

# ***OKLAHOMA STATE SENATE***



## **2009 LEGISLATIVE SUMMARY AND FY' 10 BUDGET REVIEW**

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June 2009

We are pleased to present the 2009 Legislative Summary and FY 2010 Budget Review. Included within this document are summaries of all substantive bills and resolutions enacted in the 2009 Session and information on appropriation measures and the state budget adopted by the Legislature for FY 2010.

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**SESSION OVERVIEW**

The First Session of the 52<sup>nd</sup> Legislature convened in January 2009. For the first time in state history, Republicans held a majority of seats in the Oklahoma State Senate. The upper chamber had been tied in the 51<sup>st</sup> Legislature, with each caucus controlling 24 seats.

Senator Glenn Coffee, who previously held the title of Co-President Pro Tempore under the power sharing agreement, was elected President Pro Tempore. Senator Charlie Laster was selected by his caucus as Democratic Floor Leader.

During the 2009 session, the Senate introduced 1,240 bills, 42 joint resolutions, 19 concurrent resolutions and 60 simple resolutions. Of those measures, 241 bills and 1 joint resolution was signed into law and 8 were vetoed. Nineteen concurrent resolutions and 60 simple resolutions were adopted or enacted. The Legislature voted to place eight state questions on the 2010 general election ballot, five from the Senate and three from the House.

As a result of the 2008 general election, the Senate welcomed six new members: Senators Jerry Ellis; Jim Halligan; Bryce Marlatt; Gary Stanislawski; Dan Newberry; and Steve Russell.

The 2009 session included substantive legislation on a variety of issues including tort reform, government consolidation, education reform and public safety. The budget writing process was significantly impacted by the national recession. The State Equalization Board certified in February that lawmakers would have approximately \$900 million less to appropriate, but the impact of the recession was softened by the federal stimulus package which allocated approximately \$2.6 billion to Oklahoma for use over the next two years.

The following overview details the legislation approved during the 2009 legislative session.

**APPROPRIATION OVERVIEW**

In preparing the FY'10 budget, the Legislature faced one of the largest revenue reductions in state history. Revenue certification estimates indicated a \$612 million or 8.7% decrease in tax collections for the upcoming fiscal year. Approximately \$330 million of the decrease is attributable to falling oil and natural gas gross production tax collections. Another \$121 million comes from lagging motor vehicle tax collections. There was also a projected decrease in individual income tax collections of nearly \$157 million. However, \$76 million of this amount was attributable to a planned increase in the standard deduction and another \$30 million was apportioned automatically to the ROADS Fund. The Legislature was able to identify approximately \$145 million in additional revenues after certification to help mitigate the overall state dollar cuts.

The General Appropriation (GA) Bill for the 2009 legislative session was SB 216. That bill, in conjunction with several single agency appropriation bills passed in the final week of the session, appropriated a total amount of \$6,589,791,242. There are several ways to calculate the difference in this appropriation from the amount appropriated for FY'09. For the purposes of this document, the FY'09 figure used will be \$7,063,320,972. This is the amount appropriated in FY'09 after all one time expenditures were removed from the base. The resulting comparison reflects the actual differences in the operating budgets of the agencies for FY'09 versus FY'10. As the chart below indicates, agencies will have \$473,529,730 less state dollars to spend FY'10. This is a 6.68 percent decrease from FY'09.

<b>Comparison of Funding Without Stimulus Funds FY'09-FY'10 (in millions)</b>				
	<b>FY'09 Approp.</b>	<b>FY'10 Approp.</b>	<b>Change</b>	
			<b>\$</b>	<b>%</b>
Education	3,789.1	3,622.8	-166.3	-4.4
Gen. Gov/Trans.	379.3	372.1	-7.2	-1.9
Health/ Human	1,917.6	1,638.6	-279.0	-14.5
Natural Res.	158.7	154.4	-4.3	-2.7
Public Safety	802.9	787.3	-15.6	-1.9
REAP	15.5	14.4	-1.1	-7.0
<b>Total</b>	<b>7,063.3</b>	<b>6,589.8</b>	<b>-473.5</b>	<b>-6.7</b>

The standard budget cut for FY'10 was 7%. No state agencies took larger than a 7% net cut including state funds and federal stimulus dollars. Many agencies received state or federal funds to mitigate or eliminate their reduction. The Legislature was able to fully fund teacher retirement cost increases at Common Education, Higher Education and Career Technology Centers, partially fund health benefit cost increases for Common Education and fully fund the Department of Corrections and State Medicaid Program using a combination of state and federal dollars. Other agencies such as the Department of Libraries, Arts Council, Office of Juvenile Affairs, Department of Rehabilitative Services, ABLE, and the Department of Veterans Affairs were held harmless from cuts. ODOT was held harmless from cuts because it receives dedicated fuel taxes which were not projected to decrease. It also received a \$30 million increase to the ROADS Fund and over \$465 million in federal stimulus funds. The bulk of the state dollar cuts were allocated to agencies that receive federal Medicaid funds. These agencies are all receiving federal stimulus dollars to make up their state dollar cuts. Common Education and Higher Education will also receive federal funds to help alleviate cuts.

**ARRA STIMULUS FUNDS**

The State of Oklahoma will receive almost \$2.6 billion in American Recovery and Reinvestment Act (ARRA) Funds over the next two years. Approximately \$1 billion of those funds will pass through directly to local school districts, the Department of Transportation, Department of Environmental Quality, Water Resources Board and the Department of Commerce. More about those funds can be read in the corresponding budget sections of this document.

The Legislature and Governor had federal “stabilization funds” for Common Education and Higher Education totaling approximately \$472 million. These funds could be used to make up budget cuts at these two agencies as long as the state met eligibility requirements. The primary requirement was that Common Education and Higher Education be funded at the higher of FY'08 or FY'09 funding levels. The final budget agreement allocated \$236 million of these funds for FY'10 to keep Common Education and Higher Education at their FY'09 funding levels. The remaining \$236 million was held in reserve to fill the budget gap again in FY'11.

The Legislature and Governor also had discretionary funds for the State Medicaid Program totaling approximately \$800 million. Leadership in both houses of the Legislature wanted to preserve approximately half of those funds for FY'11 as well. The final budget agreement allocated approximately \$405 million of FMAP funds between OHCA, DHS, ODMHSAS, UHA, OJA and others to help mitigate their cuts.

When stimulus funds are factored in, the budget picture for FY'10 changes significantly. Instead of a 6.7% reduction, we see a 2.4% increase for the fiscal year. This does not include funds that were sent directly from the federal government to state agencies like ODOT, Water Resources Board, the Department of Environmental Quality or the Department of Commerce. It also does not include approximately \$250 million that will be going directly to school districts for Title I and Special Education Services. The chart below only reflects the funds under the control of the Legislature and Governor and used as part of the FY'10 budget. Stabilization funds for Common Education, Higher Education and Medicaid make up the \$641 million difference between the two charts in this document. That amount can be made up in FY'11 with the stimulus funds the Legislature held in reserve, but state revenues will have to improve dramatically over the next two years to fill the gap in FY'12.

	<b>FY'09 Approp.</b>	<b>FY'10 Approp.</b>	<b>Change</b>	
			<b>\$</b>	<b>%</b>
Education	3,789.1	3,859.6	70.5	1.9
Gen. Gov/Trans.	379.3	372.1	-7.2	-1.9
Health/ Human	1,917.6	2,043.9	125.3	6.5
Natural Res.	158.7	154.4	-4.3	-2.7
Public Safety	802.9	787.3	-15.6	-1.9
REAP	15.5	14.4	-1.1	-7.0
<b>Total</b>	<b>7,063.3</b>	<b>7,230.8</b>	<b>167.5</b>	<b>2.4</b>

An agency by agency break down of the budget can be found on pages 58-59 of this document.

### **FY'09 SUPPLEMENTAL APPROPRIATIONS**

#### *Department of Education*

- During FY'09, the agency transferred a surplus amount of \$1.3 million from the Math Improvement Program to partially cover the costs of the \$9.1 million supplemental appropriation request for the School Personnel Flexible Benefit Allowance. In addition to this transfer, the agency also transferred approximately \$2.9 million from prior year carryover to further address the needs of this supplemental request bringing the total transfer amount to \$4.2 million.
- The agency also transferred a surplus amount of \$2,367,340 from the Education Leadership Oklahoma (National Board Certification) Program to address the needs of the Academic Achievement Awards Program during FY'09.
- The Governor has agreed to fund the \$16.1 million supplemental request for the ad valorem reimbursement fund using federal stimulus dollars from the Governor's discretionary portion of the Fiscal Stabilization Fund.

#### *Higher Education*

- \$5,000,000 was provided to the OSU Medical School to establish a trust to ensure its continuance.

#### *Bureau of Narcotics and Dangerous Drugs Control*

- \$675,000 was provided to the agency to cover payroll and operation expenses for the remainder of the fiscal year.

### **AGRICULTURE & RURAL DEVELOPMENT MEASURES**

SB 432 (Justice/Armes): This measure increases the Oklahoma Department of Agriculture, Food, and Forestry fertilizer distributor fees from \$0.65 per ton to \$1.00 per ton. The money is to be used for researching efficient fertilizer use and protection of ground and surface water from fertilizers. Effective 11-1-09.

SB 452 (Schulz/Armes): This measure modifies the penalties in the Oklahoma Veterinary Practice Act. Effective 5-21-09.

SB 564 (Wyrick/Glenn): This measure provides that a check offered for the purchase of goods or livestock that is refused by a drawee shall

not be considered to be an extension of credit by the seller of goods or livestock to the maker or drawer of the check as used within the bogus check statute. Effective 11-1-09.

SB 636 (Justice/Armes): Directs the Board of Agriculture to adopt standards that conform to the National Institute of Standards and Technology. The bill makes it unlawful for a seller to misrepresent or mislead the weight or measure of an item for sale or for a buyer to take more than the represented quantity. Any person subject to the statutory regulations or weights and measures shall comply with handbooks 130 and 133 of the National Institute of Standards and Technology. Effective 4-3-09.

SB 698 (Anderson/Armes): Authorizes the Oklahoma Department of Agriculture, Food, and Forestry to take into possession certain property used or possessed in violation of the Oklahoma Agricultural Code, and establishes procedures for forfeiture proceedings for such property. Effective 11-1-09.

HB 1057 (Glenn/Wyrick): This measure amends the amount of a corporate surety bond that operators of livestock auctions must possess. Also authorizes the Commissioner of Agriculture to be the trustee for any corporate surety bond, certificate of deposit, money market savings account or other financial instruments allowable for livestock markets. Effective 11-1-09.

HB 1482 (DeWitt/Justice): This measure expands the definition of agricultural activities in Title 50 to include improvements or expansion to shelters, fences, pens, storage, etc. If the expansion is part of the same operating facility, the expansion need not be contiguous. It also states no nuisance action can be brought against agricultural activities if the farm or ranch land has been in operation two years or more, and if such action is declared frivolous by the court, the defendant will recover court and attorney fees. Effective 11-1-09.

HB 1491 (Wright/Anderson): This measure adds officials at the Oklahoma Department of Agriculture, Food, and Forestry to the list of agency personnel allowed to drive state cars to and from their residences. Effective 11-1-09.

HB 1583 (Fields/Justice): Creates a program for farmers who would like to certify their hay as "weed free". The State Board of Agriculture will determine the rules for the certification program. The Oklahoma Department of Agri-

culture, Food, and Forestry shall enter into agreements with Oklahoma State University to train inspectors and send those inspectors out to certify hay as weed-free. Effective 11-1-09.

HB 1872 (Hickman/Justice): Requires a person who obtains swine waste for land application and receives the waste from a feeding operation to maintain records on the analysis of the waste, land application requirements, soil test results, and application schedule for a period of three years. Also requires the person to certify that he or she understands and will comply with all laws regarding the application. Effective 11-1-09.

HB 1885 (Richardson/Justice): This measure directs the Oklahoma Department of Agriculture, Food, and Forestry, the Conservation Commission, and the Oklahoma State University Cooperative Extension Service to determine if there is a willingness among agricultural producers to participate in best management practices designed to address water quality issues in Oklahoma. Effective 7-1-09.

HB 2071 (McNiel/Wyrick): This measure prohibits any person from selling any livestock at an auction market in any name other than that of the seller, and it makes the use of a false name a misdemeanor. Also, it makes it a misdemeanor if any person offers for sale any livestock at a livestock market with the intent to defraud. Effective 11-1-09.

HB 2149 (Armes/Anderson): Creates the Agriculture Evidence and Law Enforcement Fund to consist of monies received from the sale of confiscated property, the seizure and forfeiture of confiscated monies, property, gifts, bequests, devises, or contributions and to be used by the Oklahoma Department of Agriculture, Food, and Forestry, for purposes including but not limited to investigation, enforcement, and prosecution of cases involving administrative, civil, or criminal violations of the Agricultural Code. Effective 11-1-09.

HB 2151 (Armes/Schulz): This measure provides that the Legislature preempts all local law regarding the care and handling of livestock. It also specifies that no political subdivision in the state shall regulate the care and handling of livestock. Effective 5-12-09.

### **AGRICULTURE FUNDING**

SB 216 appropriates \$32,558,058 to the Department of Agriculture, Food, and Forestry. This amount represents a 3 percent reduction to the agency's budget from FY'09. The agency received additional funding of \$500,000 to implement the NPDES permitting system required by the EPA. The agency's bond debt service and the operational grants to rural fire departments were held harmless from budget reductions.

### **BANKING, FINANCE & SECURITIES MEASURES**

SB 991 (Coffee/Duncan): Modifies updates provisions of the Uniform Commercial Code relating to negotiable instruments, bank deposits collections, warehouse liens, agricultural liens course of performance. Effective 11-1-09.

HB 1618 (Sullivan/Jolley): Specifies address of new building for Banking Dept.; modifies fee for operation of an automated cash machine from flat \$500 per machine fee to \$50 per machine, up to \$500; modifies conditions under which holders of preferred stock are entitled to receive cumulative dividends; limits application of, and certain definitions relating to, the Perpetual Care Fund Act; requiring approval from State Banking Commissioner before a cemetery and its obligations may be transferred under a prepaid cemetery merchandise contract; requires certain amount of funds to be deposited in trust before the sale of certain services related to burial; modifies other requirements relating to prepaid cemetery merchandise. Effective 7-1-09.

HB 1780 (Jones/Jolley): Modifies certain procedures relating to the State Treasurer and the Unclaimed Property Act. Authorizes the Treasurer to obtain legal services for use under the act and requires competitively bid proposals for such services but excludes such bids from the Central Purchasing Act. Expands the types of investment which may be utilized for state funds. Authorizes the Treasurer to purchase software, hardware and other services in relation to control and management of state funds. Also authorizes the Treasurer to charge an annual fee of up to 2½ basis points for management of certain state portfolios. Modifies the method by which the state reimburses counties for ad valorem revenue not received for state-

owned land. Effective 11-1-09 except for Section 8 which is subject to an emergency.

HB 1919 (Kouplén/Garrison): Modifies the definition of "eligible business" under the Oklahoma Agricultural Linked Deposit Program to include the establishment of a veterinary practice where at least 30% of the practice is for large animals. Effective 11-1-09.

### **BUSINESS & LABOR MEASURES**

SB 527 (Ballenger/Proctor): Provides that if an employer pays an employee with a check which is subsequently returned to the employee or an agent thereof by reason of the refusal of the bank upon which such check was drawn to honor the same, the employer shall reimburse the employee for any fees or costs incurred by the employee due to the refusal to honor the check within 14 days of the employer's notice of the bank's refusal to honor the check. Changes the size of certain notices required to be posted by the Commissioner of Labor from 8 ½ x 17 inches to 8 ½ x 11 inches. Effective 11-1-09.

SB 812 (Stanislawski/Duncan): Creates the "Oklahoma Lemon Law" to provide protections to automobile consumers. Provides for full refund or specified manner of replacement under certain conditions. Requires the Attorney General and the dealer to provide a notice of rights to consumers/purchasers. Sets conditions for resale of a "lemon". Effective 11-1-09.

SB 1062 (Myers/DeWitt): Adds a member to the Commission on Consumer Credit and provides for certain qualifications, recommendations and appointment. The bill creates the "Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act", a model act based on federal law which replaces the Mortgage Broker Licensure Act which is repealed in the bill. SB 1062 includes consumer protection provisions and minimum standards for the licensing and registration of mortgage brokers and mortgage loan originators in this state. It also establishes a system of supervision and enforcement of the mortgage lending industry and gives broad administrative authority for the Administrator of Consumer Credit to administer, interpret and enforce the Act. Effective 7-1-09.

SB 1175 (Stanislawski/Watson): Relates to the Employment Security Act of 1980 and modifies provisions relating to the wage requirement during base period, provides for compelling family circumstances, defines terms, modifies

provisions relating to good cause for voluntarily leaving work, determination of suitable work and relief from benefit wages charged. Effective 11-1-09.

HB 1025 (Duncan/Sykes): Prohibits any employer from asking any applicant for employment information about whether the applicant owns or possesses a firearm. Effective 5-22-09.

HB 1474 (Murphey/Jolley): Repeals obsolete sections of law relating to the annual compensation of the Commissioner of Labor. Effective 11-1-09.

HB 1934 (Jackson/Myers): Relates to labor and amusement rides and operators. The bill defines terms, requires a certificate of training for amusement ride operators, provides for training of ride operators, requires maintenance of certain records by ride owners/operators, authorizes the Commissioner of Labor to require and makes provisions for ride operators to submit to voluntary drug and alcohol test under certain circumstances and makes certain promulgated rules null and void. Effective 9-26-09.

HB 2056 (Thompson/Bingman): Modifies provisions relating to manufacturers, wholesalers and distributors and the repurchase of inventory by adding forestry, industrial, maintenance and paving to the definitions of "inventory" and "retailer" or "equipment dealer" or "equipment dealership". Effective 11-1-09.

HB 2078 (Wesselhoft/Stanislawski): Makes an appropriation to the Employment Security Administration Fund. The bill specifies the amount and purpose of the appropriation and requires expenditure by a certain date. It provides for compliance with certain federal standards and with the Social Security Act. Effective 11-1-09.

HB 2148 (Armes/Anderson): Creates the Uniform Limited Cooperative Association Act of 2009 to create a new form of business entity which is an alternative to other cooperative and unincorporated structures; defines a "cooperative" as an unincorporated association of individuals or businesses that unite to meet their mutual interests by creating and using a jointly owned enterprise; allows creation of a cooperative for any lawful purpose; and establishes the powers and duties of limited cooperative associations. Effective 1-1-10.

**CRIMINAL LAW & PROCEDURE MEASURES**

SB 270 (Anderson/Duncan): Modifies conditions that require supervision of a youthful offender by the Office of Juvenile Affairs. Effective 11-1-09.

SB 518 (Justice/Osborn): A grandparent is included in the definition of family member for purposes of the Crime Victims Compensation Act. The measure allows the district court judge at the time of sentencing to set the fee payable to the district attorney for any bogus check. The fee shall be twenty-five Dollars (\$25.00) more than the assessed court costs. Effective 11-1-09.

SB 539 (Reynolds/Tibbs): This bill requires the victim-witness coordinator to provide a crime victim with written notification of how to access victim rights information from the interviewing officer and the right to a speedy disposition under the same standards used for a speedy trial for the defendant. The investigative officer in a violent crime has a duty to provide the victim or representative for a victim a preprinted card or brochure outlining certain victim or survivor rights and contact information. Effective 7-1-09.

SB 614 (Anderson/Duncan): Requires an offender who receives a suspended or deferred sentence in which the court does not order supervision by the Department of Corrections to pay the district attorney a supervision fee of \$40 per month. Effective 7-1-09.

SB 653 (Sykes/Billy): This measure modifies the procedure for judicial review of a criminal sentence. The court is required to present a written request or order for a report from the Department of Corrections prior to any modification. The Department of Corrections is allowed 20 days to prepare the report which includes information on the offender's assessed needs, progress while incarcerated, and other information to determine whether the court should modify the criminal sentence. After receipt of the report, the court may set a hearing for modification of the criminal sentence, and notice shall be given to the inmate, district attorney and legal counsel for the inmate at least 21 days prior to the hearing. It allows modification of any sentence which was modified based upon an appeal. Effective 5-21-09.

SB 702 (Paddack/Thomsen): This measure increases the penalty for kidnapping from 10 to

20 years. On and after July 1, 2009, the bill requires all persons convicted of kidnapping involving sexual abuse or exploitation to serve a term of post-imprisonment supervision. The bill adds additional victims to the crime of rape by instrumentation by prohibiting the act between certain aged persons under the custody or supervision of any public or private school and an employee of the same school system or where the victim is under the legal custody or supervision of a state, federal, county or municipal agency or political subdivision and the act is committed by an employee or contractor of the agency or political subdivision that exercises authority over the victim. Effective 7-1-09.

SB 789 (Nichols/Terrill): This measure makes it a crime to knowingly make a false statement during the course of an internal state agency investigation. The criminal penalty is a misdemeanor with up to one year jail imprisonment, a fine not exceeding \$500.00, or both fine and imprisonment. Effective 5-19-09.

SB 796 (Brogdon/McDaniel): This bill changes where transitional living centers can be located. For facilities housing any sex offender, the prohibited distance remains 2,500 feet from any public or private school or residential neighborhood. All other transitional living centers are required to notify and obtain permission from the governing body of the municipality or board of county commissioners prior to operating. The notice must be mailed to the elected city council members, the state legislative members, and the county commissioners where the facility shall be located. The notification must be mailed 30 days prior to any meeting or public hearing where the facility may be considered or approved and must state whether the facility intends to house any sex offender or person convicted of a capital offense. The prohibited distance and notification requirements do not apply to any facility established prior to May 3, 2005. Effective 5-22-09.

SB 803 (Sykes/Cooksey): This bill removes the requirement that correctional canteen services be operated by state employees. Effective 8-10-09.

SB 844 (Branan/Armes): This measure prohibits eyeball tattooing. Scleral tattooing is the marking, scarring or inserting pigment onto the human eye or ocular surfaces. The penalty is a misdemeanor with 90 days jail imprisonment, a fine not exceeding \$5,000.00, or both fine and imprisonment. Effective 7-1-09.

SB 932 (Coffee/Duncan): This measure creates the Victims Rights to Protection Task Force until January 1, 2010. The task force will study the needs and ability of victims to lawfully defend against harmful conduct and the right to self-protection and protection of others from physical harm and threat of harm by acts of criminal conduct. The task force includes seven members of which the chair and co-chair are legislative members. The task force will provide a report at the conclusion of the study. Effective 5-15-09.

SB 1020 (Nichols/Terrill): This measure creates an enhanced crime of domestic abuse when the perpetrator has a prior pattern of physical abuse. The criminal penalty is a felony with up to ten (10) years imprisonment, a fine not exceeding \$5,000.00, or both fine and imprisonment. Prior pattern of physical abuse means three or more separate incidences occurring within a prior six-month period constituting acts of assault and battery or domestic abuse where proof is established by a third party witness or other admissible direct evidence. The bill also separates the misdemeanor penalty for obscene materials from child pornography materials for the crime of displaying or distributing prohibited materials and enhances the penalty for child pornography to a felony with up to twenty (20) years' imprisonment, a fine not exceeding \$20,000.00, or both fine and imprisonment. It includes the use of electronic and photo-optical formats in the definition of obscene materials and child pornography. This bill requires persons convicted of aggravated possession of child pornography to be registered as sex offenders. It further prohibits registered sex offenders from being ice cream truck vendors and requires businesses engaged in ice cream truck vending to conduct an annual name search against the Oklahoma Sex Offenders Registry for every truck operator. Sole proprietors operating ice cream trucks are required to carry a signed and notarized statement that the person is not a registered sex offender. The bill gives warrantless arrest authority to law enforcement officers for violations. The penalty for ice cream truck vending is a felony with up to 2 ½ years imprisonment, a fine not exceeding \$1,000.00, or both fine and imprisonment. Effective 7-1-09.

