School Math Labs in schools with records of low math performance. This money is intended for ten pilot programs utilizing a scientifically research based math improvement curriculum.

Creates the Achieving Classroom Excellence (ACE) Task Force - Studies state testing requirements for 8th grade and high school students, hold public hearings, and make recommendations. The task force will present a report to the Legislature and Governor by 12-31-05.

8th Grade Student Accountability - Requires students to demonstrate mastery of state academic content standards in reading and math by the 8th grade beginning in 2009-2010 school year by attaining a satisfactory or advanced score on the 8th grade criterion-referenced tests (CRT) in reading and math.

High School Reform -

- ✓ Requires students entering 9th grade in 2008-2009 school year to demonstrate mastery of state academic content standards in a minimum of four out of six subject areas in order to receive a high school diploma;
- ✓ Requires students entering 9th grade in 2008-2009 school year to complete the currently required three units of math in grades 9-12;
- ✓ Requires students entering 9th grade in 2006-2007 school year to enroll in a college prepara-

tory curriculum. Parents may choose to enroll their student in a non-college preparatory curriculum.

- ✓ Provides \$1.4 million for tuition waivers for up to six credit hours per semester for high school seniors who meet eligibility requirements for concurrent enrollment.

Equal Access - Prohibits school districts, employees, or employee organizations from denying a statewide professional educators' association equal access to employees of the district as is granted to other educators' associations. Requires associations to reimburse districts for any costs incurred by the district for utilization of district facilities or services;

School Performance Reviews - Expands eligibility for the school performance review program. Authorizes Education Oversight Board to select districts for reviews contingent on availability of funding, which was increased by \$500,000.

Effective 7-1-05.

HB 1021 (Benge/Morgan): Creates the Task Force on School District Administrative Efficiency to determine how school administration and operations may be made more efficient through administrative reorganization and consolidation. Creates the Student Tracking and Reporting (STAR) pilot program. Effective 7-1-05.

HB 1235 (DeWitt/Riley): Modifies the process by which mentor teachers are selected as well as qualifications for mentor teachers. Effective 7-1-05.

HB 1273 (Brannon/Corn): Modifies law relating to the certification of mathematics teachers allowing teachers with certification or endorsement to teach mathematics at the secondary level to teach mathematics in grade five. Effective 7-1-05.

HB 1390 (Brannon/Garrison): Modifies provisions relating to licensure and certification of superintendents and principals. Effective 8-26-05.

HB 1444 (Coody/Barrington): Creates new law requiring the State Board of Education to study and assess ways to eliminate, reduce, consolidate, and simplify the number, type, and length of reports, data, statistics, and other information required of any school district by the Board of Education. Effective 6-6-05.

HB 1457 (Dank/Williamson): Modifies the teacher selection process for professional development committees requiring that members selected be subject to the approval of a majority vote of the teachers in the district. Requires that professional development programs include components on racial and ethnic education and that the State Board of Education provide guidelines in the development of these components. Effective 7-1-05.

HB 1600 (McPeak/Garrison): Amends provisions relating to curriculum standards to allow courses offered by supplemental education organizations which are accredited by a national accrediting body, taught by a certified teacher and that provide for the teaching and learning of the appropriate skills and knowledge in the Priority Academic Student Skills (PASS), upon approval of the State Board of Education, to be counted for academic credit and toward meeting graduation requirements. Effective 7-1-05.

HB 1621 (Kern/Wilcoxson): Amends the Reading Sufficiency Act to require that public school districts ensure instructional time in kindergarten through third grade is focused on reading and mathematics. The bill also requires that parents of third grade students reading below grade level receive certain notifications. Allows for retention in third grade of students who are unable to meet reading competencies if the student does not complete the competencies in a summer academy or other program. States the requirements for summer academy reading programs and allows for other options for students unable to attend summer academies. The bill also provides exceptions to the requirements for students with individualized education programs and English language learners. Requires the State Board of Education to adopt rules to implement the provisions of this section. Effective 8-26-05.

HB 1622 (Kern/Brogdon): Modifies provision relating to payroll deductions for professional organizational dues and political contributions. The bill allows a school employee to request in writing to immediately terminate or initiate payroll deductions to a professional organization. Effective 8-26-05.

HB 1627 (Wilt/Riley): Modifies provisions relating to school district board member elections regarding the publication of legal notice and issuance of press release. Effective 7-1-05

HB 1647 (Winchester/Lawler): Creates the "Oklahoma Kids Fitness Challenge Act". The act requires the State Board of Education to establish a physical activity program for fifth grade public school students that school districts may elect to implement. The program shall incorporate fitness challenges adopted by the Presidents Council on Physical Fitness and Sports and may include certain activities. The program shall also incorporate a "Walk Across Oklahoma" activity plan. Requires the Board to work with the Oklahoma Tourism and Recreation Department and the Oklahoma Historical Society and to provide certain information to school districts. Effective 7-1-05.

HB 1704 (Coody/Lawler): Modifies provisions for school districts to develop and implement character education programs. The bill directs the State Board of Education to develop an Internet web site to provide technical assistance, lists of character education programs and curricula, a character education honor roll and a list of character education books. Allows the State Board of Education to award grants to ten school districts for the establishment of pilot projects implementing character education programs. Effective 7-1-05.

HB 1837 (Jett/Laster): Modifies provisions relating to teacher contracts to allow a board of education to enter into written contracts for the ensuing fiscal year prior to the beginning of the year with persons not certified or licensed to teach as long as the person is actively in the process of securing certification or licensure. The person shall not be allowed to teach in the classroom until all requirements for licensure or certification have been completed. If the person has not obtained valid certification or licensure by the first day of the ensuing school year, the contract shall be terminated. Effective 5-17-05.

HB 1992 (Jones/Williamson): Requires the State Board of Education to develop an Academic Achievement Award program to provide monetary awards to qualified employees at schools that attain the highest overall student achievement and the highest annual improvement in student achievement as measured by the Academic Performance Index. Effective 7-1-05.

COMMON EDUCATION (K-12) FUNDING

HB 1020 appropriates \$145,200,000 in new funding for common education. This represents a 7.2 percent increase over last year's funding level. In addition to funding the first of four years of pay raises for teachers in order to meet the regional average, the measure fully funds benefits cost increases for teachers and support personnel. Additional funding is provided for several quality initiatives, and to partially restore past reductions in some critical program areas.

Annualize Teacher's Health Insurance - Aiming to fairly compensate Oklahoma's teachers and support personnel, the budget includes \$42.8 million to fully annualize and pay for 100 percent of teachers' and support personnel health insurance.

Teacher Salary Increase - The budget includes \$57.8 million for this year's portion of the multi-year salary increase plan to reach the regional average.

Full Day Kindergarten - Senate Bill 982 requires school districts to offer full day kindergarten by the 2011-12 school year. More than 70 percent of school districts already offer this, and the FY06

budget offers school districts an increased rate for full day kindergarten at a cost of \$21.6 million as an incentive to implement the program.

Middle School Math Improvement - The budget funds this quality teaching initiative in the amount of \$2 million, providing funds for training 500 teachers and awarding a \$1,000 bonus to teachers who attend the continuing education and successfully pass the intermediate math certification exam.

Middle School Math Labs - The budget also funds \$2 million for Middle School Math Labs in schools with records of low performance. This money is intended for ten pilot programs utilizing a scientifically research based math improvement curriculum.

Third Grade Remediation - In a significant new preventative effort to address early remediation, the state is allocating \$3 million for intensive remediation over the summer period to third grade students who finish the school year still not reading at the third grade level.

Advanced Placement - The budget includes an additional \$300,000 for Advanced Placement programs throughout the state. In these programs, which allow students the opportunity to earn college credit in high school, universities train teachers in how to teach Advanced Placement courses and high schools are given program grants and incentives. There are currently 34 Advanced Placement courses approved by the Department of Education. Priority in funding is given to paying the costs of taking the exams for low-income students.

Alternative Education - The budget allocates an additional \$1.6 million to alternative education programs, evaluation and assistance throughout the state. This money will be used to help more children graduate who have not succeeded in a traditional classroom setting. The graduation rate in alternative education schools is 70 percent.

Parents as Teachers - This measure includes an additional \$500,000 for the Parents as Teachers program. This money will be used as grants in an effort to try to serve the whole state. In 2003 - 2004, 55 programs serving 68 districts allowed for 3,957 children to benefit from this program. This money will benefit an additional 1,524 children.

Mentor Teacher Stipends - The budget funds an additional \$200,000 for stipends for a minimum of 400 new mentor teachers. This program provides mentoring for first-year teachers.

National Board Certification - The legislation includes \$1,962,725 for the National Board Certification program. This amount represents the ability to award approximately 351 teachers a \$5,000 bonus and provide 75 more scholarships of \$2,500 to new applicants for fees and stipends to cover costs.

Academic Achievement Awards - For the first time, the state will provide monetary awards to two sets of school sites with the highest rating in the state's Academic Performance Index. Personnel in schools with the highest scores, and school personnel in sites with the highest improvement over the previous year will receive the award at a total cost of \$500,000 to the state. Award rates will depend on the number of recipients.

Improved Student Data - The budget funds the implementation of the State Student Information System within the State Department of Education with \$2.5 million, and initiates pilot projects at the local district level in student tracking and reporting with \$800,000. This will enable the state to collect data required by the federal No Child Left Behind Act and provide better information which is expected to result in more targeted decision-making for future policy considerations.

Testing Costs - This bill provides \$363,264 to supplement the state costs associated with testing. The money will be used to pay for testing contracts for Criterion Reference Tests and End of Instruction tests. A portion will also be used to enable schools to work with test data and print test labels on site rather than through the testing company, saving both time and money.

School Lunch Federal Match - The budget provides an additional \$40,000 to ensure that federal School Lunch Matching funds will not be lost. Based on the most recent data, 52.23 percent of Oklahoma children are eligible for free lunches and of those 71.74 percent participate in the program.

SoonerStart - The budget includes an additional \$949,158 to fully fund the needs of the SoonerStart Early Intervention Program. SoonerStart assists infants and toddlers with disabilities and/or developmental delays and their families through an individualized and comprehensive system of services. At a cost of \$1,939 per child, this money enables SoonerStart to serve an additional 292 children in FY06.

Lottery Revenue for School Consolidation - When Oklahomans voted the lottery into effect in November, five percent of that money was earmarked for Elementary and Secondary Education Consolidation. The FY06 budget includes an estimation of that percentage of lottery revenue in the amount of \$3,113,571.

Teacher's Retirement - The state vote on the lottery also mandated earmarking five percent of lottery revenues for the state's teacher retirement system. The FY06 budget includes \$3,113,571 for that purpose.

HIGHER EDUCATION MEASURES

SB 64 (Morgan/Benge): Transfers the McCurtain County Higher Education Program to the Board of Regents of Oklahoma Colleges to serve as a branch campus of Southeastern Oklahoma State University. Requires college courses and programs to be made available to people of Enid through a branch campus of Northern Oklahoma College. Clarifies references to other branch campuses. Modifies authorized use of bond project funds for Ardmore Higher Education Center. Effective 7-1-05.

HB 1411 (Cox/Paddack): Modifies law to allow the Physician Manpower Training Commission to enter into contractual arrangements for the reimbursement of intern and resident professional liability insurance cost. The bill also creates the "Intern and Residents Professional Liability Insurance Fund". States the intent of the Legislature that the Physician Manpower Training Commission establish a Critical Need Internship and Residency Program and requires the University of Oklahoma College of Medicine and the Oklahoma State University College of Osteopathic Medicine to provide reports outlining areas of physician shortages in specialty areas. Creates the "Critical Need Internship and Residency Fund". The bill also establishes the "Physician Assistant Scholarship Program". Effective 7-1-05.

HB 1506 (Roan/Crutchfield): Creates the Sean Skelley and Shane Gilmore Act. Modifies law to provide that no resident tuition or nonresident tuition shall be charged within the Oklahoma State System of Higher Education to the children of Oklahoma emergency medical technicians who have given their lives in the line of duty. Effective 7-1-05.

POSTSECONDARY EDUCATION FUNDING

For FY'06 higher education was appropriated \$889,433,880 in SB 63. This represents a \$87.3 million or 10 percent increase from its FY'05 appropriation.

The following key items were addressed:

- \$41.6 million for institutional mandatory cost increases, primarily health insurance and utilities. The funding will also address replacement costs for lost full-time faculty positions and new positions to accommodate an increased enrollment that in FY'05 was 200,000 students. Funding will also pay operating costs for new facilities and other staff needs in academic support and student services.
- \$15 million allocation for higher education student scholarship and grant programs. The Oklahoma Higher Learning Access Program is fully funded to meet growing demands. The

Oklahoma Tuition Aid Grant Program will receive an additional \$1.3 million, most of which is needed to match federal funds. The Oklahoma Tuition Equalization Grant Program will also receive \$1.3 million in new funds. An increase of \$700,000 will keep the Academic Scholars Programs funded.

- \$1.4 million in tuition waivers for up to six hours of concurrent enrollment in college per semester for high school students. This program is included in SB 982, the Achieving Classroom Excellence Act.
- \$500,000 to the Office of Accountability for more school performance reviews.
- \$15 million for debt retirement demands in FY06 from the Oklahoma Education Lottery Trust Fund. Additional lottery money will be spent on other capital needs at Oklahoma's state institutions of higher education and scholarship costs.

The Legislature also enacted the Oklahoma Higher Education Promise of Excellence Act of 2005 in HB 1191 to authorize a much needed infusion of financing for capital needs in the Oklahoma State System of Higher Education. Major components of the bill are:

- Authorization of \$475 million in bonds for projects at the state colleges and universities. The bonds will be issued by the Oklahoma Capital Investment Authority, with lottery funds used as the primary source for debt retirement.
- Expansion of the Master Lease program to allow financing of acquisitions of or improvements to real property, in addition to the currently allowed personal property. The Oklahoma Development Finance Authority will manage the financing through lease purchase agreements with the schools. A permanent revolving lease fund, funded through the sale of \$25 million in bonds, is established within the Master Lease program to provide for ongoing projects. While the \$25 million debt will be covered with lottery funds, the revolving lease fund will allow for lower cost financing.
- Authorization for the Boards of Regents for OU and OSU to issue bonds respectively for those institutions, and for the Oklahoma State Regents for Higher Education to issue the bonds for all other institutions. This program for capital projects will allow the colleges to pledge any monies available for the repayment of the bonds other than revenues appropriated by the Legislature from tax receipts. This avenue of allowing other available revenues to be pledged to the repayment of these bonds should enable the institutions to obtain cheaper financing for some capital projects.

CAREER AND TECHNOLOGY EDUCATION FUNDING

Career and Technology Education received an increase of \$6.4 million in FY'06. This budget focuses on new funding for the programs in comprehensive high schools, and the efforts career tech contributes to the state's economic development.

- \$1.5 million was earmarked in increased funding for programs in the comprehensive high schools.
- \$2.7 million was allocated for other comprehensive high school and tech center needs, such as increased personnel and program costs.
- \$1 million was allocated to fund the ongoing Training Industry Program for qualifying companies that create new jobs in Oklahoma and for Training for Existing Industries. Studies show that people who use TIP for training are earning more per hour. Training for Existing Industries assists Oklahoma companies in keeping existing employees up-to-date with the latest skills and knowledge.
- Funding for training of incarcerated individuals was increased by \$280,000 in the Skills Centers. These graduates show a training-related job placement rate of 84 percent.
- \$500,000 was included for Safety Training to industries throughout the state. In FY'04 these programs served 89,359 individuals and a key component addresses the federal OSHA's top ten willful and serious violations.

CENTER FOR THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY FUNDING

The FY06 budget provides an additional \$700,000 to be invested in the Research and Technology Development Programs for competitive awards for 1-3 year projects based upon technical merit, potential for market success and commitment of resources. For every state dollar awarded to these programs, another \$19 is leveraged in private and federal funds.

DEPARTMENT OF LIBRARIES FUNDING

A \$400,000 increase is given to expand the statesupport to municipal and city libraries that serve people who live outside the municipal limits.

SCHOOL OF SCIENCE AND MATHEMATICS FUNDING

An increase of \$448,000 is given to the Oklahoma School of Science and Mathematics (OSSM) for its operations in fostering the development of Oklahoma high school students who are academically talented in science and math. The funds will assist with lab and equipment supplies, and replace a math instructor lost in prior year's cuts.

The new funding will also add a regional center for students outside of the OSSM around the state. Currently there are ten outreach centers that use existing facilities and transportation for one-half day classes.

STATE ARTS COUNCIL FUNDING

The budget provides an additional \$300,000 for the benefit that community arts provide around the state. Currently, only 48 percent of community requests are funded. This increase will bring it up to 60 percent.

PHYSICIAN MANPOWER TRAINING FUNDING

The state is providing the Physician Manpower Training Commission \$337,000 in additional funding for training more nurses, and establishment of a program for training physician assistants.

ENERGY, ENVIRONMENT & UTILITIES MEASURES

SB 19 (Lerblance/Wilt): Requires the Department of Mines to keep certain citizen complaints of violations confidential. Allows the Department to perform corrective work on behalf of an operator who is found to be in violation using the operator's surety bond. Authorizes a fine of up to \$10,000 for violations. Effective 4-26-05.

SB 20 (Riley/Benge): Requires new mining operations using blasting to prove the operator is in full compliance with all municipal regulations if such operations are located within municipalities within counties with a population of 300,000 persons. Allows exemptions for existing operations or certain properties adjacent to existing operations. Effective 5-25-05.

SB 41 (Wilcoxson/Young): Modifies the penalty for landfill operators filing late quarterly reports with the Department of Environmental Quality. The measure lowers the penalty from an additional 50

percent of the fees due to an additional 15 percent. Effective 11-1-05.

SB 155 (Morgan/Benge): Modifies several of the Oklahoma Storage Tank Regulation Act statutes in an effort to further conform to recommendations from an extensive investigative audit conducted in 2003. This measure moves some legal and enforcement provisions from the district courts to the administrative judges at the Corporation Commission. The membership of the Corporation Commission Storage Tank Advisory Council was modified slightly to allow more participation by tank owners and engineers with remediation experience. Another major change modifies the definition of "eligible persons" to give access to the indemnity fund to adjacent land owners and political subdivisions of the state. The measure allows the indemnity fund to pay for some equipment used by consultants "up front" which was previously prohibited due to problems uncovered in the 2003 audit. The Commission determined that this is reasonable in some instances and such costs must be approved. There were some amendments to the structure of \$5,000 co-payment required to be paid by the tank owner. Tank owners are now billed in amounts relating to the cost of remediation. Lastly, the bill requires any person who performs an environmental investigation or any remediation work regulated by the Commission to obtain a license from the Commission. Effective 11-1-05.

SB 363 (Kerr/DeWitt): Creates the Oklahoma Biofuels Development Act. The Oklahoma Biofuels Development Advisory Committee, made up of eleven citizen members and professional appointees, is created until 2010. The Committee is directed to study several issues to encourage the processing, market development, promotion, distribution and research of fuels derived from grain and biodiesel products. The new advisory committee supercedes the previously appointed Oklahoma Ethanol Development Advisory Committee which is repealed in this measure. Effective: 4-19-05.

SB 575 (Lerblance/Adkins): Changes the treatment of severed mineral interests belonging to unlocatable persons. Previously, when the owner of severed mineral interests was unlocatable for seven years, his or her mineral interests escheated to the state. Under SB 575, when the mineral interest owner is unlocatable for 15 years, the mineral interests are subject to sale as unclaimed property, with sale proceeds available for the owner if he or she ever claims them. Provides that only the names and last known addresses of the mineral owners would be published, and the legal description and extent of property rights would be kept confidential. Strikes the provision that a sale of minerals may be brought by any interest holder, and that allowed costs to be awarded to compensate persons who bring information upon which sales are held. Effective 6-6-05.

SB 599 (Gumm/Armes): Requires the Environmental Quality Board to provide public forums in conjunction with regular Board meetings rather than quarterly and deletes a redundant definition for "qualified interest group". Effective 4-05-05.

SB 604 (Shurden/Turner): Requires municipalities to distribute sludge based on a sludge management plan approved by the Department of Environmental Quality. Municipalities may choose any method for selecting qualified recipients for land application of sludge including accepting monetary bids. Effective 4-26-05.

SB 932 (Nichols/Balkman): Requires certain government entities administering the Floodplain Management Act to be accredited by the Oklahoma Water Resources Board by Nov. 1, 2005. Effective 5-24-05.

HB 1238 (DeWitt/Wyrick): Modifies the definition of "small public sewage systems" to be based on the amount of gallons per day rather than number of residential units served by such system and modifies the definition of "waterworks" and "wastewater works" to conform with the amendment. Effective 11-1-05.

HB 1586 (Adkins/Crutchfield): Corrects a typographical error in the gas gathering statutes. Effective 5-26-05.