SB 1064 (Barrington/Shannon): Cellular phones or electronic devices capable of sending or receiving electronic communication are prohibited in secure areas of jails and state penal institutions. The possession of a cell phone or other electronic communication device by an

inmate is contraband and a felony crime with 5-20 years' imprisonment. The penalty for a person other than an inmate having a cell phone in a secure area of any jail or penal institution is a felony with up to two and one-half (2 ½) years imprisonment, a fine not exceeding \$2,500.00, or both fine and imprisonment. The definition of electronic communication is enhanced to include intelligence communicated by any means including the Internet. Effective 6-2-09.

SB 1102 (Nichols/Terrill): This act is named Juli's Law. It requires persons convicted of certain misdemeanor offenses to submit to deoxyribonucleic acid DNA testing for law enforcement identification purposes and the test result to be included in the OSBI Combined DNA Index System (CODIS) Database. DNA testing is subject to availability of funding and includes misdemeanor offenses of: assault and battery, domestic abuse, stalking, possession of CDS under Schedule IV, outraging public decency, eluding a police officer, peeping tom, pointing a firearm, discharging a firearm, threatening an act of violence, breaking and entering a dwelling place, destruction of property, negligent homicide, personal injury accident while DUI, and illegal alien violations under federal law. Effective 5-19-09.

SB 1119 (Sykes/Terrill): Authorizes the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to appoint a Chief of Law Enforcement Information and Technology; increases fees for registration under the Uniform Controlled Dangerous Substances Act; and modifies requirements related to transmission of information related to dispensation of certain controlled dangerous substances by a registered dispenser. Effective 7-1-09.

SB 1127 (Jolley/Duncan): Establishes maximum fees and modifies procedures for name changes, address changes and resignations of registered agents for certain business entities. Effective 1-1-10.

SB 1138 (Easley/McDaniel): This measure criminalizes acts of child endangerment when a child is allowed to be in a vehicle driven by a person under the influence of alcohol or another intoxicating substance. If the person operating the vehicle is the parent, guardian or a person having custody or control of the child, the penalty is a felony with up to four (4) years' imprisonment, a fine not exceeding \$5,000.00, or both fine and imprisonment. If the person is

convicted of DUI with any child less than 18 years of age in the vehicle at the time of the offense, the penalty is double the fines for the DUI offense. Any parent, guardian or person having custody or control of a child who permits the child to be in a vehicle with an intoxicated person is guilty of a felony. The bill allows an affirmative defense in a contempt of court proceeding pursuant to a custody or divorce action when the parent complied in good faith with the child endangerment law and refused to permit the child to be in a vehicle driven by an intoxicated person. Effective 7-1-09.

HB 1008 (Carey/Gumm): Establishes a 7-year statute of limitation for prosecution of the crime of arson. Effective 11-1-09.

HB 1049 (Carey/Paddack): Modifies law enforcement records that shall be available for public inspection pursuant to the Open Records Act. Effective 11-1-09.

HB 1360 (Cooksey/Sparks): This measure increases the penalty from a misdemeanor to a felony for assault, battery or assault and battery upon an emergency medical care provider. The felony imprisonment term is two (2) years and the fine remained the same at \$1,000.00. Effective 5-27-09.

HB 1509 (Blackwell/Bass): Modifies provisions of the Sex Offender Registration Act, including creating a misdemeanor offense for assisting a person who is in violation of the Sex Offender Registration Act elude arrest or withhold information from law enforcement, adding crimes that require registration pursuant to the Sex Offender Registration Act, modifying duties of the Department of Corrections sex offender level assignment committee, and establishing requirements for eligibility for removal from sex offender registration. Effective 11-1-09.

HB 1579 (Joyner/Barrington): Fortification of any access point into a dwelling, structure, building or other place is prohibited for the purpose of preventing or delaying entry by law enforcement when a crime pursuant to the Uniform Controlled Dangerous Substances Act is being attempted or committed. The criminal penalty is a felony with up to five (5) years imprisonment, a fine not exceeding \$10,000.00, or both fine and imprisonment. Effective 11-1-09.

HB 1698 (Billy/Sykes): Certain law enforcement personnel employed by county jails or correctional facilities in this state may be served the same meals as prisoners at no cost upon approval of the facility head or sheriff. The cost of employee meals shall be paid from appropriations for the jail or correctional facility. Municipalities may negotiate the manner of establishing employee meal costs, but state facilities and county jails are prohibited from directly or indirectly recouping the cost of approved employee meals. Effective 11-1-09.

HB 1707 (Derby/Crain): Modifies penalties for violations of the Uniform Controlled Dangerous Substances Act to include imposition of a fine and provides a 10-year time limitation on the use of records of prior convictions of the Uniform Controlled Dangerous Substances Act. Effective 11-1-09.

HB 1738 (Peters/Stanislawski): Expands the scope of persons required to report child abuse or neglect and to release certain records to law enforcement. Effective 5-11-09.

HB 1760 (Enns/Crain): Provides option for blood testing for alcohol concentration or for the presence or concentration of other intoxicating substances in a person arrested for operation of a motor vehicle while intoxicated. Effective 11-1-09.

HB 1775 (Roan/Corn): Authorizes the Director of the Department of Corrections to issue subpoenas to assist or further investigations into allegations of crimes committed in public or private prisons within this state. Effective 11-1-09.

HB 1834 (Hamilton/Eason McIntyre): Female genital mutilation is prohibited by this measure unless the procedure is medically recognized for treatment of disease or for child birth when performed by a licensed physician, certified midwife or a physician in training under the supervision of a licensed physician. The professional license of any medical professional who performs or participates in female genital mutilation shall be revoked. The criminal penalty is a felony with not less than three (3) years nor more than life imprisonment and a fine up to \$20,000.00. Effective 11-1-09.

HB 1892 (Peterson/Coffee): Modifies definition of "strangulation" as it relates to assault and battery and domestic abuse. Effective 11-1-09.

HB 2047 (Morgan/Eason McIntyre: ) This act changes the inmate education program within the Department of Corrections from an eighth grade level of proficiency in reading, writing and computation skills to a general educational development level. It requires the Department to prioritize placement of inmates lacking basic literacy skills and nearest to release for assignment to education programs. Effective 11-1-09.

HB 2057 (Thompson/Sykes): Creates the Truth in Music Advertising Act to prohibit any person from advertising or conducting a live musical performance or production in this state through the use of a false, deceptive or misleading affiliation, connection or association between a performing groups recording group, and imposes civil penalties for violations of this Act. Effective 11-1-09.

HB 2245 (Terrill/Sykes): This measure creates the Oklahoma Criminal Illegal Alien Rapid Repatriation Act of 2009. It allows the Director of the Department of Corrections to release an inmate under a federal court order for deportation when the inmates has served at least 1/3 of the sentence and the inmate has not been convicted under the 85% mandatory sentencing provision. It requires any deported inmate upon reentry into the United States and subsequently incarcerated to be revoked from the original release and to serve the remaining prison term on the original sentence without parole eligibility. Subject to appropriations, this bill allows the State Board of Corrections to renew a private prison contract in effect for fiscal year 2009 if the result is a reduced per diem rate in fiscal year 2010. The bill prohibits private prisons from housing detainees or prisoners who are enemy combatants or who are under federal, state or local investigation, charge, or conviction for international terrorism, conspiracy to commit terrorism, or hostile aggression against the United States or allies of the United States. It removes the prohibition for private prisons to house misdemeanants and maximum security level inmates and removes the provision for assessing inmate security levels. The Department of Corrections reserves the first right to contract for inmates from another state or federal inmates within available state capacity. The Department is required to grant or deny permission for a private prison to house maximum security inmates and to identify any facility requirements which prevent housing maximum security inmates in the private facility. Private prison facilities are required to provide certain informa-

tion to the Department of Corrections on federal and out-of-state inmates prior to transfer of those inmates into this state, and the information otherwise available to the public shall not be public until the inmate transfer is complete. The Department of Corrections may require an inmate to be transferred out of a private prison and out of Oklahoma if the housing of the inmate is identified as noncompliant with Oklahoma law. All private prison contractors shall provide construction plans to the Department of Corrections for approval prior to additions to or construction of any facility. Standards for all private prison construction shall be based upon American Correctional Association building standards. The Department of Corrections may penalize a private prison contractor for facility noncompliance. The penalty may be assessed between ½ and the full per diem rate for every day a facility violation exists. This bill further allows any statewide organization with at least 2,000 due-paying members to annually send one general mailing to all state employees. The Office of State Finance may provide the list of state employees to a third party for mailing purposes provided the list is kept confidential. The state is granted immunity for providing employee names and addresses for statewide organization mailings. Effective 6-2-09.

HB 2263 (Christian/Leftwich): This act is named the Gaje Jeffrey Florence Act. It requires the Department of Public Safety to extend any period of suspension, revocation or denial of driving privileges an additional twelve-month period for a conviction of causing an accident with personal injury while driving without a valid license or while under suspension, revocation or denial of driving privilege. It criminalizes causing an accident while driving without a valid driver license or while under any period of suspension, revocation or denial of driving privilege. The penalty is a misdemeanor for personal injury with up to one years jail imprisonment, a fine not exceeding \$2,000.00 or both fine and imprisonment. If the accident results in great bodily injury, the penalty is enhanced to a felony with up to five (5) years' imprisonment, a fine not exceeding \$3,000.00, or both, or if death of another person results, the penalty is a felony with up to five (5) years' imprisonment, a fine not exceeding \$5,000.00 or both. There is discretion to charge the new provision in addition to other chargeable offenses. Effective 7-1-09.

### ***CORRECTIONS FUNDING***

For FY'10, the Department of Corrections (DOC) received a stand-still appropriation of \$503,000,000, the same as was provided in FY'09.

### ***LAW ENFORCEMENT FUNDING***

The Office of the Attorney General was cut 6.2% from its FY'09 level and was appropriated \$13,722,234, a decrease of \$902,215.

The ABLE Commission received a stand-still budget in FY'10 and was appropriated \$3,925,258, only \$8 less than in FY'09.

The Legislature appropriated to the District Attorneys' Council \$39,822,795, which was a 7% reduction from FY'09. The DA's Council, however, is receiving federal ARRA stimulus funding in the amount of roughly \$17 million to be spent over a 4-year period for the Justice Assistance Grant, which goes towards criminal justice initiatives and substance abuse treatment programs. The JAG Board, created by the DA's Council to dispense the funds, will review grant applications and determine how the money will be allocated. Much of this money in the past has funded District Attorney drug task forces.

The Oklahoma Indigent Defense System received a 6% cut in appropriated funding and was allocated \$15,734,022, roughly \$1 million less than in FY'09.

The Council on Law Enforcement Education and Training was cut by 4.3% and was appropriated \$4,414,356.

The Department of Public Safety received a 3.9% cut in FY'10 and was appropriated \$93,339,686, roughly \$3.8 million less than in FY'09. The agency indicated that this was a sufficient funding level to prevent furloughs and still hold an academy in FY'10.

The Oklahoma State Bureau of Investigation was cut 1.2% and received a \$17,107,029 appropriation.

The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control received a 7% cut in appropriated funding and received \$6,299,722. The Bureau's budget cuts will be offset by fees created and increased in SB 1119 and HB

2250, which are estimated by the Bureau to bring in more than \$3 million in FY'10.

The Pardon and Parole Board was cut by \$54,163, a 2.1% decrease, and was appropriated \$2,523,418.

The Legislature appropriated to the State Fire Marshal \$2,245,864 for FY'10 operations, a 1.1% decrease.

The Board of Medicolegal Investigations received a 2.6% cut in state appropriations, and was provided \$4,699,939.

### ***OFFICE OF JUVENILE AFFAIRS FUNDING***

The Office of Juvenile Affairs (OJA) was appropriated \$112,388,578 for FY'10, a 0.1 percent increase from the FY'09 appropriation. Within its appropriation, OJA will use \$698,669 in federal stimulus funds. Also within the appropriation, OJA received \$1 million for the Tulsa Juvenile Justice Center, \$500,000 to construct new Level E beds in Butler, and \$1,665 million to partially restore the cut for FY'10.

### ***ECONOMIC DEVELOPMENT & COMMERCE MEASURES***

SB 929 (Halligan/Denney): Waives the payroll requirements for an ad valorem exemption under specified circumstances if the eligible facility as been located in the state for 15 years and engaged in marine engine manufacturing. Effective 5-26-09.

HB 1468 (Jackson/Myers): Modifies the Quality Jobs Program Act by authorizing a qualified federal contractor to receive incentive payments for renewable 10-yr periods. Provides for a net benefit rate of between 0.25% and 2%, certified through a contract verifier who is a nonprofit entity associated with a university. Effective 7-1-09.

HB 1953 (Benge/Bingman): Amends the Quality Jobs Program Act by expanding the definition of "basic industries" that may be eligible for Quality Jobs benefits. Under HB 1953, companies that support, repair, and maintain service for wind energy companies may now be eligible for Quality Jobs Act incentive payments. Effective 11-1-09.

HB 2067 (McNiel/Lamb): Creates the "Oklahoma Community Economic Development Pooled Finance Act", providing for the issuance of bonds under two \$100 million pools. The Infrastructure Pool makes bond money available to local government entities for authorized infrastructure projects, and the Economic Development Pool makes bond money available to local government entities for authorized economic development projects. Bonds are issued by ODFA, and local government entities are responsible for repayment of debt. The Department of Commerce is responsible for approving eligible projects based on specified criteria. Effective 7-1-09.

**COMMERCE FUNDING**

SB 216 appropriates \$32,781,088 to the Department of Commerce, and HB 153 appropriates an additional \$1,000,000. This appropriation includes \$5,189,186 for debt service payments and \$1,890,556 for operations of the Native American Cultural Center.

The Department of Commerce administers and distributes a portion of the funding Oklahoma receives from the American Recovery and Reinvestment Act. The agency expects to receive over \$150,000,000 throughout FY'10 and FY11. \$57,858,000 will be distributed to the Community Action Agencies for weatherization of homes at 200 percent or below of the federal poverty limit. \$46,704,000 will provide additional funding for the State Energy Program, with the goals of increasing energy efficiency to reduce costs and consumption for customers, business, and government, reducing reliance on imported energy, and improving reliability of the supply and delivery of energy services. An additional \$18,381,669 will be distributed to the Workforce Investment Boards to enhance workforce development programs for low-income youth and adults and the recently unemployed. Other stimulus allocations will fund the Community Development Block Grant, Homeless Prevention, the Energy Efficiency and Conservation Block Grant, and the Community Service Block Grant.

**HISTORICAL SOCIETY FUNDING**

SB 216 appropriates \$14,253,034 to the Oklahoma Historical Society. With bond debt service exempted from budget cuts, the agency's appropriation was reduced by \$1,047,722. This appropriation represents a 4.8% reduction from FY'09 funding levels.

**EDUCATION, CAREER AND TECHNOLOGY MEASURES**

SB 257 (Corn/Denney): Authorizes transfer of surplus personal property by a technology center school district to another district or to the Oklahoma Department of Career and Technology education for the support or delivery of department initiatives. Effective 7-1-09.

SB 275 (Corn/Renegar): Provides for apportionment of a technology center school district that serves 70 or more public school districts into district zones. Provides for election of board members from each district zone and requires board members to reside in the district zone represented. Effective 7-1-09.

SB 285 (Anderson/Jackson): Authorizes the Oklahoma Department of Career and Technology Education and technology center school districts to keep confidential any information related to business plans, feasibility studies, financial statements, business development or customized training. Effective 11-1-09.

SB 497 (Paddack/McNiel): Directs school districts to report any business and industry-recognized endorsements attained on the student's high school transcript. Effective 11-1-09.

SB 867 (Anderson/McNiel): Authorizes technology center schools to provide intervention and remediation in Algebra II, Geometry, English II, English III, and United States History to students enrolled in technology center schools, with the approval of the independent school district board. Effective 5-11-09.

**EDUCATION, CAREER AND  
TECHNOLOGY FUNDING**

CareerTech was appropriated a total of \$157,790,479. This is a decrease of \$479,257 from the FY'09 appropriation of \$158,269,736. Funding changes are as follows:

- The agency received an additional amount of \$1,098,078 in order to fund employer contribution rate increases for Teachers' Retirement;
- \$250,000 in one-time funding was removed for the ProStart and Lodging Management Programs;
- \$150,000 in one-time funding was removed for the Great Plains Regional Public Safety Facility;
- \$1,077,335 was removed due to base budget cuts.
- \$100,000 in one-time funding was removed from the Pontotoc County Career Tech.

**EDUCATION, COMMON MEASURES (K-12)**

SB 222 (Jolley/Jones): Creates the Educational Accountability Reform Act. Creates a P-20 Data Coordinating Council until July 1, 2015, to assess the state's current student data system and make recommendations on improvements toward a unified system among all education agencies. Creates the Quality Assessment and Accountability Task Force to conduct a crosswalk of state curricular and performance standards with those of other high achieving states and to review the state student testing system. Creates the Educational Quality and Accountability (EQA) Board until July 1, 2015, to review the process for determination of adequate yearly progress, the process for approval of testing contracts, the tests administered, the cut score process, and determination of student performance levels. Authorizes the EQA Board to conduct an audit of the School Testing Program. Modifies the student testing performance level terminology and the method by which the State Board of Education determines cut scores. Effective 7-1-09.

SB 268 (Ford/Sears): Requires schools identified for school improvement for four consecutive years to implement certain alternative governance arrangements in accordance with the No Child Left Behind Act. Options include reopening the school as a public charter school, replacing all or most of the school staff, enter-

ing into a contract with a private management company to operate the school, turning over operation of the school to the State Board of Education, or other major restructuring of the governance arrangement of the school. Provides for the State Board of Education to assume control of the school if adequate yearly progress is not attained within two years from the date of implementation of the restructured governance arrangement or for any school that fails to implement one of the alternative governance arrangements. Effective 8-26-09.

SB 290 (Coates/Sears): Requires school districts to provide academic credit for any concurrently enrolled higher education courses that are correlated with the academic credit awarded by the higher education institution. Specifies that such credit shall be recorded on the student's transcript as elective credit only when there is no correlation between the concurrently enrolled higher education course and a course provided by the school district. Effective 7-1-09.

SB 394 (Stanislowski/Sullivan): Changes the April 10<sup>th</sup> deadline to the first Monday in June for school districts to notify teachers of nonrenewal of contracts. Directs the State Board of Education to issue a teaching certificate to individuals who have been issued a teaching license and who complete the coursework and assessment requirements established for participants of the Teach for America program. Effective 11-1-09.

SB 473 (Ford/Banz): Authorizes the Office of Accountability to conduct a school performance review of districts with a student eligibility rate for free or reduced-price meals that are above the state average. Effective 7-1-09.

SB 582 (Jolley/Jones): Directs the State Board of Education to issue a teaching certificate to individuals who meet the eligibility requirements for the Troops to Teachers program and meet the alternative certification requirements. Directs the Board to issue a teaching certificate to individuals who complete the requirements set by an alternative teacher certification organization founded with grant funding from the U.S. Department of Education and that developed the Passport to Teaching program for professionals wanting to change careers and become teachers. Effective 8-26-09.

SB 604 (Stanislawski/Sears): Creates the Task Force on Internet-Based Instruction. Requires report by November 30, 2009. Effective 7-1-09.

SB 1168 (Ford/Coody): Creates the Legislative Task Force on Achieving Classroom Excellence and requires report by November 30, 2009. Effective 7-1-09.

SB 1169 (Anderson/Denney): Modifies administration of the State Public Common School Building Equalization Fund. Authorizes certain monies to be deposited into the fund. Directs the State Board of Education to solicit grant proposals if funds are available. Specifies eligibility criteria and authorizes priority consideration for districts meeting certain requirements. Modifies the method of allocating funds from the School Consolidation Assistance Fund for school districts created by voluntary or mandatory consolidation and for school districts which have received part or all of the territory and students of a school by annexation. Effective 11-1-09.

HB 1050 (Carey/Sparks): Directs the State Board of Education to encourage school districts to develop mentorship programs aimed at high-risk middle and high school students with the goal of reducing drop-out rates. Effective 7-1-09.

HB 1070 (Banz/Ford): Extends the time period that school districts may hire licensed teachers on a temporary contract in a resident teacher position from three semesters to two complete school years. Effective 7-1-09.

HB 1095 (Thomsen/Bingman): Amends the Uniform Athlete Agents Act to prohibit communication by athlete agents with student athletes who are ineligible to be drafted, with the exception of providing general promotional brochures. The bill also increases the fine for violations from not more than \$500 to between \$1,000 and \$10,000. Effective 11-1-09.

HB 1333 (Denny/Coates): Modifies alternative placement teacher certification requirements. Adds the requirement that the applicant must have attained a 2.50 grade point average in college. Modifies the requirements for combinations of degrees, semester hours and clock hours, so that under HB 1333, an applicant will be required to have either (1) a baccalaureate degree and 18 semester hours or 270 clock hours, or (2) a post baccalaureate degree and 12 semester hours or 180 clock hours. Provides an exception to the requirement that, in order

to enroll in an alternate placement program, participants must have three years of post baccalaureate work experience, if the participant is in the federal Troops to Teachers Program. Effective 11-1-09.

HB 1461 (Sears/Ford): Requires schools that do not achieve Adequate Yearly Progress (AYP) status for two consecutive years and are identified for school improvement to use the assistance of a school support team established by the State Department of Education. The school support team will review and analyze all operations of the school and incorporate school improvement strategies and facilitate professional development through teacher training. Effective 7-1-09.

HB 1462 (Trebilcock/Nichols): Authorizes the State Department of Health's advisory committee for vision screening standards to serve as a sports eye-safety resource for public school districts and nonprofit community sports organizations. Effective 11-1-09.

HB 1467 (Sanders/Barrington): Expands the requirement that the Oklahoma Commission for Teacher Preparation offer professional development institutes in mathematics for teachers. Prior law required such institutes to be offered to teachers in grades five through nine. Under HB 1467, the institutes will be offered to teachers in grades kindergarten through nine. Effective 7-1-09.

HB 1518 (Inman/Reynolds): Authorizes schools to exclude from participation in physical education programs students who have been placed into in-house suspension or detention class or students who are under in-school restriction or are subject to an administrative disciplinary action. Effective 7-1-09.

HB 1581 (Coody/Jolley): Requires all higher educational institutions offering programs in elementary, early childhood, or special education programs to include reading instruction in teacher candidates coursework. Requires teacher candidates to pass a comprehensive assessment to measure their teaching skills in the area of reading instruction. Effective 7-1-09.

HB 1592 (Coody/Barrington): Authorizes school districts to use interest from the sale of bonds for lease-purchase payments. Requires lease-purchase agreements entered into by school districts to provide for acquisition of the lease-purchased property by the district. Re-

quires the superintendent and fiscal officer of school districts to furnish surety bond of \$100,000. School districts can rent real and personal property for terms of any length during the fiscal year as opposed to restricting rental to a monthly basis. Requires the State Auditor and Inspector to perform a special audit on four school districts with an average daily membership of less than one thousand (1,000) each year. Effective 7-1-09.

HB 1647 (Rousselot/Garrison): Makes an exception to allow a person related to a school board member within the second degree of affinity or consanguinity to be employed as a substitute teacher or as a temporary substitute support employee if the school district has an Average Daily Membership (ADM) of less than five thousand (5,000). Effective 7-1-09.

HB 1737 (Peters/Burrage): Establishes the Oklahoma School for the Visual and Performing Arts and creates the Oklahoma School for the Visual and Performing Arts Revolving Fund. Provides for appointment of a Board of Trustees for the school and states the powers and duties of the board. Provides exception to the dual-office-holding prohibition for legislators and members serving on the board of trustees. Effective 8-26-09.