HB 1606 (Miller, Doug/Fisher): Amends the Waste Tire Recycling Act:

- Eliminates cleaning and sorting waste tires for processing as a compensable activity.
- Increases the administrative allocation of fees to the Tax Commission from 3.5 percent to 4.5 percent.
- Discontinues the State Auditor's pilot program of random compliance audits.
- Increases compensation to waste tire facilities for processing tire material from \$49/ton to \$54/ton.
- Requires the sale of processed tire material as a condition for compensation.
- Increases compensation for transporting waste tires to facilities from \$48/ton to \$53/ton. Processing or tire-consuming facilities receive this compensation, and those facilities may contract with transporters, rather than transporters applying directly for compensation from the Waste Tire Indemnity Fund.
- Requires that tires be actually processed or consumed for fuel as a condition for compensation.
- Provides compensation, after other allocations are made, for facilities that produce crumb rubber at \$29/ton.
- Requires compliance monitoring, auditing, and reporting.

- Repeals an unfunded grant program for the use of tire chips on playgrounds.
Effective 7-1-05.

HB 1668 (Cooksey/Lerblance): Exempts the Oklahoma Municipal Power Authority from the provisions of the Public Building Construction and Planning Act. Effective 11-1-05.

HB 1910 (Peters/Crutchfield): Authorizes the Corporation Commission to promulgate rules which would allow electric public utilities to recover their costs incurred when such utilities are required by federal order to upgrade their transmission systems. Such costs shall be presumed to be recoverable unless evidence proves such costs exceed the scope of the project which may be authorized by the Southwest Power Pool, Oklahoma's regional transmission organization, or the Federal Energy Regulatory Commission (FERC). The electric public utilities may periodically adjust their rates to recover such costs. HB 1910 further allows electric public utilities to apply for Corporation Commission authorization to recover capital expenditures for equipment necessary to comply with the Federal Clean Air Act. Such expenditures would be presumed to be used and useful and fully recoverable by the public utility. The bill additionally authorizes public utilities for pre-approval by the Commission prior to constructing or purchasing new electric generation facilities. If the Commission approves such purchase or construction then such a facility would be considered to be used and useful and subject to cost recovery rules promulgated by the Commission. This measure allows the Corporation Commission staff and the Attorney General to assess the need for such requests and the public utility is responsible for the costs associated with their assessments. The Commission is required to promulgate rules governing this pre-approval process before April 1, 2006 and the bill requires the Commission to consider several issues relating to cost recovery in the rulemaking process. Effective 5-11-05.

CONSERVATION COMMISSION FUNDING

SB 151 appropriated \$9,803,928 to the Conservation Commission. This is a \$2,686,270 increase over the agency's FY'05 appropriation.

The agency has been authorized to receive a transfer of \$2,400,000 from the Gross Production Tax REAP Water Projects Fund. \$400,000 of this transfer has been allocated to the agency for operations, and the remaining \$2,000,000 has been allocated for Priority Watershed Projects.

WATER RESOURCES BOARD FUNDING

SB 175 appropriated \$7,173,896 to the Oklahoma Water Resources Board. This is a \$733,551 increase over the agency's FY'05 appropriation. The agency has been authorized to receive a transfer of \$600,000 from the Gross Production Tax REAP Water Projects Fund. \$100,000 of these funds will be allocated for a Saltwater Lake Irrigation project and \$500,000 will be allocated for the Arbuckle-Simpson Aquifer Study.

GAMING, SPORTS & AMUSEMENTS MEASURES

SB 45 (Hobson/Askins): Authorizes special background investigations, initiated by the State Senate, for nominees to the Oklahoma Lottery Commission. Effective 4-12-05.

SB 556 (Shurden/Armes): Relates to the State-Tribal Gaming Act. Provides that the manufacture, exhibition or storage of machines and devices by licensed manufacturers or distributors which are capable of being used to conduct gaming authorized by the Act or other gaming which may be lawfully conducted by an Indian Tribe in this state are lawful activities and not subject to any criminal penalties. Effective 5-25-05.

SB 738 (Hobson/Hastings): Expands membership on the Oklahoma Horse Racing Commission from seven to nine members. Removes certain conflict of interest restrictions on some members of the Oklahoma Horse Racing Commission. Effective 5-24-05.

SB 880 (Morgan/Morgan, Danny): Provides that \$500,000 from unclaimed prize money earmarked for gambling addiction treatment in the Oklahoma Education Lottery Act be directed to the Department of Mental Health and Substance Abuse Services rather than the Department of Human Services. Effective 6-6-05.

HB 1649 (Winchester/Monson): Prohibits the use of debit cards for purchase of a lottery ticket. Provides for withholding from lottery winnings by DHS for the amount of delinquent debt. Effective 4-25-05.

HB 1774 (Hastings/Lerblance): Relates to the Oklahoma Professional Boxing Licensing Act. Provides that the Commission shall set the salary of the administrator of professional boxing licensing. Increases the amount of revenue that may be retained in the Professional Boxing Licensing Revolving Fund, requires promoters of certain boxing contests or professional exhibitions at which tickets are not sold to remit a certain assessment equal to five percent of the revenues received by the promoter to the Oklahoma Professional Boxing Commission and transfers

responsibility for the collection of certain levies to the Commission. The bill also repeals a certain section of law relating to closed-circuit telecast permits. Effective 11-1-05.

HORSE RACING COMMISSION FUNDING

HB 1117 appropriated \$2,360,889 to the Oklahoma Horse Racing Commission. This is a \$502,707 increase over the agency's FY'05 appropriation.

The agency received an additional \$450,000 for operations that are associated with the regulation of racetrack gaming.

GOVERNMENT MEASURES (COUNTY, MUNICIPAL, LOCAL)

SB 29 (Garrison/Hilliard): Authorizes the county commissioners to increase the cap on inventory from \$250 to \$500. Effective 7-1-05.

SB 36 (Garrison/Rousselot): Modifies the cap on salaries for deputy county officers. Effective 7-1-05.

SB 460 (Morgan/Ingmire): Adds an exception from requirements for adoption of building and fire codes by municipalities if the municipalities have adopted certain nationally recognized building and fire codes. Effective 7-1-05.

SB 463 (Garrison/Walker): Adds methods of distribution of documents by the Secretary of State to the court clerk of each county. Effective 7-1-05.

SB 478 (Crain/Peters): Authorizes the sheriff, treasurer or assessor to employ a general counsel, either in-house as a staff attorney or through an outside law firm. Requires the board of county commissioners to approve all contracts for outside counsel. Adds the General Services Administration as an entity that may provide a bid list to the county purchasing agent for purchases that are paid from county funds. Effective 11-1-05.

SB 587 (Fisher/Case): Requires each person elected as a municipal officer to attend an educational training institute. The institute shall be in cooperation with the Oklahoma Department of Career and Technology Education by or under the supervision of a statewide organization that is exempt from taxation under federal law. Provides for amount of instruction, curriculum, and locations of institute. Also states consequences for failure of the municipal officer to complete the educational requirements. Effective 11-1-05.

HB 1298 (Banz/Aldridge): Authorizes the board of county commissioners to increase the amount of safety-related incentive awards. Effective 11-1-05.

HB 1402 (Thompson/Lamb): Authorizes police departments to dispose of personal property by donation, selling for cash to the highest bidder, transferring the property to a third-party agent for sale by Internet or other electronic means, and by any other means as determined appropriate by the court. Effective 11-1-05.

HB 1564 (Miller, Ken/Jolley): Provides that municipalities, counties, public trusts, and other political subdivisions are not required to seek approval of any state agency to use design-build or at-risk construction management delivery methods. Such political subdivisions are subject to all other provisions of the Public Building Construction and Planning Act. Effective 11-1-05.

HB 1634 (Ellis/Rabon): Requires the governing body of a municipality with an aldermanic form of government to provide that the office of the clerk be elected to a six-year term, followed thereafter by four-year terms, in situations where the clerk and the mayor are currently on the same election cycle. Effective 11-1-05.

HB 1645 (Winchester/Justice): Modifies requirements for leasing county hospitals, to provide for leasing of portion of a hospital to a public trust or organization. Effective 11-1-05.

HB 1654 (Morgan, Danny/Riley): Modifies time limitation on members of the city council and mayor, after such person ceases to hold office, for an appointment as city manager. Clarifies judicial educational requirements for conducting trials. Requires the court clerk to collect a \$35 fee for the initial filing of any bond and \$25 of the \$35 fee shall be remitted to the Sheriff's Jail Fund to operate the jail. Removes the requirement for the bail bondsmen to collect the fee for the initial filing of bonds. Effective 11-1-05.

HB 1670 (Nations/Rabon): Requires municipalities with an income over \$25,000 and a population under 2,500 to cause to be conducted an annual financial audit or an agreed-upon-procedures engagement. Sets out specific procedures to be performed. Requires trustees of public trusts for counties or municipalities with population over 2,500 to cause to be conducted an audit of financial statements of the trust. Requires trusts whose beneficiaries are municipalities with less than 2,500 populations and over \$50,000 in revenues, not otherwise required to perform audits, to cause to be conducted, an annual financial audit or an agreed-upon-procedures engagement. Sets out procedures to be performed. Provides that public trusts whose beneficiaries are municipalities with less than 2,500 in population and less than \$50,000 in assets, not otherwise required to file annual financial statement audit, may apply to the State Auditor for waiver. Requires audit reports relating to federal awards compliance be in a form consistent with American Insti-

tute of Certified Public Accountants' most recent audit guide for state and local governments. Adds any nonappropriated governmental agency or instrumentality of the state to the entities authorized to use reverse auction bidding to obtain bids for goods or services. Effective 7-1-05.

HB 1926 (Dorman/Justice): Requires proceeds from emergency medical service districts to be expended for the purpose of providing funds for the support, organization, operation and maintenance of emergency medical service districts. These emergency medical service districts may own and operate the ambulance service or may provide ambulance service with ambulance providers. Effective 11-1-05.

GOVERNMENT MEASURES (STATE)

SB 4 (Wilcoxson/Wesselhoft): Makes the hourglass selenite crystal the official state crystal. Effective 4-1-05.

SB 339 (Kerr/Calvey): Exempts members of the Native American Cultural and Educational Authority from the prohibition of dual office holding. Effective 4-6-05.

SB 464 (Pruitt/Peterson, Pam): Makes GUSTY the official state cartoon character. Effective 4-6-05.

SB 553 (Bass/Askins): Creates the Deferred Maintenance and Construction Needs Task Force. Provides for membership, officers, staffing, compensation and travel reimbursement. Requires the Task Force to study the state's current deferred capital maintenance and capital infrastructure needs and the process and funding of other states' capital programs. Requires a report by December 1, 2005. Effective 9-1-05.

SB 580 (Kerr/Calvey): Adds the Native American Cultural and Educational Authority as an eligible entity for purposes of the State Travel Reimbursement Act. Provides that directors and staff of the Authority are eligible for reimbursement of expenses incurred in performance of Authority duties. Provides that excessive failure to attend Authority meetings constitutes good cause for removal of an Authority member. Effective 7-1-05.

SB 620 (Wyrick/Cox): Exempts the Grand River Dam Authority from the requirements of the state surplus property rules until November 1, 2006, to allow GRDA time to work with the Department of Central Services to promulgate rules to cover certain surplus property related to electric generation equipment and real property owned by the GRDA. Exempts certain GRDA contracts from the public construction act requirements until November 1, 2006. Authorizes the Board of Directors of GRDA to pay at least \$60 or more per retired employee for

retired employee health insurance premiums. Authorizes GRDA to sell surplus property with Board approval. SB 620 also authorizes GRDA to issue licenses allowing property owners to encroach on GRDA property. Such licenses would be issued for fair market value of the unimproved land. This provision would allow adjacent property owners who had inadvertently built on or improved property owned by GRDA to obtain clear titles for their property. SB 620 further removes a statutory requirement for certain docks to be attached at a certain property level on Grand Lake and Lake Hudson. Effective 5-26-05.

HB 1378 (Liebmann/Jolley): Modifies the months for holding special elections and provides for special elections held in February in any year when a Presidential Preferential Primary Election is to be held on the same date. This bill also modifies the required time period between municipal primary and general elections. Effective 7-1-05.

HB 1500 (Balkman/Nichols): Amends the Oklahoma Personnel Act to require that state agency reduction-in-force plans be provided to the Office of State Finance and state employee associations. Provides for OPM review of state agency actions demoting classified employees as a result of position audits or reclassifications (other than OPM position audits/reclassifications). Changes the title of the Oklahoma Biennial Compensation Review Board to the Oklahoma Compensation and Unclassified Positions Review Board. Adds the requirement that the Board review and make recommendations regarding current unclassified positions and agency requests to add new unclassified positions. Effective 7-1-05.

HB 1618 (Benge/Riley): Requires the Department of Central Services to use funds received from the sale of any part of the Hissom property to be used for additional maintenance to the remainder of the property and upon the sale of the final parcel of the property to deposit the amount received to the Hissom Memorial Treatment Center Surplus Fund for appropriation pursuant to law. Effective 11-1-05.

HB 1650 (Hilliard/Paddock): Modifies the state employees incentive awards program to allow for relevant time period to be in terms of a twelve-month period rather than in terms of a fiscal year. Provides for payment of incentive compensation awards in two payments rather than one lump sum if the relevant twelve-month period extends over two fiscal years. Effective 11-1-05.

HB 1755 (Miller, Doug/Nichols): Modifies the duties of the Oklahoma Merit Protection Commission. The bill also modifies the criteria for the employee performance management system, modifies the evaluation requirements, and expands the jurisdiction of the Oklahoma Merit Protection Commission. Effective 11-1-05.

HB 1762 (Sweeden/Wilson): Designates the strawberry the official fruit of the State of Oklahoma. Effective 11-1-05.

HB 1862 (Reynolds/Adelson): Increases the dollar threshold for computer hardware or software contracts which may be entered into by a state agency without certain authorization by the Office of State Finance. Prohibits contracts for certain computer software unless the source code is provided. Creates a Task Force for the Study of Computer Information Officers. Effective 7-1-05.

HB 1898 (Billy/Paddock): Creates the Office of Tribal Relations within the Research Division of the Oklahoma Historical Society. Provides for duties of the Office and directs the Oklahoma Historical Society to provide suitable office space. Effective 7-1-05.

HB 1927 (Liotta/Shurden): Creates the Task Force to Study the Fleet Management Division of the Department of Central Services. Effective 6-6-05.

HJR 1001 (Balkman/Laughlin): Proclaiming February 6 of each year "President Ronald Reagan Day". Effective 4-18-05.

STATE AUDITOR & INSPECTOR FUNDING

The State Auditor & Inspector received and FY'06 appropriation in the amount of \$5,988,786, an increase of 8.4 percent. The agency received an additional \$200,000 for the hire of five FTE to activate its Performance Review Division, an entity that will conduct program audits to determine whether a state agency or body has been run in an efficient manner.

HEALTH & MENTAL HEALTH MEASURES

SB 49 (Cain/Denney): Changes the time in which an owner or operator of a nursing facility or a specialized home may appeal the placement of a temporary manager. Requires that funds held by a predecessor temporary manager shall be used by the facility to ensure the health and safety of the residents and provides that use of funds otherwise constitutes a breach of fiduciary duty and a violation of the Nursing Home Care Act unless prior written approval for other expenditure has been obtained. Requires State Board of Health to establish a fund to assist temporary managers in the continuation of resident care and requires that such advance be repaid. Increases the accounting requirements of temporary managers who have been released by the Commissioner. Authorizes legal proceedings for wrongful expenditure of funds against temporary managers or bad faith vendors/recipients. Effective 11-1-05.

SB 234 (Morgan/Benge): Recreates the Board of Medicolegal Investigations and modifies membership. Updates language. Also creates the Joint Legislative Commission to Study and Evaluate the Operations of the Oklahoma State University Center for Health Sciences and the Indigent Health Care System in the Tulsa Metropolitan Service Area. Effective 7-1-05.

SB 368 (Fisher/Bingman): Expands the mission of the Oklahoma Rural Health Policy and Research Center and establishes criteria that must be met by a hospital located in a metropolitan statistical area or an area administratively designated as urban or non-rural that requests designation as a rural health care delivery system. Effective 5-5-05.

SB 538 (Adelson/Balkman): Deletes obsolete language related to a Medicaid lien filing process. Effective 11-1-05.

SB 539 (Monson/Roan): Allows ambulance services licensed out-of-state to respond to emergencies in Oklahoma under certain circumstances. Such out-of-state ambulance services may be exempt from Oklahoma licensing requirements pursuant to rules promulgated by the State Board of Health. Authorizes issuance of Oklahoma Air Ambulance Provider License to air ambulance providers duly licensed, operating and responding from a base in an adjoining state. Changes the reappointment eligibility requirements for appointed members to the Emergency Response Systems Development Advisory Council. Modifies powers of State Commissioner of Health with regard to Emergency Medical Services Improvement Program. Modifies membership requirements of Oklahoma Emergency Response Systems Development Advisory Council. Effective 7-1-05.

SB 546 (Adelson/Balkman): Modifies provisions prohibiting prescription drugs from being delivered at a place other than the pharmacy at which they are compounded and dispensed and modifies provisions prohibiting the possession of drugs without a valid prescription or license to possess such to except Department of Mental Health and Substance Abuse Services employees or persons whose facility contracts with the Department of Mental Health and Substance Abuse Services who possess dangerous drugs for the purpose of delivery of a mental health consumer's medicine to the consumer's home or residence. Allows the same persons under the same circumstances to lawfully possess controlled dangerous substances and exempts them from the requirement to register the controlled dangerous substance. Effective 7-1-05.

SB 547 (Adelson/Steele): Creates the Oklahoma Prescription Drug Discount Program Act of 2005. The bill establishes provisions to increase access to prescription drugs for low income Oklahomans. Implements provisions to link persons without pre-

scription drug coverage to manufacturer-sponsored prescription drug programs. Authorizes the establishment of agreements with prescription drug manufacturers that outline available discounts and drugs. Authorizes negotiation for prescription drug discounts with manufacturers, utilization of Medicaid reimbursement for pharmacy networks and implementation of a "one-stop" Oklahoma Prescription Drug Discount program for uninsured Oklahomans and their families. Requires that 100 percent of savings from prescription drug manufacturers and pharmacies be passed on to the consumer. Provides for enrollment into a prescription drug discount card program and includes outreach and advertising of the program. Allows for a basic enrollment fee to cover administrative costs of the program. The bill also changes the means by which the Executive Director of the Board of Pharmacy's compensation is fixed. Effective 7-1-05.

SB 561 (Cain/Balkman): Expands definitions relating to persons requiring mental health treatment. Modifies choice of venue for civil actions for involuntary commitment. Expands circumstances under which mental health and alcohol or substance abuse treatment information may be disclosed without patient authorization or a valid court order. Modifies provisions relating to agencies responsible for transporting individuals to and from sites or facilities for the purpose of examination, emergency detention, protective custody and inpatient services. Modifies membership requirements for the Board of Mental Health and Substance Abuse Services. Modifies purposes for which the monies within the revolving fund for the Department of Mental Health and Substance Abuse Services may be used. Modifies individuals and entities to which a summary of an investigation by the Office of Consumer Advocacy may be given. Modifies the positions not classified as part of the Merit System of Personnel Administration by the Commissioner of Mental Health and Substance Abuse Services. Modifies internal audit report requirement of the Department of Mental Health and Substance Abuse Services. Modifies the sources of monies received into the Mental Health and Substance Abuse Services Revolving Fund and authorized expenditures thereof. Modifies the sources of monies received into the Community-based Substance Abuse Revolving Fund and authorized expenditures thereof. Modifies list of facilities within the Department of Mental Health and Substance Abuse Services. Requires facilities providing services to batterers to comply with standards adopted by the Board of Mental Health and Substance Abuse Services. Creates certification of eating disorder treatment programs and gambling addiction treatment programs. Expands list of persons exempt from regulations and standards for certification relating to facilities which provide treatment, counseling and rehabilitation services directed toward alcohol- and drug-dependent persons. Expands requirements for alcohol and drug substance abuse course facilitators. Modifies persons who can be

prosecuted for falsely certifying to mental illness, alcohol dependency or drug dependency. Modifies conditions under which a person can be transported to a mental health and substance abuse services facility. Modifies conditions under which a consumer may be discharged from a facility within the Department of Mental Health and Substance Abuse Services. Provides that a parent may consent to the voluntary admission and treatment of a minor to an approved treatment facility for substance abuse treatment. Effective 11-1-05.

SB 640 (Shurden/Nance): Expands the list of rules relating to the issuance and renewal of licenses and permits that the Board of Pharmacy is required to adopt. Authorizes the Board to use outside agencies to accredit wholesale distributors and repackagers. Limits persons to whom the Orthotics and Prosthetics Practice Act applies. Effective 6-6-05.

SB 642 (Adelson/Balkman): Modifies the nursing facility cost-reporting system developed by the Oklahoma Health Care Authority to omit the requirement that nursing and specialized facilities submit cost report data electronically on a quarterly basis. Effective 11-1-05.