HB 1756 (Martin (Scott)/Jolley): Requires school districts to permit teachers to use excerpts of enumerated documents, writings, speeches, proclamations, or records relating to the foundation of the United States or the State of Oklahoma. Prohibits school districts from limiting instruction in American or Oklahoma state history or heritage based on religious references in such materials. Effective 7-1-09.

HB 1763 (Enns/Reynolds): Directs the State Board of Education to provide training for special education due process hearing and appeals officers; requires hearing and appeals officers to participate in annual continuing education. Effective 7-1-09.

HB 1826 (Johnson/Sykes): Requires school districts to adopt policies to notify parents about school-sponsored clubs or organizations via the school handbook and the Internet. The policy shall also give parents the opportunity to notify the school's administrators that they withhold permission for their children to join such clubs. Effective 11-1-09.

HB 1837 (Hamilton/Eason McIntyre): Authorizes the Commission for Teacher Preparation to establish the Inner City Schools Rescue Program to recruit and train licensed or certified teachers to work in inner city schools that are on the school improvement list or where 95 percent of the students are eligible for free and reduced lunch. Effective 7-1-09.

HB 1864 (Hickman/Brown): Changes the calculation of the school year to provide the option of measurement in hours (1,080 hours of classroom instruction) instead of days. Up to 30 hours a year may be used for attendance of professional meetings. Parent-teacher conferences can count as classroom instruction time for no more than 12 hours per year. If schools are closed for inclement weather, hours prior to closure count toward the 1,080 hour requirement. Provides for the length of a school day to be extended and the number of days reduced, so long as the total number of hours is not less than 1,080 in a school year. Provides for instruction on Saturdays, upon approval of the State Board of Education. Effective 4-24-09.

### **EDUCATION, COMMON FUNDING (K-12)**

Common Education was appropriated a total of \$2,404,447,551 in state dollars and is expected to receive \$167,559,651 in stimulus funds for a total expected FY'10 appropriation of \$2,572,007,202. This is an increase of \$40,544,649 (1.6 percent) above the FY'09 appropriation of \$2,531,462,553. Funding changes are as follows:

- \$200,000 in one-time funding for lawsuit assistance was removed from the agency's budget.
- \$40,000 for the Community Education Grant Program was removed from the agency's budget.
- \$27 million in additional funds were provided to address cost increases pertaining to the Flexible Benefit Allowance for certified personnel.
- \$13,304,649 in additional funding was appropriated in order to fund employer contribution rate increases for Teachers' Retirement.
- An additional \$177,000 was appropriated to meet the federal match for the Federal School Lunch Matching Program.
- \$63,000 was provided for a SoonerStart Autism Training Program.

Local school districts across Oklahoma are also expected to receive federal stimulus dollars for Title I and Special Education as follows:

- \$109,442,502 from Title I Grants
- \$147,924,906 from Special Education Grants
- \$3,881,940 from Special Education Pre-school Grants

**EDUCATION, HIGHER MEASURES**

SB 310 (Paddack/Cox): Authorizes the award of scholarships established through the Oklahoma Health Care Workers and Educators Assistance Program contingent on funds made available through the State Regents for Higher Education. Effective 7-1-09.

SB 585 (Ford/Coody): Authorizes public educational institutions to keep campus security plans confidential. Allows for the discretionary release of information in order to design or implement the plan. Allows for the collection and release of higher education campus crime statistics and campus security policies as required pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Effective 7-1-09.

SB 982 (Ford/Thomsen): Specifies that awards for the Oklahoma Higher Learning Access Program will be calculated at the nonguaranteed resident tuition rate. Delays implementation of the income qualification at the time the student begins postsecondary education (known as the "second income check") to the 2012-13 school year. Effective 7-1-09.

HB 1882 (Jordan/Schulz): Modifies definitions relating to textbook material for higher education. Clarifies what constitutes bundled textbooks by adding separate definitions of integrated textbooks and custom editions. Requires publishers to provide to faculty and staff a description of the content revisions of textbooks between the current edition and the previous edition. Effective 8-1-09.

**EDUCATION, HIGHER FUNDING**

Higher Education was appropriated a total of \$1,001,948,531 in state dollars and is expected to receive \$68,792,477 in stimulus funds for a total expected FY'10 appropriation of \$1,070,741,008. This is an increase of \$31,579,728 (3 percent) from the FY'09 appropriation of \$1,039,161,280. Funding changes are as follows:

- \$200,000 in additional funds were provided for the Ponca City Learning Center;
- \$725,000 in one-time funding for capital improvements at North Western OSU was removed from the agency's budget;
- \$100,000 in additional funds was provided for the Autism program at UCO.
- \$25,500,000 in funding for operations was provided.
- The agency received an additional amount of \$5,779,728 in order to fund employer contribution rate increases for Teachers' Retirement;

**ARTS COUNCIL FUNDING**

\$450,710 was removed due to base budget cuts; however, \$450,000 was restored. The total appropriation for the Arts Council in FY'10 totaled \$5,150,257.

**DEPARTMENT OF LIBRARIES FUNDING**

\$638,300 was removed due to base budget cuts; however, \$638,000 was restored. The total appropriation for the Department of Libraries in FY'10 is \$7,294,556.

**OCAST FUNDING**

\$1,964,944 was removed due to base budget cuts; however, \$1,535,000 was restored. The total appropriation for the Center for the Advancement of Science and Technology in FY'10 is \$22,026,563 which is a reduction of 1.9% from FY'09.

**SCHOOL OF SCIENCE AND MATHEMATICS  
FUNDING**

OSSM was appropriated a total of \$7,546,706. This is a decrease of \$439,031 (5.5 percent) from the FY'09 appropriation of \$7,985,737. Funding changes are as follows:

- Although the agency received a \$471,026 base budget reduction, \$31,995 was restored in order to fund employer contribution rate increases for Teachers' Retirement.

**ENERGY, ENVIRONMENT & UTILITIES  
MEASURES**

SB 293 (Burrage/Schwartz): This measure states a Legislature finding that the expenditure of public funds for the conservation of electricity or natural gas is in the public interest and to further such public interest it authorizes municipally owned utilities and the Grand River Dam Authority to expend funds to assist consumers in establishing energy conservation activities. Effective 11-1-09.

SB 303 (Bingman/Watson): In 2008 a statute was enacted attempting to clarify the service territories of electric utility providers within annexed portions of cities where there are multiple providers. SB 303 further clarifies that any rights to provide service within a municipality which are granted by this statute would not extend beyond the time period granted by the municipal franchise to which the utility was granted. Effective 4-14-09.

SB 428 (Ellis/Bailey): This measure prohibits the use of glass containers in any boat, canoe, raft or inflatable watercraft in a scenic river area or on the Lower Mountain Fork River in Southeastern Oklahoma, and it provides a penalty for persons found in violation of this prohibition. Effective 4-3-09.

SB 446 (Bingman/Richardson): This bill was a request of the Department of Environmental Quality and it modifies the statutory terminology used in the Oklahoma Brownfields Voluntary Redevelopment Act relating to the application process. The program promotes the redevelopment of property which was previously polluted or contaminated and remediated for appropriate uses. This bill modifies state statutes to conform to federal regulatory language. Effective 7-1-09.

SB 610 (Myers/Watson): Following interim study meetings on the issue of carbon sequestration, this measure creates the Oklahoma Carbon Capture and Geologic Sequestration Act. The act sets out legislative findings proclaiming carbon dioxide is a valuable commodity and it is especially useful in Oklahoma when used to enhance oil and gas recovery. The act creates a permitting process for companies investing in underground carbon dioxide storage facilities. As outlined in this act, depending upon the type of reservoir used for carbon sequestration or storage, the regulatory agency permitting the facility will be either the Corporation Commission or the Department of Environmental Quality. Capture and use of carbon dioxide is a very expensive process and SB 610 does not fully address some issues, such as ownership of carbon in long-term storage facilities and liability issues for facility operators. These and other issues remain to be discussed in future interim study meetings. Effective 6-1-09.

SB 655 (Schulz/Ortega): This bill amends the statutes requiring the entire membership of local irrigation districts to vote on the construction of dams, the installation of pump equipment and the purchase of real property by allowing decisions on those issues to be made by the irrigation district board of directors. Effective 4-21-09.

SB 679 (Myers/Watson): Following the interim study created last session and the creation of the Oklahoma Carbon Capture and Geologic Sequestration Act in SB 610, this bill re-creates the Oklahoma Geologic Storage of Carbon Dioxide Task Force until December 15, 2009. The group will reconvene with the same members and study issues necessary to implement the transmission and storage of carbon dioxide, such as insurance, liability, and long-term ownership of storage facilities. Effective 5-8-09.

SB 827 (Schulz/Blackwell): Authorizes the Corporation Commission to employ a person to serve as a senior-level electric transmission system advisor. Employing a person with technical knowledge of electric transmission issues is necessary to help guide our state in developing electric transmission facilities which are critically needed to promote wind generation electric facilities. This advisor would advocate our state's needs and participate in meetings and monitor the activities of the Southwest Power Pool, the regional system governing all of Oklahoma's electric power transmission facilities.

ties. The bill authorizes the Commission to determine the qualifications and compensation for this position and issue annual contracts for a total of no more than five years. Effective 5-22-09.

SB 833 (Bingman/Thompson): SB 833 requires each state agency to develop and implement an energy efficiency and conservation plan. The Department of Central Services will assist state agencies in developing such plans and will serve as the repository for the plans. The measure outlines energy efficiency strategies each agency must consider using in their agency plan. Effective 11-01-09.

SB 953 (Myers/Watson): Creates the Oklahoma Clean Energy Independence Commission under the leadership of the Secretary of Energy who will determine the number of appoints to be made, one-third of the total to be appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Members shall be appointed by July 1, 2009, and serve until December 1, 2010. The goal of the Commission will be to utilize the extensive energy-related resources and knowledge in this state to help the nation achieve a goal of clean energy independence within the next five years. Effective 5-11-09.

HB 1483 (DeWitt/Justice): In the final days of session this measure was agreed on as an attempt to deal with the November 2009 expiration of the statutory moratorium on out-of-state water sales and the resulting lawsuit filed by a Texas water district seeking water from South-eastern Oklahoma. HB 1483 adopts some of the same language used in other states and it directs the Oklahoma Water Resources Board not to issue any permit which would impair the ability of Oklahoma or any other authorized entity to meet their obligations under interstate stream compacts. The bill also requires the OWRB to evaluate, prior to approving an out-of-state water permit, whether the water that is subject to the application could be feasibly be transported to alleviate water shortages within this state in addition to other criteria. Additionally, the bill requires out-of-state water permit holders to consent to conditions of use required in Oklahoma if there is a conflict in conditions of use between two states, and any out-of-state water permits shall be subject to review by the OWRB at least every ten years. Effective 6-1-09.

HB 1884 (Richardson/Justice): Requires the Oklahoma Water Resources Board and the Oklahoma Conservation Commission to establish a study group to review existing state and federal regulations of high-hazard dams and make recommendations to reduce the number of high-hazard dams and formulate public education plan warning of the safety risks associated with construction of residential or business structures near at-risk dams. The bill requires a written report by December 25, 2009. Effective 4-21-09.

HB 1952 (Benge/Bingman): This measure requires the Director of Central Services to provide alternative fueling sources for use by state agencies and political subdivisions and allows for leasing and transferring alternative fueling infrastructure to political subdivisions through partnership agreements. The bill also authorizes DCS to offer public access to alternative fueling stations in areas of the state where such services are not readily available. The bill further authorizes DCS to lease alternative fuel vehicles and alternative fuel infrastructure to political subdivisions and allows for such property to be transferred to the political subdivision upon final payment of the lease agreement. The amount DCS can expend is limited to \$500,000.00 per political subdivision. Effective 5-29-09.

### **ARRA – WATER FUNDING**

Oklahoma will receive \$132,000,000 from the American Reinvestment and Recovery Act for water-related projects. \$31,000,000 will go to the Oklahoma Water Resources Board Clean Water State Revolving Fund. That funding will be distributed to local governments for the construction of new wastewater facilities or the replacement or rehabilitation of existing facilities for wastewater projects, brownfields, or related storm water pollution control projects. An additional \$31,000,000 will go to the Department of Environmental Quality Drinking Water State Revolving Fund. This funding will also be distributed to local governments for water facility expansion, replacement, improvement, or repair. The remaining \$70,000,000 will be distributed through the USDA Rural Development Water and Wastewater Loan and Grant Program. Public bodies, tribes, and nonprofits in rural areas and towns with populations less than 10,000 are eligible for this funding. Funding may be used for construction, installation, repair, improvement, and expansion of

community water, wastewater, solid waste, and storm sewer systems.

### ***ETHICS & ELECTIONS MEASURES***

SB 94 (Johnson (Mike)/Trebilcock): Modifies the rules of the Ethics Commission to provide that the following activities are not prohibited:

- Writing recommendations for acceptance of an applicant into a higher education institution, a special program or organization;
- Writing recommendations for special recognition or honors;
- If no state funds are used, writing letters or orally communicating recommendations for hiring, reclassifying, terminating or promoting people;
- Promoting or soliciting funds for civic, community or charitable organizations or events for which a state officer or employee receives no thing of value;
- Promoting businesses or industries for which a state officer or employee receives no thing of value.

Effective 6-1-09.

SB 458 (Branan/Duncan): Modifies procedures for voting by military and overseas voters. SB 458 allows voters covered by the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986 to make an electronic application for an absentee ballot. The secretary of the county election board may transmit balloting materials for state and federal elections to an e-mail address if the voter meets certain requirements. An e-mail address is confidential. The Secretary of the State Election Board is granted the authority to determine if balloting materials for elections other than state or federal elections can be transmitted electronically, and may suspend these provisions if he or she determines that electronic transmission is not in the best interest of the people due to security problems. Ballots electronically transmitted may be mailed or Faxed back to the election board. If multiple ballots are returned, only the first ballot received may be counted. Effective 1-1-10.

SB 783 (Sykes/Johnson): Requires county commissioners submitting a measure for a vote to also submit a suggested ballot title which meets specified requirements. The district attorney must review the ballot title for legal correctness. A proposition subject to these provisions must be published as required by law. Effective 11-1-09.

SB 798 (Sykes/McCullough): Provides that if the conflict-of-interest statute on state privatization contracts is violated, the business organization involved shall be prohibited from contracting for one year with the state agency involved. Effective 11-1-09.

SB 800 (Sykes/Murphey): Modifies various procedures relating to initiative and referendum petitions, as follows:

- Requires the Secretary of State to publish a notice of filing of an initiative or referendum petition, including the reviewed or rewritten ballot title and notice of the right to protest and procedures;
- Requires protests to be filed within 10 days of publication;
- Requires the Supreme Court to hear testimony and arguments relating to the protest within ten days of the filing of the protest;
- Provides procedures for revival of a protest;
- Requires signatures to be filed within 90 days of filing of the petition or determination by the Supreme Court, whichever is later;
- Limits protests after the circulation period to the validity or number of signatures.

Effective 11-1-09.

HB 1081 (Buck/Gumm): Changes the procedures for selection of a substitute candidate in the event of a candidate's death. Under current law, the political party's central committee must select an alternative candidate and submit the name within five days after the candidate's death. HB 1081 changes the time frame to 15 days after the candidate's death, but not later than 60 days (for statewide and federal candidates) or 55 days (for all other candidates) before the General Election. Effective 11-1-09.

HB 1402 (Hilliard/Paddack): Allows incapacitated voters in veterans centers to vote under the same absentee ballot procedures as voters in nursing facilities. Effective 11-1-09.

HB 1999 (Wright (Harold)/Schulz): Provides that the county election board has the authority to determine if a ballot is valid and should be counted in a recount, by a majority vote. Effective 11-1-09.

### **CONSERVATION COMMISSION FUNDING**

SB 216 appropriates \$9,572,455 to the Conservation Commission, a 7 percent reduction in funding from FY'09 levels. HB 1489 extended the partial distribution of the gross production tax to the Conservation Commission until 2014. The bill also increased the amount of the revenue that can be used for the agency's administrative expenses from 20 to 30 percent.

### **GAMING, SPORTS & AMUSEMENTS MEASURES**

SB 694 (Sweeden/Armes): Modifies the definition of horse racing for purposes of the Oklahoma Horse Racing Act to exclude the racing of the offspring of a cloned horse. Effective 11-1-09.

HB 1576 (Joyner/Aldridge): Gives the Oklahoma State Athletic Commission the authority to regulate amateur mixed martial arts events. Eliminates the \$300,000 cap on revenues deposited to the Oklahoma State Athletic Commission Revolving Fund. Effective 5-22-09.

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

SB 256 (Eason McIntyre/Shumate): The measure transfers the duties, responsibilities and operation of the 1921 Tulsa Race Riot Memorial of Reconciliation to the municipal governing body or a public trust of the municipal governing body where the 1921 Tulsa Race Riot Memorial of Reconciliation is located. Effective 5-15-09.

SB 269 (Crain/Wright): This measure relates to the \$35.00 fee county officers are authorized to charge for each bad check, draft order or voucher by deleting the requirement that all monies received shall be in an interest bearing account at a rate of interest not less than 3% per annum on a daily basis. Effective 5-22-09.

SB 306 (Leftwich/Jordan): This measure requires any entity that issues building permits shall, before issuance of residential building permit, obtain a certificate of general liability insurance in an amount required by other construction trade contractors licensed by the Construction Industries Board and workers' compensation insurance or exemption verifica-

tion. This does not apply to individuals making modifications to existing single-family or duplex structures on their own property unless the modifications are being subcontracted, in which case, the subcontractor must meet the aforementioned requirements. Effective 11-1-09.

SB 357 (Crutchfield/Hilliard): This measure provides that a board of county commissioners may enter into agreements with any municipality for the furnishing of emergency services. Emergency services are defined as including, but not limited to, those services relating to medical attention and wreck removal. The measure authorizes the board of county commissioners to collect charges for such services. Effective 7-1-09.

SB 431 (Aldridge/Banz): Authorizes the board of county commissioners to provide for enforcement of its regulations and establish fines, penalties, or other remedies for any offense in violation of its regulations. Specifically the board shall have the power to establish and enforce fines and penalties for violation of its zoning, subdivision, storm water and floodplain regulations. Such citations for the violations shall be issued by designated county personnel. Also states all violations shall be deemed a misdemeanor and punishable by a fine of up to \$500. Effective 8-26-09.

SB 505 (Leftwich/Banz): This measure provides that no more than 4 members of a city planning commission may serve on design committees or commissions. Effective 11-1-09.

SB 551 (Myers/DeWitt): This measure provides that engineering contracts of less than \$100,000 that are required to comply with federal and state public water supply or wastewater laws and regulations are not required to be open for competitive bidding and also provides that engineering contracts of less than \$100,000 that are required to comply with federal and state public water supply or wastewater laws and regulations are not subject to the requirements of the Public Building Construction and Planning Act. This measure also amends the Oklahoma Central Purchasing Act by adding a new paragraph exempting contracts under \$100,000 entered into by the Department of Environmental Quality for engineering services to assist small municipalities and rural water or sewer districts in their efforts to achieve compliance with federal and state public water supply or wastewater laws. Effective 8-26-09.

SB 668 (Aldridge/Banz): Creates the Oklahoma Energy Independence Act, which authorizes a board of county commissioners to establish, by resolution, a County Energy District Authority to be comprised of five trustees. The Authority is empowered to secure funding and make loans to finance the installation of distributed generation renewable energy sources, to make energy efficient improvements and establish financial incentive programs for energy efficient improvements. Effective 4-28-09.

SB 684 (Ballenger/Joyner): This measure provides that three members of a county board of adjustment, with both the city and the county being represented, shall constitute a quorum. Effective 11-1-09.

SB 871 (Russell/Enns): This measure modifies the membership of the Electronic and Information Technology Accessibility Advisory Council. Effective 4-13-09.

SB 1066 (Marlatt/Sanders): This measure modifies the bid amounts from \$5,000 to \$10,000 for supplies and materials for a county. Effective 11-1-09.

HB 1007 (Wesselhoft/Leftwich): This measure requires that signs designating parking for the physically disabled meet the standards outlined in the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration, requires municipalities adopt ordinances for compliance, and provides a grandfather clause for current signs as long as appropriate language appears on the sign. Effective 11-1-09.

HB 1031 (Murphey/Coates): Adds the code of the International Code Council as one of the codes a municipality is required to choose from when adopting and enforcing building standards. Changes the buildings standard that municipalities or subdivisions may use under certain circumstances from the Building Officials and Code Administrators (BOCA) National Building Code, as last adopted by the State Fire Marshal Commission, to the International Building Code. Effective 11-1-09.

HB 1077 (Lamons/Eason McIntyre): This measure transfers the 1921 Tulsa Race Riot Memorial of Reconciliation and all operational and statutory responsibilities to the city of Tulsa. Effective 11-1-09.

HB 1347 (Cooksey/Jolley): This measure increases the minimum values relating to the disposal, trade and sale of county equipment from \$250.00 to \$500.00. Effective 11-1-09.

HB 1389 (Osborn/Anderson): Adds grounds for involuntary dissolution of a municipality if the municipality is totally within an area subject to subsidence, environmental contamination or flooding because of specified causes, and is therefore unable to maintain services due to a reduction in population; and authorizes recovery of court costs and attorney fees to the prevailing party in an annexation dispute, including when a municipality withdraws, revokes or otherwise reverses the ordinance at issue in response to litigation before issuance of a final judgment. Effective 11-1-09.

HB 1420 (Cannady/Ballenger): This measure provides that municipalities with populations under 5,000 persons may employ a part-time city planner, whose duties shall be determined by the governing body of the hiring municipality. Effective 11-1-09.

HB 1424 (Proctor/Brogdon): This measure provides for notice requirements related to zoning changes that permit the use of treatment facilities, transitional living facilities, halfway houses and any housing or facility that may be used for medical or non medical detoxification. This measure also requires that entities proposing zoning changes including multiple housing units mail a written notice within thirty days of a scheduled rezoning hearing to all registered voters within one-quarter of a mile of the affected area. The notice is to be mailed at the expense of the petitioning party. Effective 11-1-09.

HB 1470 (Sanders/Marlatt): This measure allows a board of county commissioners to offer as much as a \$1,000 reward for information leading to the arrest and convictions of individuals involved in the stealing and defacing of county road signs and property. The award is currently limited to \$100. In addition, the language increases the amount of money that may be maintained in an award fund from \$500 to \$2,000. Effective 11-1-09.

HB 1473 (Sanders/Justice): This measure exempts agriculture parcels of land 40 acres in size or larger from ordinances restricting land use and building construction upon annexation into municipal limits, provided such activities are related to agriculture activities. Effective 11-1-09.

HB 1608 (Sullivan/Crain): This measure provides that public safety professionals may be allowed to work in excess of eight hours per day when such hours are assigned as part of an alternative work schedule. Public safety professionals are defined as sheriffs, deputy sheriffs, correctional officers, and persons in the emergency medical service profession. Effective 7-1-09.

HB 1753 (Martin/Barr): This measure allows the governing body of a municipality to change orders up to \$40,000 or 10% of any contract, whichever is less, to the chief municipal administrative officer or their designee. Approved change orders must be reported to the governing body of the municipality at the next regularly scheduled meeting. This measure also states that a city manager must reside within the boundaries of the city, the school district or districts that overlap the city boundaries or within ten miles of the city or the school district. Effective 11-1-09.

HB 1800 (Cooksey/Aldridge): This measure allows the governing body of a municipality to enter into a contract with a debt collection agency for the collection of unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid for an additional collection fee not to exceed 35% of the item that has been referred to the collection agency for collection. It also raises the maximum costs that may be charged by municipal court clerks from \$25 to \$30 plus the fees and mileage of jurors and witnesses. In addition, municipal courts are permitted to file a claim against an income tax refund. Effective 5-22-09.