SB 708 (Wilson/Cox): Requires Federally Qualified Health Centers in Oklahoma that receive certain federal grants to be in compliance with federal statutes, regulations and policies governing their existence, bylaws and board composition in order to be eligible for state reimbursement for uncompensated care. Requires boards of directors of Federally Qualified Health Centers be subject to the provisions of the Oklahoma Open Meeting Act and authorizes the withholding of state reimbursement for failure to remove a director for violation the Open Meeting Act or for any civil judgment relating to the member's service on the board. Authorizes the State Department of Health to investigate and enforce the act. Authorizes the State Board of Health to adopt rules and certification relating to board member training. Effective 4-12-05.

SB 729 (Lamb/Staggs): Requires registration of certain entities doing business in Oklahoma as discount medical plan organizations. Provides for regulation of certain business activities of discount medical plan organizations in Oklahoma. Provides for revocation of registration under certain circumstances and criminal penalties for willful violations of the act. Effective 11-1-05.

SB 861 (Monson/Peters): Allows the Medicaid Drug Utilization Review Board to establish protocols and standards for the use of certain prescription drugs for the treatment of HIV/AIDS and Hepatitis C without prior authorization except when a generic equivalent drug is available. Effective 11-1-05.

SB 950 (Cain/Wesselhoft): Requires certified nurse aides training to include a minimum of ten hours of training in the care of Alzheimer's patients. Effective 11-1-05.

SB 1012 (Reynolds/Balkman): Modifies a definition within the Oklahoma Emergency Response Systems Development Act to allow stretcher aid van transports to be made to and from any Oklahoma Veterans Center. Effective 7-1-05.

HB 1016 (Gilbert/Cain): Eliminates a rule previously required to be adopted by the Board of Pharmacy to implement the Utilization of Unused Prescription Medications Act. Effective 4-19-05.

HB 1276 (Peters/Riley): Modifies sections of the Hospice Licensing Act to provide for both first-year and permanent licenses for hospices. Effective 6-6-05.

HB 1327 (Askins/Monson): Extends the date after which hospitals, specialty hospitals and ambulatory surgery centers which have not received approval from the State Commissioner of Health to construct new facilities are required to provide certain verification annually. Extends the date by which the Uncompensated Care Equalization Committee is required to make its recommendations to the Legislature. Effective 11-1-05.

HB 1347 (Terrill/Paddack): Deletes outdated reference to pilot program regarding the utilization of unused prescription medications. Expands the list of facilities from which unused prescription drugs may be transferred. Sets forth rules to be promulgated by the Board of Pharmacy regarding the renewal of licenses and permits pursuant to the Oklahoma Pharmacy Act and gives the Board certain authorization to make rules. States requirements for the return of prescription drugs to wholesale distributors. The bill expands the list of persons exempt from the Orthotics and Prosthetics Practice Act. Effective 11-1-05.

HB 1419 (Kiesel/Laster): Defines "phenylketonuria" for purposes of an educational and newborn screening program and the administration of the Medicaid prescription drug program. Requires State Board of Health to promulgate rules for the program. Effective 11-1-05.

HB 1425 (Jones/Riley): Modifies the Inpatient Mental Health and Substance Abuse Treatment of Minors Act with regard to provisions relating to the voluntary and involuntary admissions of minors and individualized treatment plans. Effective 11-1-05.

HB 1503 (Roan/Gumm): Allows ambulance services licensed out-of-state to respond to emergencies in Oklahoma under certain circumstances. Such out-of-state ambulance service may be exempt from Oklahoma licensing requirements pursuant to rules

promulgated by the State Board of Health. Authorizes the State Department of Health to investigate complaints associated with emergency response by out-of-state ambulance service. Authorizes issuance of Oklahoma Air Ambulance Provider License to air ambulance providers duly licensed, operating and responding from a base in an adjoining state. Changes the reappointment eligibility requirements for appointed members to the Emergency Response Systems Development Advisory Council. Effective 11-1-05.

HB 1626 (Wilt/Monson): Establishes the Surgical Patient Choice Task Force. The purpose of the Task Force is to make recommendations to the Legislature and the Governor regarding ways to improve patient access to rural hospitals, specialty hospitals and ambulatory surgical centers using specified methods. A report of its recommendations is due by January 1, 2006. Effective 4-19-04.

HB 1688 (Cox/Shurden): Modifies law regarding notice of violations of the Nursing Home Care Act. Creates an informal dispute resolution procedure to contest alleged violations of the Nursing Home Care Act. The bill modifies duties which may be performed within certain nursing and care facilities by certified medication aides. Modifies powers and duties of State Department of Health to establish standards for certification and registration of feeding assistants. Effective 11-1-05.

HB 1695 (Hamilton/Shurden): Creates the "Danielle Martinez Act" and the Advisory Council on Cord Blood Donations to make recommendations to the Legislature related to development of a level cord blood donation program in Oklahoma. Effective 4-21-05.

HB 1735 (Gilbert/Adelson): Limits access to psychological, psychiatric, mental health and substance abuse treatment records. Effective 4-21-05.

HB 1845 (Worthen/Pruitt): Relates to mental health and updates language in several statutes. Effective 5-9-05.

HB 1853 (Steele/Paddack): Creates the "Rx for Oklahoma Act". The bill directs the Oklahoma Department of Commerce to establish a statewide program to assist medically indigent residents of Oklahoma to receive prescriptions from drug manufacturer assistance programs. Effective 6-9-05

HEALTH CARE AUTHORITY FUNDING

The Oklahoma Health Care Authority (OHCA), charged with administering the state's Medicaid program, received \$634,786,355. This is a 31 percent increase over the agency's FY'05 appropriation.

Major funding items include:

- \$33.2 million for Federal Medical Assistance Percentage (FMAP) decrease. These funds will be used to replace lost Medicaid revenue due to the downward shift in the federal match Oklahoma will receive in FY 2006.
- \$36.8 million for growth in enrollment/utilization. The agency historically trends a 9 percent to 10 percent annual growth/utilization rate. This budget includes money for a growth/utilization rate of 7 percent.
- \$7.7 million for Medicare Modernization Act (MMA). Funds will be used to pay back the federal government when Medicare starts its prescription drug program.
- \$11.1 million for other annualizations, maintenance, and Federal and State mandates.
- \$800,000 was appropriated to the agency to phase in 12-month eligibility starting in January 2006.
- HB 1088 provides \$63 million new state dollars to match with federal funds to bring \$200 million into the Oklahoma Medicaid system. Within the \$63 million being leveraged, \$25 million will go towards increasing reimbursement rates for physicians. Specifically, \$9.9 million will be used for children's medical services, i.e. increases for pediatricians. \$15.1 million will be used for all other physicians and Medicare deductibles and co-insurance. The other \$38 million will be used for hospital rate increases. These rate increases will include outpatient and inpatient rate increases. HB 1088 also includes provisions for a task force to look into possible reforms of Oklahoma's Medicaid system.
- Core Mental Health Services (\$5,500,000) – The agency received funds to provide core services to persons with mental illness. During FY'05, the agency turned away approximately 550 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 which is much more expensive than treatment. These funds will significantly reduce the number of people that are turned from services.
- Program for Assertive Community Treatment (\$650,000) – 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 three additional teams to start up next fall.
- Drug Courts (\$8,000,000) – This funding will be used to expand the drug court program statewide. With these funds, the agency will add 3,229 new treatment slots to the existing drug courts as well as several new courts throughout the state. 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.
- 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 over a 50 percent reduction in contacts with law enforcement. This funding will be used to replace expiring federal funding as well as add several new sites within the state.
- Forensic Center Bond Issue – \$800,000 was provided to pay debt service on an \$18.9 million bond issue to replace the current facility which is 74 years old.
- Federal Matching Assistance Percentage (FMAP) Decrease - \$800,000 was provided to replace lost Medicaid revenue due to the downward shift in the federal match Oklahoma will receive in FY 2006.

PUBLIC HEALTH FUNDING

The appropriation for the Department of Health will be \$62,790,819. This is 7.3 percent more than the agency received in FY'05.

Funding for the following items was provided:

- \$1 million for nursing home surveyors.
- \$750,000 for breast cancer screenings.
- \$1,200,000 to fund the expansion of Federally Qualified Health Centers in Oklahoma.

MENTAL HEALTH & SUBSTANCE ABUSE FUNDING

The Department of Mental Health and Substance Abuse Services received an appropriation of \$171,810,647. This is a 10 percent increase from the agency's FY'05 appropriation. Major funding items are as follows:

**UNIVERSITY HOSPITALS AUTHORITY
FUNDING**

The University Hospitals Authority received an appropriation of \$40,549,342. This is a 3.9 percent increase over the authority's FY'05 appropriation. The appropriation includes \$1.52 million for Graduate Medical Education payments.

HUMAN SERVICES MEASURES

SB 259 (Cain/Peters): States that the purpose of the act is to improve the quality of life for persons with developmental disabilities and to integrate such persons into the mainstream of society by ensuring the availability of community services. Requires the Commission for Human Services to promulgate rules for the operation of community-based programs regarding the delivery of health-related services, supportive assistance and storage and administration of medications, first aid treatment and nutrition. Modifies definition of "health-related services" to include basic nursing care functions. Effective 11-1-05.

SB 635 (Fisher/Peters): Authorizes the Department of Human Services to enter into lease-purchase agreements to construct or renovate adequate or suitable quarters, office space or facilities needed by the Department. Local units of the Department are exempt from the provisions of the Oklahoma Art in Public Places Act. Effective 11-1-05.

SB 647 (Cain/Steele): Relates to the Physical Therapy Practice Act and provides that physical therapists may provide certain services pursuant to the Individuals with Disabilities Education Improvement Act of 2004 and the Rehabilitation Act of 1973, Section 504. It also provides that a plan of care developed by a person authorized to provide services within the scope of the Physical Therapy Practice Act shall be deemed to be a prescription for purposes of providing services pursuant to the provisions of the Individuals with Disabilities Education Improvement Act of 2004 and Section 504 of the Rehabilitation Act of 1973. Effective 11-1-05.

SB 890 (Cain/Eddins): Exempts contracts entered into by the Department of Human Services for provision of supported living services to members of the plaintiff class in *Homeward Bound, Inc., et. al., v. The Hissom Memorial Center, et. al.*, from compliance with most provisions of the Oklahoma Central Purchasing Act. Effective 7-1-05.

SB 983 (Cain/Cox): Modifies the name and purpose of the Maternal and Infant Care Improvement Act. Increases the persons considered to be employees of the state for purposes of The Governmental Tort Claims Act and changes the types of services con-

tracted for under the act. Amends law relating to experimental treatments to expand conditions for experimental treatments, tests or drugs. Effective 11-1-05.

SB 987 (Cain/Peters): Modifies the requirements of the Oklahoma Commission on Children and Youth to promulgate rules and utilize funds to contract for the establishment and implementation of a training program and continuing training program. Modifies the entities with which the Board of Child Abuse Examiners shall consult to develop a system of reimbursement. Effective 7-1-05.

SB 1015 (Cain/Steele): Creates the Oklahoma Self-Directed Care Act. Its purpose is to provide citizens with disabilities with more choices in and greater control over the purchase of the home- and community-based care services they receive. The act directs the Oklahoma Health Care Authority and the Department of Human Services to establish self-directed care pilot programs based upon the principles of consumer choice and control. States eligibility and authorized uses of consumer budget allowance. Allows for choice of providers of services and sets forth consumer's roles and responsibilities. Also sets forth the roles and responsibilities of the Department of Human Services. Directs implementation of the act and sets forth minimum requirements of the act. Provides for expansion as well as review and assessment of the pilot program. The bill creates The Strategic Planning Committee on the Olmstead Decision. Effective 7-1-05.

HB 1453 (Denney/Cain): Relates to nursing home administrators. Modifies definitions used within the act. Re-creates the Oklahoma State Board of Examiners for Nursing Home Administrators and Examiners and modifies membership as well as the duties of the Board. Creates new Board responsibilities regarding the investigation of nursing home complaints. Effective 5-13-05.

HB 1611 (Roggow/Gumm): Relates to the Oklahoma Child Abuse Reporting and Prevention Act. Modifies definition and immunity provisions. Modifies functions of multidisciplinary child abuse teams. Modifies eligibility requirements for allocation of monies from the Child Abuse Multidisciplinary Account including requirements regarding district attorney endorsement of certain child advocacy centers. Effective 5-17-05.

HB 1725 (Tibbs/Williamson): Creates the Task Force on Reactive Attachment Disorder in Children. Effective 5-2-05.

HUMAN SERVICES FUNDING

The Department of Human Services (DHS) was appropriated \$481,991,177 for FY'06. This amount represents an 18.0 percent increase (\$73,660,328) over the appropriation.

This increase for FY'06 will provide funding for:

- Subsidies for children of low-income working parents to ensure access to high-quality child care. (\$15.0 million)
- Additional services for the elderly, including personal care services and adult day care programs. (\$632,000)
- Rate increases for providers of services for elderly persons and persons with developmental disabilities. (\$6.3 million)
- Providing services through the home and community based waiver for persons presently on the Developmental Disabilities Services Division (DDSD) waiting list. (\$1.63 million)
- Replacement of federal funds lost on Medicaid-reimbursable programs due to the 2.27 percent reduction in Oklahoma's Federal Medical Assistance Percentage (FMAP). (\$9.5 million)
- Increased efforts to collect unpaid child support owed to custodial parents. (\$1.65 million)
- Establishing 2-1-1 call centers in three communities, which will provide a single point of access for Oklahomans in need of social services and financial assistance. (\$660,000)

DEPARTMENT OF REHABILITATION SERVICES FUNDING

The Department of Rehabilitation Services (DRS) was appropriated \$27,365,925 for FY'06. This amount represents a 7.4 percent increase (\$1,886,297) in state funds from the FY'05 appropriation.

With this increase, DRS will perform a number of functions for FY'06:

- Provide additional Braille Educational Services and Braille textbook distribution for public school and home schooled students. (\$491,000)
- Increase the state match for vocational rehabilitation and employment programs, which will garner a 4:1 federal return on the amount of state dollars invested. (\$600,000)
- Ensure that salaries for teachers at the Oklahoma School for the Blind and Oklahoma School for the Deaf conform to the State Public School Minimum Teacher Salary Schedule. (\$171,000)

J.D. MCCARTY CENTER FUNDING

The J.D. McCarty Center received an appropriation of \$3,792,283. This is a 20 percent increase over the agency's FY'05 appropriation. The agency was given \$102,000 to hire two (2) additional Speech Pathologists as well as salary increase for all Speech Pathologists.

INSURANCE MEASURES

SB 321 (Lerblance/Mass): Creates the Oklahoma Subsidence Insurance Act. Allows insurers, beginning in January 2006, to offer mine subsidence coverage upon the request by the policy holder on certain policies for residences, living units and commercial gildings. The Insurance Commissioner may exempt specified counties if it is determined that such coverage is not necessary. Provides for coverage for certain other living expenses, but also provides for certain limits to loss under living unit coverage. Allows an insurer to refuse coverage if there is evidence of unrepaired mine subsidence damage until such damage has been repaired. Allows insurers to retain the right of subrogation. Effective 11-1-06.

HB 1535 (Peterson, Ron/Laster): Amends various provisions of the Oklahoma Insurance Code relating to fees imposed by the Board, the Anti-Fraud Unit, health maintenance organizations, approval for use of third party, date certain payments must be made, application of rate filing mandates, days required for approval rates, automatic approval of certain filings, certain type of risk covered, certain filing and approval by the Insurance Commissioner, investment in certain stock, certain investment limits, certain standards for certain material transactions, percentage of insured's assets, policy coverage requirement, filing of rates, approval requirement for rates filed, filing of certain affidavits, fidelity bond or insurance maximum amount and certain exclusion. Creates the Health Savings Account Act, amends the Open Meeting Act allowing the State Property and Casualty Rates to hold meeting by teleconference, and amends a section relating to workers' compensation to require every policy issued to cover a risk shall include provisions giving the insured employer the option of choosing a deductible amount for medical and indemnity benefits instead of just medical benefits. Repeals a section of law relating to authorization of insurers. Effective 11-1-05.

HB 1536 (Peterson, Ron/Aldridge): Allows any domestic insurance company to invest in certain electronic machines for data processing, office equipment, furniture and machines and may invest in certain other property used for certain purposes for its employees as long as the total value of such property constitutes less than 3 percent of its otherwise admitted assets. Effective 4-25-05.

HB 1566 (Sullivan/Paddock): Extends moratorium to December 31, 2008, on applicability of reserve and surplus requirements to certain insurers. Effective 11-1-05.

HB 1961 (Liotta/Laster): Relates to insurance and the Unfair Claims Settlement Act and amends the definition of "insurer" to update language relating to the change in name of the State Insurance Fund to Compsource and adds the Oklahoma State and Education Employees Group Insurance Board to the definition. Effective 11-1-05.

INTOXICATING LIQUOR, SMOKING & TOBACCO MEASURES

SB 518 (Wilcoxson/Balkman): Makes it unlawful for anyone who has supervisory control of certain places licensed to sell low-point beer for consumption on the premises to sell such beer to any person or group of persons:

- ♦ At a price less than the price regularly charged for such beer during the same calendar week, except at private functions not open to the public;
- ♦ For an unlimited number of drinks of such beer during any set period of time for a fixed price, except at private functions not open to the public;
- ♦ On any one day at prices less than those charged the general public on that day, except at private functions not open to the public.

Violation and conviction is a misdemeanor with a fine of not more than \$500, with each violation being a separate offense. Effective 11-1-05.

SB 651 (Shurden/Liebmann): Allows package stores to be open and sell alcoholic beverages on Veterans Day. Effective 11-1-05.

SB 663 (Nichols/Balkman): Bans the purchase, selling, furnishing, manufacture or possession of any alcohol inhalation device or alcohol infuser capable of causing blood or breath alcohol concentrations in the body by means of inhalation. Conviction is a misdemeanor punishable by a fine of \$5,000. Any inhalation device which may contain alcohol and is intended or used for medicinal purposes, and is available over-the-counter or by prescription pur-

chase, is exempt from these provisions. Effective 6-6-05.

HB 1656 (Morgan, Danny/Coates): Relates to the Oklahoma Alcoholic Beverage Control Act and modifies the definition of "retail container for spirits and wines" to be any capacity approved by the United States Bureau of Alcohol, Tobacco and Firearms and deletes references to containers with certain capacities throughout the act. The bill clarifies that sales of spirits and wine in containers with a capacity of less than 1/20th gallon by a holder of a wholesaler license shall be in full case lots and in the original unbroken case. Effective 11-1-05.

HB 1903 (Hastings/Adelson): Amends the Oklahoma Alcoholic Beverage Control Act to add a license for a charitable wine event which could be one or more of a wine tasting event, a wine dinner event or a wine auction. Such an event would be limited to charitable purposes. The wine may be purchased by the organization or donated by any person or entity. The license would be for four days and only one issued per year. Also amends the provisions for a charitable auction license. Such an auction would be with wines purchased from a retail package store or received as a gift from an individual if the auction is conducted to raise funds for charitable purposes. The license would be issued for two days and only one issued per year. All wines auctioned under this license would be registered and all fees and taxes would be paid in accordance with the Act. Effective 11-1-05.

JUDICIARY/COURTS MEASURES

SB 293 (Coffee/Morgan, Fred): Repeals the Registration of Out-of-State Attorneys Act. Effective 4-6-05.

SB 296 (Gumm/Carey): Allows court clerks to accept debit cards in payment for any fee, fine or cost. Effective 11-1-05.

SB 328 (Laster/Morgan, Fred): Modifies jurisdiction and venue for certain child custody proceedings. Effective 11-1-05.

SB 329 (Laster/Duncan): Sets attorney fees for capital cases. Effective 11-1-05.

SB 476 (Crain/Sullivan): Deletes obsolete language related to a written parental waiver for marriage application for underaged parties. Effective 11-1-05.

SB 477 (Crain/Sullivan): Allows use of computerized listings provided by the Administrative Office of the Courts for purpose of records destruction and decreases time periods for destruction of records related to certain cases. Effective 11-1-05.

SB 522 (Crain/Liotta): Prohibits salary of a court referee from exceeding that of the associate district judge of a county. Effective 11-1-05.

SB 564 (Gumm/Balkman): Allows court-appointed special advocates in the course of their official duties to inspect juvenile court records without a court order. Effective 11-1-05.

SB 684 (Laughlin/Nance): Modifies travel allowance for county commissioners and sheriffs within their counties. Also, this act relates to outstanding misdemeanor warrants by adding acceptable means of payment for warrants and provides for the release of the warrant and increases administrative fees which may be used to compensate the contractor. Other provisions include modifying certain fees in criminal cases and modifying the distribution of fees into the Sheriff's Service Fee Account. Effective 11-1-05.

SB 733 (Lawler/Terrill): Provides grandparents who had been primary caregivers of a child for specified time period opportunity to be heard at certain custody hearings. Effective 7-1-05.

SB 772 (Crain/Terrill): Establishes procedures for a bondsman or surety to recommit a defendant arrested on new charges in the same jurisdiction in which the bondsman or surety had previously posted appearance bonds on behalf of the defendant. Effective 11-1-05.

SB 779 (Laster/Duncan): Creates the State Board of Examiners of Certified Courtroom Interpreters and establishes membership, terms and duties of such Board. Effective 11-1-05.

SB 873 (Laster/Cargill): Creates the Uniform Arbitration Act to set requirements and procedures for arbitration. Effective 1-1-06 (Sections 1-3, 5-32); 6-6-05 (Section 4).

SB 967 (Crain/Sullivan): Requires specific contents in a protective order directing the withholding or removal of material from public record, and establishes procedures related to such material. Effective 11-1-05.

HB 1226 (Nance/Riley): Increases sheriff's service fee from \$30 to \$50. Effective 11-1-05.

HB 1241 (Gilbert/Eason McIntyre): Modifies procedures for establishing paternity. Effective 11-1-05.

HB 1250 (Young/Monson): Requires consideration of foster parent for adoption of a child during a permanency hearing. Effective 11-1-05.

HB 1346 (Sullivan/Crain): Increases the amount for counterclaims in small claims court to \$6,000. Effective 11-1-05.

HB 1416 (Peterson, Pam/Mazzei): Allows a 16- or 17-year-old putative father, or a man who is the legal husband of the mother of a minor child, to execute an extrajudicial consent to the adoption of a child. Effective 11-1-05.

HB 1516 (Morrissette/Bass): Limits personal liability for person employed by certain political subdivisions for failure to answer garnishment summons. Effective 11-1-05.

HB 1550 (Wright/Easley): Requires state agencies to conduct internal review of their rules by 12-31-05, modifies time period for legislative review of preemptive rules, and authorizes distribution of the Administrative Code on compact disc. Effective 11-1-05.

HB 1698 (Hamilton/Shurden): Prohibits a court clerk from posting on a court web site any document containing a charge of domestic abuse, crimes against nature or rape. Effective 7-1-05.

HB 1889 (Morgan, Fred/Laster): Requires attorney to assume costs of deposition and modifies testing component for certification of shorthand reporters. Effective 11-1-05.

HB 2005 (Askins/Cain): Modifies the Oklahoma Legal Interpreter for the Deaf and Hard-of-Hearing Act to expand circumstances for appointment of qualified legal interpreters and to modify procedures for use of such interpreters. Effective 11-1-05.

LEGAL SERVICES FUNDING

District Attorneys Council - The District Attorneys Council was appropriated an additional \$3,666,011 in FY'06. The Legislature appropriated \$30,592,742, which included annualization of the \$2,250,000 FY'05 supplemental, as well as \$751,891 to help reduce personnel-related issues.

Attorney General - For Fiscal Year 2006, the Office of the Attorney General received an appropriation of \$11,286,462. Included in the appropriation was \$800,000 to help fund the Consumer Protection Unit, which due to budget cuts in recent years had been funded from built-up cash in an agency revolving fund. This revolving fund has been depleted and can no longer sustain the unit.

Also appropriated to the Office was \$150,000 to increase funding for the Court Appointed Special Advocates (CASA) program.

Also contained in the appropriation was \$4,182,562, which was due to the transfer of the Domestic Violence Unit from the Department of Mental Health and Substance Abuse Services to the Office of the

Attorney General. This appropriation reflected no increase in funding from their FY'05 appropriation.

Indigent Defense System - The Oklahoma Indigent Defense System received an appropriation of \$15,633,001, which included annualization of the FY'05 supplemental of \$1,000,000. The additional revenue will help the agency reduce case backlog, currently more than 3,000, by contracting with private attorneys to handle additional cases.

COURTS FUNDING

The Legislature appropriated \$2,135,110 to fund the judicial salary increase to be received in July 2005 per the requirements of SB 1075 (2004) for the judges of the Supreme Court, District Courts, Court of Criminal Appeals and Workers' Compensation Court.

Supreme Court - The Supreme Court received a total FY'06 appropriation of \$16,000,000, a 20 percent increase from FY'05. Included in the appropriation was \$1,000,000 to pay debt service obligations for the Court's future move into the Oklahoma Judicial Center.

District Courts - The District Courts received a total FY'06 appropriation of \$47,300,000, marking a 10 percent increase in appropriations from FY'05. The increased funding was provided to help the Courts alleviate staffing and operating issues, as well as fund new district judge, special judge, and secretary-bailiff positions.

Workers' Compensation Court - The Workers' Compensation Court was appropriated \$4,365,564 in FY'06, reflecting a 16 percent increase in funding. The Court faced a budget shortfall in FY'06, thereby necessitating additional funds in the amount of \$390,000 from the Legislature.

Court of Criminal Appeals - The Court of Criminal Appeals received an FY'06 appropriation of \$2,828,160, which was an increase of three percent from FY'05. The Court of Criminal Appeals Revolving Fund was created with a \$200,000 transfer of Court carryover funds to help finance the Court's future move into the Oklahoma Judicial Center.

MOTOR VEHICLES, WATER VESSELS & LICENSING MEASURES

SB 245 (Johnson/Wilt): Relates to the regulation and licensing of manufacturers, distributors, dealers, and salespersons of new motor vehicles. Adds a new reason to the list of reasons for denial, revocation or suspension of certain licenses. The new reason applies to being a factory that increases prices of new motor vehicles which a new motor vehicle dealer

had ordered for retail consumers prior to the dealer's receipt of the written official price increase notification. Provides for the exemption of price changes caused by the addition of required or optional equipment pursuant to state or federal law, revaluation of the U.S. dollar in the case of foreign-made vehicles or components or an increase in transportation charges due to increased rates of common or contract carriers. Effective 5-5-05.

SB 345 (Shurden/Case): Relates to used motor vehicle dealer's licenses and increases the initial and renewal fees for a rebuilder certificate. Effective 8-26-05.

SB 461 (Crutchfield/Case): Modifies the type of information which must be maintained when a motor vehicle is rented. With respect to a vehicle with a junk title, requires insurance companies to include specified information in a notice provided to the Oklahoma Tax Commission. Provides the Insurance Commissioner with specific authority to enforce 47 O.S. 2001, Section 1111, relating to junk titles. Effective 11-1-05.

SB 545 (Shurden/Liotta): Authorizes the Corporation Commission to require employees in law enforcement or sensitive positions to undergo criminal background checks. Authorizes the Corporation Commission to prohibit anyone from conducting business before the Commission. Transfers all Trucking One-Stop Shop Act orders and rules from the Oklahoma Tax Commission to the Corporation Commission. Modifies the Corporation Commission's motor carrier hazardous waste transportation registration and permitting program to a hazardous material transportation registration and permitting program. Authorizes the Corporation Commission to promulgate rules and set fees for interstate motor carriers. Authorizes the Corporation Commission to issue a motor carrier license without a hearing; provides for a hearing if a license is not issued within 30 days of submission of completed application. Effective 6-6-05.

HB 1297 (Lamons/Fisher): Requires certificate of title and a one-time, \$11 registration fee for all-terrain vehicles or motorcycles used for off road purposes and purchased on or after July 1, 2005. Permits owners of those purchased prior to July 1, 2005 to obtain title and registration at the owner's option. Specifies that such vehicles will not be issued a license plate. Subjects such vehicles to excise tax in the amount of 4.5 percent of the actual sales price and apportions the tax revenue in the same manner as sales tax. Exempts owners with agricultural sales tax exemption permits from such requirements. Effective 7-1-05.

HB 1584 (Jones/Easley): Relates to new motor vehicles and new motorized recreational vehicles. Exempts the off-premise sales of new motorized recreational vehicles from the prohibition of opening on

Sunday. Requires certain permits for off-premises displays for new motor vehicles and written approval from the manufacturer or distributor. Modifies the procedures for off-premise sales events for motorized recreational vehicle dealers and requires certain permits instead of licenses. Modifies the distance requirements for such sales and display events and requires the events to be in certain facilities or on certain grounds, provided the Oklahoma Motor Vehicle Commission would be authorized to provide a variance to the distance requirements for display events. Effective 11-1-05.

<p>PROFESSIONS & OCCUPATIONS MEASURES</p>
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SB 304 (Lerblance/Harrison): Authorizes state employees who are registered sanitarians to perform soil tests during off work hours. Effective 5-17-05.

SB 413 (Crutchfield/Calvey): Limits liability of architects and engineers when providing professional services during certain emergency situations. Effective 11-1-05.

SB 415 (Eason McIntyre/Steele): Clarifies the appointment and terms of members of the Board of Chiropractic Examiners from the various board districts. Combines current Board District 8 with current Board District 7. Effective 11-1-05.

SB 673 (Gumm/Miller, Doug): Relates to the Oklahoma Real Estate License Code. Modifies the definition of a transaction. Provides that all brokerage agreements shall be deemed to incorporate as material terms the duties and responsibilities as modified and set forth in the bill based upon whether the relationship established by the brokerage agreement is a transaction broker relationship or single-party broker relationship. Provides for the duties and responsibilities of a transaction broker and of a single-party broker which may not be abrogated or waived and are mandatory. Provides that, with the exception of accounting for certain monies and property relating to a transaction and certain confidentiality requirements, such duties and responsibilities shall be performed if such duties and responsibilities relate to the steps of the transaction which occur while there is a broker relationship. Neither requires nor prohibits a broker from charging a separate fee or other compensation for each duty or other services provided during a transaction. Provides for a written disclosure to be provided to the party for whom the broker is providing services if a broker intends to perform fewer services than those required to complete a transaction. The disclosure must include a description of those steps in the transaction for which the broker will not perform services and states that the broker assisting the other party in the transaction is not required to provide assistance with these steps. Effective 6-6-05.

SB 757 (Shurden/Roan): Provides for an armed private investigator license. The bill also provides that retired peace officers certified by the Council on Law Enforcement Education and Training (CLEET) are exempt from these provisions for a period of one year from retirement. Provides that retired peace officers who have undergone treatment for a mental illness condition or disorder which required medication or supervision may not apply for an armed security guard license until three years from their last treatment has elapsed. However, application may be made upon presentation of a certified statement from a licensed physician that the person is no longer disabled by a mental illness condition or that the person has been stabilized by medication for at least ten years. Effective 11-1-05.

HB 1334 (Richardson/Wyrick): Relates to the Oklahoma Veterinary Practice Act. Adds to the list of exemptions from the act individuals certified in animal massage that have acquired liability insurance and are engaging in animal massage therapy after referral from a licensed veterinarian. Changes from ten to three days that after written notice to the owner of certain animals by a veterinarian concerning an abandoned animal, the animal shall be deemed abandoned and may be sold or turned over to a humane society, dog pound, or animal shelter for proper disposal. The same change is made for certain animals abandoned by anonymous individuals, but obviously notice is not required. Provides for a renewal certificate of registration for registered veterinary technicians. The State Board of Veterinary Medical Examiners will provide for the forms and fees. Effective 11-1-05.

HB 1337 (Covey/Lamb): Relates to the State Dental Act. Adds a definition for "investigations" and clarifies the role of an investigator authorized to be hired by the Board of Dentistry. Adds the reception or acceptance of a surrender license, permit or certificate to the powers of the Board. Adds criteria acceptable to issuing a faculty permit, adds a requirement for renewal of such a permit and modifies what a faculty permit holder is authorized to perform and where. Modifies the procedures for complaints filed relating to violations of the Act and adds an administrative penalty. Confidentiality requirements for the Board, employees and others relating to certain information acquired are added. Modifies and adds to the penalties the Board may impose for violation of certain provisions. Adds new law relating to procedures for acceptance or rejection of the surrender of a license, permit or certificate granted by the Board when a person is in good standing or when pending certain disciplinary actions. Effective date: 11-1-05.

HB 1452 (Piatt/Rabon): Relates to the Mortgage Broker Licensure Act and modifies the definition of a mortgage loan originator. Amends a section of law relating to mortgage broker licenses and the report-

ing of continuing education classes to the Administrator of Consumer Credit. Effective 7-1-05.

HB 1510 (Worthen/Paddock): Relates to the Oklahoma Real Estate License Code. Increases the required number of hours of basic real estate instruction from 45 to 90 for application for a provisional sales associate license. Increases the number of required hours of advanced real estate instruction for sales associate or provisional sales associate above and beyond those required for those licenses from 75 to 90 in order to apply for a broker or broker associate license. Effective 11-1-06.

HB 1511 (Wilt/Coates): Relates to the State Architectural Act. Modifies the definition of landscape architecture and clarifies what the practice of landscape architecture shall include. Modifies the criteria of the practitioners of certain professions that are not required to register under the Act. Effective 7-1-05.

HB 1581 (Piatt/Crain): Relates to mortgage brokers and adds a definition for "mortgage banker" and adds an exemption for a mortgage banker to the list of exemptions for licensing. Effective 7-1-05.

HB 1607 (Miller, Doug/Branan): Relates to engineering and land surveying. Amends or modifies various provisions of the law relating to changes in certain reference, definitions, Board members and certain certificates, complaints, examinations, position of secretary, Director of Enforcement, reference to certain council, time period for certain report, rosters, evidence requirement relating to certain qualifications, educational requirement for certain applicants, certain application requirements, certain examination requirements, examination subject areas, fees, method of presenting certain documents, restriction on seal and signature, certain words appearing on the seal, rule promulgation requirement of the Board, licensure charge, certain powers of the Board, allegations of certain violations, administrative penalties, certain final documents, persons in charge of a firm, certain fee amount and time allowed to perform a certain job. Effective 11-1-05.

HB 1608 (Miller, Doug/Branan): Amends the Oklahoma Real Estate License Code. Adds duties to the Oklahoma Real Estate Commission to allow it to enter into certain contracts for the payment of food and certain other expenses necessary to host certain meetings or training sessions and to conduct an annual performance review of the Executive Director and submit the report to the Legislature. Clarifies an act that is a violation of the code, modifies a reference from injury to monetary loss, increases the amount of the maximum payment from the Oklahoma Real Estate Education and Recovery Fund for an unsatisfied portion of a claimant's judgment and provides for reimbursement for attorney fees for the claimant. Effective 11-1-05.

HB 1609 (Miller, Doug/Laster): Relates to the Used Motor Vehicle and Parts Dealers. Modifies a definition relating to a manufactured home dealer and adds a definition of a manufactured home salesperson. Modifies the powers and duties of the Used Motor Vehicle and Parts Commission relating to manufactured homes, provides for licensing of a manufactured home salesperson and fees for such licensing, authorizes the Commission to impose a fine for certain violations, adds a violation relating to the sale of manufactured homes and deletes a certain violation relating to safety inspection standards or stickers. Effective 11-1-05.

HB 1811 (Armes/Corn): Relates to the Oklahoma Chiropractic Practice Act. Prohibits members of the Board of Chiropractic Examiners from being a registered lobbyist or an officer, employee or board member of a statewide organization that advocates the interests of licensed chiropractors. Modifies the qualifications of chiropractic physicians who would be certified or accredited, clarifies the requirements of a background check for chiropractic applicants, removes the requirement for an audit of the Board by the State Auditor and Inspector, allows an association to provide certain orientation course of training, allows instructors to sell products at seminars if the products are related to the purpose of the seminar, modifies where the continuing education requirements may be obtained, deletes the provision for carrying over continuing education requirements, modifies references to full-time or part-time practice in relation to proof of malpractice insurance, authorizes the Board to issue a private or public letter of concern instead of a confidential letter and requires a chiropractic physician who wants to act as a chiropractic claims consultant to register with the Board. Effective 11-1-05.

PUBLIC FINANCE MEASURES

SB 238 (Wilson/Steele): Modifies the percentage of Liquefied Petroleum Gas fees and funds deposited into General Revenue from 20 percent to 10 percent. Effective 6-6-05.

SB 509 (Morgan/Benge): Authorizes the Oklahoma Capitol Improvement Authority to issue bonds in an amount necessary to generate \$21,650,000 to provide funding for repairs, refurbishments and improvements to real and personal property for the renovation of the Wiley Post Historical Building for occupancy by the appellate courts. Provides procedures and restrictions on the issuance of such bonds. Effective 9-1-05.

SB 745 (Hobson/Hiett): Makes numerous clean-up amendments to the Oklahoma Higher Education Promise of Excellence Act of 2005. Makes changes in the procedural requirements of how bonds issued by The University of Oklahoma, Oklahoma State Uni-

versity or the Oklahoma State Regents for Higher Education are authorized. Increases the limit on the size of transaction under the Master Lease Program dealing with the acquisition of real property from \$10 million to \$25 million. Effective 5-24-05.

SB 909 (Fisher/Bingman): Prohibits proceeds of state contracts from being used to retire obligations issued after November 1, 2005, by local governmental entities unless those obligations have been issued in accordance with the procedures required of state governmental entities. Effective 11-1-05.

SB 962 (Monson/Winchester): Expands the prohibition against a public official having a personal interest in projects or properties with respect to urban renewal projects and modifies disclosure requirements for certain projects under the Local Development Act. Modifies the Local Development Act to include references to a constitutional provision enacted in 2004 (State Question 707). Clarifies procedures used by specified governing bodies to make certain amendments under the Local Development Act. Modifies the types of bonds or notes which may be issued by certain public entities. Limits the purposes for which certain entities may issue bonds. Effective 5-23-05.

HB 1191 (Hiatt/Hobson): Creates the Oklahoma Higher Education Promise of Excellence Act of 2005. Authorizes the University of Oklahoma, Oklahoma State University, the Oklahoma State Regents for Higher Education and the Oklahoma Capitol Improvement Authority to issue bonds for capitol projects at various institutions of higher education. Provides procedures and restrictions for the issuance of the bonds. Expresses legislative intent to appropriate revenues from the Oklahoma Education Lottery Trust Fund to retire the obligations authorized by the act. Limits the length of repayment period of the bonds based on the type of asset the bonds are used to acquire. Provides that interest on the bonds will be tax exempt.

Requires the Oklahoma State Regents for Higher Education, the Board of Regents of the University of Oklahoma and the Board of Regents of the Oklahoma Agricultural and Mechanical Colleges to make application for a credit rating at least once every two years. Requires audits of certain institutions and publication of such audits. Provides procedure for legislative review of certain bond issues. Provides list of projects for which bonds are authorized. Expresses intent of the Legislature with regard to Higher Education in Tulsa. Provides for severability of provisions of the act. Effective 3-31-05.

PUBLIC SAFETY & HOMELAND SECURITY MEASURES

SB 8 (Wyrick/Nance): Authorizes the Homeland Security Director to enter into contracts and agreements for the payment of food, lodging and other necessary and authorized expenses necessary to host, conduct, sponsor or participate in homeland security related conferences, meetings, workshops, seminars, exercises or training events. Effective 6-6-05.

SB 13 (Wyrick/Lamons): Allows Council on Law Enforcement Education and Training (CLEET) to release confidential law enforcement records related to a peace officer to a law enforcement agency conducting an investigation of the officer. Effective 4-12-05.

SB 14 (Wyrick/Nance): Adds a representative of a council of government as a member of regional planning and coordination advisory councils for homeland security. Also requires regional advisory councils to meet at least twice a year instead of quarterly. Effective 7-1-05.

SB 24 (Jolley/Balkman): Requires that driver licenses and identification cards issued by the Department of Public Safety shall bear a distinguishing alphanumeric identification instead of an identifying number as previously required. Effective 1-1-07.

SB 25 (Paddack/Askins): Authorizes the Council on Law Enforcement Education and Training to purchase passenger automobiles or buses for use as training vehicles in the same manner as other state agencies. Effective 6-6-05.

SB 28 (Wyrick/Nance): Provides for confidentiality of certain records of the Office of Homeland Security. Effective 6-6-05.

SB 314 (Bass/Armes): Requires police chiefs and county sheriffs to keep rotation logs of wrecker or towing services requested for vehicle removals from public property. The two exceptions to the requirement are when there are insufficient licensed wreckers or towing services available to rotate services or when such services are contracted after a competitive bid process. Rotation logs shall be made available for public inspection upon request. A wrecker or towing service cannot be removed from a rotation log without notification to the operator stating the reason. Such notification shall be mailed to operator or owner at least ten days before removal. The notification must state the procedure and requirements for reinstatement. Effective 11-1-05.

SB 714 (Aldridge/Banz): Allows officers of the Department of Public Safety and law enforcement officers of any political subdivision to have an interest in, or be employed by, a wrecker or towing service when the sole business of such service is to perform repossessions of vehicles which are subject to lien and being repossessed by the lien holder. Effective 7-1-05.

SB 799 (Jolley/Balkman): Increases the fine for failure to use proper child passenger restraints when transporting a child in a motor vehicle. The fine may be waived for a first offense and any court cost is capped at \$15 if proof is provided that proper child safety seats have been obtained. However, subsequent offenses carry a fine of \$50 and court costs. Revenue from fines will go the Department of Public Safety Revolving Fund and be used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems. Effective 11-1-05.

SB 824 (Leftwich/Roan): Requires that all private prisons prepare written emergency response plans and mutual aid agreements with local law enforcement agencies, the Department of Corrections and the Department of Public Safety. In the event of a riot, escape or other serious emergency, the private prison contractor shall provide the Department of Corrections access to the facility and provide space to establish a command post. All emergency response plans for a private prison facility must be approved by the Department of Corrections annually on July 1 and within thirty days of any subsequent change or modification of the plan. Effective 7-1-05.