HB 2087 (Joyner/Barrington): This measure authorizes a fire department to run a national criminal history record check for persons applying to be a paid member of a municipal fire department. In addition, the applicant shall furnish the department with two completed fingerprint cards and a money order or a cashier's check made payable to the OSBI for the cost of the national fingerprint history records check. Effective 11-1-09.

### **GOVERNMENT MEASURES (STATE)**

SB 476 (Anderson/Duncan): Authorizes filing of legislative bills and resolutions by electronic transmission. Effective 11-1-09.

SB 643 (Coffee/Benge): Grants management and control of space in the State Capitol build-

ing occupied by the courts to the Legislature when the courts relocate to the Wiley Post Historical Building. The courts will continue to have access to designated courtrooms and robing rooms. Effective 11-1-09.

SB 670 (Aldridge/Wright): The measure requires that any employee contributions to the Oklahoma Public Employees Association or any other statewide association can only be made when the minimum dues-paying membership is 2,000 as opposed to the previous requirement of 1,000 dues-paying members. The bill also provides that any actions agreed to through the Alternative Dispute Resolution Program as provided by the Merit Protection Commission cannot alter any existing right or authority as provided by statute or rule, deletes language requiring state entities to report to the Office of Personnel Management pay movement mechanisms, deletes language concerning the state leave sharing program. The measure adds another component to the Carl Albert Public Internship Program by including a Senior Undergraduate Internship Program consisting of job placement for up to 24 months. The bill also creates the Executive Development Program for cabinet secretaries, agency directors, and senior-level executives within Oklahoma state agencies for the purpose of enhancing leadership skills. Effective 7-1-09.

SB 857 (Ballenger/Jackson): Transfers certain software and training responsibilities from the State Auditor's Office to the OSU Center for Local Government Technology. Effective 7-1-09.

SB 878 (Johnson (Mike)/Miller): Authorizes the Attorney General to charge an examination fee for the AG's review of proceedings that lead to the issuance of revenue bonds by state agencies, or the issuance of general or limited obligation bonds that pledge the faith and credit of the state. The examination fee will be 0.03% of the amount of bonds issued up to \$5 million, 0.02% of the amount issued from \$5 million to \$50 million, and 0.01% of any amount issued in excess of \$50 million. Effective 5-26-09.

HB 1032 (Murphey/Brogdon): Creates the Oklahoma State Government Modernization Act of 2009 which requires the Director of Central Purchasing to provide to the Office of State Finance on a monthly basis, a complete listing in electronic format of all transactions occurring with the aid of a state purchase card. The list shall contain the name of the purchaser and purchasing agency, amount of purchase, and all available descriptions of items purchased.

Upon receipt of the list, OSF shall allow the public to access the list in searchable format. This measure also modifies the provisions of the Oklahoma Purchasing Act by raising the dollar threshold for acquisitions by certified procurement officers, authorizes the State Purchasing Director to renegotiate an existing contract for the purpose of obtaining more favorable terms for the state, and by raising the limit on the use of a state purchase card for certain transactions to \$5,000.00. Effective 8-26-09.

HB 1121 (Miller/Johnson): This measure allows the Scenic Rivers Commission to expend existing funds for riparian and other work in the drainage basin areas of scenic rivers. Effective 6-1-09.

HB 1170 (Coffee/Derby): Creates the Oklahoma Information Services Act, including the following provisions:

- Creates the position of Chief Information Officer within the Office of State Finance, appointed by the Governor (not later than 1-1-10) and possessing specified qualifications. The CIO must complete an assessment of the information technology and telecommunications systems of all state agencies within 12 months of appointment, including those of the higher education system and institutions, and must issue a report setting out a plan of action. The CIO may employ and fix the duties and compensation of personnel. The CIO is responsible for formulation and implementation of the information technology strategy for state agencies, oversight of the development and operation of communications infrastructure, and various other duties relating to information services. The action plan must be implemented upon approval of the State Governmental Technology Applications Review Board, although the plan for the Department of Human Services will not be implemented until 7-1-11. As used in the Information Services Act, the term "state agencies" includes all agencies within the executive branch with the exception of higher education entities;
- Changes references to correspond with changes in Section 1;
- Prohibits agencies from using state funds for data processing or hiring data processing personnel without written authorization;

- Requires a cabinet area relating to information technology and communications, with the CIO to serve as cabinet secretary;
- Provides procedures for purchases of information and telecommunications products and services;
- Recodifies a section in Title 62 (public finance); and
- Repeals Section 41.5a-2 of Title 62, relating to the Task Force for the Study of Computer Information Officers.

Effective date for certain sections upon appointment of CIO.

HB 1294 (Murphy/Brogdon): This measure allows the board of directors of a rural road improvement district to finance improvements on a pay-as-you-go basis, provided that the district has no outstanding bonds or other indebtedness. Limits pay-as-you-go improvements to the actual cost of purchases and construction. Also prohibits rural road improvement districts choosing to operate on a pay-as-you-go basis from issuing bonds and other indebtedness until completing the pay-as-you-go improvements. Effective 11-1-09.

HB 1296 (Wright/Ballenger): This measure exempts appointing authorities that are governed by elected officials from having to meet the cabinet-secretary-notice-approval requirement regarding the approval and posting of reduction in force. Effective 11-1-09.

HB 1330 (Ritze/Brogdon): Creates the Ten Commandments Monument Display Act, which authorizes the State Capitol Preservation Commission or designee to erect a monument of the Ten Commandments on the State Capitol grounds. Effective 11-1-09.

HB 1334 (Denny/Bingman): This measure allows state agencies maintaining state records pertaining to the bombing of the Alfred P. Murrah Federal Building to transfer records to the Oklahoma City National Memorial Foundation. Private or confidential records may be transferred to the Foundation, provided that the Foundation holds the records in accordance with an agreement to be entered into with the State Records Administrator. Effective 4-14-09.

HB 1366 (Buck/Gumm): This measure directs the Oklahoma Historical Society to mark the gravesites of all deceased former Oklahoma Governors. Effective 11-1-09.

HB 1676 (Ownbey/Coffee): Transfers the Criminal Justice Resource Center to the Oklahoma State Bureau of Investigation and the Office of the Attorney General. Functions relating to administration and research are transferred to the Office of Criminal Justice Statistics, created within the Information Services Division of the OSBI, functions relating to data processing and information technology are transferred to the Information Technology Systems Division of the OSBI, and functions relating to the Domestic Violence Fatality Review Board are transferred to the Office of the Attorney General. Effective 8-26-09.

HB 2016 (Miller/Johnson): This measure directs each state agency, board, commission or other entity organized within the executive department of state government to use the Trip Optimizer system of DCS when computing the optimum method and cost for travel by state employees using a motor vehicle owned or leased by the agency or employee. The Trip Optimizer system shall not apply to persons who use their personal vehicle as part of their regular duties and are reimbursed for travel expenses by the agency. Effective 7-1-09.

### **EMERGENCY MANAGEMENT FUNDING**

The Civil Emergency Management Administration received an FY'10 appropriation in the amount of \$788,329, a 2% decrease over FY'09. Budget cuts were partially restored for the agency due to the size of the agency and anticipated employee furloughs. The Governor has indicated that he will provide approximately \$10 million to the agency from his discretionary portion of the Fiscal Stabilization Fund to help pay for preciously declared emergencies.

### **MERIT PROTECTION COMMISSION FUNDING**

The Merit Protection Commission received an FY'10 appropriation in the amount of \$613,684, which was equal to their FY'09 appropriation. Budget cuts were restored for the agency due to the size of the agency and anticipated employee furloughs.

## **HEALTH MEASURES**

SB 52 (Jolley/Ortega): Updates obsolete language in the Oklahoma State Employees Benefits Act relating to Health Maintenance Organizations. Deletes language requiring the Oklahoma State Employees Benefits Council to select and contract with providers to offer group TRICARE Supplemental products. Effective 7-1-09.

SB 267 (Crain/Cox): Authorizes expenditures from earnings on the Tobacco Settlement Endowment Trust Fund for capital expenditures and operating expenses incurred by the University of Oklahoma Health Sciences Center and the Oklahoma State University College of Osteopathic Medicine for educational programs and residency training. Effective 11-1-09.

SB 346 (Crain/Ritze): Directs the State Department of Health to maintain an advance directives registry accessible through the Department's website. Requires the registry to be used to store advance directives pursuant to the Oklahoma Advance Directive Act. Requires the registry to be maintained in a secure database designed to provide access to each advance directive filed in the database. Directs the State Board of Health to promulgate rules to implement the advance directives registry, regulate access and establish a fee for the initial lodging of an advance directive in the registry. Requires the Department to maintain a website of advance directive forms that may be downloaded. Specifies which forms shall be included on the website. Directs the Board to establish a fee for the submission of each Alternative Advance Directive Form. Requires a disclaimer on the website for Alternative Advance Directive Forms. Directs the Department to prepare a disclosure statement to inform patients of the availability of advance directive forms on the website and of the option of filing advance directives in the Department's registry. Effective 11-1-09.

SB 353 (Rice/Cox): Modifies the definition of public trust for the purposes of the Governmental Tort Claims Act to include public trusts which serve as teaching hospitals for medical residency programs and certain corporations or limited liability companies in which all of the stock or interest is owned by a public trust. Changes the name of the Volunteer Medical Professional Services Immunity Act to the Volunteer Professional Services Immunity Act. Expands the immunity from liability under the

act to include organizations that arrange for the care given by a volunteer professional. Deletes language requiring a signed written statement from a patient acknowledging the limitations on the recovery of damages under the act. Expands the definition of volunteer professional to include persons licensed under the special volunteer license for retired physicians, physician assistants, nurses and pharmacists. Effective 7-1-09.

SB 487 (Paddack/Cox): Authorizes Department of Health to enter into agreements with community health care providers to render professional services without compensation, and limits liability of such providers pursuant to the Governmental Tort Claims Act while rendering such services. Effective 11-1-09.

SB 541 (Ellis/Dank): Modifies the fees associated with applications for a long-term care facility certificate of need. Directs the State Department of Health to refund the application fee if the application is not approved. Effective 4-28-09.

SB 546 (Halligan/Williams): Creates the Therapeutic Recreation Practice Act. Prohibits the practice of therapeutic recreation without a license. Establishes the Therapeutic Recreation Committee to advise and assist the State Board of Medical Licensure and Supervision on all matters pertaining to the licensure of therapeutic recreation specialists and the practice of therapeutic recreation. Specifies the powers and duties of the Board under the act. Sets minimum eligibility requirements for licensure. Provides for initial licenses and renewals. Provides for the use of abbreviations and titles associated with licensed therapeutic recreation specialists. Requires therapeutic recreation referrals from physicians. Prohibits freestanding clinics. Permits licensed therapeutic recreation specialists to refuse to delegate or perform certain activities in order to ensure client safety. Provides for licenses without examinations and temporary licenses. Prohibits persons from advertising himself or herself as a therapeutic recreation specialist without a license. Provides penalties for violations of this act. Effective 11-1-09.

SB 572 (Crain/Peters): Prohibits county boards of health from adopting public health regulations that are more stringent than state law. Prohibits governing boards of cities and boards of county commissioners with city-county health departments from adopting public health ordinances related to food and drink

establishments which are more stringent than state law. Effective 11-1-09.

SB 580 (Burrage/Cox): Permits long-term care pharmacies to maintain controlled dangerous substances in emergency electronic medication kits at long-term care facilities. Limits use of such controlled dangerous substances to the emergency medication needs of residents at a facility. Directs the State Board of Pharmacy to promulgate rules relating to emergency medication kits. Effective 11-1-09.

SB 597 (Gumm/Carey): Permits persons in need of emergency mental health or substance abuse services to be transported to a facility in another state if the nearest in-state facility is more than 50 miles away and if the out-of-state facility meets the specified requirements. Effective 11-1-09.

SB 622 (Coffee/Cox): Updates the Uniform Anatomical Gift Act to establish requirements and procedures related to organ donation, including, but not limited to, provisions related to documents of gift, donor registries, powers of attorney, health care directives, and cooperation and coordination between procurement organizations and coroners and medical examiners. Effective 11-1-09.

SB 661 (Paddack/Cox): Directs the State Commissioner of Health to develop grant programs in order to administer the National Hospital Preparedness Program. Exempts the awarding of grants from the requirements of the Oklahoma Central Purchasing Act. Directs the Commissioner to develop a process for awarding grants to programs. Effective 11-1-09.

SB 677 (Paddack/Cox): Adds employees from the State Department of Health to the list of persons who may charge for meals and lodging when performing duties out of town related to the preservation of public health. Effective 4-21-09.

SB 757 (Burrage/Steele): Creates the Health Information Infrastructure Advisory Board to advise the Oklahoma Health Care Authority in developing a strategy for the adoption and use of health information technology. Requires the Oklahoma Health Care Authority to operate as a hub for health information exchange between health-related state agencies and other health information organizations. Provides for membership of the advisory board. Authorizes city-county health departments to provide informa-

tion and data relating to the condition and treatment of individuals for the purpose of reducing morbidity and mortality. Effective 11-1-09.

SB 810 (Nichols/Terrill): Creates the Oklahoma Sleep Diagnostic Testing Regulation Act. Requires sleep diagnostic tests to be ordered by a physician, physician assistant or advance practice nurse. Sets minimum requirements for sleep diagnostic testing facilities. Makes it unlawful for a facility or person to perform sleep diagnostic tests without complying with this act. Authorizes the State Department of Health to enforce the provisions of this act. Effective 8-26-09.

SB 894 (Coffee/Miller): Requires health care professionals treating adult victims of sexual assault to report the incident only if requested by the victim. Directs health care professionals to document the incident and treatment provided to all sexual assault victims and refer the victims to victim services programs. Requires such health care professionals to provide copies of the results of a sexual assault examination to law enforcement when requested as part of an investigation. Effective 11-1-09.

SB 964 (Paddack/Cox): Modifies membership of the advisory committee on school vision screenings within the State Department of Health. Directs the advisory committee to make recommendations to the State Department of Health on standards and qualifications related to school vision screenings and provide to the Department lists of qualified vision screeners, vision screener trainers and trainers of vision screener trainers. Directs the Department to maintain a statewide registry of vision screeners and a list of vision screener trainers and trainers of vision screener trainers. Authorizes the Department to deny, refuse, suspend, or revoke approval of applicants. Permits the advisory committee to make recommendations to the Board establishing a requirement for background checks. Directs the Board to promulgate rules to implement these provisions. Effective 7-1-09.

SB 994 (Sparks/Sullivan): Creates an exception to confidentiality between a patient's physician for communications that are otherwise permitted by state or federal privacy law to be disclosed. Effective 11-1-09.

SB 1013 (Newberry/Sullivan): Makes a person who steals, embezzles or copies without authority certain business records and customer lists guilty of larceny. Effective 11-1-09.

SB 1129 (Anderson/Cox): Creates the Uniform Emergency Volunteer Health Practitioners Act to regulate registered volunteer health practitioners who provide services for a host entity while an emergency declaration is in effect. Permits the State Department of Health to regulate volunteer health practitioners during an emergency. Requires a host entity to coordinate with the Department and comply with state laws. Specifies minimum criteria to qualify as a volunteer health practitioner registration system. Requires confirmation on whether persons are registered during an emergency. Permits registered volunteer health practitioners to practice in the state during an emergency. Requires volunteer health practitioners to adhere to the state's scope of practice laws. Permits the Department or host entity to modify the services that a volunteer may provide. Authorizes state licensing boards to impose administrative sanctions on volunteer health practitioners. States that the act does not limit the rights, privileges or immunities provided to volunteer health practitioners by other laws. Permits the Department to incorporate volunteer health practitioners into the emergency forces of the state. Authorizes the State Board of Health to promulgate rules to implement the act. Requires consideration of uniformity among states when applying the act. Removes the authority granted to the Governor to regulate health manpower during a disaster declaration. Exempts certain volunteer health practitioners from the license waiver for emergency management workers. Effective 11-1-09.

SB 1178 (Nichols/Terrill): Directs the secretary of the State Board of Medical Licensure and Supervision to preserve a record of physicians applying for reinstatement of license. Modifies annual date by which the Board's records must be transferred to the Secretary of State for permanent record. Effective 11-1-09.

SB 1179 (Marlatt/Armes): Modifies license application fees for the Board of Chiropractic Examiners. Effective 11-1-09.

SB 1181 (Jolley/Cox): Modifies and adds various terms in the Oklahoma Pharmacy Act. Clarifies and updates language throughout the act. Requires the Executive Director of the State Board of Pharmacy to be a licensed pharmacist. Changes the term "registration" or "registered" to "licensing", "licensure" or "licensed" as appropriate throughout the act. Grants pharmacist compliance officers certain authority. Requires certain minimum standards for hospital drug rooms. Modifies and adds to the powers and duties of the State Board of Pharmacy. Modifies various requirements for licensure by the State Board of Pharmacy. Increases fees. Modifies duties required of and authority granted to assistant pharmacists. Modifies procedures related to the renewal of licenses. Deletes requirement of the Board of Examiners in Optometry to provide an annual list of all certified optometrists to licensed pharmacies. Makes it unlawful to impersonate a pharmacist. Expands scope of licensure requirements to online pharmacies. Prohibits suspicious prescription drug returns. Makes certain acts by persons or business entities unlawful. Modifies penalties that may be administered by the State Board of Pharmacy. Modifies the procedures related to information obtained from investigations. Modifies procedures related to complaints. Deletes requirement related to pharmacists administering both immunization and therapeutic injections. Repeals definitions that are no longer needed. Effective 11-1-09.

HB 1059 (Nations/Nichols): Permits multiple dentists to use a trade name in connection with the practice of dentistry. Deletes language requiring an advertisement in which the trade name appears to include the name of the dentist providing the dental services. Requires an electronic form of the advertising be kept. Directs the Board of Dentistry to promulgate rules regulating advertisements. Expands the special volunteer license for retired dentists to include out-of-state dentists and out-of-state or retired dental hygienists. Makes dentists or dental hygienists ineligible for the special volunteer license if their license has been suspended or revoked in any other state. Grants the Board of Dentistry jurisdiction over dentists, dental hygienists and other dental professionals who volunteer their services. Requires volunteer dental assistants and dental technicians to work under the direct supervision of a dentist. Exempts volunteer dental assistants and dental technicians from the requirement to obtain a volunteer license and grants the Board certain authority over these persons. Prohibits

the use of sedation or anesthesia by volunteers. Authorizes the Board to revoke a volunteer license for failure to participate according to state laws or administrative rules. Effective 11-1-09.

HB 1065 (Faught/Crain): Directs the State Board of Health to promulgate rules providing for the development of a consumer guide to be posted on the Department's website to assist individuals with understanding the services provided by assisted living centers. Directs the Board to promulgate rules providing for the posting on the Department's website the results of routine inspections and complaint investigations for each assisted living center. Effective 11-1-09.

HB 1067 (Faught/Crain): Requires that initial assessments on individuals in protective mental health custody include a screening and assessment process designed to identify possible alcohol or drug abuse or dependency. Effective 11-1-09.

HB 1069 (Tibbs/Paddack): Delays from 2010 until 2012 the requirement that applicants for a license to practice as an alcohol and drug counselor possess a master's degree. Requires the State Commissioner of Health to provide an opportunity for a licensed professional counselor, a marriage and family therapist, or a licensed behavioral practitioner to contest a determination that such person is unfit to practice because of a felony conviction. Effective 11-1-09.

HB 1114 (Peterson/Lamb): Makes it a misdemeanor for any person or entity to perform or attempt to perform human cloning, to transfer or receive the product of human cloning, or import the product of human cloning. Effective 11-1-09.

HB 1481 (Kern/Paddack): Expands the special volunteer license for retired physicians to also apply to eligible retired volunteer physician assistants, nurses and pharmacists. Changes the Volunteer Medical Professional Services Immunity Act to the Volunteer Professional Services Immunity Act. Expands the definition of volunteer professionals to include persons licensed under the special volunteer license for retired physicians, physician assistants, nurses and pharmacists. Effective 11-1-09.

HB 1569 (Schwartz/Crain): Specifies labels and titles permissible under the Podiatric, Chiropractic, Dental, Allopathic, Optometry, Osteopathic, Psychology, and Speech-Language Pathology and Audiology Acts. Requires advertisements for health care services naming a provider to identify the type of license or indicate the branch of healing arts. Makes it unlawful for certain health care providers to deceive the public regarding the license under which the person is authorized to practice. Provides for penalties for persons who violate the provisions regarding labels and titles. Adds stroke prevention and treatment through electronic communication to the definition of the practice of medicine. Adds stroke prevention and treatment through electronic communication by an osteopathic physician for a patient being treated in the state to the list of services which require a license under the Oklahoma Osteopathic Medicine Act. Amends the definition of telemedicine to include the treatment and prevention of strokes by means of electronic communication. Effective 11-1-09.

HB 1595 (Sullivan/Lamb): Prohibits a person from performing an abortion with knowledge that the pregnant female is seeking the abortion on account of the unborn child's sex. Provides for liability, injunctive relief and civil actions and provides for the suspension or revocation of a health care provider's license. Creates the Statistical Reporting of Abortion Act. Directs the State Department of Health to make available on its website an Individual Abortion Form and a form for a Complications of Induced Abortion Report. Directs the Department to post all statutes and regulations relating to abortion on its website and provide the means by which physicians may electronically submit the reports. Requires physicians to complete and submit an Individual Abortion Form to the Department for each abortion the physician performs. Requires the Department to post the form without patient-identifying information on its website. Specifies content of the Individual Abortion Form. Directs the Department to make available on its website a Complications of Induced Abortion Report. Requires physicians who encounter an illness or injury that is related to an induced abortion to complete and submit the form to the Department. Specifies the content of the Complications of Induced Abortion Report Form. Directs the Department to annually issue on its website a public Annual Abortion Report providing statistics compiled from submitted reports. Requires the Department to post a public Annual Judicial Bypass of Abortion Parental Con-

sent Summary Report on its website. Prohibits public reports from containing patient-identifying information. Requires notification to physicians of the Statistical Reporting of Abortion Act. Subjects late reports to a fee and prohibits the renewal of physicians' licenses until late forms are submitted. Makes anyone who knowingly or recklessly fails to submit forms guilty of a misdemeanor. Permits an action to be initiated if the Department fails to issue required public reports. Authorizes the Legislature to appoint one or more of its members to intervene as a matter of right in any case in which the constitutionality of the law is challenged. States that if the act is ever restrained or enjoined or if part of the act is found to be unconstitutional, certain provisions shall remain effective. Repeals current law requiring abortion reporting forms. Effective 11-1-09.

HB 1616 (Sullivan/Crain): Permits a medically unstable person who is being transported for emergency mental health or substance abuse treatment to be transported to a medical facility. Permits a treating physician to authorize that the person be detained until the person is medically stable. Directs the physician to authorize detention of the patient for transportation if the physician determines that the person is medically stable and still requires emergency mental health or substance abuse treatment. Effective 11-1-09.

HB 1729 (Cox/Crain): Modifies language to make the pilot alternative informal dispute resolution program for nursing homes permanent. Deletes language providing for the pilot program. Effective 11-1-09.

HB 1736 (Peters/Ford): Adds definitions under the Home Care Act. Prohibits home care agencies from placing an individual as a supportive home assistant unless the individual has completed agency-based training and has demonstrated competence through testing. Directs the State Department of Health to set forth requirements related to application, approval, renewal and denial of testing entities. Requires home care agencies to develop written training plans. Requires supervisory visits on supportive home assistants and prohibits supportive home assistants from providing services until specified background checks have been conducted and approved. Prohibits home care agencies from employing supportive home assistants listed on the Department of Human Services Community Services Worker Registry. Effective 11-1-09.