SB 901 (Paddack/Hilliard): Clarifies the existing law prohibiting parking a motor vehicle in a disabled parking space. The provisions for having an unlawfully parked vehicle removed from a disabled parking space, as well as any associated costs for towing and storage, are also clarified. Effective 5-11-05.

HB 1227 (Nance/Crain): Allows OSBI to reveal confidential information to agencies or individuals providing authorized interpreter or laboratory services to OSBI. Effective 11-1-05.

HB 1243 (Piatt/Gumm): Prohibits enforcement of any policy or rule that prohibits a person from storing or transporting a firearm in a locked vehicle in any place set aside for motor vehicles. Convicted felons are excepted. Immunity from civil liability is granted to property owners for claims arising from stored firearms. Actual damages, court costs, attorney fees and injunctive relief may be awarded in a civil suit against a person or business that prohibits storage of firearms in such vehicles and places. Effective 11-1-05.

HB 1246 (Smithson/Corn): Authorizes the use of braking systems commonly known as "surge brakes" on trailers used to tow or transport boats. HB 1246

also includes a provision for motor vehicles found to be in an unsafe mechanical condition or not equipped as required by law. The new provision allows a person who has received a citation ten working days, instead of the 48 hours previously allowed, in which to show proof that the cited condition(s) has been corrected. Also contains numerous clarifications of statutory references throughout Title 47. Effective 11-1-05.

HB 1272 (Brannon/Corn): Changes the quorum requirement of the State Fire Marshal Commission from three to four members. Effective 4-18-05.

HB 1304 (Trebilcock/Gumm): Makes illegal an attempt to disable, disconnect or wire around a vehicle ignition interlock device. Such a violation is a misdemeanor punishable by a fine of not more than \$500 and/or incarceration in the county jail for not more than six months. Also, failure to return an ignition interlock device when it is no longer required in the vehicle is a misdemeanor offense. Effective 11-1-05.

HB 1432 (Coody/Bass): Allows a CLEET-certified secretary-bailiff to exercise all powers and authority of a peace officer. Effective 11-1-05.

HB 1461 (Sherrer/Easley): Makes it unlawful for a passenger to be in possession, in addition to it being unlawful for the operator of a moving motor vehicle to knowingly transport intoxicating beverages or low-point beer. Current law exempts passenger areas of buses and limousines from this provision. Effective 11-1-05.

HB 1468 (Braddock/Laster): Relates to persons convicted of felony drug offenses who are ordered to attend a drug court program. The new provision in HB 1468 provides that if such a person fails to successfully complete the program the court ordering participation in the program shall forward the abstract of the person's record to the Department of Public Safety. The Department may then proceed to disqualify the person from holding a driver license under existing provisions of the law. Effective 11-1-05.

HB 1485 (Tibbs/Crain): Authorizes law enforcement officers to have a vehicle towed if the officer has probable cause that the driver does not have a driver license or that the driver's license has been suspended, revoked, canceled, denied or disqualified. Effective 11-1-05.

HB 1553 (Carey/Gumm): Modifies records required to be provided by DPS, modifies procedures related to destruction of DPS records, states information to be included in a motor vehicle report and modifies confidentiality requirements for certain law enforcement records. Effective 11-1-05.

HB 1598 (McPeak/Garrison): Doubles the fine for speeding through a properly marked toll booth zone. Effective 11-1-05.

HB 1653 (Morgan, Danny/Leftwich): Known as the graduated driver license bill, affects drivers younger than 18 by requiring a probationary period. Those who have completed a driver education course would, for six months, be prohibited from driving during nighttime hours unless they were going to a job, school or church. The probationary period is extended to one year for those who do not take a driver education course. Effective 11-1-05.

HB 1993 (Jackson/Wyrick): Requires that in addition to existing requirements for making application for a driver license, anyone applying for a commercial driver license with a hazardous material endorsement must submit to a security threat assessment performed by the federal Transportation Security Administration of the Department of Homeland Security. In order to determine eligibility for renewal of a hazardous materials endorsement, applicants must successfully complete an examination administered by the federal Transportation Security Administration of the Department of Homeland Security. Effective 6-6-05.

HB 1993 also has a provision relating to vehicle ignition interlock devices. The new provision provides that an employer of a person required to have a vehicle ignition interlock device may submit a written request to the Department of Public Safety that such devices will not be required to be installed on the employer's vehicles. The exceptions are if the person requiring the device is self-employed or owns or is part owner of the company, when the person is employed by a relative who is within the first degree of consanguinity or who resides in the same household. Effective 9-1-05.

This bill also raises the minimum amounts of required vehicle financial responsibility for collision, bodily injury and property damage. The amounts were raised from 10-20-10 (\$10,000-\$20,000-\$10,000) to 25-50-25 (\$25,000-\$50,000-\$25, 000). Effective 6-6-05.

**PUBLIC EMPLOYEES – RETIREMENT/
INSURANCE/PAY/BENEFITS MEASURES**

SB 283 (Corn/Brannon): Brings the Oklahoma Law Enforcement Retirement System into compliance with federal requirements. Effective 5-5-05.

SB 315 (Leftwich/Terrill): Allows an agency to determine whether excess annual leave must be used in the calendar year accrued or within 12 months of accrual. Increases paid leave for state employees on National Guard duty from 20 days to 30 days. Effective 7-1-05.

SB 377 (Monson/Blackwell): Brings the Oklahoma Firefighters Pension and Retirement System into compliance with federal requirements. Effective 5-20-05.

SB 473 (Capps/Braddock): Allows the Office of Personnel Management (OPM) to charge for providing payroll services to state agencies. Modifies overtime provisions to comply with changes in the federal Fair Labor Standards Act. Requires state agencies to submit requests for new unclassified positions to the OPM, with OPM forwarding the requests with recommendations from OPM to the State Classification Task Force. Modifies unclassified register to increase number of unclassified positions available to the Department of Mental Health and Substance Abuse Services and OPM. Requires OPM to comply with Article II of the Administrative Procedures Act during the agency's position audit procedure. Effective 7-1-05.

SB 529 (Eason McIntyre/Benge): Brings the Oklahoma Police Pension and Retirement System into compliance with federal requirements. Effective 5-3-05.

SB 586 (Coffee/Newport): Requires state agencies to hold employee benefit informational meetings and allow vendors access to the meetings. Effective 7-1-05.

SB 660 (Nichols/Calvey): Allows surviving spouse of deceased OPERS member to purchase service credit under certain circumstances. Effective 7-1-05.

SB 852 (Eason McIntyre/Wright): Requires health insurance premiums paid by state retirement systems to OSEEGIB to be first applied to any prescription drug benefit. Brings OSEEGIB in compliance with federal requirements for Medicare drug benefit. Allows surviving spouse of OLERS member killed in line of duty to elect to retain benefits. Changes dates by which OPERS must determine premiums for retirees. Effective 5-18-05.

SB 896 (Nichols/Peterson, Ron): Creates Task Force on State and Education Employees Insurance to study plan design alternatives for OSEEGIB. Authorizes OSEEGIB to contract with pay-for-performance program provider of evidence-based medical treatment. Effective 7-1-05.

HB 1362 (Case/Corn): Allows active OPERS members who are retired from the military to opt out of state-offered health benefit plan and to select TRICARE supplement instead. Modifies employee benefit allowance accordingly. Effective 7-1-05.

HB 1363 (Case/Aldridge): Changes vesting in retirement benefits for county employees from graduated vesting to 100 percent vesting at 5 years. Effective 11-1-05.

HB 1435 (Hilliard/Crutchfield): States that the minimum salary level for qualified instructional personnel shall meet or exceed the minimum salary level provided for public school teachers or any additional minimum salary schedule enacted by the Legislature and directs the Commission for Rehabilitation Services to meet or exceed any other legislatively mandated pay raises for teachers that are not part of the minimum salary schedule. Effective 7-1-05.

HB 1858 (Morgan, Fred/Coffee): Allows retired judges and justices to teach without losing retirement benefits. Allows for refund of contributions of spousal contributions for certain single members of the Uniform Retirement System for Justices and Judges. Provides for additional retirement options for members of the URSJJ. Increases contributions by active members of URSJJ from five percent to eight percent. Effective 9-1-05.

STATE EMPLOYEE PAY RAISE FUNDING

The Legislature approved HB 2005 last year. 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 received 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. State agencies were provided approximately \$48 million to pay for the operational costs associated with this legislative mandate.

TAXATION REDUCTION SUMMARY

The 2005 Legislature sent to the Governor a comprehensive tax reduction package consisting of over 35 separate measures (see list below). For FY 2006, almost \$60 million in tax relief will be provided directly to taxpayers, and for FY 2007, relief will amount to approximately \$200 million.

Included in this package was significant income tax relief for both individuals and corporations (SB 435, HB 1547; Gumm/Calvey). For individuals, the amount of the standard deduction was increased for tax year 2006 to \$2,000 (single or married filing separate filers) or \$3,000 (married filing jointly, head of household or qualifying widow), and increased for tax year 2007 and subsequent years to \$4,000 (married filing jointly, head of household or qualifying widow). The top income tax rate was decreased from 6.65 percent to 6.25 percent beginning with tax year 2006. Tax computation will be simplified due to the elimination of a second method of computing taxes, and tax brackets are adjusted accordingly to eliminate any tax increases for lower income taxpayers. The amount of retirement income exempt from in-

come taxes was increased from \$7,500 to \$10,000, and corporations will benefit by the extension of the break for certain capital gains (enacted for individuals in 2004) to corporate taxpayers. Taxpayers in Oklahoma are expected to realize \$56.5 million in tax savings from these reforms in FY 2006 and \$150.8 million in FY 2007.

Another \$100 million in tax relief will be provided in the form of direct refunds to taxpayers. Taxpayers filing joint returns will each receive up to \$100, and single filers will each receive up to \$50. These payments will be made from the "Rainy Day Fund".

Although these income tax reforms accounted for much of the tax relief enacted by the Legislature, a number of new sales tax exemptions were also provided. Sales exempt from sales taxes will include the following:

- Organizations assisting mentally and physically handicapped persons (HB 1233; Fisher/Hastings);
- Day shelters for homeless persons (HB 1275; Riley/Peters);
- Organizations facilitating the distribution of products to the needy (HB 1562; Jolley/Miller, Ken);
- Public trusts or nonprofit organizations for construction of hospitals and nursing homes (HB 1570; Rabon/Walker);
- Certain aircraft parts and related expenditures (HB 1577; Coffee/Piatt);
- Disabled veterans (HB 1547; Gumm/Calvey);
- Goodwill Industries and any similar organizations (SB 801; Eason McIntyre/Gilbert);
- Sports display advertising (HB 1547; Gumm/Calvey);
- Electricity associated with production from certain wells (HB 1498; Adelson/Bingman);
- Certain conservation and wildlife organizations (HB 1625; Wilson/Wilt)

Additional income tax benefits will be provided to targeted individuals and industries, as follows:

- Military retirees (HB 1476; Bass/Coody);
- Film and music production (HB 1716 and SB 877; Leftwich/Winchester) (HB 1756; Wilson/Miller, Doug);
- National Guard programs (HB 1780; Easley/Rousselot);
- Poultry litter and facilities for specially trained canines (HB 1014; Wilson/Auffet);
- Value-added agricultural production and processing (HB 1680; Gumm/Johnson);
- Wind turbines (HB 1605; Wilson/Miller, Doug);
- Ethanol production (HB 1556; Laughlin/Jackson);
- Biodiesel production (HB 1398; Laughlin/Covey);

- Railroad improvement and modernization (HB 1547; Gumm/Calvey);
- Historic building rehabilitation and coal production (SB 435; Gumm/Calvey);
- Energy efficient home construction (SB 610; Gumm/Calvey);
- Dry fire hydrants (HB 1547; Gumm/Calvey).

And the Legislature didn't stop there:

- Insurance premium tax credits (HB 1547; Gumm/Calvey);
- Franchise tax simplification and exemptions (HB 1738; Gumm/Terrill);
- Gross production tax exemptions for deep wells (HB 1788; Morgan/Adkins);
- Motor vehicle excise taxes on all-terrain vehicles (HB 1297; Fisher/Lamons);
- Quality Jobs Program Act (SB 407; Mazzei/Young) (HB 1810; Bass/Armes);
- Quality Investment Act (SB 755 and HB 1619; Leftwich/Nance);
- Benefits for research and development (SB 628; Mazzei/Young).

REVENUE & TAXATION MEASURES

SB 309 (Lerblance/Adkins): Defines "economically at-risk oil or gas leases" and exempts such leases from payment of a portion of gross production taxes for production during calendar years 2005, 2006 and 2007. Provides that the exemption is based on the tax rate in effect at the time. Modifies the apportionment of petroleum excise taxes on oil and gas under certain provisions by allocating a larger percentage to the Interstate Oil Compact Fund of Oklahoma. Effective 7-1-05.

SB 435 (Gumm/Calvey): Modifies various sales, income and excise tax provisions, including:

- Expands sales tax exemption for qualified manufacturers to include sales to qualified distributors of groceries for certain new or expanded distribution facilities. Makes exemption contingent upon municipal resolution expressing support. Provides that claims for sales tax refunds under the new provision can only be made after July 1, 2006;
- Provides an excise tax exemption for 100 percent disabled veterans for one vehicle every three years;
- Modifies income tax brackets beginning in tax year 2006 in a manner which increases the income necessary to reach the top tax rate;
- Prohibits deduction of federal income taxes when determining Oklahoma taxable income, (effectively eliminating Method II calculation);

- With respect to the highest income tax rate in this act, provides that any amendments in HB 1547 are given precedence;
- Provides an additional credit beginning in tax year 2006 against income, rural electric and a certain portion of premium taxes equal to \$0.95 per ton of coal mined, produced or extracted from thin seams in this state after July 1, 2005. Provides for transferability of tax credits on or after July 1, 2006 and establishes procedures for transfer;
- Expands existing credit beginning in tax year 2006 against income, bank privilege and a certain portion of premium taxes for rehabilitation expenditures incurred after January 1, 2006 in connection with certain certified historic buildings. Limits transferability of credits to previous credits for specific historic buildings. Defines "certified historic building";
- Creates the "Railroad Modernization Act of 2005" with an income tax credit beginning in tax year 2006 for 50 percent of railroad reconstruction or replacement expenditures, capped at \$500 per mile of track owned or leased within the state. Provides for transferability of credit and sets out procedures for such transfer;
- Modifies the standard deduction amount by increasing the deduction for married filing jointly, head of household and qualifying widow from \$2,000 to \$3,000 for tax year 2006 and to \$4,000 for tax year 2007. Increases the amount for married filing separate to \$2,000 for tax year 2006 and 2007;
- Increases the amount of retirement income which is exempt from taxable income from \$7,500 to \$10,000; and

Effective 7-1-05 and contingent upon enactment of HB 1547.

SB 448 (Morgan/Winchester): Modifies the income tax deduction for contribution made to an Oklahoma College Savings Plan account by setting new maximum annual deduction caps of \$10,000 for individuals and \$20,000 for joint filers. Permits deductions for contributions during the year plus any carry forward amount, with a 5-year limit on the carry forward provision. Effective 6-6-05.

SB 470 (Rabon/Case): Reapportions 1/3 of 1 percent of certain gasoline excise taxes currently accruing to the General Revenue Fund to a newly-created Circuit Engineering District Revolving Fund. Effective 7-1-05.

SB 507 (Bass/Carey): Modifies various provisions relating to specialty license plates, including:

- Creates new plates for the surviving spouse of an honorably discharged veteran who died as a result of military service, Central Oklahoma Habitat for Humanity, Family Career and Community

Leaders of America Incorporated, Patriot (showing support for Oklahomans deployed with the Oklahoma National Guard) and Armed Forces Veterans Motorcycle;

- Modifies qualifications for Purple Heart Recipient plate, Korean War Veteran plate and the Alpha Kappa Alpha Sorority plate;
- Modifies the apportionment of funds from the Color Oklahoma plate and Historic Route 66 plate;
- Clarifies that no annual vehicle registration fee is to be paid with the Disabled Veteran plate;
- Deletes the Former Legislator plate; and
- Establishes procedures for the Tax Commission to issue special plates upon application by any qualified person if specified standards and requirements are met. Establishes revolving fund for distribution of fees collected to be disbursed to provide financial support for an organization.

Effective 11-1-05.

SB 610 (Gumm/Calvey): Creates an income tax credit for eligible expenditures by a contractor in construction of energy efficient residential property. The amount of credit is based on the level of expenditures up to a specified limit and on a specified energy efficiency rating system. Effective 11-1-05.

SB 628 (Mazzei/Young): Reauthorizes the income tax credit under the Oklahoma Research and Development Incentives Act after 12-1-05 with an extended period of time for claiming credits. Effective 1-1-05.

SB 801 (Eason McIntyre/Gilbert): Exempts from sales tax any sales to a 501 (c) (3) organization which is part of a network of community-based, autonomous member organizations that meets specified criteria. Effective 7-1-05.

SB 811 (Jolley/Nance): Increases to \$10,000 the amount of tax liability which may be agreed to or abated or interest or penalties waived by the Oklahoma Tax Commission without approval of the District Court of Oklahoma County. Effective 11-1-05.

SB 877 (Leftwich/Winchester): Modifies the Oklahoma Tourism Development Act to extend incentives to the development of film or music production and development facilities. Effective 11-1-05.

SB 886 (Gumm/Calvey): Modifies the date on which mixed beverage gross receipts taxes and reports are due. Effective 7-1-05.

SB 905 (Gumm/Calvey): Amends various provisions relating to tax administration, including:

- Modifies unlawful acts, with respect to low-point beer, by deleting the prohibition against furnish-

- ing to a retail dealer "outside signs" and replacing it with "outdoor advertising structures";
- Requires a monthly transfer of certain International Registration Plan revenue by the Corporation Commission to the Tax Commission for apportionment by the Tax Commission;
- Establishes two new categories of otherwise confidential information relating to vessels and motors which may be disclosed to specified manufacturers and others. Authorizes the Tax Commission to review the measures used to safeguard such information and provides penalties for violations of confidentiality provisions;
- Modifies the notice and disciplinary procedures used by the Tax Commission and state agency employers for state employees who are not in compliance with the income tax code;
- Expands the methods by which tax preparers may sign and execute a document;
- Sets the expiration date of cigarette vehicle licenses to coincide with the expiration date of business licenses;
- Adds additional information that must be contained on the invoices maintained by cigarette distributors and retailers;
- Requires distributors and retailers of tobacco products to maintain copies of invoices containing specified information;
- Modifies the requirements for motor fuel vendors who apply for "eligible purchaser" status;
- Under specified circumstances, requires the Tax Commission to transfer funds from diesel fuel tax collections to the Corporation Commission for payment to other jurisdictions under the International Fuel Tax Agreement;
- Modifies the apportionment of sales taxes to make it identical to the apportionment of use taxes. (None of the Funds will be impacted by the amendment.);
- Modifies the application of the sales tax on telecommunications services by excluding certain regulatory assessments and charges and clarifying the tax status of bundled services;
- Expands the sales tax exemption for youth athletic teams so that suppliers of fundraising products can sell to the teams without collecting the tax;
- Exempts from sales tax the sale of intrastate charter and tour bus transportation that meets certain qualifications;
- Modifies the apportionment of use taxes to make it identical to the apportionment of sales taxes. (None of the Funds will be impacted by the amendment.);
- Modifies the time frame for special decals issued for coin-operated devices due to a problem with Tax Commission computer systems;
- Modifies the day of the month by which motor vehicle rental taxes are due;
- Modifies the definition of "capitalization" under the Small Business Capital Formation Incen-

tive Act and the Rural Venture Capital Formation Incentive Act to exclude loaned funds;

- Extends the due date for filing and remitting withholding taxes from the 15th day of the month to the 20th day of the month, allowing employers an extra five days to file and remit the tax due and coinciding the due date with other tax types;
- Modifies the levy of the penalty on delinquent withholding taxes to equal a one-time penalty of 10 percent;
- For applications for a manufacturing ad valorem exemption approved after July 1, 2005, modifies the county population threshold from 50,000 to 75,000 for purposes of qualification for the exemption;
- Modifies the qualifications for a manufacturing ad valorem exemption by permitting manufacturers to exclude certain payments made to sole proprietors, partners or members of a limited liability company. Requires manufacturers electing this option to indicate the election in its application or if receiving such an exemption on the effective date of the act, to provide notice and submit information for all previous years of the exemption; and
- Modifies the procedure for filing an application for a manufacturing ad valorem exemption if an otherwise qualified applicant fails to file or timely file. Limits the use of such procedures to applicants who failed to file or timely file applications due after a specified date.

Effective 7-1-05; 7-1-06 (Section 20).

HB 1012 (Brown/Gumm): Modifies procedural requirements relating to tax receipts issued by a county treasurer. Effective 11-1-05.