HB 1897 (Cox/Ford): Excludes podiatrists licensed in another state who are training with a podiatrist licensed in this state for a limited period of time from the Podiatric Medicine Practice Act. Adds stroke prevention and treatment through electronic communication to the definition of the practice of medicine and surgery. Creates the Allied Professional Peer Assistance Program under the State Board of Medical Licensure and Supervision to rehabilitate allied medical professionals who have abused drugs or alcohol. Provides for peer assistance evaluation advisory committees. Permits the Board to appoint persons to serve as program coordinators. Authorizes the Board to adopt rules as necessary to implement the program. Designates a portion of licensing fees for each allied profession for the program. Provides for the maintenance and confidentiality of program records. Grants immunity to persons making a report regarding a professional suspected of practicing while impaired. Provides for disciplinary actions related to program participants. Makes program treatment information confidential. Modifies education requirement for foreign applicants seeking licensure to practice medicine and surgery. Authorizes the Board of Medical Licensure and Supervision to issue circumscribed and temporary licenses to any of the professions under the jurisdiction of the Board. Permits the Executive Director of the Board to suspend a person's license to practice medicine and surgery immediately upon hearing that a licensee is in violation of a Board-ordered probation. Designates as unprofessional conduct a physician's failure to provide a proper medical facility. Requires a "letter of concern" issued by the Board to be confidential. Makes all disciplinary actions specified for physicians applicable to all licensees under the Board's jurisdiction. Authorizes the issuance of temporary licenses to practice orthotics and prosthetics. Effective 7-1-09.

HB 2026 (Steele/Crain): Creates the Health Care for Oklahomans Act. Directs the Insurance Commissioner to aid the Health Care for the Uninsured Board (HUB) and promulgate applicable rules. Requires the State Board of Health to direct the implementation of the duties of the HUB. Directs the Insurance Commissioner to establish a system of certification for insurance programs to be recommended by the HUB, establish a system of counseling for individuals who are without health insurance, and establish a system whereby a person eligible for the state premium assistance program can become enrolled through the HUB. Directs the Insurance Commissioner to initiate a pro-

gram to encourage enrollment of individuals not covered by insurance or Medicaid in health insurance programs. Requires health care providers to refer uninsured individuals to the HUB. Permits health carriers to offer insurance policies that do not provide most state-mandated health benefits to individuals under 40. Requires such health benefit plans to disclose that the plans do not cover most state-mandated health benefits and requires applicants to sign the disclosure. Requires insurers that offer such health benefits plans to offer at least one policy with state-mandated health benefits. Authorizes the Oklahoma Health Care Authority to create an option to purchase a high-deductible health insurance plan as part of the premium assistance program. Effective 11-1-09.

### **ARRA – MEDICAID FUNDING**

Between March 2009 and December 2010, Oklahoma is expected to receive \$671 million in federal stimulus dollars (ARRA Funds) for Oklahoma's Medicaid program. These anticipated dollars will be distributed to Oklahoma agencies that provide Medicaid-related services. This includes the Oklahoma Health Care Authority, the Department of Human Services, the University Hospitals Authority, the State Department of Health, the Department of Mental Health and Substance Abuses Services, and the J.D. McCarty Center. The stimulus funds come from Oklahoma's FMAP percentage being adjusted back to the FY'08 percentage (Hold Harmless provision) and a 6.2% increase until December 2010. In order to receive the stimulus funds, Oklahoma is prohibited from reducing eligibility in the Medicaid program. If eligibility is reduced during this time, the stimulus funds would be in jeopardy.

### **HEALTH CARE AUTHORITY FUNDING**

The Oklahoma Health Care Authority (OHCA), charged with administering the state's Medicaid program, received \$979,796,994. This is a 16.3 percent increase over the agency's FY'09 appropriation. The appropriation for FY'10 was \$663,336,492 in State Funds and \$316,460,502 in ARRA funds from the increased FMAP reimbursement rate.

Major funding items include:

- \$41 million for FMAP annualization;
- \$23 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 2 percent;
- \$2.5 million for Medicare Part D;
- \$1.9 million for Federal FY'10 Medicare A & B premiums; and
- \$108 million to replace one-time funding from OHCA's O-EPIC fund.

### ***PUBLIC HEALTH FUNDING***

The appropriation for the Department of Health will be \$74,360,930. This is 0.5 percent less than the agency received in FY'09. The Department's appropriation was \$73,030,278 in State funds and \$1,330,652 in ARRA funds. The Department's budget includes \$2.5 million for reimbursement to Federally Qualified Health Centers (FQHC) for uncompensated care. The \$2.5 million will go into the uncompensated care formula to be dispersed based on each FQHC amount of uncompensated care delivered. \$2.225 million was also appropriated to the Department for operations. The Department also received \$125,000 to increase the number of dentists in the Dental Loan Repayment Program. These new funds will allow another five dentists to join the program. The program is in its fourth year, with a total of \$500,000 going to help dentists repay their loans. The program requires that dentists in the program have at least 30% of their business be Medicaid patients.

### ***MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES FUNDING***

The appropriation for the Department of Mental Health and Substance Abuse Services will be \$203,275,222 for FY'10. This is a 2% reduction from last year's budget. DMHSAS received \$199,529,080 in State funds and \$3,746,142 in ARRA funds. \$150,000 was appropriated for the Thunderbird Clubhouse in Norman.

### ***J.D. MCCARTY CENTER FUNDING***

The J.D. McCarty Center for Children with Developmental Disabilities received a standstill budget for FY'10 (\$4,452,961). Within their appropriation, the Center received \$363,572 in ARRA funds.

### ***UNIVERSITY HOSPITALS FUNDING***

The University Hospitals was appropriated \$43,493,342 for FY'10. This is a 0.6 percent increase. UHA was appropriated \$33,176,659 in State funds and \$10,316,683 in ARRA funds. UHA was appropriated \$243,000 for primary care provider evaluation training for providers in the Sooner SUCCESS program to acquire skills necessary to evaluate children with autism spectrum disorders (SB 135).

### ***HUMAN SERVICES MEASURES***

SB 292 (Anderson/Peters): Deletes and repeals language requiring that benefits for children born to a Temporary Assistance for Needy Families (TANF) recipient be in the form of a voucher rather than additional cash assistance. Effective 11-1-09.

SB 337 (Adelson/Lamons): Requires the sale of the Laura Dester Shelter in Tulsa to be consistent with the Pearl District neighborhood revitalization plan and the Sixth Street Infill Plan as adopted by the Tulsa City Council. Effective 11-1-09.

SB 478 (Jolley/Peters): Clarifies language specifying that mandatory child care facility liability insurance policies cover injuries due to negligence. Requires child care facilities to make forms proving the facility is in compliance available to the Department of Human Services upon request. Modifies notification requirements when a facility does not maintain a child care facility liability policy. Modifies penalties for noncompliance. Provides for exceptions to the notification requirements. Authorizes the Commission for Human Services to promulgate rules requiring liability insurance for certain child care facilities. Effective 5-8-09.

SB 595 (Anderson/Johnson): Creates the Juvenile Justice Public Works Act. Directs the Office of Juvenile Affairs to establish and maintain the Juvenile Justice Public Works Program to provide labor for community service projects, improve public lands and reduce recidivism for juvenile or youthful offenders. Prohibits the assignment of juvenile or youthful offenders to the program who are deemed to be a threat to public safety or who have attempted to escape from an institution. Requires the Board of Juvenile Affairs to promulgate rules to implement the program. Clarifies that the act does not restore the civil rights of juvenile or youthful offenders. Grants immunity to entities which participate in the program. Requires the Office of Juvenile Affairs to certify all secure facilities for juveniles. Makes it a felony for juveniles to bring certain items into a secure facility, including dangerous instruments, controlled dangerous substances, intoxicating beverages, cellular phones or money. Makes it a misdemeanor for juveniles to bring tobacco products into a secure facility. Effective 11-1-09.

SB 730 (Laster/Steele): Provides an exception to the law prohibiting the placement of certain delinquent children or youthful offenders in homes with firearms if the delinquent child or youthful offender is placed in a home with a full-time CLEET certified peace officer. Effective 11-1-09.

SB 794 (Jolley/Murphey): Requires the Department of Human Services to include statistics on adoption dissolutions whenever the Department publishes statistics on successful adoptions. Effective 11-1-09.

SB 987 (Crutchfield/Ownbey): Increases from \$7,500 to \$10,000 the amount of certain insurance policies that can be excluded from the determination of income for purposes of determining eligibility for certain assistance from the Department of Human Services. Effective 11-1-09.

HB 1742 (Peters/Anderson): Adds and modifies various definitions in the Oklahoma Child Care Facilities Licensing Act. Modifies exemptions to the Oklahoma Child Care Facilities Licensing Act. Deletes language requiring certain rules related to residential child care facilities. Deletes language permitting foster family homes and group homes supervised by a child care facility to be operated under permits issued by the child care facility. Modifies provisions related to records searches on persons seeking permits or licenses under the Oklahoma Child

Care Facilities Licensing Act. Deletes language permitting the issuance of a provisional license to child care facilities. Deletes language requiring the Department of Human Services to develop a web-based assessment tool for the public to evaluate child care facility compliance. Repeals a requirement directing the Department to make an annual report to the Governor. Repeals various Department requirements related to child care and child care assistance benefits. Effective 5-21-09.

HB 1893 (Peterson/Anderson): Authorizes the Aging Services Division of the Department of Human Services to collaborate with other entities to implement an Aging and Disability Resource Consortium initiative, a single-point-of-entry concept for aging and disability groups. Designates the Aging Services Division as the lead agency and directs the Division to coordinate with the disability and aging network. Authorizes the Division to pursue grants. Directs the initiative to streamline services and assist individuals in making informed decisions about service and support options. Effective 11-1-09.

HB 2029 (Steele/Coates): Reclassifies, updates, reforms, renumbers and recodifies the laws related to children and juveniles as recommended by the Oklahoma Children and Juvenile Law Reform Committee. Effective 5-21-09.

HB 2032 (Steele/Justice): Clarifies that it is the responsibility of the Office of Juvenile System Oversight within the Oklahoma Commission on Children and Youth to perform issue-specific systemic monitoring of the children and youth service system as directed by the Commission. Limits the number of unannounced inspections conducted by the Office of state-operated children's facilities to two per year. Clarifies that the Office may interview the residents of a facility for the purpose of systemic oversight and complaint investigations. Effective 11-1-09.

### **DEPARTMENT OF HUMAN SERVICES FUNDING**

The Department of Human Services (DHS) was appropriated \$550,712,113 for FY'10. This amount represents an \$8.3 million decrease from the FY'09 appropriation. DHS was appropriated \$478,356,473 in State Funds and \$71,355,640 in ARRA Funds. Within DHS's appropriation, \$300,000 was appropriated for

construction at the Northern Oklahoma Resource Center in Enid. \$1.15 million was appropriated to implement the provisions of the performance audit. Finally, DHS is required to fund in its entirety the Advantage Waiver Program for FY'10.

**COMMISSION ON CHILDREN  
AND YOUTH FUNDING**

The Oklahoma Commission on Children and Youth (OCCY) was appropriated \$2,480,232 for FY'10. This amount represents a 4.9 percent decrease from the FY'09 appropriation. Additional funding was used (\$100,000) to reduce the Commission's cut from 7 percent, which is what most agencies received, to the 4.9 percent cut the Commission received for FY'10.

**OFFICE OF DISABILITY  
CONCERNS FUNDING**

The Office of Disability Concerns (ODC) was another agency that took less than a 7 percent cut for FY'10. ODC was appropriated \$392,769, which is a 4.8 percent decrease from FY'09. Within its appropriation, \$16,117 was used to lessen the cut for FY'10.

**REHABILITATION SERVICES FUNDING**

The Department of Rehabilitation Services (DRS) was appropriated \$30,453,770 for FY'10, representing a 1.3 percent increase from the FY'09 appropriation. DRS did not take a cut for FY'10 based on the fact that most of DRS's funding is matched by the federal government at a 4 to 1 ratio. DRS was appropriated an additional \$400,000 to enter into lease-purchase agreements to help renovate and repair the two state schools, the School for the Deaf in Sulphur and the School for the Blind in Muskogee.

**INSURANCE MEASURES**

SB 533 (Aldridge/Sullivan): Modifies the uninsured motorist selection/rejection process by only requiring the form to be signed once during the lifetime of the policy. Effective 11-1-09.

SB 553 (Justice/Osborn): Extends the period of time insurance coverage is in effect for a terminated employee from 30 to 63 days and allows premiums to be charged for this period.

Specifies that insurance coverage may continue for up to four months in the case of an employee who is involuntarily terminated from employment. Specifies that this provision is only applicable until a premium subsidy is available pursuant to the American Recovery and Reinvestment Act of 2009. Modifies the definition of "federally defined eligible individual" for purposes of the Health Insurance High Risk Pool Act to include a person who has exhausted Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage. Specifies that eligibility for the High Risk Pool shall not be denied to a person who has exhausted COBRA coverage. Requires such person to apply for coverage under any of the Pool plans within 63 days after exhausting such COBRA coverage in order to have a preexisting condition covered. Effective 5-18-09.

SB 700 (Brown/Sullivan): Modifies the definition of "owner's policy" for purposes of compulsory liability insurance by specifying that in the case of a commercial automobile insurance policy an owner's policy may be issued by an unauthorized (surplus lines) insurer. Effective 11-1-09.

SB 822 (Branan/Hickman): Creates the Task Force on the Review of Health Insurance Mandates to review and evaluate the mandatory health insurance mandates that are currently provided for by law. Effective 8-26-09.

SB 920 (Sparks/McDaniel (Randy)): Modifies various provisions in the Service Warranty Insurance Act including modifying the definition of "sales representative", eliminating the requirement that entities that sell service warranty contracts must be registered by the Insurance Department and modifying the administrative fee charged service warranty associations by providing for a percentage based fee and providing for an option to pay a flat fee. Effective 7-1-09.

SB 1022 (Brown/Sullivan): Provides for the annual omnibus bill for the Oklahoma Insurance Department:

- Expands the scope of examinations the Oklahoma Insurance Commissioner may conduct to include a financial and market conduct examination.
- Requires any insurer to file with the Oklahoma Insurance Commissioner an annual market conduct statement.
- Creates the Oklahoma Annual Financial Report Act.

- Allows certain domestic insurers possessing a policyholder surplus in excess of \$15 million to be designated as a Domestic Surplus Line Insurer.
- Establishes an administrative fee of \$50 for certain licensees who fail to notify the Insurance Commissioner of a change in legal name within 30 days of such change.
- Increases continuing education requirement for insurance producers from 14 to 21 hours with at least 3 of those hours being related to ethics.
- Allows for issuance of apprentice adjuster licenses.
- Provides that adjuster licenses shall not be valid for longer than 24 months. Increases continuing education requirement of licensees applying for renewal of adjuster license.
- Requires captive insurance and reinsurance companies licensed to operate in Oklahoma to submit financial reports using Statutory Accounting Principles.
- Creates the Medical Professional Liability Insurance Closed Claim Reports Act.

Effective 11-1-09.

SB 1231 (Jolley/Martin (Scott)): Modifies various provisions relating to prepaid funeral services and funeral service merchandise including denying the issuance of a permit by the Insurance Commissioner under certain circumstances, providing procedures for the transfer of a permit to another organization, requiring all price lists reflecting the actual retail cost of funeral services and merchandise to be retained for at least three years and directing the Insurance Commissioner to prescribe rules relating to the conversion of contracts. Authorizes the Insurance Commissioner to solicit and accept the use of any grant made to the Insurance Department as long as the terms of the grant are carried out and the funds are held in trust. Effective 7-1-09 for Section 10/ 11-1-09 for Sections 1 through 9.

HB 1055 (Cox/Brown): Specifies that failure to pay or to request a refund of a payment for health care services preauthorized or precertified by the insurer in certain circumstances is an unfair claim settlement practice. Provides exception. Requires the Insurance Commissioner to develop an affidavit to be presented to patients by health care providers prior to rendering nonemergency services. Specifies that such affidavit shall be designed to seek information from the patient to further determine the eligibility of the patient for benefits under

the patient's insurance policy. Creates the State Employee Health Insurance Review Working Group. Effective date 7-1-10 for Sections 1 and 2/ 11-1-09 for Section 3/ 5-27-09 for Section 4.

### **INTOXICATING LIQUOR, SMOKING & TOBACCO LAWS MEASURES**

SB 1146 (Jolley/Jackson): Relates to the Low-Point Beer Distribution Act. The bill adds to and modifies definitions and makes an exemption from the Act for certain manufacturers. The bill prohibits the termination of certain agreements between certain manufacturers and wholesalers unless certain conditions are met and with certain exceptions. It provides procedures for the transfer by purchase or otherwise of low-point beer from a manufacturer to a successor manufacturer. Recovery of damages is provided for, dispute resolution and voluntary good-faith settlements are authorized, states that an existing wholesaler or a successor wholesaler shall not have any right to compensation if agreements with such wholesalers are terminated by a successor manufacturer pursuant to provisions of the Act, prohibits a manufacturer from requiring any wholesaler to waive compliance with certain provisions and provides that the provisions of the act shall apply only to certain agreements, renewals, extensions, amendments or conduct constituting a modification of an agreement by a manufacturer after May 8, 2009. Effective 5-8-09.

HB 1604 (Sullivan/Bingman): Modifies provisions relating to what a wholesaler license shall authorize the holder to do. Authorizes the licensee to purchase wines from winemakers in this state, to sell spirits and wines received and unloaded at the warehouse of the wholesaler before such sale and to sell such wine and spirits to licensed wholesalers to the extent described in the bill. Effective 11-1-09.

### **JUDICIARY/COURTS MEASURES**

SB 339 (Anderson/Peters): Modifies various provisions related to child placement and foster care; including requiring a court to make determinations related to placement of siblings in emergency custody hearings; requiring a court to order the parent, legal guardian, or custodian to complete an affidavit listing the names, addresses and phone numbers of any parent, whether known or alleged, grandparent, adult

aunt, uncle, brother, sister, half-sibling and first cousin of the child and any comments concerning the appropriateness of the child's potential placement with such relative; and requiring individual treatment plans to include a plan for ensuring the educational stability of a child while in out-of-home placement. Effective 5-11-09.

SB 349 (Myers/Richardson): Requires a remediation notice filed pursuant to the Oklahoma Hazardous Waste Management Act in the land records of the county in which the site is located to run with land. Effective 7-1-09.

SB 401 (Crain/Sullivan): Removes disqualification of deputy sheriffs for practicing law in this state. Effective 11-1-09.

SB 411 (Jolley/Nelson): Adds the Executive Director of the Office of Juvenile Affairs to the membership of the Domestic Violence Fatality Review Board. Effective 11-1-09.

SB 611 (Anderson/Duncan): Authorizes use of an out-of-state laboratory for DNA analysis if requested by a forensic laboratory operated by this state; and allows certain interlocutory appeals and provides priority for such appeals. Effective 11-1-09.

SB 612 (Anderson/Duncan): Requires a defendant who intends to raise the issue of mental illness or insanity to file notice with the court no later than 30 days after formal arraignment; and modifies requirements for compensation of mental health professionals in such cases where a defendant is financially unable to obtain the services of such professionals. Effective 11-1-09.

SB 613 (Anderson/Duncan): Prohibits a court from imposing a deferred sentence after another sentence has been imposed or probation revoked; modifies eligibility requirement for the Delayed Sentencing Program for Young Adults; and authorizes law enforcement officials who investigated a crime to witness execution. Effective 11-1-09.

SB 659 (Justice/Steele): Grants immunity from civil liability to a post adjudication review board member or a post adjudication review advisory board or post adjudication review board coordinator participating in a judicial proceeding; allows certain persons to attend executive sessions or hearings of post adjudication review boards; and authorizes creation of

temporary ad hoc review boards. Effective 11-1-09.

SB 672 (Crain/Sullivan): Requires an appeal of a decision of the district court in a civil action related to a person's incarceration or supervision while in the custody of the Department of Corrections, a county or municipal jail, or a private prison, adverse to a municipal, county or state employee or a person employed by a private prison, to be appealed directly to the appropriate appellate court without further motions. Effective 11-1-09.

SB 699 (Crain/Cox): Removes limitation on reduction of certain proceeds awarded in an action brought under the Oklahoma Medicaid False Claims Act. Effective 11-1-09.

SB 745 (Jolley/Sullivan): Expands eligibility for immunity from liability related to the use of automated external defibrillators. Effective 11-1-09.

SB 887 (Anderson/Carey): Creates the Uniform Foreign-Country Money Judgments Recognition Act to provide uniform procedures for recognition of foreign country judgments in a state court, after which the judgment may be enforced as if it is a judgment of another state of the United States. Effective 11-1-09.

SB 1029 (Russell/Nelson): Requires a written full-disclosure statement in all direct-placement adoptions in this state to be attached to the petition for adoption filed with a court. Such statement shall include, but not be limited to, information related to statutes addressing child trafficking and adoption-related costs and expenses, the scope of services provided by the attorney and any fees charged, and a statement that describes customary risks associated with adoptions. Modifies preplacement home study requirements if a minor has been residing with a birth parent's spouse for at least one year as of the date of the filing of the adoption petition. Some provisions effective 11-1-09, some provisions effective 7-1-09.

SB 1075 (Crain/Sullivan): Modifies requirements for review of certain offenders for drug court programs and prohibits counting offenders who have not fully paid all costs and fees but who have otherwise successfully completed the drug court program as a participant for purposes of drug court contracts or program participant numbers. Effective 11-1-09.

SB 1103 (Coffee/Thompson): Creates the Use of Force for the Protection of the Unborn Act to create an affirmative defense to criminal liability for a pregnant woman who uses force or deadly force to protect herself or her unborn child against the unlawful force or unlawful deadly force she reasonably believes to be threatening her unborn child. Effective 11-1-09.

SB 1115 (Sykes/McCullough): Prohibits local rules and administrative orders of a district court from conflicting with any statutes of this state or rules of a superior court, and requires local rules to be in writing and published on OSCN to be valid and enforceable. Effective 11-1-09.

SB 1126 (Jolley/Nelson): Modifies requirements related to probation and payment plans for a person whose licenses have been revoked or suspended for failure to pay child support. Effective 11-1-09.

SB 1134 (Jolley/Duncan): Establishes an exemption from jury duty for a member of the Armed Forces of the United States who is serving on active duty during a time of war or declared hostilities. Effective 11-1-09.

SJR 11 (Brogdon/Dank): Rescinds applications by the Legislature to the United States Congress to call a constitutional convention.

HB 1035 (Jordan/Newberry): Modifies the provision in the Uniform Arbitration Act that relates to a record of an award by deleting the requirement that an arbitrator support his or her final decision on the merits of a case by rendering findings of fact and conclusions of law. Effective 11-1-09.

HB 1413 (Nelson/Sparks): Establishes a 5-year statute of limitation for prosecution of the crimes of false personation or identity theft; and extends the deferred prosecution period for purposes of the Restitution and Diversion Program from 2 to 3 years. Effective 11-1-09.

HB 1460 (Peterson/Anderson): Clarifies definition of "child pornography"; and authorizes Attorney General or any district attorney to investigate activity that includes the purchase or possession of child pornography. Effective 5-19-09.

HB 1597 (Sullivan/Crain): Establishes that disclosure of information covered by attorney-client privilege or the work-product doctrine does not operate as a waiver if such disclosure was inadvertent, the holder took reasonable steps to prevent such disclosure and to rectify the error; and establishes confidentiality of certain communications between an accountant and client. Effective 11-1-09.