HB 1014 (Auffet/Wilson): Extends the income tax credit for purchase of poultry litter through 2008. Creates a new income tax credit for 50 percent of qualified operational costs incurred by certain canine training facilities. Effective 11-1-05.

HB 1193 (Benge/Morgan): Provides that for fiscal year 2005 funds over and above that deposited into the Rainy Day Fund will be divided evenly between two newly-created funds. The Oklahoma Dynamic Economy and Budget Security Fund will be used to promote research and development in critical economic sectors and if necessary, stabilize the state budget. The Oklahoma Taxpayer Relief Revolving Fund will be used to make payments to Oklahoma taxpayers who have filed an income tax return. Effective 7-1-05.

HB 1194 (Benge/Morgan): Modifies the data to be used by the Tax Commission in its determination of the estimated gross production tax revenue from natural gas. Effective 8-26-05.

HB 1233 (Hastings/Fisher): Provides a sales tax exemption for a 501 (c) (3) organization which assists, trains, educates and houses physically and mentally handicapped persons and receives at least 85 percent of its annual budget from state or federal funds. The exemption is claimed as a refund after the tax is paid. The total exemption granted will not exceed \$175,000 and will be processed in the order received by the Tax Commission. Effective 7-1-06.

HB 1275 (Peters/Riley): Provides a sales tax exemption for sales of personal property to a nonprofit 501(c)(3) organized to provide services to homeless persons during the day in metropolitan area with a population of 500,000 or more. The new provision applies to sales back to January 1, 2005. Effective 7-1-05.

HB 1321 (Nance/Nichols): Authorizes the disclosure of certain information maintained by the Tax Commission to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control under specified conditions. Limits the use of, and establishes procedures for, such information by the Bureau. Effective 11-1-05.

HB 1384 (Smaligo/Adelson): Modifies the qualification criteria for the five-year manufacturing ad valorem exemption to include new payroll of at least \$250,000 for certain oil refineries, regardless of county population. Effective 11-1-05.

HB 1398 (Covey/Laughlin): Creates an income tax credit for certain qualified biodiesel production facilities. Sets the credit at \$.20 per gallon of fuel produced before January 1, 2012 and \$.075 thereafter. Authorizes the credit for expansion of existing facilities under specified circumstances. Limits the amount of such credits to a specified number of gallons of production. Effective 7-1-05.

HB 1408 (Rousselot/Easley): Specifies that the use value of buffer strips, for ad valorem taxation purposes, is based only on income from production agriculture. Removes certain limits to qualification for certain treatment of buffer strips. Effective 1-1-06.

HB 1476 (Coody/Bass): Modifies the exemption for retirement income earned through service in the Armed Forces by establishing a new limit of either 50 percent of benefits or \$10,000, whichever is greater. Effective 1-1-06.

HB 1498 (Bingman/Adelson): Provides an exemption from state sales tax only for sales of electricity to the operator of qualified spacing units or leases producing oil by specific enhanced recovery methods. Effective 7-1-06.

HB 1547 (Calvey/Gumm): Modifies various premium, income, sales and motor vehicle tax provisions, including:

- Modifies the apportionment of the insurance premium tax and specifies how such amounts will be apportioned to specified pension systems. Provides how the home office insurance premium tax credit shall be deducted from insurance premium tax liability. Provides procedures for refund of certain insurance premium taxes;
- Reduces the amount of the distiller and rectifier license in half for Fiscal Year 2006 only;
- Eliminates current procedures relating to voluntary notification to the Tax Commission by the seller of a vehicle and replaces it with a voluntary written notice of transfer (seller's affidavit) with the Tax Commission indicating the transfer on their vehicle records;
- Increases the amount of the fee retained by a motor license agent for each vehicle registered from \$2.56 to \$2.81 beginning 7-1-05 and to \$3.56 beginning 7-1-06;
- Exempts from sales tax the first \$2,000 of sales by or for the benefit of a neighborhood watch organization which is one of the first 2,000 organizations to apply to the Tax Commission for such exemption;
- Exempts from sales tax sales of programs relating to sporting and entertainment events and on billboards and any advertising via the Internet, electronic display devices or through a public address or broadcast systems and satellite television;
- Extends the sales tax exemption for a movie or television production company for eligible production to a television commercial;
- Exempts from sales tax sales to 100 percent disabled veterans and provides that sales qualifying for the exemption shall not exceed \$25,000 a year per veteran;
- Reduces the top marginal rate for individual income tax purposes from 6.65 percent to 6.25 percent;
- Provides an income tax credit for the cost of the purchase of a dry fire hydrant equal to 50 percent of the purchase price not to exceed \$5,000 for each taxpayer;
- Modifies manner in which gains or losses from the sale of an ownership interest in a publicly traded partnership is allocated for income tax purposes. Provides an income tax deduction for any corporate taxpayer for qualifying gains receiving capital treatment earned by the taxpayer and included in the federal income of such taxpayer. Specifies that the income tax deduction for capital gains for an individual applies to a direct or indirect ownership of a taxpayer;
- Deems that a person who purchases a lot for purposes of constructing and selling a building on such lot is not a bona fide purchaser for purposes for valuing the property for ad valorem tax purposes;
- Provides procedures for the certification of qualification for certain tax credits;
- Allows the production of commercials to be eligible for the rebate provided for in the Compete with Canada Act. Specifies procedures for the determination of the amount of the rebate. Limits the amount of annual payments from the Oklahoma Film Enhancement Rebate Program Revolving Fund to \$5 million annually. Requires the Tax Commission to apportion from the revenues that would otherwise be apportioned to the General Revenue Fund from the individual income tax to the film rebate fund in an amount necessary to pay the rebates;
- Allows the purchasers of an aircraft with a selling price in excess of \$5 million instead of \$2.5 million to request that their aircraft excise tax revenue be designated for a specific general aviation airport owned or controlled by a municipality;
- Repeals section of law which relates to sales tax refund for motion pictures and television;
- Makes this act effective contingent upon the enactment of SB 435.

Effective 7-1-05 (Sections 4-9, 14-18); 1-1-06 (Sections 10-13); and 7-1-06 (Sections 1-3).

HB 1556 (Jackson/Myers): Expands existing income tax credits for ethanol production facilities by allowing credits against bank privilege and insurance premium taxes and by extending the time period for a facility to qualify. Clarifies the limit on such credits. Creates a new \$.16 per gallon tax fuel credit for certain retailers based on the amount of ethyl alcohol contained in gallons of ethanol sold. Effective 1-1-06.

HB 1562 (Miller, Ken/Jolley): Expands the sales tax exemption for organizations which are primarily involved in the collection and distribution of food and other household products to organizations which facilitate the distribution of such products to the needy. Effective 7-1-05.

HB 1570 (Walker/Rabon): Provides a sales tax exemption for sales of property to certain public trusts or nonprofit 501 (c)(3) organizations for the purpose of constructing improvements or expanding a hospital or nursing home owned and operated by such public trust or nonprofit entity prior to July 1, 2005 in a county with a population less than 100,000. Extends exemption to sales to a contractor with a contractual relationship with the entity. Effective 7-1-05.

HB 1577 (Piatt/Coffee): Broadens existing sales tax exemption for specified aircraft engine maintenance by deleting limitations on application of exemption. Effective 7-1-05.

HB 1588 (Adkins/Morgan): Modifies gross production tax exemptions for certain deep wells by deleting obsolete language, clarifying certain exemptions based on well depth, extending the sunset date for

wells over 15,000 feet, limiting the total exemption granted by specified annual amount, establishing procedures for filing and payment of claims for refunds and creating an exception to the cap which applies to the exemption. Effective 7-1-05.

HB 1605 (Miller, Doug/Wilson): Broadens the tax credit for small wind turbine manufacturers by allowing credit to be taken against certain insurance premium and rural electric cooperative tax liability. Modifies the definition of "advanced small wind turbine". Increases the amount of the credit from \$6.25 per square foot to \$25 per square foot and extends the expiration date of the credit to 2007. Effective 6-6-05.

HB 1625 (Wilt/Ford): Provides a sales tax exemption for sales by a 501 (c) (3) organization during auction events intended to provide funding for either preservation of wetlands and wild duck habitats or preservation and conservation of wild turkeys. Effective 7-1-05.

HB 1667 (Calvey/Barrington): Creates an income tax credit equal to 15 percent of qualified capital expenditures, wages, training expenses or the sum of the three for specified taxable years for eligible data processing and computer system design services. Limits the total credit amount to \$350,000 annually. Creates an income tax credit equal to 15 percent of qualified capital expenditures, wages, training expenses or the sum of the three for specified taxable years for eligible auxiliary aircraft parts and equipment manufacturers. Limits the total credit amount to \$150,000 annually. Permits those who have filed an income tax return or an extension for specified tax years to file an amended return to recomputed income based on certain capital gains provisions passed during the 2005 session. Effective 7-1-05.

HB 1680 (Johnson/Gumm): Expands the types of entities authorized to claim tax credits for investments in agricultural processing cooperatives, ventures and marketing associations. Doubles the maximum total tax credit which may be provided to \$2 million and establishes an expiration date for such credits. Modifies the Small Business Capital Formation Incentive Act and the Rural Venture Capital Formation Incentive Act by providing for credits to be taken against gross production and petroleum excise tax liability. Effective 1-1-06 (Sections 1-2); 7-1-06 (Sections 3-6).

HB 1713 (Calvey/Adelson): Provides for a five-year agreement between a qualified aircraft manufacturer and the Tax Commission whereby the manufacturer agrees to maintain a specified level of wage payments and investment in property in exchange for certain payments. Such payments are limited to the amount of ad valorem taxes paid by a manufacturer in any year after September 11, 2001 if the manufacturer would have been exempt under Section

2902 if not for the September 11th terrorist attacks. Establishes a cap on total payments over five years and on annual payments. Creates a special fund for such payments, with funds accruing from a portion of sales and income tax revenue. Effective 7-1-05.

HB 1716 (Winchester/Leftwich): Establishes an income tax credit equal to 25 percent of profit from investment in a qualified film or music project if the profit is reinvested in a new film or music project. Effective 6-6-05.

HB 1728 (Harrison/Lerblance): Requires certain information to be included in documents vacating a plat. Expands the types of information about employees which public entities are required to keep confidential. Establishes new, and clarifies existing, definitions in order to create a distinction between the terms "taxable fair cash value" and "actual fair cash value" for ad valorem taxation purposes. Modifies certain procedures relating to the assessment roll. Modifies the interest rate applicable to public service property which has been omitted. Effective 11-1-05.

HB 1738 (Terrill/Gumm): Deletes the minimum franchise tax payment requirement and provides that if franchise tax liability is less than \$10, a corporation is not required to file a return and is exempt from franchise tax. Establishes a form which must be completed by exempt entities. Effective 7-1-06.

HB 1780 (Rousselot/Easley): Creates the Oklahoma National Guard Relief Program for the purpose of providing financial relief for approved expenses to qualified members of the Oklahoma National Guard. Provides for an income tax refund check-off to provide funds for the program. Effective 11-1-05.

HB 1810 (Armes/Bass): Modifies the definition of basic industry for the Quality Jobs Act to include certain flight training services for which payroll existed on or after a specified date. Effective 7-1-05.

HB 1848 (Steele/Laughlin): Creates the Health Savings Account Act. Provides for the creation of health savings accounts by eligible individuals or employers on an employee's behalf. Exempts specified amounts of principal and interest deposited in such accounts, and certain reimbursed amounts, from income tax. Effective 11-1-05.

OKLAHOMA TAX COMMISSION FUNDING

The Oklahoma Tax Commission's FY'06 appropriation is \$45,626,291, a 10 percent increase over FY'05. Additional monies are for the following:

- ◆ \$2.2 million for the annualization of the Computer Integrated System, which links an indi-

vidual or a company and all of its tax types within one system. OTC estimates the system will generate \$19.2 million in FY'06 through more effective audit collection efforts.

SUNSET MEASURES

HB 1207 (Wright/Easley): Re-creates the State Board of Osteopathic Examiners. Effective 8-26-05.

HB 1208 (Wright/Easley): Re-creates the Polygraph Examiners Board. Effective 8-26-05.

HB 1209 (Wright/Easley): Updates the omnibus list of agencies scheduled for Sunset Review from 2005 to 2011. Effective 8-26-05.

HB 1210 (Wright/Easley): Re-creates for one year the State Board of Registration for Foresters. Effective 8-26-05.

HB 1211 (Wright/Easley): Re-creates the Oklahoma Professional Boxing Commission. Effective 8-26-05.

HB 1212 (Wright/Easley): Re-creates the Board of Podiatric Medical Examiners. Effective 8-26-05.

HB 1253 (Wright/Easley): Repeals statutory references to defunct state entities. Effective 7-1-05.

TELECOMMUNICATIONS & TECHNOLOGY MEASURES

SB 53 (Capps/Piatt): Exempts Oklahoma Space Industry Development Authority (OSIDA) airports from the jurisdiction of the Oklahoma Aeronautics Commission relating to design development and operation activities. Effective 7-1-05.

SB 246 (Capps/Piatt): Reduces the required quorum for meetings of the Oklahoma Aeronautics Commission from five members to four members and changes the date when the commission provides written reports to the Governor from July 31 of each year to January 31 of each year. Effective 7-1-05.

SB 902 (Capps/Piatt): Amends provisions in Title 3 from HB 2494 (enacted during the 2004 session) to ensure there will be no detrimental impact on Oklahoma aerospace companies in their dealings with aircraft manufacturers. Effective 11-1-05.

HB 1751 (Case/Monson): Assists with the development and implementation of a statewide emergency wireless 911 system. Such a system would allow 911 call centers to identify the location of an emergency 911 call from a cell phone, such as is the current capability with emergency 911 calls using hard line phones. To fund the system and pay for the necessary upgrades citizens will vote, on a county-

by-county basis, vote to pay an additional fifty-cent fee on their cell phone bill. Effective 6-6-05.

HB 1832 (Jett/Laster): Adds the Chancellor of the Oklahoma State Regents for Higher Education to the board of directors for the Oklahoma Center for the Advancement of Science and Technology. Also increases the number of members appointed by the Governor from four to five, and specifies qualifications of the additional member. Effective 7-1-05.

HB 1834 (Jett/Laster): Creates the Statewide Nine-One-One Advisory Board. The board will consist of 22 members appointed by the Governor, President Pro Tempore of the Senate and the Speaker of the House of Representatives and one member who will be the Oklahoma Secretary of Safety and Security or a designee. The board will be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. Effective 6-6-05.

HB 1860 (Blackwell/Wilson): Adds procedures for conducting meetings of a public body by videoconference and creates the Joint Task Force on Teleconferencing, Videoconferencing and the Oklahoma Open Meeting Act. Effective 11-1-05.

TOURISM & WILDLIFE MEASURES

SB 403 (Wilson/Miller, Doug): Modifies the purpose for expenditures from the Oklahoma Tourism Promotion Revolving Fund. This act requires that all monies expended from the fund shall reflect a consistent brand and image in the promotion of Oklahoma tourism. Effective 11-1-05.

SB 498 (Pruitt/Miller, Doug):

- Adds certain licenses for which duplicates shall be issued;
- Adds any person participating in an aquatic education event sanctioned by the Department of Wildlife Conservation to be exempt from the license requirement;
- Provides exemptions for deer gun hunting license, deer archery license and primitive fire arms license requirements for disabled veterans with proper certification stating the person is in receipt of compensation at the one-hundred-percent rate; and
- Provides for disabled veterans to purchase a disability lifetime combination hunting/fishing license.

Effective 7-1-05.

SB 685 (Laughlin/Hickman): Removes the prohibition of issuing nonresident deer, antelope, or elk licenses to residents of other states that has a deer season but does not allow Oklahoma residents the

opportunity to purchase nonresident licenses. Effective 7-1-05.

SB 823 (Wilson/Miller, Doug): Recodifies the Tourism Statutes. Repeals existing statutes and replaces it with new law. The new law:

- Adds "preservation and protection" to the mission and duties of the park system;
- Eliminates span of control issues caused by three separate managers for park properties (parks, resorts, and golf) by consolidating control under a unified park management system;
- Adds the Oklahoma Music Hall of Fame as a partner to the Oklahoma Film and Music Commission;
- Eliminates three obsolete and unnecessary revolving funds: Golf Course Operations, Quartz Mountain, and the Tourism Equipment Revolving Funds. All of these funds are consolidated with the Department's main revolving fund;
- Provides career progression opportunities for Park Rangers by allowing them to retain their OLERS eligibility if they are qualified to move into management positions. The rangers would be required to maintain requisite training and certifications as required by OLERS; and
- Repeals obsolete sections such as the naming of parks, expired bond issuances, duplicate sections, and references to the consolidated golf, resort, and human resources divisions.

Effective 11-1-05.

HB 1001 (Winchester/Cain): Makes an appropriation to the Oklahoma Department of Tourism for the Oklahoma City National Memorial. Effective 7-1-05.

HB 1240 (Benge/Riley): Provides exemptions for bonus license requirements for disabled veterans with proper certification stating the person is in receipt of compensation at the one-hundred-percent rate. Effective 7-1-05.

HB 1575 (McCarter/Crutchfield): Provides for hunting licenses and fishing licenses for legal residents who are one-hundred-percent disabled and are receiving disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title 85 of the Oklahoma Statutes. Effective 6-6-05.

HB 1722 (Duncan/Anderson): Requires wildlife violators to pay a reinstatement fee prior to applying for a new hunting or fishing license and provides for lifetime license holders who are habitual wildlife violators to have their license suspended for one year and pay a reinstatement fee. Effective 11-1-05.

HB 1814 (Armes/Shurden): Modifies the use of the proceeds from the Oklahoma Wildlife Land Stamp. Authorizes residents and nonresidents to purchase a

five-day rattlesnake permit and sets fees for such permit. Effective 6-6-05.

TOURISM FUNDING

HB 1122 appropriated \$28,355,959 to the Department of Tourism and Recreation. This is a \$4,193,319 increase over the agency's FY'05 appropriation.

The agency received \$3,300,000 for park maintenance, \$2,300,000 of which will be transferred to the Department from the Gross Production Tax REAP Water Projects Fund. Currently, the agency has over \$50,000,000 in identified maintenance needs.

CENTENNIAL COMMISSION FUNDING

SB 147 appropriated \$3,899,630 to the Oklahoma Capitol Complex and Centennial Commemoration Commission. This amounts to a \$3,363,177 increase over the agency's FY'05 appropriation. The agency received \$850,000 to pay off loan interest from the construction of the Capitol Dome, \$500,000 for a debt service payment for the Capitol Dome, and \$2,000,000 for Centennial Projects.

TRANSPORTATION MEASURES

SB 291 (Aldridge/Case): Increases the amount necessary to require engineering plans and specifications for bridge or culvert construction from \$50,000 to \$75,000. The measure further modifies planning and budget requirements to conform with the federal fiscal year. Effective 5-16-05.

SB 348 (Corn/Miller, Ray): Designates the "Scott Vincent Memorial Highway" near Bokoshe, Oklahoma. Effective 11-1-05.

SB 698 (Fisher/Hiett): Designates a portion of State Highway 51 as the "Mannford Expressway" and authorizes the Transportation Authority to construct an exit ramp from the eastbound lane of the Turner Turnpike at 96th Street in Tulsa. Effective 6-9-05.

HB 1078 (Benge/Morgan): Creates the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund and apportions various revenues thereto. For FY 06, \$15 million of income tax revenues will be apportioned to the fund, with another \$2 million for the "Heartland Flyer" railroad and \$500,000 for public transit. Additional amounts will be apportioned each year to the fund, until the total amount is equal to \$170 million. If growth revenue is less than 3 percent compared to the preceding year, \$17.5 million will be apportioned and if growth revenue is more than 3 percent, \$35 million will be appor-

tioned. Funds cannot be used to supplant existing funding for transportation, and procedures are provided to determine if this is the case. In the event of a revenue failure, apportionments to the fund may be reduced. Also, for each year beginning with FY 07, \$2 million will be apportioned for the Heartland Flyer and \$3 million for public transit.

Monies in the ROADS fund may only be used for the following:

- The construction and maintenance of state roads, bridges and highways;
- The direct expenses of operating and maintaining the state highway system, including bridges;
- Direct expenses incurred in constructing, repairing, and maintaining state highways, farm-to-market roads, county highways and bridges as authorized by law;
- Matching federal funds; and
- The purchase of materials, tools, machinery, motor vehicles, and equipment necessary or convenient for the construction and maintenance of the state highway system and bridges.

Effective 7-1-05.

HB 1262 (Plunk/Shurden): Designates a portion of State Highway 20 near Jay, Oklahoma, the "Randy Littlefield Memorial Highway" and a portion of State Highway 270 near McLoud, Oklahoma, the "Billy Fair Morgan Memorial Highway". Effective 11-1-05.

HB 1310 (Smithson/Corn): Designates the following: a bridge crossing Little Lee Creek on State Highway 101, the "Rider Daugherty Memorial Bridge"; a portion of State Highway 54 as the "Luke James Memorial Highway"; a portion of State Highway 54 as the "Jack Begley Memorial Highway"; a portion of State Highway 64 as the "Lyle Rymer Highway"; the Duncan Bypass as the "Bobby Green Memorial Highway"; a portion of State Highway 81 as the "Veterans Memorial Highway"; and the bypass over US Highway 59 as the "Navy Petty Officer Third Class Doyle W. Bollinger, Jr., Overpass". Effective 11-1-05.

HB 1658 (Morgan, Danny/Crutchfield): Modifies the days that oversize and overweight vehicles are prohibited from using state highways. This measure was requested to conform with requirements in surrounding states. Effective 11-1-05.

HB 1969 (Perry/Garrison): Changes the name of the "Oklahoma Transportation Authority" to the "Oklahoma Turnpike Authority". Effective 11-1-05.

DEPARTMENT OF TRANSPORTATION FUNDING

SB 115 provided the Oklahoma Department of Transportation an FY'06 appropriation of \$275,148,137, a 37 percent increase over FY'05. The additional monies are for the following:

- \$69.35 million for debt service on the Capital Improvement Program (CIP), a \$1 billion highway construction project that represents the largest infrastructure investment in state history.
- \$1.37 million for Industrial/Lake Access programs

Additional funding (an 8.7 percent increase) is secured in HB 1078, which creates the "Rebuilding Oklahoma Access and Driver Safety Fund" for receipt of monies that would otherwise be apportioned to the General Revenue Fund. Said monies are for the following:

- FY'06 - \$15 million for roads and bridge maintenance; \$2 million for the Heartland Flyer; \$500,000 for Public Transit.
- FY'07 and thereafter - funding for maintenance and repair of state highways and bridges will increase incrementally (\$17.5 million or \$35 million per year dependant upon the percentage of revenue growth) until reaching the amount of \$170 million annually.
- \$2 million per year will be provided for the operations and capital projects of the Heartland Flyer.
- \$3 million per year will be provided for Public Transit activities.

VETERANS & MILITARY AFFAIRS MEASURES

SB 659 (Eason McIntyre/Ellis): Creates the Oklahoma Buffalo Soldier Heritage Corridor and also creates the Oklahoma Buffalo Soldier Heritage Corridor Fund. Effective 11-1-05.

SB 747 (Bass/Carey): Provides for operation of the Veterans Center in Lawton and cleans up language on the tract of land on which the center is located. Effective 7-1-05.

SB 777 (Barrington/Coody): Prohibits persons from impersonating a member of the armed forces by wearing congressional medals/decorations or uniforms and provides for fines and penalties of up to one year in jail. Effective 11-1-05.

SB 821 (Bass/Carey): Provides life insurance benefits up to \$250,000 for members of the Oklahoma Air and Army National Guard. The Adjutant General is authorized to expend state funds for the payment/reimbursement of insurance premiums to provide such coverage. Qualification for this benefit is limited to military members of the Oklahoma National Guard who are in good standing in their unit and performing all required training. Effective 6-2-05.

HB 1482 (Banz/Bass): Creates the War on Terror Memorial Design Committee. Also authorizes the Department of Central Services to enter into negotiations with an Internal Revenue Code Section 501(c)3 tax-exempt corporation for the purpose of designating a site within the State Capitol Complex Park for the Korean War Veterans Memorial. Effective 11-1-05.

HB 1545 (Calvey/Reynolds): Allows the Adjutant General to have charge and protection and safety of military reservations and for the enforcement of rules on such reservations. Also authorizes the Adjutant General to make decisions on the destruction of real estate, armories or buildings belonging to the Oklahoma Military Department. Effective 11-1-05.

HB 1816 (Armes/Barrington): Adds a requirement for the Cabinet Secretary. This requirement requires the Secretary to receive benefits from the U.S. Department of Veterans Affairs. Effective 11-1-05.

VETERANS FUNDING

The Department of Veterans Affairs received an appropriation of \$36,040,332. This is a 19-percent increase over the agency's FY'05 appropriation.

This appropriation includes \$2 million to fund 69 new Primary Care Assistant positions. Fifty of these new positions will be used at the Lawton facility to ensure that the facility runs at capacity.

OKLAHOMA MILITARY DEPARTMENT FUNDING

The Military Department's FY'06 appropriation is \$12,546,432, a 55.6-percent increase over the agency's FY'05 appropriation. The additional monies are for the following:

- \$1.85 million for National Guard Life Insurance. All members in good standing of the Oklahoma Air and Army National Guard will receive \$250,000 in coverage.
- \$1.79 million for the operation of the State Transition And Reintegration System (STARS), a program that tracks youth governed by the state

juvenile justice system who are at high risk to reoffend.

- \$225,000 for debt service on a \$6 million bond issue that will finance completion of the National Guard Armory roof repair program.
- \$250,000 for the purchase of body armor and the requisite training with it.
- \$100,000 to initiate a lead abatement program at the Department's terminated indoor firing ranges.

WORKERS' COMPENSATION MEASURES

SB 1X (Morgan/Hiett): Reforms Workers' Compensation Act. Major provisions of the bill include:

- Increases penalties for workers' compensation fraud and requires restitution;
- Allows insurance companies to use rates before filing them with the Insurance Department;
- Relaxes standards for post-accident drug testing;
- Provides tax credits for employers who implement early return-to-work and safety programs;
- Requires the Workers' Compensation Court to order mediation if either party requests it or allows the Court to order mediation if the Court believes mediation would be helpful;
- Changes procedure for selection of treating physician. An employer makes the initial choice. If the employee wants a change and the employee and employer cannot agree on a new doctor, the Court selects from a list maintained by the Court;
- Eliminates enrollment process for certified workplace medical plans (CWMPs);
- Creates rebuttable presumption in favor of the opinion of the treating physician. If either party objects to the opinion of the treating physician, the parties shall agree on the appointment of an independent medical examiner (IME) or the Court appoints IME;
- Increases disfigurement and funeral benefits;
- Limits temporary total disability (TTD) for hernia and soft-tissue injury. Defines soft-tissue injury. Requires permanent anatomical abnormality before permanent partial disability (PPD) may be awarded;
- Makes Form 2s confidential;
- Limits a claimant attorney fee to the amount in dispute, not to exceed 20 percent of the PPD award;
- Shortens time within which an injured worker may make a claim or reopen a claim for a change of condition for the worse;
- Reinstates permanent total disability (PTD) claims resulting from a combination of injuries against the Multiple Injury Trust Fund (MITF);
- Increases funding for safety programs at the Department of Labor and Career Tech and for the

Attorney General's workers' compensation fraud unit;

- Adds an occupational medicine physician to the Physician Advisory Committee. Directs the Committee to develop treatment guidelines for all injuries and makes compliance with guidelines mandatory without prior authorization; and
- No longer allows the Department of Labor to issue certificates of noncoverage.

Effective 7-1-05 (Sections 1-40 and 7-34); 7-1-06 (Sections 5 and 6).

<p>SENATE AND HOUSE CONCURRENT RESOLUTIONS</p>

SCR 4 (Mazzei/Reynolds): Resolving the Oklahoma State Legislature to contain and liquidate the unfunded actuarially accrued liabilities of the Teachers' Retirement System of Oklahoma. Adopted 4-20-05.

SCR 5 (Lawler/McCarter): Commending Joseph Womack and Lee Tumbelson for courageous rescue of stricken driver. Adopted 2-15-05.

SCR 6 (Lawler/McCarter): Commending Thomas McDevitt and Kevin Hartman for saving two lives. Adopted 2-15-05.

SCR 8 (Cain/Blackburn): Proclaiming 2005 as The Year of Languages. Adopted 4-20-05.

SCR 9 (Corn/Brannon): Designating Teresa Farrington as State Okie Caricature Artist. Adopted 5-9-05.

SCR 11 (Jolley/Dorman): Supporting the National Anthem Project. Adopted 4-21-05.

SCR 12 (Williamson/Sullivan): Honoring Colonel Robert J. Modrzejewski, U.S. Marine Corps, upon his retirement. Adopted 3-23-05.

SCR 14 (Riley/Benge): Designating September 11 as "Homeland Emergency Response Operators (HERO) Day." Adopted 4-26-05.

SCR 15 (Morgan/DePue): Designating Guthrie as an official Centennial Site. Adopted 4-25-05.

SCR 16 (Jolley/Newport): Congratulating Father Ken Armstrong for 25 years of service in the Episcopalian priesthood. Adopted 3-23-05.

SCR 17 (Rabon/Roan): Commending Atoka for its selection for inclusion on the USA Today weather map. Adopted 5-3-05.

SCR 23 (Taylor/Jones): Authorizing Board of Regents of OU to issue revenue bonds on behalf of Rogers State University. Adopted 5-18-05.

SCR 24 (Kerr/Covey): Directing the Department of Transportation to name the proposed Washita River Bridge on U.S. Highway 183 approximately .9 mile north of I-40B in Clinton, Oklahoma the "Joe M. Morgan Memorial Bridge." Adopted 5-18-05.

SCR 26 (Reynolds/Nance): Commending the Target Corporation for being the first national retailer to voluntarily limit the sale of medication that could be used to produce illegal drugs. Adopted 5-4-05.

SCR 29 (Rabon/Balkman): Creating the Joint Interim Committee on Underage Drinking. Adopted 5-27-05.

SCR 30 (Wyrick/Nance): Recalling Enrolled Senate Bill 14, relating to homeland security, from the Office of the Governor. Adopted 5-16-05.

HCR 1001 (Wright/Justice): Waiving the thirty-legislative-day review period for proposed amendments to certain permanent rules of the Oklahoma Department of Agriculture, Food, and Forestry relating to Ammonium nitrate fertilizer. Adopted 2-24-05.

HCR 1003 (Miller, Doug/Hobson): Commending Guard Young for his 2004 U.S. Olympic Silver Medal in gymnastics. Adopted 4-25-05.

HCR 1005 (Lamons/Hobson): Praising Madison Maxey on her scholastic achievements. Adopted 3-3-05.

HCR 1007 (McCarter/Barrington): Designating the Long Branch Creek Bridge on U.S. Highway 70 as the "Faye Moore Bridge." Adopted 4-12-05.

HCR 1008 (Jackson/Anderson): Requesting recognition of value of Oklahoma military installations by the Base Realignment and Closure Commission and by the Congress of the United States. Adopted 4-4-05.

HCR 1009 (DeWitt/Lawler): Expressing legislative support of sales of agricultural goods to Cuba. Adopted 5-19-05.

HCR 1010 (Mass/Lerblance): Directing the Oklahoma Wildlife Conservation Commission to adopt rules changing the class hour requirements for hunter education courses. Adopted 5-20-05.

HCR 1014 (Lamons/Adelson): Recognizing the importance of finding the cause and cure for multiple sclerosis, expressing appreciation to the Oklahoma Chapter of the National Multiple Sclerosis Society (NMSS) for its work, and proclaiming April 2005 as "Multiple Sclerosis Awareness Month." Adopted 4-12-05.

HCR 1015 (DePue/Eason McIntyre): Encouraging the State of Oklahoma and all Oklahoma employers to strongly support and encourage the practice of breast-feeding. Adopted 5-26-05.

HCR 1017 (Roan/Corn): Recognizing telecommunications personnel in the State of Oklahoma and designating April 10-16, 2005 as "National Public Safety Telecommunicator's Week." Adopted 4-18-05.

HCR 1018 (Lamons/Adelson): Congratulating the Oklahoma State University Center for Health Sciences and College of Osteopathic Medicine for again being named one of the best medical schools in the nation. Adopted 4-25-05.

HCR 1019 (Roggow/Rabon): Authorizing the Oklahoma Historical Society to spend certain funds to complete construction of a History Center. Adopted 5-9-05.

HCR 1020 (Winchester/Cain): Recognizing April 17-24 2005 as a National Week of Hope in commemoration of the ten-year anniversary of the terrorist bombing in Oklahoma City. Adopted 4-19-05.

HCR 1021 (Ingmire/Morgan): Authorizing the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges to issue revenue bonds authorized by Section 4002 of Title 70 of the Oklahoma Statutes in the sum of not to exceed Six Million Dollars (\$6,000,000) for the purpose of constructing the North Central Oklahoma Multimodal Transportation facility in Stillwater, Oklahoma. Adopted 5-25-05.

HCR 1022 (Ingmire/Morgan): Authorizing the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges to issue revenue bonds authorized by Section 4002 of Title 70 of the Oklahoma Statutes in the sum of not to exceed Twenty-three Million Dollars (\$23,000,000) for the purpose of constructing the Oklahoma State University Science and Technology Research Center, restoring and renovating South Murray Hall, and constructing a new Classroom Building in Stillwater, Oklahoma. Adopted 5-25-05.

HCR 1023 (Denney/Morgan): Authorizing the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges to issue revenue bonds authorized by Section 4002 of Title 70 of the Oklahoma Statutes in the sum of not to exceed Five Million Dollars (\$5,000,000) for the purpose of constructing the Hospital Annex facility in Stillwater, Oklahoma. Adopted 5-25-05.

HCR 1026 (Hiatt/Jolley): Expressing deepest sorrow for the untimely death of former Speaker of the Oklahoma House of Representatives Jim Barker and extending sympathy to his family. Adopted 5-11-05.

HCR 1027 (Covey/Justice): Honoring the El Reno Carnegie Library building on its 100th birthday. Adopted 5-27-05.

HCR 1028 (Turner/Shurden): Requesting the United States Fish and Wildlife Service and the United States Congress to take certain action relating to critical habitat designation for threatened species. Adopted 5-27-05.

HCR 1029 (Wesselhoft/Adelson): Expressing support of the Nation of Israel and congratulating them on their fifty-seventh anniversary. Adopted 5-16-05.

HCR 1030 (Wright/Corn): Waiving the thirty-legislative-day review period for proposed amendments to the Board of Tests for Alcohol and Drug Influence permanent rule OAC 40:25-1-3 relating to alcoholic breath simulators. Adopted 5-20-05.

HCR 1032 (Sullivan/Williamson): Commending Dr. Francine Ringold for her valuable contributions to the State of Oklahoma. Adopted 5-27-05.

SENATE AND HOUSE RESOLUTIONS

SR 1 (Leftwich): Commending Auburn University cornerback Carlos Rogers upon his selection as the 2004 Jim Thorpe Award winner. Adopted 2-8-05.

SR 2 (Coffee): Designating February 6 through 12, 2005, "Ronald Reagan Week" in the State of Oklahoma. Adopted 2-8-05.

SR 3 (Harrison): Commending the Pawnee High School Black Bears football team for their undefeated season and congratulating them upon winning the Class A state championship. Adopted 2-14-05.

SR 5 (Lamb): Praising the life of Judy Hill, a dedicated long time state employee, and mourning her loss. Adopted 3-1-05.

SR 6 (Coffee): Commending Preston Hunter and Eric Ogburn, Oklahoma State University students, for risking their own lives to save the life of an Oklahoma City police officer. Adopted 3-2-05.

SR 7 (Lamb): Commending the public career of former State Senator Norman Lamb and declaring February 27, 2005, "Norman Lamb Day." Adopted 2-28-05.

SR 8 (Lerblance): Expressing appreciation to Bob Craig; wishing him well upon the occasion of his retirement from full-time service to the Senate. Adopted 3-1-05.

SR 9 (Wyrick): Commending the life and career of former State Senator Bob Gee and extending condolences to his family. Adopted 3-15-05.

SR 10 (Wilcoxson): Congratulating the Mustang, Oklahoma, Special Olympics Basketball Team for winning the State Championship for the Junior/Senior Division in the Special Olympics Winter Games of 2005. Adopted 3-14-05.

SR 11 (Harrison): Congratulating the Pawnee High School Black Bears boys' basketball team upon winning the 2004-2005 Class 2A State Championship. Adopted 3-21-05.

SR 12 (Jolley): Commemorating the life and accomplishments of the late Jan Pokorny Steele of Edmond, Oklahoma, and offering condolences to her family and friends. Adopted 4-11-05.

SR 13 (Lawler): Declaring March 30, 2005, "Ag Day" in the State of Oklahoma and memorializing Oklahoma citizens to recognize the importance of agriculture. Adopted 3-29-05.

SR 14 (Taylor): Commending the Claremore High School Lady Zebras basketball team for winning the State Class 5A girls' basketball championship. Adopted 4-7-05.

SR 15 (Lawler): Declaring April 19, 2005, "4-H Day" and welcoming 4-H personnel to the Oklahoma State Capitol. Adopted 4-20-05.

SR 16 (Mazzei): Mourning the death of Pope John Paul II. Adopted 4-11-05.

SR 18 (Jolley): Congratulating the Edmond Santa Fe High School Wolves boy's basketball team for winning the Class 6A state boys basketball championship. Adopted 4-13-05.

SR 19 (Laster): Praising the life and career of Shawnee, Oklahoma, astronaut Gordon Cooper and mourning his death. Adopted 4-18-05.

SR 21 (Hobson): Commending Robert A. Butkin upon the occasion of his retirement as State Treasurer. Adopted 5-20-05.

SR 22 (Morgan): Recognizing, honoring and thanking Ronald James Henderson for public service. Adopted 4-20-05

SR 23 (Adelson): Expressing pride in the outstanding educational progress of Oklahoma high school students as reported by the Manhattan Institute. Adopted 4-19-05.

SR 24 (Wilson): Welcoming the Sequoyah High School girls and boys basketball teams to the Oklahoma State Capitol and congratulating the girls

team for winning the State Class 3A championship. Adopted 4-19-05.

SR 25 (Leftwich): Designating Thursday, April 28, 2005, as "Take Your Daughters and Sons to Work Day." Adopted 4-26-05.

SR 26 (Jolley): Commending the Oklahoma Christian School Saints for winning the State Class 3A boys' basketball championship. Adopted 5-2-05.

SR 27 (Lerblance): Honoring Inez Sitter for her 61 years of service to the Choctaw Nation's Jones Academy in Hartshorne, Oklahoma. Adopted 5-2-05.

SR 28 (Gumm): Commending Robert E. Lee Elementary School for winning a 2005 "Excellence in Mathematics" designation. Adopted 5-12-05.

SR 29 (Brogdon): Commending The Bama Companies, Inc., of Tulsa, Oklahoma, for outstanding and exemplary business practices. Adopted 5-5-05.

SR 30 (Myers): Commending the Ponca City High School Wildcats wrestling team for winning the 2005 Class 5A State Championship. Adopted 5-5-05.

SR 31 (Anderson): Commending the Dover High School Lady Longhorns basketball team for winning the 2005 Class B state championship. Adopted 5-10-05.

SR 32 (Myers): Commending the Frontier High School Mustangs boys and girls basketball teams for winning the Class A Championship. Adopted 5-16-05.

SR 33 (Myers): Commending the Perry High School Maroons wrestling team for earning their 32nd State Championship title, the 2005 Class 2A Dual State Championship, and the 2005 Academic State Championship title. Adopted 5-11-05.

SR 34 (Lerblance): Commending the Treadway Ranch for its environmental stewardship and congratulating Clifford and Glenda Treadway for winning the 2005 Oklahoma Pork Council Environmental Stewardship Award. Adopted 5-12-05.

SR 35 (Morgan): Mourning the loss of Michael Allen Jenkins and commending his parents, Bill and Ellen Jenkins, for their dedication as loving parents and advocates for the safety of children everywhere. Adopted 5-16-05.

SR 36 (Morgan): Expressing gratitude to Senator Angela Monson for her twelve years service to the citizens of Senate District 48 in the Oklahoma State Senate. Adopted 5-25-05.

SR 37 (Gumm): Commending the Silo High School Rebels baseball team for winning the 2005 Class A state championship. Adopted 5-17-05.

SR 38 (Gumm): Commending the Tupelo Tigers baseball team for winning the 2005 Class B state championship. Adopted 5-18-05.

SR 39 (Gumm): Commending the Coalgate Lady Cats girls track and field team for winning the Class 3A state championship. Adopted 5-18-05.

SR 40 (Kerr): Recognizing the strength of the quarter horse industry in western Oklahoma and congratulating the Oklahoma owners of the first- and second-place quarter horses at the 2004 All American Futurity in Ruidoso Downs, New Mexico. Adopted 5-19-05.

SR 41 (Gumm): Recognizing Tim Tingle's contributions and encouraging all Oklahomans to read his book "Walking the Choctaw Road: Stories from Red People Memory." Adopted 5-19-05.

SR 43 (Gumm): Commending the Tishomingo boys track and field team for winning the 2005 Class 3A boys track and field state championship. Adopted 5-20-05.

SR 44 (Anderson): Commending the Crescent Schools athletic accomplishments and congratulating the Crescent Schools for academic achievements. Adopted 5-20-05.

SR 45 (Shurden): Congratulating Carrie Underwood for being a finalist on the "American Idol" television program. Adopted 5-23-05.

SR 46 (Kerr): Commending Oklahoma State Trooper Dale Beaty as the 2004 Highway Users Federation Humanitarian Award recipient. Adopted 5-24-05.

SR 47 (Branan): Commending Oklahoma State Trooper Mike Swope as the 2004 Highway Users Federation Heroism Award recipient. Adopted 5-24-05.