HB 1598 (Sullivan/Sykes): Creates the School Protection Act to provide teachers, principals, and other school professionals tools to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment; including prohibiting the making false accusations of criminal activity against an education employee to law enforcement authorities or school district officials, allowing a court to award costs and attorney fees to a prevailing party in any civil action or proceeding against a school or an education employee, and prohibiting a student from assaulting, attempting to cause physical bodily injury, or acting in a manner that could reasonably cause bodily injury to an education employee or a person who is volunteering for the school. Effective 11-1-09.

HB 1603 (Sullivan/Coffee): Enacts the Comprehensive Lawsuit Reform Act of 2009, which includes provisions related to affidavit of merit, dismissal of actions, prejudgment and post-judgment interest, appeal bonds, frivolous lawsuits, joint and several liability, noneconomic damage caps, Health Care Indemnity Fund Task Force, firearms manufacturers, product liability, asbestos liability and successor liability. Effective 11-1-09.

HB 1674 (Cannaday/Ballenger): Requires any person who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance to be released by the arresting officer upon personal recognizance under specified circumstances and establishes procedures for disposition of the case of such person. Effective 11-1-09.

HB 1734 (Peters/Crain): Modifies provisions related to the Oklahoma Child Care Facilities Licensing Act and the Oklahoma Foster Care and Out-of-Home Placement Act; and creates the Children's Services Oversight Committee. Effective 7-1-09.

HB 1739 (Peters/Anderson): Modifies requirements in child custody and visitation proceedings if the court determines that domestic violence, stalking or harassment has occurred. Effective 11-1-09.

HB 2028 (Steele/Coates): Extensive modification and recodification of the Oklahoma Children's Code. Effective 5-21-09.

HB 2174 (Nelson/Russell): Modifies venue requirements for adoption proceedings; authorizes the court in an adoption proceeding to appoint an attorney for the child to examine all expenses and attorney fees presented to the court for approval; requires a Disclosure Statement of Adoption-related Costs and Expenditures to be prepared in writing by the attorney, child-placing agency, or person facilitating in a direct-placement adoption; and modifies the definition of child trafficking to include the solicitation or receipt of any money or any other thing of value by a birth parent, an attorney or child-placing agency for expenses related to the placement of a child for the purpose of adoption from more than one prospective adoptive family for the adoption of one child. Effective 11-1-09.

**COURTS FUNDING**

The Court of Criminal Appeals was cut by 4.9% for FY'10 and received an appropriation of \$3,304,551.

The District Courts received a FY'10 appropriation of \$54,003,040, which is 7% less than was provided in FY'09.

The Supreme Court was also cut in FY'10 and received an appropriation of \$17,867,941, which is 7.2% less than given in FY'09.

To offset cuts to the District Courts and Supreme Court budgets, the Legislature authorized transfers of \$4 million from the Law Library Revolving Fund and \$4 million from the Lengthy Trial Fund to the Supreme Court Administrative Revolving Fund to cover operating and payroll costs for both the District Courts and Supreme Court.

Also, the Legislature authorized the transfer of \$6 million from the Court Information System Revolving Fund into the State Judicial Retirement Fund to pay employer contributions for all active members of the Uniform Retirement System.

The Legislature provided the Workers' Compensation Court \$5,055,966 in FY'10 funding, which is 3.9% less than the previous fiscal year.

The Council on Judicial Complaints received a 5.5% reduction in state funding and was given \$268,040 for FY'10 operations.

**MOTOR VEHICLES, WATER VESSELS & LICENSING MEASURES**

SB 244 (Johnson (Mike)/Blackwell): Relates to motor vehicles and to the regulation and licensing of manufacturers, distributors, dealers and salespersons. The bill increases the license and renewal fees for each factory branch or distributor branch, each manufacturer or distributor of new motor vehicles, each factory representative or distributor representative, each new motor vehicle dealer and each salesperson. It also authorizes the Oklahoma Motor Vehicle Commission to charge a fee of \$10 to endorse a change of employer on licenses. Effective 11-1-09.

SB 301 (Bingman/Thompson): Provides for clean-up language and removes obsolete language relating to the regulation of motor carriers by the Oklahoma Corporation Commission. Effective 11-1-09.

SB 658 (Aldridge/Nelson): Increases the penalty for delinquent motor vehicle registration and delinquent payment of motor vehicle excise taxes from \$.25 per day to \$1.00 per day. Also increases the maximum penalty from \$25 to \$100. Increased revenue split between tag agents (\$.25 of each daily penalty) and State Highway Construction and Maintenance Fund (\$.75 of each daily penalty), except for FY-10 when the latter is directed to the General Revenue Fund. Effective 7-1-09.

SB 848 (Branan/Nelson): Provides that selling an extended insurance warranty to a purchaser, but failing to provide a copy of the warranty to the purchaser or failing to disclose who the third party insurer will be, an action for which the Oklahoma Used Motor Vehicle and Parts Commission may assess a certain fine against a used motor vehicle dealer. Effective 11-1-09.

SB 888 (Coffee/Benge): Modifies motor license agent appointment process to apply a single set of criteria (those currently applied to agents in urban areas) to all agents statewide. Grandfathers agents with a current appointment until the position is vacated. Effective 7-1-09.

SB 903 (Bass/Roan): Establishes that a licensed wrecker operator is not liable for damage to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer, unless there is failure to exercise reasonable care in the performance of the act or for conduct that is willful or malicious. Effective 11-1-09.

SB 1184 (Marlatt/Thompson): Allows the Department of Public Safety to issue an annual vehicle permit for the movement of turbine blades, used for wind generation, that may exceed a length of one hundred ten (110) feet. Effective 11-1-09.

HB 1318 (Shoemaker/Ballenger): Provides that if the Used Motor Vehicle and Parts Commission denies issuance of a license, it shall provide the grounds for the action to the applicant in writing and allow the applicant 60 days to resolve any issues that are the grounds for the action. Effective 11-1-09.

HB 1365 (Buck/Crutchfield): Requires operators of vessels to submit to drug and alcohol testing if they are involved in a collision or accident which causes death or great bodily injury. Provides that those who make a report of an accident or collision with the Department of Public Safety will not be prosecuted for providing the report with the Department and no statements in the report will be received against them in a criminal investigation, proceeding, or trial. Effective 11-1-09.

HB 1803 (Martin (Steve)/Barrington): Allows wrecker support vehicles to use flashing red and blue lights in the same manner as wreckers. Allows for the use of an amber light on wreckers when leaving the scene of a tow call to warn approaching vehicles. Effective 11-1-09.

HB 2013 (Wright (John)/Aldridge): Requires all insurers, as a condition of writing motor vehicle liability policies in this state, to comply with the requirements of Section 7-600.2 of Title 47 of the Oklahoma Statutes. Requires insurance carriers to cooperate with the Department of Public Safety in maintaining the

insurance verification system as a condition for writing motor vehicle liability policies in Oklahoma. Prohibits accident response fees for the response to or investigation of a motor vehicle accident by law enforcement or other first responder. Effective 5-27-09.

### **PROFESSIONS & OCCUPATIONS MEASURES**

SB 406 (Crain/Terrill): Gives the Insurance Commissioner the authority to review specific financial circumstances and history of a professional bondsman, on a case-by-case basis, and to release a portion of certain deposits if warranted. The Commissioner is authorized to promulgate rules relating to this provision. Effective 11-1-09.

SB 592 (Ford/Sears): Relates to the State Architectural and Interior Designers Act. The bill changes the name of the act to the State Architectural and Registered Interior Designers Act and changes the name of the governing board to the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma. The bill adds the word "registered" throughout the act relating to interior designers and provides for the registration of interior designers. It adds the term "licensed" in relation to certain architects. It also removes certain prohibitions relating to the use of the word interior design. Effective 5-12-09.

SB 602 (Bingman/Martin (Steve)): Prohibits the Oklahoma Real Estate Commission from issuing a license to any applicant convicted of certain crimes within 20 years of the completion of any criminal sentence, including parole and probation. Prohibits the Commission from issuing a license to any applicant convicted of certain felonies within 10 years of the completion of any criminal sentence, including parole and probation. Prohibits the Commission from issuing a license to any applicant convicted of any other felony within 5 years of the completion of any criminal sentence, including parole and probation. States that any applicant with a felony conviction may be licensed after such timelines in accordance with the provisions of the Oklahoma Real estate License Code and Rules. Requires licensed persons to notify the Commission in writing of convictions or pleas to any felony offence within a certain time frame. Effective 11-1-09.

SB 645 (Gumm/Terrill): Exempts licensed architects and engineers from the Home Inspection Licensing Act. Increases the required number of training clock hours required for application to take the home inspection examination from 50 to 90. Increases the required number of continuing education clock hours for license renewal, reactivation or change from inactive status to active status from 5 to 8. Effective 11-1-09.

SB 1182 (Brogdon/Jordan): Creates the Oklahoma Uniform Building Code Commission Act and the Oklahoma Uniform Building Code Commission within the Construction Industries Board. Beginning October 1, 2009, the Commission will have the power and duty to review and adopt all building codes for residential and commercial construction to be used by all entities within the state. Such codes shall be the minimum standards for residential and commercial constructions. It requires public projects and public entities to abide by the minimum standards, but allows public entities to enact and enforce higher standards and requirements. It also authorizes the Commission to establish a system of fees not to exceed \$5.00 to be charged for the issuance and renewal of any construction permits issued by any agency, municipality or other political subdivision of the state. The bill modifies provisions relating to the Construction Industries Board, the Plumbing License Law of 1955, the Electrical License Act, the Mechanical Licensing Act, the Director of Central Services and the State Fire Marshall relating to the authority of setting certain codes. Effective 6-2-09.

HB 1004 (Morgan/Coates): Modifies the definition of "refrigeration system" by deleting the word "erection". Provides that the maximum apprentice-to-journeyman ratio for mechanical work requiring a petroleum refinery journeyman license shall not be greater than 5 apprentices to one petroleum refinery journeyman. Provides that this provision is limited to petroleum refinery mechanical work and shall not apply to other apprentice-to-journeyman ratios established by the Construction Industries Board. Effective 11-1-09.

HB 1779 (Jones/Burrage): Modifies various sections of the Oklahoma Accountancy Act relating to: definitions, certain authority for the executive director; disclosure of certain information, certain qualification for applicants, the issuance of certain certificates, examination fees; use of titles, certain exceptions, out-of-state license and reciprocity, an alternative to

certain requirements, criminal history record check, registration requirements, permit requirements, partnerships of certain accountants, certain exception for certain firms, hearings, penalties, violations, cease and desist order, continuing education requirements and persons entitled to perform required audits. Effective 4-14-09.

### ***PUBLIC FINANCE MEASURES***

SB 238 (Johnson (Mike)/Miller): Authorizes the Oklahoma Capitol Improvement Authority to issue \$25 million in bonds for construction, repair and rehabilitation of flood-control dams, repair of roadside water erosion and riparian restoration, including restoration of flood-damaged areas, in various counties across the state. The bill consists of Section 2 of SB 1374, enacted in 2008, that authorized the issuance of the bonds for the same purpose. The Oklahoma Supreme Court ruled that SB 1374, which also contained authorizations for bonds for two other distinct purposes, was an unconstitutional violation of the single subject rule. Effective 4-27-09.

SB 239 (Mazzei/Miller): Authorizes the Oklahoma Capitol Improvement Authority to issue \$25 million in bonds for construction of Zink Dam improvements, stream bank stabilization and construction of two additional low-water dams on the Arkansas River in Tulsa County. The bill consists of Section 3 of SB 1374, enacted in 2008, that authorized the issuance of these bonds for the same purpose. The Oklahoma Supreme Court ruled that SB 1374, which also contained authorizations for bonds for two other distinct purposes, was an unconstitutional violation of the single subject rule. Effective 4-27-09.

HB 2015 (Miller/Johnson (Mike)): Creates the Oklahoma State Finance Act, which recodifies and updates various sections of law relating to the Office of State Finance. Effective 7-1-09.

### ***PUBLIC SAFETY & HOMELAND SECURITY MEASURES***

SB 335 (Paddack/Thomsen): Modifies the duties of the Council on Law Enforcement Education and Training (CLEET) to allow CLEET to conduct review and verification of any records relating to the statutory duties of CLEET including the Oklahoma Security Guard and Pri-

vate Investigator Act. Establishes that CLEET is to be considered a governmental law enforcement agency and is charged with completing those functions necessary to ensure the professional training and continuing education of law enforcement officers in the State of Oklahoma. Provides that CLEET is authorized to receive investigative reports, court documents, statements, and other information from local, county, and state agencies for use in actions related to CLEET certification or licensing. Authorizes CLEET to suspend the certification of a peace officer without prior notice if CLEET finds that the actions of the peace officer may present a danger to the peace officer, the public, a family, or household member or involve a crime against a minor. Provides that a peace officer is subject to disciplinary action for abuse of office. Effective 11-1-09.

SB 342 (Crain/Sullivan): Clarifies the procedure for publishing legal notice of the intent of a sheriff's office or campus law enforcement agency to dispose of abandoned or other property in the possession of the sheriff or campus law enforcement agency. Effective 11-1-09.

SB 388 (Burrage/Sherrer): Allows reserve deputies, reserve officers, or firefighters who furnish their own vehicles for the performance of their duties to be able to purchase used vehicles made available for sale by the Department of Public Safety. Effective 11-1-09.

SB 605 (Lamb/Denney): Establishes the Oklahoma School Security Grant Program Act. Directs the Oklahoma Office of Homeland Security to solicit proposals and make grants for campus security at institutions of higher learning, technology center schools, public schools, and private schools. Provides for grants contingent upon the availability of funds from the U.S. Department of Homeland Security or state appropriations. Effective 7-1-09.

SB 1153 (Barrington/Terrill): Creates new law giving the Office of Homeland Security the duty and responsibility for interoperable public safety communications planning within Oklahoma. Clarifies that local public safety agencies and political subdivisions are encouraged but not required to use the communications standards issued by the Office of Homeland Security prior to the purchase of equipment. Requires the Office of Homeland Security to annually report on the Statewide Communications Interoperability Plan, coordinate the statewide planning for public safety communication needs, and serve as a focal point for all

statewide projects involving public safety communications vendors. Directs the Office of State Finance to coordinate with the Oklahoma Office of Homeland Security in developing minimum standards for communication networks and equipment. Prohibits state agencies from using funds to develop or enhance a public safety communication system unless the request is consistent with the Statewide Communications Interoperability Plan. Effective 11-1-09.

SB 1161 (Aldridge/Nelson): Removes obsolete language, consolidates redundant language, replaces outmoded language, provides consistent language, clarifies various authorities, and establishes a more cohesive structure to motor vehicle insurance requirements found in Title 47. Removes the "bond" language because insurance companies no longer do this; removes the requirement to suspend and surrender vehicle registration, as DPS does not have jurisdiction over vehicle registration; replaces suspension of driver license with suspension of driving privileges, which incorporates all drivers, whether Oklahoma licensees, non-licensed persons, or out-of-state licensees; and removes separate references to residents and nonresidents, as procedures are essentially the same for both. Effective 11-1-09.

SB 1166 (Jolley/Terrill): Creates the Regional Emergency Nine-One-One Services Act to encourage formation of emergency communication districts in order to provide efficient delivery of emergency nine-one-one service throughout the state. Effective 7-1-09.

SB 1185 (Barrington/Christian): Modifies the definition of a Class D motor vehicle to include a vehicle operated by a driver employed by a unit of local government that operates a commercial motor vehicle for the purpose of removing snow or ice, if the regularly employed person is unavailable or if additional assistance in a snow or ice emergency is deemed necessary. Requires the Department of Public Safety to develop a procedure whereby a person, who has been granted modified driving privileges, upon applying for an original, renewal, or replacement Class D driver license will receive a license specifically identified as a modified license. Allows periods of revocation for DUI offenses to be modified. Increases the modification fee from \$150 to \$175 and increases the portion of the modification fee transferred to the DPS Revolving Fund from \$50 to \$75. Effective 11-1-09.

SB 1206 (Brown/Trebilcock): Adds city-county health departments to the definition of "jurisdiction" as it is used in the Oklahoma Intra-state Mutual Aid Compact. Effective 11-1-09.

HB 1052 (Sears/Barrington): Clarifies that an individual must successfully complete a certified Motorcycle Safety Foundation course in order to be eligible to receive a motorcycle endorsement on a driver license. Allows for early renewal of state driver license up to one year in advance of expiration. Allows active duty members of the Armed Forces, civilian contractors employed by the Armed Forces, and all of their dependants who are stationed outside of the State of Oklahoma to renew their driver license, if expired, within sixty days upon their return to the state, as if their driver license was not expired. Effective 11-1-09.

HB 1084 (Thomsen/Paddack): Requires any person who wants to attend a basic law enforcement academy conducted by CLEET to score a minimum of 70 percent on both a reading and writing comprehension examination and an approved physical agility test administered by CLEET to assure the applicant can perform on a level necessary to fulfill the requirements of the CLEET academy. The examination must be taken within 90 days of hiring and prior to CLEET admission. Requires any person or peace officer, upon employment by a law enforcement agency and prior to attending a basic law enforcement academy conducted by CLEET, to execute a promissory note for academy training expenses payable to CLEET that includes a promise to remain within the law enforcement profession in Oklahoma for four years following graduation. If for any reason a peace officer is unemployed by an Oklahoma law enforcement agency for more than 90 days the obligation will become due. Violation of the terms of the promissory note will result in civil action for restitution. Effective 11-1-09.

HB 1092 (Trebilcock/Bingman): Allows an expired Oklahoma driver license to be considered a valid form of identification for the purpose of renewing an Oklahoma driver license, if the license is not more than 30 days past the date of expiration. Effective 11-1-09 (Effective date changed by HB 2252 to 5-26-09).

HB 1368 (Smithson/Corn): Clarifies when a motor vehicle may be driven in a lane other than the right-hand lane of a four-lane highway to maintain safe driving conditions, such as when a driver encounters vehicles merging onto the highway. Effective 11-1-09.

HB 1411 (Nelson/Lamb): Clarifies time limits for validity of concealed handgun licenses and renewals. Effective 11-1-09.

HB 1419 (Cannaday/Ellis): Makes it illegal to steal dimensional stone product, which is a natural rock material quarried for the purpose of obtaining blocks or slabs of stone. Upon conviction, a violator is guilty of a misdemeanor. Effective 11-1-09.

HB 1599 (Sullivan/Newberry): Increases the number of hours required for behind-the-wheel training before an intermediate Class D license may be issued. Modifies the driving privilege hours for an intermediate Class D license to 10:00 pm from 11:00 pm, except for driving to and from work, school, church and church activities, or if there is a licensed driver 21 years or older in the vehicle. Effective 11-1-09.

HB 1678 (Ownbey/Paddack): Expands the scope of the Volunteer Medical Professional Services Immunity Act to include eligible volunteers from medically related fields and volunteer health practitioners; and limits liability for any person who voluntarily and without compensation provides services and goods at any place in this state subject to the order or control the state government or any political subdivision thereof in preparation for, anticipation of, or during a time of emergency. Effective 11-1-09.

HB 1865 (Hickman/Anderson): Authorizes a person to purchase rifles, shotguns, ammunition, cartridge and shotgun shell hand and loading components and equipment from a dealer licensed in another state. Effective 4-20-09.

HB 2030 (Steele/Coffee): Creates a statewide silver alert for missing senior citizens to be developed and implemented by the Department of Public Safety. Effective 11-1-09.

HB 2093 (Kirby/Crain): Expands the scope of the Volunteer Medical Professional Services Immunity Act to include any entity participating in a Medical Reserve Corps and assisting with emergency management, emergency operations, or hazard mitigation in response to any emergency, man-made disaster, or natural disaster, or participating as authorized in public health initiatives endorsed by a city, county or state health department in this state. Effective 11-1-09.

HB 2250 (Terrill/Sykes): Addresses several issues relating to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Adds pleading guilty or no contest to, or being found guilty of possession of drug paraphernalia as an offense requiring payment of a five-dollar court fee, which goes into the Bureau of Narcotics Drug Education Revolving Fund. Authorizes the Director of the Oklahoma State Bureau of Narcotics to purchase and maintain motor vehicles and other equipment for use by the Bureau's employees, thus removing DCS oversight. Creates the "Drug Money Laundering and Wire Transmitter Revolving Fund". Adds tribal police and agencies with CLEET certified officers as agencies OBN can enter into forfeiture sharing agreements with. Increases the maximum fine for misdemeanor violations of the Uniform Controlled Dangerous Substances Act from \$500 to \$1000. Provides specific procedures in conducting seizure warrants under the Drug Money Laundering and Wire Transmitter Act. Establishes a fee of \$5.00 for every wire transmission under \$500.00 and 1% of every transmission thereafter. Specifies venue for the Drug Money Laundering and Wire Transmitter Act as it applies to transactions for interpretation purposes. Allows for fee sharing in forfeiture cases between district attorney's and tribal law enforcement agencies. Requires notice individually be sent to each known owner of seized property by first class mail instead of certified mail between \$100.00 and \$500.00 in value. Additionally, allows for donation and transfer of property to other agencies. Establishes a tax credit against the fee imposed on wire transmissions. Effective 07-1-09.

HB 2252 (Terrill/Sykes): Removes the requirement that the Department of Public Safety provide an alternative method of driver license testing for an applicant who can only understand Spanish. Increases the punishment for a second felony DUI offense from 5 years imprisonment to not more than 10 years imprisonment. Punishment for third and subsequent

felony DUI offenses is increased from 10 years imprisonment to not more than 20 years imprisonment. Delays until July 1, 2012, the requirement that persons appointed to the Highway Patrol Division have a bachelor's or associates degree or a minimum of 62 completed semester hours of college coursework. Exempts Department of Public Safety employees, designated by the Commissioner of Public Safety, from the provision that restricts overtime pay to certain employees. Establishes a new effective date for the provisions of HB 1092, which allows an expired Oklahoma driver license to be valid for 30 days beyond expiration for the purpose of driver license renewal, by providing that the bill go into effect upon the signing of HB 2252. Effective date for Sections 1 and 4 is 7-1-09; Sections 2 and 3 is 11-01-09; Section 5 is 5-26-09.

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

SB 52 (Jolley/Ortega): Clarifies that the Employees Benefits Council can contract with a Health Maintenance Organization that is granted a certificate of authority by the Insurance Commissioner. Modifies the duties of the Employees Benefits Council as it relates to TRICARE supplemental product. Effective 7-1-09.

SB 212 (Johnson (Mike)/Miller): Specifies that the funded ratio for the State Judicial Retirement Fund should be at or near 90% or be receiving sufficient contributions to amortize any unfunded liability of the fund according to the adopted amortization schedule. Modifies the Board of Trustees ability to raise employer contribution rates. Effective 7-1-09.

SB 384 (Gumm/Terrill): Authorizes payroll deductions for state employees for the payment of premiums for Oklahoma Long-Term Care Partnership Program approved policies. Effective 11-1-09.

SB 397 (Crain/Sullivan): Modifies amount of employer contribution rates for certain employers participating in a county retirement system. Effective 7-1-09.

SB 525 (Crutchfield/Ownbey): Authorizes the Board of Trustees of the Ardmore Higher Education Program to establish and maintain plans for tenure and retirement of its employees and payment of deferred compensation of such em-

ployees and to provide health insurance benefits. Effective 7-1-09.

SB 726 (Barrington/Armes): Prohibits a fire chief from also acting as the city manager, mayor or other position that impairs the ability to perform the duties of the fire chief. Modifies date and certain reporting requirements that pertain to the Oklahoma Firefighters Pension and Retirement System. Effective 7-1-09.

SB 830 (Brown/Kirby): Brings the Oklahoma Police Pension and Retirement System and the Oklahoma Law Enforcement Retirement System into compliance with Internal Revenue Service requirements. Specifies that the Commissioner of Public Safety or designee shall serve on the Oklahoma Law Enforcement Retirement Board. Effective 5-11-09.

SB 880 (Ford/Sears): Modifies the requirement for an organization to qualify as a retired teachers' organization which is eligible to have the Teachers' Retirement System of Oklahoma (OTRS) withhold monthly dues on behalf of an electing retiree for payment to the retired teachers' organization. Requires such organizations to be organized for the purpose of representing the interests of retired teachers and providing member benefits. Effective 11-1-09.

SB 899 (Coffee/Nelson): Removes violation of oath of office as the basis for forfeiture of retirement benefits by any elected or appointed state or county officer or employees. Specifies conviction of a felony for bribery, corruption, forgery or perjury or any other crime related to the duties of his or her office or employment, or related to campaign contributions or campaign financing for that or any other office shall result in the forfeiture of retirement benefits. Requires the retirement system to immediately suspend all benefits of the officer or employee upon notice of forfeiture. Provides procedures for the retirement system to follow in order to determine whether the conviction or pleas subjects the benefits of the officer or employee to forfeiture if the conviction or plea occurs in federal courts or the notice of forfeiture is not forthcoming from the local prosecutor. Effective 7-1-09.

HB 1111 (Murphey/Jolley): Requires the Office of State Finance and each executive state agency to make available to all state employees a centralized web-based system to access their personal employment and compensation-related information (may be waived by the Director of State Finance if lack of timely access

prevents employees from utilizing the centralized system). HB 1111 also requires executive state agencies converting to a multi-monthly payroll system (except for higher education institutions) to consult with the OSF on the timing of the conversion. Specific requirements include the following:

- All employees hired during the six months prior to the conversion must be placed on either the biweekly payroll system or supplemental payroll upon hiring;
- Other employees must be offered either multi-monthly or supplemental payroll options if they choose to participate;
- Six months prior to conversion, an agency must create an employee payroll conversion bank to provide a one-time payroll payment for the gap created by the conversion;
- Each agency must allow its employees to accumulate funds up to a maximum of 80p hours of leave;
- Each agency must inform all its employees of their leave balances monthly; and
- The OSF and the Office of Personnel Management must establish conversion procedures.

Effective 5-27-09.

HB 1131 (Miller/Johnson (Mike)): Adds premium auditors and safety consultants to the unclassified positions of CompSource Oklahoma. Effective 7-1-09.

### **REVENUE & TAXATION MEASURES**

SB 2 (Gumm/Martin): Authorizes special license plates for university and common education police, Operation Iraqi Freedom veteran, "In God We Trust", National Weather Center, Make-A-Wish Foundation, South Central Section PGA, Putnam City High School, Autism Awareness, Folds of Honor Supporter and Oklahoma City Thunder. Also deletes tag for Northern Cherokee Nation.

SB 11 (Gumm/Terrill): Modifies the time period after which the Tax Commission must pay interest on tax refunds not paid "timely" to a taxpayer. Effective 1-1-10.

SB 243 (Johnson (Mike)/Miller): Repeals 68 O.S. Section 6003.1, which allowed the buyer of an aircraft with a purchase price of more than \$5 million to request that the excise tax be designated for a specific general aviation airport. Effective 6-1-09.

SB 313 (Bingman/Thompson): Extends to July 1, 2012 all gross production tax exemptions set to expire in 2009. Effective 7-1-09.

SB 314 (Branan/Terrill): Modifies the manner in which certain video services programming property is assessed for purposes of ad valorem taxation. Effective 1-1-10.

SB 318 (Mazzei/Hickman): Modifies various tax provisions, including:

- Authorizes county decals for car tags;
- Provides for the creation of an Internet list of certain delinquent taxpayers;
- Modifies certain provisions relating to the collection of delinquent tax debt by the Tax Commission;
- Creates motor fuel tax exemption for irrigation districts and conservancy districts;
- Extends sales tax exemption for conservancy districts to contractors for purposes of construction contracts;
- Authorizes certain recipients of investment tax credits to utilize credits after operating status changes;
- Decouples certain state tax provisions from federal tax changes resulting from federal stimulus bill;
- Modifies certain withholding requirements for specified employers;
- Waives payroll requirements for ad valorem exemption under specified circumstances;
- Modifies Compete with Canada film incentive provisions to double rebate amount;
- Creates revolving fund for the development of wine and grape industry and dedicates certain growth revenue from tax on wine; and
- Requires CompSource Oklahoma to pay an annual market equalization assessment.

Effective 11-1-09 for Sections 1-3 and 12; 7-1-09 for Sections 5-8, 14-16 and 18-20; 1-1-10 for Sections 9 and 21; 7-1-10 for Section 17 and 5-26-09 for Sections 4, 10, 11 and 13.

SB 517 (Bingman/McCullough): Requires cities and towns who attempt to annex property to notify the Tax Commission if annexed and requires the Commission to notify vendors in the annexed area of sales tax changes. Effective 11-1-09.

SB 608 (Anderson/Jackson): Modifies various provisions relating to the enforcement of cigarette and tobacco tax provisions; redirects certain taxes and fees to the Tax Commission for enforcement of electronic reporting require-

ments; increases certain licensing fees and conditions upon which a license may be obtained; modifies and increases certain penalties; modifies definition of "unstamped cigarettes" to include improperly stamped ones; and provides for the purchase of cigarettes and tobacco products state "tax free" by members of non-compacting tribes if the purchase meets certain conditions. Effective 1-1-10.

SB 721 (Barrington/Banz): Provides an opportunity for donation to the Folds of Honor Scholarship program through a check-off on the state income tax return. Also provides an income tax exemption for certain payments by the U.S. Department of Defense related to the death of a member of the Armed Forces killed in action. Effective 1-1-10.

SB 881 (Russell/Banz): Modifies the income tax deduction for salary or compensation, other than retirement benefits, received by an individual from the Armed Forces. Increases the deduction from \$1,500 to 100% of salary or compensation from July 1, 2010 through December 31, 2014. For tax year 2015 and beyond, the deduction will be either \$1,500 or 100% of salary or compensation, depending upon a determination made by the State Board of Equalization. Creates the Special Committee on Soldier Relief and charges it with making a finding and recommendations on the amount of revenue collected from sales tax, motor vehicle taxes and fees and motor fuel tax generated as the result of members of the military claiming Oklahoma as the state of residence. Requires the Special Committee to make a report to the State Board of Equalization by a specified date. Requires the State Board of Equalization to determine the amount of revenue estimated to be collected during a specified time period from military families who make Oklahoma the state of residence and compare that amount to the estimated loss in income tax revenue from the 100% deduction. If the amount collected is determined to be greater than the amount lost, provides that the deduction remain at 100% for tax year 2015 and beyond. If the amount is less, provides that the deduction reverts to \$1,500 annually. Effective date 7-1-10.

SB 909 (Mazzei/Sullivan): Authorizes certain establishments receiving Quality Jobs payments to also claim an income tax investment tax credit if certain criteria are met. Effective 1-1-10.

SB 916 (Stanislawski/Sullivan): Modifies the tax treatment of certain income earned by a captive real estate investment trust. Effective 1-1-10.

SB 938 (Mazzei/Sullivan): Creates the "21<sup>st</sup> Century Quality Jobs Incentive Act" to provide incentive payments to certain industries which meet specific criteria including payment of wages which are 300% of certain average wages. Payments are based on either an initial benefit rate of up to 7% or a fulfillment benefit rate of up to 10%. Effective 11-1-09.

SB 981 (Mazzei/Hickman): Modifies the tax treatment of certain kinds of income to two types of trusts in compliance with recommendations of the National Conference of Commissioners on Uniform State Laws. Effective 11-1-09.

HB 1048 (Banz/Aldridge): The measure amends current law regarding some procedures for delinquent taxes. The measure would allow for notices to be posted (for 2 consecutive weeks as with current law) at anytime after April 1, through the end of September. As part of this change, the measure removes the requirement that notices that are mailed must be sent by way of certified mail. The measure also clarifies the definition of incapacitated in this statute, so that it is clear that it only refers to mental incapacitation, and not physical disability. The measure also decreases the time that excess funds (from the sale of lands seized and sold due to a tax lien) have to remain available for the former landowner to claim the funds. The measure reduces the time period from 2 years to 1 year. Effective 11-1-09.

HB 1097 (Dank/Brogdon): Creates a nine-member Task Force for the Study of Transferable Tax Credits. Effective 8-26-09.

HB 1295 (Murphey/Jolley): Modifies the prohibition against issuing a state professional license to a taxpayer who is not in compliance with state income tax laws by specifying that a license will not be reissued. Also defines "reissue" as the granting of a new license to a taxpayer who has had the equivalent license during the past 12 months. Effective 11-1-09.

HB 1480 (Fields/Sweeden): Specifies that the purpose for which a county lodging tax may be levied (for levies after 7/1/09) includes advertising the particular purpose and investment for later use. Effective 11-1-09.

HB 1489 (DeWitt/Bingman): Modifies the apportionment of a portion of gross production tax revenue from oil by extending the time period that three specified capital and infrastructure funds receive proceeds. Modifies the use of certain funds in the Oklahoma Conservation Commission Infrastructure Revolving Fund and the Community Water Infrastructure Development Revolving Fund. Effective 7-1-09.

HB 1661 (Williams/Leftwich): Creates opportunity for donation of up to \$25 of income tax refund to YMCA Youth and Government program. Also provides a 4-yr from enactment sunset for all income tax refund check-offs. Effective 1-1-10.

HB 1717 (Ownbey/Crutchfield): Modifies apportionment of revenue raised from Emergency Medical Technician specialty license plate. Effective 11-1-09.

HB 1949 (Benge/Bingman): Extends sunset date from 2010 to 2015 for income tax credit for investments in clean-burning motor vehicle fuel property and modifies types of equipment which qualify for the credit and the credit amounts. Effective 1-1-10.

### **TAX COMMISSION FUNDING**

The Oklahoma Tax Commission received an FY'10 appropriation in the amount of \$46,303,723, a 4 percent decrease over FY'09. \$320,000 was included for the OSU Center for Local Government County IT Training Program.

### **SUNSET MEASURES**

HB 1012 (Wright/Aldridge): Sunset- recreating the Oklahoma Partnership for School Readiness Board until 2013. Effective 8-26-09.

HB 1013 (Wright/Aldridge): Sunset - recreating the State Board of Cosmetology. Modifies date to 2013. Effective 8-26-09.

HB 1014 (Wright/Aldridge): Sunset - recreating the State Board of Medical Licensure and Supervision. Modifies date to 2013. Effective 8-26-09.

HB 1015 (Wright/Aldridge): Sunset - recreating the State Board of Examiners of Psychologists. Modifies date to 2013. Effective 8-26-09.

HB 1016 (Wright/Aldridge): Sunset – recreating the Oklahoma Real Estate Commission. Modifies date to 2013. Effective 8-26-09.

HB 1017 (Wright/Aldridge): Sunset – recreating the Scenic Rivers Commission. Modifies date to 2013. Effective 8-26-09.

HB 1018 (Wright/Aldridge): Sunset – recreating the State Barber Advisory Board. Modifies date to 2013. Effective 8-26-09.

HB 1019 (Wright/Aldridge): Sunset – recreating the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board until 2010. Effective 8-26-09.

HB 1022 (Wright/Aldridge): Sunset – recreating the Domestic Violence and Sexual Assault Advisory Council until 2013. Effective 8-26-09.

HB 1023 (Wright/Aldridge): Sunset omnibus bill which recreates all entities sunseting in 2009. Effective 8-26-09.

### ***TOURISM & WILDLIFE MEASURES***

SB 248 (Ford/Sears): This act adds Copan Lake and Hulah Lake to the list of exceptions to places where persons are allowed to wade and swim in the safety zone below federal dams. Effective date 7-1-09.

SB 277 (Schulz/Armes): This measure states that no person shall assist, accompany, transport, guide or aid persons in the taking of fish for compensation or other considerations without having procured a license from the Department of Wildlife Conservation. It also directs the Department of Wildlife Conservation to promulgate rules for a fishing guide license, and limits the fee for the license to no more than \$200 annually. Violators of the Act are subject to a fine of \$1,000 or imprisonment in the county jail for 6 months, or both penalties. Effective 7-1-09.

SB 1031 (Sparks/Schwartz): This act adjusts the fee for annual hunting and fishing licenses to include the Fishing and Hunting Legacy Fee (\$5.00) that is currently being charged as a separate permit and also removes the Oklahoma Land Stamp fee which is \$5.00. Effective 7-1-09.

SB 1033 (Sparks/Armes): This measure provides that any person who wrongfully injures or removes a cervidae from the premises of a cervidae facility will be guilty of a felony and, upon conviction, be fined not less than \$500.00 nor more than \$1500.00. Also, this measure adds an affirmative defense. Effective 6-2-09.

SB 1034 (Sparks/Schwartz): This act creates the Department of Wildlife Conservation Consolidation of Licenses, Permits, and Fees Task Force to study the feasibility of combining certain Department of Wildlife of Conservation licenses, permits, and fees. Effective 4-28-09.

HB 1464 (Pruett/Ellis): This act allows for the taking of black bear, conditional upon receipt of a license to do so from the Department of Wildlife Conservation. The act sets fees for such license and provides penalties. Effective 4-13-09).

HB 1465 (Pruett/Corn): This act extends the hunting season for furbearers from December 1 to the end of February. Effective 11-1-09.

HB 1691 (Sears/Ford): This act adds expands the bird gaming law, to include falcons and other raptors. Effective 4-20-09.

HB 1761 (Enns/Barrington): This act adds mechanically-assisted conventional longbows to the exceptions that the Department of Wildlife Conservation can allow for hunters with permanent disabilities. Authorizes the Director the authority to permit the use of a mechanical device that holds a long bow at full or partial draw. Effective 4-22-09.

HB 2154 (Armes/Schulz): This act defines “actual damages” as damages to real or personal property wherein a person willfully enters a licensed facility to hunt, shoot, shoot at, kill, attempt to kill, disturb, haze, take, or attempt to take any personal property of the owner without permission from the owner. Effective 11-1-09.

HB 2158 (Armes/Schulz): This act provides for a permit, issued by the Oklahoma Department of Agriculture, Food, and Forestry, for the depredation of animals on commercial land in a commercial area by a non-fixed wing aircraft. Also, provides for a fee, sets penalties for non-compliance and requires a person who obtains a permit to file reports with the Department stating the number of animals managed under the permit. Effective 11-1-09.

### **TOURISM FUNDING**

SB 216 appropriates \$25,909,406 to the Department of Tourism and Recreation. One-time funding for FY'09 in the amount of \$220,000 was removed from the agency's budget, and then the appropriation was decreased by 7%, or \$1,947,539, for FY'10.

### **TRANSPORTATION MEASURES**

SB 54 (Corn/Brannon): This measure modifies the Oklahoma Highway Remediation and Cleanup Services Act which was enacted in 2006 to license the operators performing remediation of hazardous waste spills resulting from accidents. SB 54 exempts discharges or spills from rail transportation accidents and vehicles, cargo or equipment under the control of an electric utility. This exemption was requested by railroad and utility companies as they have their own cleanup service equipment within their company or they are otherwise required to have contractors in place to provide necessary cleanup services in case of an accident. Effective 4-21-09.

SB 299 (Bingman/Thompson): This bill transfers the requirement to sell motor vehicles which have been seized by a state or local law enforcement agency for improper license tags from the Corporation Commission to the Department of Central Services. This was done by agreement of both agencies as it was determined such services were more compatible with DCS functions. Effective 7-1-09.

SB 348 (Myers/DeWitt): This bill authorizes counties and cities to offer rewards of up to \$1,000.00 for the arrest and conviction of any person stealing or defacing county or municipal road signs or other public property. Effective 4-14-09.

SB 399 (Branan/Shannon): Creates the Safe Routes to Schools program within the Oklahoma Department of Transportation. This is a federally funded program whose goal is increasing physical activity in school-aged children by increasing the number of children walking and bicycling to school. This measure requires ODOT to appoint a Safe Routes to Schools Committee and creates a revolving fund. Effective 7-1-09.

SB 503 (Bingman/Thompson): This bill was requested by the Corporation Commission and it creates the "Household Goods Act of 2009". The purpose of the act is to regulate the intra-state transport of household goods to establish standards for public safety and fair competitive practices. Promote adequate and dependable services and provide protection for shippers from deceptive or unfair practices. The measure sets up a consumer complaint and mediation process within the Corporation Commission. Effective 11-1-09.

SB 662 (Crutchfield/Roan): Designates a portion of State Highway 32 as "State Representative Terry Hyman Memorial Highway". Effective 4-17-09.

SB 832 (Bingman/Shannon): Authorizes boards of county commissioners to enter into cooperative agreements with the Oklahoma Turnpike Authority to replace or repair functionally obsolete and structurally deficient bridges which cross over or under turnpikes. The measure also creates an Oklahoma Roads Task Force to study and evaluate the effect of inflation on highway and bridge construction and maintenance. The task force is made up of Legislators and representatives of various interest groups and it will remain in effect until January 2010. Effective 5-22-09.

HB 1527 (Liebmann/Branan): This measure makes it unlawful for any person to drive any vehicle through, under, over or around traffic-control devices on any portion of a highway that has been closed to traffic. Effective 11-1-09.

HB 1564 (Schwartz/Branan): This measure relates to the regulation of outdoor advertising by modifying the statutory definition of a "primary highway" so that the state statute will conform to the federal definition. Effective 4-24-09.

HB 1759 (Enns/Justice): This bill modifies county purchasing practices by increasing the limit requiring county government departments to utilize purchase orders from the county purchasing agent from \$2,500.00 to \$5,000.00 when dealing with requests for repairs to equipment, machinery or vehicles. Additionally, the amount requiring public bidding for culvert and bridge construction was increased from \$75,000.00 to \$150,000.00. HB 1759 further amends current law increasing ODOT reimbursement to counties for bridge projects utilizing force account methods from \$200,000.00 to

\$400,000.00. The bill also designates a portion of US Highway 81 in Enid as the "SSG Chris Hake Memorial Highway" and a portion of State Highway 6 as the "Trooper David Nalley Memorial Highway". Effective 7-1-09.

HB 1769 (Roan/Crutchfield): Designates memorial highways or bridges for State Representative Terry Hyman, Carsyn Kay Hackler, M/SGT Ura M. Horton, TSGT Jason Norton, Commissioner Jimmie Primrose, SSGT Larry S. Pierce, Sheriff Jerry Beall, Police Chief Joe Rowden, Mazzebeth Turner, U.S. Army 509<sup>th</sup> Engineer Company, U.S. Army Staff Sgt. Brandon W. Farley, Charles "Choppy" Parket, Leon Sherrer, Deputy Sheriff Dustin Duncan and U.S. Army 2<sup>nd</sup> Lt. Fred Sonaggera. Effective 5-11-09.

HB 1813 (Shannon/Branan): This measure modifies the size and weight limitations by exempting vehicles utilizing idle reduction technology equipment. Such equipment reduces fuel usage and air emissions and these vehicles would be granted an additional four hundred pounds (400 lbs.) to the total gross weight limits applicable to such vehicles. Effective 11-1-09.

HB 1913 (Billy/Nichols): Designates a portion of Interstate 35 as the "CWO2 Steven Shepard Memorial Highway". Effective 4-27-09.

HB 2054 (Thompson/Marlatt): This measure deals with oversize and overweight vehicles by authorizing the Dept. of Public Safety to issue an annual permit to certain sized vehicles transporting loads that cannot reasonably be dismantled. The fee for such permit is \$4,000.00. Effective 11-1-09.

**TRANSPORTATION FUNDING**

The Department of Transportation received an FY'10 expenditure authorization in the amount of \$208,741,314. The authorization is a .6% increase due to an increase in the State Transportation Fund.

In addition to the State Transportation Fund, ODOT also received \$465 million in federal stimulus funds. The federal stimulus package includes approximately \$360 million for state highway projects, \$33 million for county road projects, \$33 million for the Association of Central Oklahoma Governments (ACOG), \$22 million for the Indian Nations Council of Govern-

ments (INCOG) and \$12 million for towns with a population of less than 5,000 people.

ODOT will receive approximately \$360 million from the stimulus package for state highways and bridges. The highway projects scheduled for letting have already been deemed necessary and had been previously scheduled in ODOT's 8 Year Construction Work Plan. According to the stimulus guidelines the first 50% of funds allocated to the state must be contractually obligated and sub allocated within 180 days, and the next 50% of funds must be contractually obligated and sub allocated within 1 year.

ODOT will also receive \$39 million for urban and rural public transit programs. All federal funds for the urban areas will be distributed for buses in Oklahoma City, Tulsa, Norman, Stillwater and Lawton.

**VETERANS & MILITARY AFFAIRS MEASURES**

SB 712 (Gumm/Roan): Requires that American and Oklahoma flags, on state property, be flown at half-staff on days when a memorial service is held for Oklahoma service persons that have been killed in combat. Effective 7-1-09.

SB 1137 (Coffee/Banz): Creates the Oklahoma American Civil War Sesquicentennial Commission and the Oklahoma American Civil War Sesquicentennial Revolving Fund to assist the Oklahoma Historical Society and the Oklahoma History Center in preparing for and commemorating the 150<sup>th</sup> anniversary of Oklahoma's participation in the Civil War. Effective 11-1-09.

**DEPARTMENT OF VETERANS AFFAIRS FUNDING**

The Department of Veteran Affairs was given a standstill budget for FY'10, \$40,282,600.

**WORKERS' COMPENSATION MEASURES**

SB 901 (Brown/Sullivan): Amends the schedule of compensation for workers' compensation injuries to require the average weekly wage to be calculated by the Oklahoma Employment Security Commission each year instead of every three years. Effective 11-1-09.

SB 1234 (Jolley/Cooksey): Clarifies that an employer or company that has an Affidavit of Exempt Status, as allowed under the Workers' Compensation Act, from the person executing the affidavit is in compliance with Workers' Compensation Act and the employer or company shall not be responsible for workers' compensation claims made by the executor. Effective 11-1-09.

HB 1003 (Kern/Brown): Modifies exemptions from the Workers' Compensation Act to include a general or limited partnership, an association or limited liability company, or an incorporator of a corporation if they are the employer. Effective 11-1-09.

HB 1755 (Martin (Scott)/Jolley): Authorizing CompSource Oklahoma to develop a pilot program that will capture cost savings and improve services, through exemption from certain purchasing and acquisition provisions. The pilot program will last 3 years and will become permanent if the program remains in existence and written authorization for continuation from the Governor is provided during the 2012 legislative session. Effective 8-26-09.

HB 1963 (Benge/Aldridge): Creates a Task Force to examine issues related to privatizing CompSource Oklahoma. The task force will have 9 members, will identify the steps necessary for privatization, and will develop a plan to convert CompSource Oklahoma into a private insurance company. States it is the intent of the Legislature that CompSource Oklahoma be privatized no later than December 31, 2010, and requires the task force to report its findings and recommendations by December 1, 2009. Effective 5-22-09.

<p><b>SENATE AND HOUSE CONCURRENT RESOLUTIONS</b></p>
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SCR 3 (Corn/Brannon): Honoring Bobby Taylor's military career and service to veterans. Adopted 3-23-09.

SCR 6 (Brogdon/Sears): Commend Kelsey Cartwright, 2008 Miss Oklahoma. Adopted 3-24-09.

SCR 8 (Russell/Benge): Employee Free Choice Act-Urge the OK Congressional delegation to oppose. Adopted 3-30-09.

SCR 10 (Justice/Osborn): Praise the life and career of the late Dr. Roy Troutt. Adopted 3-25-09.

SCR 11 (Easley/Sherrer): Commend the art of Willard Stone. Adopted 5-5-09.

SCR 12 (Coffee/Benge): Modify date of sine die adjournment-Set deadline for conference committee reports. Adopted 3-19-09.