SR 48 (Coffee): Recognizing the contributions made by Oklahoma City Police Department chaplains Jack and Phyllis Poe. Adopted 5-24-05.

SR 49 (Rabon): Commending the Idabel High School boys' basketball team upon winning the State Class 4A championship. Adopted 5-24-05.

SR 50 (Garrison): Praising Colonel Albert E. Hill for his outstanding war record and distinguished military career. Adopted 5-27-05.

SR 51 (Mazzei): Commending Kahlen Rondot of Broken Arrow, Oklahoma, for her outstanding showing and placement as a finalist in the nationally televised series on United Paramount Network (UPN) "America's Next Top Model." Adopted 5-26-05.

SR 52 (Fisher): Authorizing the President Pro Tempore to approve claims of members and employees of

the Senate for reimbursement of expenses incurred while engaged in official business during the interim. Adopted 5-27-05.

SR 54 (Jolley): Congratulating Edmond North High School for their many conference, regional, and state championships. Adopted 5-27-05.

SR 55 (Jolley): Commending the Oklahoma Christian Academy boys and girls track team and Lady Eagles basketball team for winning state championships. Adopted 5-27-05.

SR 56 (Jolley): Commending Edmond Santa Fe High School state championship athletic teams. Adopted 5-27-05.

SR 57 (Jolley): Commending Edmond Memorial High School for winning athletic and academic championships. Adopted 5-27-05.

SR 58 (Rabon): Commending the Idabel High School Lady Warriors track team for winning the 2005 girls class 4A state track championship. Adopted 5-27-05.

SR 59 (Rabon): Congratulating Jason Archie for catching a state-record brown trout and commending the Department of Wildlife Conservation for turning the Lower Mountain Fork River into a world-class trout fishery. Adopted 5-27-05.

HR 1001X (Hiatt): Providing for the temporary personnel of the House of Representatives. Adopted 5-27-05.

HR 1002 (Balkman): Recognizing the anniversary of the birth of President Ronald Reagan. Adopted 2-8-05.

HR 1003 (Hiatt): Providing for the temporary personnel of the House of Representatives. Adopted 2-9-05.

HR 1004 (Wesselhoft): Proclaiming February 7-14, 2005, as Marriage Week in Oklahoma. Adopted 2-10-05.

HR 1005 (Shelton): Commemorating the anniversary of the birth of Abraham Lincoln. Adopted 2-14-05.

HR 1007 (Piatt): Memorializing the United States Congress to pass multi-emission legislation reducing nitrogen oxides. Adopted 2-17-05.

HR 1008 (Perry): Commending Mr. Larry Warden for his service to the State of Oklahoma and the House of Representatives. Adopted 3-7-05.

HR 1009 (Dorman): Commending Mr. Joseph A. Fox for his service to the State of Oklahoma. Adopted 3-7-05.

HR 1010 (Nations): Recognizing the importance of assisted living centers in caring for the elderly. Adopted 5-3-05.

HR 1011 (Balkman): Memorializing the United States Congress to initiate hearings related to the impact of adopting and ratifying certain legislation. Adopted 3-24-05.

HR 1012 (Hiett): Honoring Kerr-McGee Corporation for their contribution to the oil and gas industry and the State of Oklahoma. Adopted 3-22-05.

HR 1013 (Balkman): Commending the United States Congress and the President for their efforts on behalf of Terri Schiavo. Adopted 3-23-05.

HR 1014 (Peterson, Ron): Honoring the memory of Congressional Medal of Honor recipient Ernest Childers. Adopted 3-28-05.

HR 1016 (DeWitt): Recognizing Agriculture in the State of Oklahoma and designating Agriculture Day at the State Capitol. Adopted 3-31-05.

HR 1017 (Armes): Recognizing Conservation Districts in the State of Oklahoma and designating Conservation Day at the State Capitol. Adopted 3-30-05.

HR 1018 (Terrill): Recognizing the 4-Warn Storm Team of KFOR-TV in Oklahoma City and commending them for their investment in the safety of the people of Oklahoma. Adopted 4-4-05.

HR 1021 (Sweden): Commemorating the life of Pope John Paul II and recognizing the significant role Pope John Paul II played in the fall of communism and the advancement of human rights. Adopted 4-12-05.

HR 1022 (Banz): Honoring North Carolina Assistant Coach and native Oklahoman Joe Holladay on the North Carolina Tar Heels 2005 NCAA National Championship. Adopted 4-12-05.

HR 1023 (Nations): Honoring the contributions and leadership of Dr. Ronald O. Gilcher, President, CEO and Medical Director of the Oklahoma Blood Institute. Adopted 5-5-05.

HR 1024 (DeWitt): Declaring April 19, 2005, as 4-H Day at the Legislature. Adopted 4-20-05.

HR 1025 (Bingman): Encouraging Congress to adopt legislation that promotes a sound energy policy and implements the four key components of President Bush's energy plan. Adopted 4-18-05.

HR 1026 (Blackburn): Designating the week of April 25th as Oklahoma Theatre Appreciation Week and recognizing Alpha Psi Omega, the National Honorary Fraternity for Theatre at Oklahoma City University,

for its contribution to the young men and women of Oklahoma through the theatre arts. Adopted 4-25-05.

HR 1027 (Nations): Praising the University of Oklahoma Men's Gymnastics Team on their outstanding season. Adopted 4-20-05.

HR 1028 (DePue): Recognizing the accomplishments of Oklahoma baseball great Warren Spahn. Adopted 4-25-05.

HR 1030 (Piatt): Acknowledging the 1.5 million Americans who suffer the affects in varying degrees from autism and declaring April 2005 as Autism Awareness Month and April 27 as Autism Awareness Day. Adopted 4-21-05.

HR 1031 (Askins): Commending Mr. Glenn Estess. Adopted 4-25-05.

HR 1032 (Askins): Commending Mr. James Beyl and extending thanks for his work on behalf of the state and the Benevolent and Protective Order of Elks. Adopted 4-25-05.

HR 1033 (Liotta): Commending The Bama Companies of Tulsa, Oklahoma, for outstanding and exemplary business practices as cited by President Bush and Commerce Secretary Don Evans. Adopted 5-2-05.

HR 1035 (Calvey): Recognizing the contributions of the Vietnamese-American community and directing the state to recognize a certain flag as the flag of the Vietnamese-American community. Adopted 5-2-05.

HR 1036 (Dorman): Commending Prevent Blindness Oklahoma and declaring April 29, 2005, as Blindness Prevention Day in Oklahoma. Adopted 5-2-05.

HR 1037 (Winchester): Recognizing Lieutenant Governor Mary Fallin's support of the aerospace industry in the state, recognizing the work of the Governor's Aerospace Task Force, and supporting the recommendations of the Governor's Aerospace Task Force. Adopted 5-4-05.

HR 1038 (Denney): Observing May 5, 2005, as the National Day of Prayer. 5-9-05.

HR 1039 (Kern): Memorializing Oklahoma libraries to confine homosexually themed books and other age-inappropriate material to areas exclusively for adult access and distribution. Adopted 5-10-05.

HR 1040 (Dorman): Declaring May 9, 2005, to be Meningitis Awareness Day. Adopted 5-10-05.

HR 1041 (Terrill): Recognizing the accomplishments of Noble public school teacher Judy Bughner upon the occasion of her retirement. Adopted 5-27-05.

HR 1044 (Nance): Commending law enforcement personnel and recognizing May 15, 2005, as Peace Officers' Memorial Day and the week of May 15 through May 21, 2005, as National Police Week. Adopted 5-18-05.

HR 1045 (Hiett): Authorizing the Speaker to approve claims of members and employees of the House of Representatives for reimbursement of expenses incurred while engaged in official business during the interim as directed by the Speaker and as provided by law. Adopted 5-20-05.

HR 1047 (Shumate): Honoring the 2005 inductees into the Oklahoma Jazz Hall of Fame. Adopted 5-27-2005.

HR 1049 (Peters): Requesting that the Office of Juvenile Affairs issue a request for proposal to construct and operate a secure residential treatment facility. Adopted 5-27-05.

HR 1052 (Askins): Congratulating Representative Barbara Staggs for her selection for the National Advocacy Honor Roll of the American Library Association and the Association for Library Trustees and Advocates. Adopted 5-27-05.

VETOED BILLS

SB 260 (Coates/Thompson): Grants the Department of Labor jurisdiction over incidents and accidents relating to amusement rides.

Vetoed 4-18-05: Veto message states that "this bill gives sole jurisdiction to the Department of Labor over investigations, inquiries into accidents and incidents relating to amusement ride safety. While this idea has merit and the Department of Labor should have "concurrent" jurisdiction along with other appropriate law enforcement agencies, this legislation, as drafted, is inflexible, and totally usurps the jurisdiction of all other appropriate law enforcement agencies".

SB 430 (Anderson/Walker): Authorizes the use of a purple paint stripe to post as no trespassing.

Vetoed 5-24-05: Veto message states that "while the concept of this legislation is good, it needs further study. As written, this legislation may have caused confusion. Many citizens may not have understood the significance of purple paint, and a one-inch wide strip that is eight inches long would be difficult to see, particularly at night. This legislation could have resulted in increased prosecution of well-intentioned, law-abiding citizens".

SB 431 (Lamb/Case): Creates the Homeowner Construction Defect Protection Act.

Vetoed 5-25-05: Veto message states that "this legislation represents a significant change in Oklahoma law as it relates to the construction, re-

pair and remodel of homes and the rights of consumers. Places substantial requirements on the consumer and unduly restricts the consumer's rights when there are construction defects. It may necessitate that the consumer consult with an attorney when attempting to resolve a construction defect. While this legislation contains good concepts and should be discussed further, the legislation as drafted is fraught with problems".

SB 466 (Crain/Sullivan): Authorizes the county commissioners to provide payments to regular employees for accrued leave.

Vetoed 6-8-05: Veto message states that "this legislation would amend a statute to give counties unbridled discretion in paying employees for accrued leave of any kind, even contrary to other provisions of state law. Such a change in personnel law would be bad public policy".

SB 627 (Laster/Jett): Modifies the authority of the court for domestic abuse. Allows treatment for 52 weeks for a felony and 48 weeks for a misdemeanor. Anger management, couples counseling or family counseling may be used for evaluation or services. Review hearings may be set after treatment.

Vetoed 6-8-05: Veto message states that "this legislation would amend a statute that currently requires a defendant to participate in counseling or undergo treatment to bring about the cessation of domestic abuse. The change would make counseling and treatment discretionary. Reduces the number of weeks of counseling required. Although proponents were attempting to strengthen state efforts to reduce instances of domestic abuse, this bill appears to weaken them".

SB 691 (Fisher/Young): Creates the Oklahoma Capital Formation Act; modifying dates during which tax credits may be exercised.

Vetoed 6-9-05: Veto message states that "this legislation extends a tax credit that has been allocated to the Oklahoma Capital Investment Board until the year 2030. The current tax credit exists through 2015, and this issue deserves further study before extending the credit for an additional 15 years".

SB 920 (Williamson/Sullivan): Authorizes the appointment of court referees for certain purposes and set salaries.

Vetoed 4-18-05: Veto message states that "this legislation is unconstitutional, violating Okla. Const. Art. 7 § 7 by improperly delegating final judicial decision making authority to referees. In addition, it sets forth no qualifying criteria for a referee".

HB 1051 (Benge/Morgan): Makes an appropriation to the Oklahoma House of Representatives.

Vetoed 6-9-05: Veto message states that "this expenditure is wasteful and duplicative. Overlaps with the duties of the State Auditor and Inspector and the Joint Legislative Oversight Committee on

State Budget Performance, both of which may conduct independent analysis of the operations and administration of services provided by state agencies”.

HB 1911 (Peters/Crain): Relates to the Neighborhood Redevelopment Act which removes a notice requirement relating to the Board of Adjustment. Requires the appeals of decisions to district courts.

Vetoed 6-8-05: Veto message states that “this legislation may violate the constitutional requirements for due process by eliminating the required certified mail notification to land owners. While the other provision in this bill is good policy, this unduly limits notification to land owners”.

HJR 1003 (Reynolds/Brogdon): Disapproves rules of the Ethics Commission.

Vetoed 6-9-05: Veto message states that “the joint resolution disapproves Ethics Rules that are in the best interests of the citizens of Oklahoma and the public policy of this state. The Ethics Rules limit large amounts of money from out-of-state special interests and require campaigns in this state to have more accountability and disclosure”.

SUMMARY OF APPROPRIATIONS

<u>Agency</u>	<u>FY'05 Final Appropriation</u>	<u>FY'06 Appropriation</u>	<u>\$ Change</u>	<u>% Change</u>
Subcommittee on Education				
Arts Council	\$3,923,871	\$4,243,338	\$319,467	8.1%
Career and Technology Education	\$125,387,358	\$130,287,358	\$4,900,000	3.9%
Education, State Department of	\$2,059,282,390	\$2,164,263,450	\$104,981,060	5.1%
Educational Television Authority	\$4,201,753	\$4,624,059	\$422,306	10.1%
Higher Education, Regents for	\$806,136,296	\$889,433,880	\$83,297,584	10.3%
Land Office, Commissioners of	\$4,747,965	\$4,719,497	(\$28,468)	-0.6%
Libraries, Department of	\$6,212,118	\$6,681,355	\$469,237	7.6%
Physician Manpower Training Commission	\$5,024,607	\$5,361,490	\$336,883	6.7%
Private Vocational Schools, Board of	\$155,456	\$171,879	\$16,423	10.6%
Science & Math, School of	\$6,572,319	\$7,020,513	\$448,194	6.8%
Science & Technology, Center for	\$11,669,647	\$12,400,942	\$731,295	6.3%
Teacher Preparation, Commission on	\$1,998,168	\$2,022,875	\$24,707	1.2%
Subtotal	\$3,035,311,948	\$3,231,230,636	\$195,918,688	6.5%
Subcommittee on General Government and Transportation				
Auditor and Inspector	\$5,523,603	\$5,988,786	\$465,183	8.4%
Bond Advisor	\$188,096	\$181,212	(\$6,884)	-3.7%
Central Services, Department of	\$12,234,432	\$12,263,035	\$28,603	0.2%
Civil Emergency Management Administration	\$680,972	\$1,355,561	\$674,589	99.1%
Election Board	\$7,072,129	\$6,621,839	(\$450,290)	-6.4%
Ethics Commission	\$480,747	\$492,277	\$11,530	2.4%
Finance, Office of State	\$22,866,800	\$22,756,515	(\$110,285)	-0.5%
Governor	\$2,522,709	\$2,578,710	\$56,001	2.2%
House of Representatives	\$18,080,670	\$18,629,154	\$548,484	3.0%
Legislative Service Bureau	\$2,303,193	\$2,415,783	\$112,590	4.9%
Lt. Governor	\$523,259	\$592,436	\$69,177	13.2%
Merit Protection Commission	\$512,154	\$565,684	\$53,530	10.5%
Military, Department of	\$8,062,531	\$12,546,432	\$4,483,901	55.6%
Personnel Management	\$4,497,011	\$4,633,249	\$136,238	3.0%
Secretary of State	\$456,927	\$510,184	\$53,257	11.7%
Senate	\$12,769,707	\$13,146,893	\$377,186	3.0%
Space Industry Development Authority	\$518,323	\$523,264	\$4,941	1.0%
Tax Commission	\$41,462,019	\$45,626,291	\$4,164,272	10.0%
Transportation, Department of	\$200,875,804	\$292,648,137	\$91,772,333	45.7%
Treasurer	\$4,926,592	\$4,524,498	(\$402,094)	-8.2%
Subtotal	\$346,557,678	\$448,599,940	\$102,042,262	29.4%
Subcommittee on Health and Social Services				
Health, Department of	\$57,563,226	\$62,790,819	\$5,227,593	9.1%
Health Care Authority	\$482,256,505	\$634,786,355	\$152,529,850	31.6%
J.D. McCarty Center	\$3,162,767	\$3,792,283	\$629,516	19.9%
Mental Health & Substance Abuse Services	\$155,447,428	\$171,810,647	\$16,363,219	10.5%
University Hospitals Authority	\$39,029,342	\$40,549,342	\$1,520,000	3.9%
Veterans Affairs, Department of	\$30,091,172	\$36,040,332	\$5,949,160	19.8%
Subtotal	\$767,550,440	\$949,769,778	\$182,219,338	23.7%

<u>Agency</u>	<u>FY'05 Final Appropriation</u>	<u>FY'06 Appropriation</u>	<u>\$ Change</u>	<u>% Change</u>
Subcommittee on Human Services				
Children and Youth, Commission on	\$1,569,789	\$1,725,018	\$155,229	9.9%
Handicapped Concerns, Office of	\$362,128	\$376,944	\$14,816	4.1%
Human Rights Commission	\$662,762	\$686,563	\$23,801	3.6%
Human Services, Department of	\$428,330,849	\$481,991,177	\$53,660,328	12.5%
Indian Affairs, Commission of	\$248,942	\$255,530	\$6,588	2.6%
Juvenile Affairs	\$93,503,160	\$98,323,348	\$4,820,188	5.2%
Rehabilitation Services, Department of	\$25,479,628	\$27,365,925	\$1,886,297	7.4%
Subtotal	\$550,157,258	\$610,724,505	\$60,567,247	11.0%
Subcommittee on Natural Resources and Regulatory Services				
Agriculture, Food and Forestry, Dept. of	\$22,846,177	\$27,196,069	\$4,349,892	19.0%
Centennial Commission	\$536,453	\$3,899,630	\$3,363,177	626.9%
Commerce, Department of	\$33,337,845	\$27,334,663	(\$6,003,182)	-18.0%
Conservation Commission	\$7,117,658	\$9,803,928	\$2,686,270	37.7%
Consumer Credit, Department of	\$616,513	\$637,925	\$21,412	3.5%
Corporation Commission	\$8,767,056	\$12,354,190	\$3,587,134	40.9%
Environmental Quality, Department of	\$9,495,264	\$8,166,580	(\$1,328,684)	-14.0%
Historical Society	\$11,046,253	\$13,106,387	\$2,060,134	18.7%
Horse Racing Commission	\$1,858,182	\$2,360,889	\$502,707	27.1%
Insurance Commissioner	\$2,136,301	\$2,231,595	\$95,294	4.5%
J.M. Davis Memorial Commission	\$330,983	\$322,454	(\$8,529)	-2.6%
Labor, Department of	\$3,061,658	\$3,224,721	\$163,063	5.3%
Mines, Department of	\$815,510	\$849,165	\$33,655	4.1%
Scenic Rivers Commission	\$333,158	\$323,041	(\$10,117)	-3.0%
Tourism and Recreation, Department of	\$24,162,640	\$28,355,959	\$4,193,319	17.4%
Water Resources Board	\$6,440,345	\$7,173,896	\$733,551	11.4%
Will Rogers Memorial Commission	\$882,678	\$830,679	(\$51,999)	-5.9%
Subtotal	\$133,784,674	\$148,171,771	\$14,387,097	10.8%
Subcommittee on Public Safety and Judiciary				
Alcoholic Beverage Laws Enforcement	\$3,626,853	\$3,738,839	\$111,986	3.1%
Attorney General	\$5,953,778	\$11,286,462	\$5,332,684	89.6%
Corrections, Department of	\$402,210,568	\$409,443,403	\$7,232,835	1.8%
Court of Criminal Appeals	\$2,750,541	\$2,828,160	\$77,619	2.8%
District Attorneys and DAC	\$29,176,731	\$30,592,742	\$1,416,011	4.9%
District Courts	\$43,043,226	\$47,300,000	\$4,256,774	9.9%
Fire Marshal	\$1,537,061	\$1,685,180	\$148,119	9.6%
Indigent Defense System	\$15,428,761	\$15,633,001	\$204,240	1.3%
Investigation, State Bureau of	\$9,681,911	\$11,154,628	\$1,472,717	15.2%
Judicial Complaints, Council on	\$271,152	\$278,826	\$7,674	2.8%
Law Enforcement Education and Training	\$2,686,318	\$2,758,783	\$72,465	2.7%
Medicolegal Investigations, Board of	\$3,427,372	\$3,922,904	\$495,532	14.5%
Narcotics and Dangerous Drugs, Bureau of	\$4,967,062	\$5,389,595	\$422,533	8.5%
Pardon and Parole Board	\$2,150,328	\$2,316,329	\$166,001	7.7%
Public Safety, Department of	\$65,062,004	\$78,887,770	\$13,825,766	21.3%
Supreme Court	\$13,337,544	\$16,000,000	\$2,662,456	20.0%
Workers' Compensation Court	\$3,770,408	\$4,365,564	\$595,156	15.8%
Subtotal	\$609,081,618	\$647,582,186	\$38,500,568	6.3%
Rural Economic Action Plan	\$15,500,000	\$15,500,000	\$0	0.0%
Bombing Memorial	\$0	\$5,000,000	\$5,000,000	100.0%
GRAND TOTAL	\$5,457,943,616	\$6,056,578,816	\$598,635,200	11.0%

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