SCR 13 (Johnson (Mike)/Miller): Require reporting on funds received or anticipated pursuant to federal stimulus plan. Adopted 3-19-09.

SCR 14 (Bingman/McNiel): Praise fallen volunteer firefighter John Adams. Adopted 3-25-09.

SCR 16 (Newberry/Sullivan): Opposing global currency. Adopted 3-31-09.

SCR 17 (Reynolds/Key): Commend the Canine Good Citizen Program. Adopted 4-16-09.

SCR 19 (Leftwich/Christian): Commend the Oklahoma Sports Hall of Fame. Adopted 5-4-09.

SCR 23 (Branan/McDaniel (Randy)): Praise the life of John W. Nichols. Adopted 5-7-09.

SCR 24 (Sweeden/Fields): Honor America's first Boy Scout Troop upon their 100th anniversary. Adopted 5-11-09.

SCR 25 (Newberry/Peterson): Honor Oral Roberts for his many contributions to Oklahoma. Adopted 5-13-09.

SCR 26 (Aldridge/Sullivan): Urge Congress to oppose the National Insurance Consumer Protection Act. Adopted 5-19-09.

SCR 27 (Reynolds/Christian): Recognize the Vietnamese Freedom and Heritage Flag. Adopted 5-15-09.

SCR 28 (Gumm/Buck): Honor Byron Self and Cheryl Myers for heroic action entering burning house to rescue senior citizen. Adopted 5-13-09.

SCR 29 (Justice/DeWitt): Name the Oklahoma Department of Agriculture, Food and Forestry complex the Clem Rogers McSpadden Agriculture Complex. Adopted 5-12-09.

SCR 33 (Coffee/Benge): Extend date and time of sine die adjournment of 2009 session. Adopted 5-22-09.

HCR 1004 (Coody/Paddack): Internet-based Education Administration Task Force-Create. Adopted 4-23-09.

HCR 1005 (McNiel/Bingman): Larry Eugene Caldwell Memorial Bridge-Designate. Adopted 5-7-09.

HCR 1008 (Blackwell/Marlatt): Designating the Oklahoma Panhandle State University Centennial Corridor. Adopted 5-14-09.

HCR 1012 (Thompson/Bingman): Supporting the preservation of the hydraulic fracturing exemption in the Safe Drinking Water Act. Adopted 4-16-09.

HCR 1014 (Rousselot/Garrison): Encouraging employers to allow veterans to take Veterans Day off work with pay. Adopted 5-14-09.

HCR 1017 (Peters/Anderson): Urging Congress to support the Calling for 2-1-1 Act. Adopted 5-5-09.

HCR 1019 (Benge/Bingman): Urging the US Environmental Protection Agency to encourage the use of natural gas vehicles. Adopted 5-14-09.

HCR 1025 (Morgan/Coates): Cowboy Heritage Month-Designate July 25, 2009, Day of the Cowboy. Adopted 5-20-09.

HCR 1026 (Jones/Coffee): Legislative opposition- Opposing lockage fee. Adopted 5-14-09.

HCR 1027 (Enns/Justice): Opposing proposed federal legislation known as the Clean Water Restoration Act. Adopted 5-20-09.

HCR 1028 (Key/Brogdon): Claiming sovereignty under the Tenth Amendment to the United States Constitution. Adopted 5-14-09.

HCR 1029 (Jones/Coffee): Requesting funding for the McClellan-Kerr Arkansas River Navigation System. Adopted 5-14-09.

HCR 1030 (Martin (Scott)/Sparks): Supporting participation in Amtrak feasibility study. Adopted 5-14-09.

HCR 1031 (Terrill/Nichols): Honor Court Appointed Special Advocates Program and volunteers. Adopted 5-20-09.

HCR 1032 (Enns/Brogdon): Urging the U.S. Congress to oppose HR 45, known as Blair Holt's Firearm License and Record of Sale Act. Adopted 5-14-09.

HCR 1033 (Kern/Newberry): Condemning the United Nations Convention on the Rights of the Child. Adopted 5-14-09.

HCR 1034 (Terrill/Nichols): Proclaiming the month of May as Lupus Awareness Month. Adopted 5-20-09.

HCR 1035 (Thompson/Bingman): Opposing the implementation of a cap-and-trade system on greenhouse gas emissions. Adopted 5-22-09.

HCR 1036 (Thompson/Bingman): Urging the U. S. Congress to not reduce or repeal tax incentives for domestic oil and natural gas. Adopted 5-22-09.

HCR 1037 (Cox/Rice): Encouraging the Department of Insurance to create a Vaccination Ombudsman role. Adopted 5-14-09.

HCR 1039 (Scott/Eason McIntyre): Expressing support of the Access to Postal Services Act. Adopted 5-15-09.

HCR 1040 (Benge/Coffee): Modify the deadline for filing of first conference committee reports. Adopted 5-12-09.

HCR 1041 (Coody/Barrington): Urge Congress to repeal the federal estate tax or set certain exclusion amounts and tax rates. Adopted 5-20-09.

HCR 1042 (Smithson/Ballenger): Encouraging the sale of certain land owned by the U. S. Army Corps of Engineers. Adopted 5-20-09.

### **SENATE AND HOUSE RESOLUTIONS**

SR 1 (Brogdon): Designate the first week of February 2009 International Networking Week. Adopted 2-3-09.

SR 2 (Corn): Congratulate Henry Burris Junior of the Calgary Stampede. Adopted 3-17-09.

SR 3 (Leftwich): Congratulate and commend the 2008 Jim Thorpe Award winner Malcolm Jenkins. Adopted 2-9-09.

SR 4 (Corn): Recognize the public service of Tommy Beavers. Adopted 2-10-09.

SR 5 (Newberry): Federal Freedom of Choice Act-Strongly opposing. Adopted 2-5-09.

SR 6 (Coates): Congratulate Wanda Jackson upon her induction into the Rock and Roll Hall of Fame. Adopted 2-11-09.

SR 7 (Anderson): Commend impressionistic artist Amanda LaMunyon. Adopted 2-10-09.

SR 8 (Adelson): Commend the President and Congress for their support of the State Children's Health Insurance Program. Adopted 2-19-09.

SR 9 (Coffee): Praising the career of John Greiner. Adopted 3-17-09.

SR 10 (Corn): Honor the memory of President Franklin D. Roosevelt. Adopted 3-5-09.

SR 11 (Lamb): Thank Greg Lockhart for his years of service. Adopted 2-16-09.

SR 12 (Johnson (Constance)): Congratulate former State Senator Angela Monson upon her election to head OK City School Board. Adopted 2-19-09.

SR 13 (Lamb): Congratulate Sam Bradford for winning the 2008 Heisman Award. Adopted 3-2-09.

SR 14 (Johnson (Constance)): Endorse curriculum and policy on teen dating violence and abuse. Adopted 3-19-09.

SR 15 (Branan): Praise the life and career of J. Walter Duncan, Jr. Adopted 2-25-09.

SR 16 (Anderson): Proclaim March 2009 American Red Cross Month. Adopted 3-4-09.

SR 17 (Newberry): Mourn the loss of Oklahoma native Paul Harvey. Adopted 3-3-09.

SR 19 (Sweeden): Encourage the PRCA to select Oklahoma for their event. Adopted 3-16-09.

SR 20 (Ivester): Commend the professional career of Lewis McGee. Adopted 5-21-09.

SR 21 (Bingman): Commend Teri Malone, ANCOR National Employee of the Year. Adopted 3-19-09.

SR 22 (Paddack): Congratulate East Central University in Ada on the occasion of their 100th birthday. Adopted 3-26-09.

SR 23 (Justice): Proclaim March 24, 2009, Ag Day at the State Capitol. Adopted 3-25-09.

SR 24 (Leftwich): Designate March 2009 as National Colon Cancer Awareness Month in the State of Oklahoma. Adopted 3-24-09.

SR 25 (Ballenger): Declare April 6-10, 2009, County Government week in Oklahoma. Adopted 4-13-09.

SR 26 (Leftwich): Honor the 2009 inductees into the Oklahoma Women's Hall of Fame. Adopted 3-25-09.

SR 28 (Coffee): Extend condolences upon the death of Jarita Pyrl Bicknell Askins. Adopted 4-15-09.

SR 32 (Corn): Mourn the loss of the late Ed Vandergriff. Adopted 4-2-09.

SR 33 (Justice): Proclaim April 6, 2009, 4-H Day at the State Capitol. Adopted 4-7-09.

SR 34 (Sykes): Praise the career of Senator Kenneth Landis Sr. Adopted 5-20-09.

SR 35 (Coffee): Commemorate the 29th anniversary of the sister-state relationship between OK and Taiwan. Adopted 4-27-09.

SR 36 (Wyrick): Urge the promotion of Cuban-American trade. Adopted 5-11-09.

SR 37 (Paddack): Honor Garrett Thompson for his selection as a Prudential Community Spirit Award winner. Adopted 4-16-09.

SR 38 (Newberry): Honor the memory of the "Boogie Woogie Bugle Boy". Adopted 5-14-09.

SR 39 (Eason McIntyre): Designate April 21 "Breast Cancer Awareness Day". Adopted 4-22-09.

SR 41 (Coates): Commend Colonel William J. Finley. Adopted 5-20-09.

SR 42 (Russell): Disagree with President Obama's Administration's characterization of vets and traditional American values. Adopted 4-23-09.

SR 43 (Rice): Declare April 16, 2009, One Day Without Shoes. Adopted 4-20-09.

SR 45 (Aldridge): Commend the men and women of Tinker AFB for their response to the May 3, 1999, tornado. Adopted 4-30-09.

SR 46 (Schulz): Commend the public career of Greg Duffy. Adopted 5-5-09.

SR 47 (Jolley): Congratulate Dr. Wei Chen, Dr. Robert Terrell and Sue Sasser. Adopted 5-6-09.

SR 48 (Gumm): Commend the Choctaw Nation for winning the 2008 Freedom Award. Adopted 5-15-09.

SR 49 (Halligan): Commend President Trennepohl of OSU/Tulsa. Adopted 5-7-09.

SR 50 (Johnson (Constance)): Commend Dan L. Johnson upon the occasion of his retirement. Adopted 5-20-09.

SR 51 (Reynolds): Congratulate James H. Nolen for his election as President to the National Society of Accountants. Adopted 5-7-09.

SR 52 (Gumm): Commend Southeastern Oklahoma State University upon their Centennial. Adopted 5-12-09.

SR 53 (Johnson (Constance)): Proclaim May as Lupus Awareness Month. Adopted 5-12-09.

SR 54 (Gumm): Praise Leon Sherrer. Adopted 5-15-09.

SR 55 (Bingman): Praise the service of the late Senator John Young. Adopted 5-19-09.

SR 57 (Branan): Honor Hobbes upon the occasion of his retirement from the Oklahoma State Senate. Adopted 5-21-09.

SR 58 (Garrison): Commend the military career of Colonel Perry B. Woolridge. Adopted 5-21-09.

SR 59 (Lamb): Protection of property and supplies of the Senate and duties of President Pro Tempore for interim. Adopted 5-22-09.

SR 60 (Branan): Congratulate Bethany First Church of the Nazarene upon their 100th anniversary. Adopted 5-21-09.

SR 61 (Corn): Request a federal cemetery for the Enid, Oklahoma, area. Adopted 5-20-09.

SR 62 (Mazzei): Commend James A. Mazzei for the support and encouragement of his family. Adopted 5-20-09.

SR 63 (Sykes): Honor the memory of Senator Wayne Holden. Adopted 5-20-09.

SR 64 (Newberry): Celebrate the life of the late Wayman Tisdale. Adopted 5-20-09.

SR 66 (Gumm): Commend Wendell Blair, Regent, Murray State College upon the occasion of his retirement. Adopted 5-21-09.

SR 67 (Jolley): Welcome the Apollo X Mission astronauts to Oklahoma. Adopted 5-20-09.

SR 68 (Corn): Commend career of Roy Rogers, President, Oklahoma State Troopers Association. Adopted 5-22-09.

SR 69 (Sykes): Commend the Westmoore High School Pom and Cheer Squad. Adopted 5-21-09.

HR 1001 (Lamons): Implement Blue Alert system. Adopted 2-12-09.

HR 1002 (Miller): Recognizing "The Oklahoma Run" as the Oklahoma State Land Run Song. Adopted 3-30-09.

HR 1005 (Benge): House Rules; 52nd Oklahoma Legislature. Adopted 2-3-09.

HR 1006 (Reynolds): Rose Day at the State Capitol. Adopted 2-5-09.

HR 1007 (Denney): March 3, 2009, as Youth Arts Day; Youth Arts Month. Adopted 3-4-09.

HR 1008 (Shannon): Guantanamo Bay detention facility; urging the President to refrain from transferring detainees. Adopted 2-16-09.

HR 1010 (Pittman): NAACP Day. Adopted 2-25-09.

HR 1011 (Coody): Teen dating violence prevention. Adopted 2-26-09.

HR 1012 (Benge): Sam Bradford; commendation. Adopted 3-3-09.

HR 1013 (Jackson): Recognizing March as American Red Cross Month. Adopted 3-4-09.

HR 1017 (Steele): Proclaiming April 25, 2009, Kelsey Briggs Day. Adopted 4-20-09.

HR 1019 (Armes): Thanking Tyson Foods for donating food to Oklahoma. Adopted 3-25-09.

HR 1023 (Cooksey): Congratulating Lanette Miller on being selected to participate in a NASA research flight. Adopted 3-17-09.

HR 1024 (Luttrell): Consumer Product Safety Commission; youth all-terrain vehicles; lead-limit requirements. Adopted 3-25-09.

HR 1026 (Sullivan): Nominating Sue Ann Derr for the 2009 Carter/Hellard Legislative Staff Award. Adopted 3-24-09.

HR 1027 (Shannon): Boys & Girls Clubs Day. Adopted 3-26-09.

HR 1028 (Armes): Proclaiming March 24, 2009, as Agriculture Day at the State Capitol. Adopted 3-25-09.

HR 1029 (Thomsen): 100th Birthday of East Central University. Adopted 3-26-09.

HR 1031 (Billy): Choctaw Code Talkers of World War I, commendations. Adopted 4-2-09.

HR 1033 (Armes): Proclaiming April 6, 2009, as 4-H Day. Adopted 4-7-09.

HR 1034 (Jackson): Honoring Charles E. Taylor; designating Aircraft Maintenance Technicians Day. Adopted 5-7-09.

HR 1035 (Cannaday): Commending the life of John Hope Franklin. Adopted 4-9-09.

HR 1036 (Billy): County Government Week. Adopted 4-9-09.

HR 1037 (Trebilcock): Proclaiming April 8, 2009, as National Start! Walking Day. Adopted 4-9-09.

HR 1038 (McAffrey): Social workers; recognizing the contributions; encouraging young people to become social workers. Adopted 4-20-09.

HR 1040 (Kiesel): Commending Jim Craycraft. Adopted 4-20-09.

HR 1043 (Peterson): Disapproving the Homeland Security's assessment report concerning Rightwing Extremism. Adopted 4-30-09.

HR 1044 (Cox): Grand Lake of the Cherokees Watershed Alliance Foundation; importance of commitment. Adopted 5-5-09.

HR 1049 (Benge): Extending commendation and appreciation to Dr. Gary Trennepohl. Adopted 5-7-09.

HR 1050 (Morrissette): Promoting health and wellness efforts within Oklahoma's state government. Adopted 5-11-09.

HR 1051 (Faught): Recognizing the service and dedication of Ronia Davison. Adopted 5-6-09.

HR 1053 (McMullen): Public Service Recognition Week; State Employees Recognition Day. Adopted 5-7-09.

HR 1054 (Denney): Proclaiming Thursday, May 7, 2009, to be National Wear Red Day. Adopted 5-12-09.

HR 1055 (Reynolds): Observing May 7, 2009, as the National Day of Prayer. Adopted 5-12-09.

HR 1056 (Roan): Requesting the Department of Transportation to conduct certain study. Adopted 5-14-09.

HR 1057 (Armes): Congratulating the Oklahoma wine industry. Adopted 5-14-09.

HR 1058 (Fields): Congratulating the City of Wynona on the one-hundredth anniversary of its founding. Adopted 5-18-09.

HR 1060 (Sullivan): Proclaiming May 2009 National Foster Care Month. Adopted 5-19-09.

HR 1061 (Benge): Commemorating the 29th anniversary of the sister-state relationship with Taiwan. Adopted 5-19-09.

HR 1062 (Shumate): Commending the life of Wayman Lawrence Tisdale. Adopted 5-19-09.

HR 1063 (Derby): Opposition to promulgation of any rule concerning the school hours policy. Adopted 5-22-09.

<b>VOTE OF THE PEOPLE</b>
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**Issue: Common School Funding****State Question 744****Initiative Petition 391****Election Date: Pending proclamation by the Governor****Ballot Title** *(as re-written by the Attorney General):*

The measure repeals a Section of the State Constitution. The repealed section required the Legislature annually to spend \$42.00 for each common school student. Common schools offer pre-kindergarten through twelfth grade.

The measure also adds a new Article to the Constitution. It sets a minimum average amount the State must annually spend on common schools. It requires the State to spend annually, no less than the average amount spent on each student by the surrounding states. Those surrounding states are Missouri, Texas, Kansas, Arkansas, Colorado and New Mexico. When the average amount spent by surrounding states declines, Oklahoma must spend the amount it spent the year before.

The measure deals with money spent on day-to-day operations of the schools and school districts. This includes spending on instructions, support services and non-instruction services. The measure does not deal with money spent to pay debt, on buildings or on other capital needs.

The measure requires that increased spending begin in the first fiscal year after its passage. It requires that the surrounding state average be met in the third fiscal year after passage.

The measure does not raise taxes, nor does it provide new funding for the new spending requirements.

**Issue: Voter Identification****State Question 746****Legislative Referendum 347****Originating Legislation: SB 692 (2009)****Principal Authors: Senator John Ford, Representative Sue Tibbs****Election Date: November 2, 2010****Ballot Title** *(as re-written by the Attorney General):*

This measure amends statutes relating to voting requirements. It requires that each person appearing to vote present a document proving their identity. The document must meet the

following requirements. It must have the name and photograph of the voter. It must have been issued by the federal, state or tribal government. It must have an expiration date that is after the date of the election. No expiration date would be required on certain identity cards issued to persons 65 years of age or older.

In lieu of such a document, voters could present voter identification cards issued by the County Election Board.

A person who cannot or does not present the required identification may sign a sworn statement and cast a provisional ballot. Swearing to a false statement would be a felony.

These proofs of identity requirements also apply to in-person absentee voting. If adopted by the people, the measure would become effective July 1, 2011.

**Issue: Term Limits for Statewide Elected Officials****State Question 747****Legislative Referendum 348****Originating Legislation: SJR 12 (2009)****Principal Authors: Senator Randy Brogdon, Representative Jason Murphey****Election Date: November 2, 2010****Ballot Title** *(as re-written by the Attorney General):*

This measure amends Sections 4 and 23 of Article 6 and Section 15 of Article 9 of the State Constitution. It limits the ability of voters to re-elect statewide elected officers by limiting how many years those officers can serve. It limits the number of years a person may serve in each statewide elected office. Service as Governor is limited to eight years. Service as Lieutenant Governor is limited to eight years. Service as Attorney General is limited to eight years. Service as Treasurer is limited to eight years. Service as Commissioner of Labor is limited to eight years. Service as Auditor and Inspector is limited to eight years. Service as Superintendent of Public Instruction is limited to eight years. Service as Insurance Commissioner is limited to eight years. Service as a Corporation Commissioner is limited to twelve years.

Service for less than a full term would not count against the limit on service. Years of service need not be consecutive for the limits to apply.

Officers serving when this measure is passed can complete their terms. All such serving officers, except the Governor, can also serve an additional eight or twelve years.

**Issue: Legislative Redistricting**

**State Question 748**

**Legislative Referendum 349**

**Originating Legislation: SJR 25 (2009)**

**Principal Authors: Senator Glenn Coffee,**

**Representative Chris Benge**

**Election Date: November 2, 2010**

**Ballot Title** *(as submitted to the Attorney General by the Legislature):*

This measure amends Sections 11A and 11B of Article 5 of the State Constitution. The measure would change the name of the Apportionment Commission. The new name would be the Bipartisan Commission on Legislative Apportionment. Currently, the members of the Apportionment Commission are the Attorney General, the Superintendent of Public Instruction and the State Treasurer. The membership would be changed to seven members. The voting members of the Commission would consist of equal numbers of republicans and democrats. One democrat and one republican would be appointed by the President Pro Tempore of the Senate. One democrat and one republican would be appointed by the Speaker of the House of Representatives. One democrat and one republican would be appointed by the Governor. The Lieutenant Governor would be a nonvoting member. The Lieutenant Governor would serve as chair of the Commission. Currently, at least two members of the Commission are required to sign orders of apportionment. The measure would change the number to four members.

**Issue: Initiative Petition Signature Requirements**

**State Question 750**

**Legislative Referendum 350**

**Originating Legislation: SJR 13 (2009)**

**Principal Authors: Senator Randy Brogdon,**

**Representative Randy Terrill**

**Election Date: November 2, 2010**

**Ballot Title** *(as submitted to the Attorney General by the Legislature):*

This measure would amend Section 2 of Article 5 of the State Constitution. Under current law, eight percent of the voters must sign an initiative petition for a legislative measure. Fifteen percent must sign for a constitutional amendment. These percentages are based on the state office receiving the highest number of votes at the last General Election. This meas-

ure would make the percentage based on the number of votes cast at the last General Election for the Office of Governor.

**Issue: English Language**

**State Question 751**

**Legislative Referendum 351**

**Originating Legislation: HJR 1042 (2009)**

**Principal Authors: Senator Anthony Sykes,**

**Representative Randy Terrill**

**Election Date: November 2, 2010**

**Ballot Title** *(as submitted to the Attorney General by the Legislature):*

This measure amends the Oklahoma Constitution. It would add a new Article 30. This amendment states that English is the common and unifying language of the state. All official actions of the state would be in English, except as required by federal law. No one would have a cause of action against an agency or subdivision of the state for failure to provide actions in any other language. The amendment could not be construed to diminish or impair uses of Native American languages. The Legislature would be able to enact related laws.

**Issue: Judicial Nominating Commission**

**State Question 752**

**Legislative Referendum 352**

**Originating Legislation: SJR 27 (2009)**

**Principal Authors: Senator Patrick Anderson,**

**Representative Daniel Sullivan**

**Election Date: November 2, 2010**

**Ballot Title** *(as submitted to the Attorney General by the Legislature):*

The measure amends Section 3 of Article 7-B of the Oklahoma Constitution. It amends sections that set up the Judicial Nominating Commission. This Commission chooses people to nominate for judge or justice if there is a vacancy. The Commission sends the names of three people to the Governor. The Governor picks one of the three to fill the vacancy. This amendment would change the number of members on the Commission from thirteen to fifteen. It will allow the President Pro Tempore of the Senate to pick one member and the Speaker of the House of Representatives to pick one member.

**Issue: Workers' Compensation Court Judges  
State Question 753****Legislative Referendum 353****Originating Legislation: HJR 1041 (2009)****Principal Authors: Senator Clark Jolley, Representative Chris Benge****Election Date: November 2, 2010****Ballot Title** (as submitted to the Attorney General by the Legislature):

This measure would amend the Oklahoma Constitution. It would amend Section 1 of Article 7. This section deals with judges and justices. This includes judges on the Workers' Compensation Court. This measure will require that the Senate approve any person chosen by the Governor to fill a position on the Workers' Compensation Court.

**Issue: State Government Expenditure Limitations****State Question 754****Legislative Referendum 354****Originating Legislation: HJR 1014 (2009)****Principal Authors: Senator Todd Lamb, Representative Leslie Osborn****Election Date: November 2, 2010****Ballot Title** (as submitted to the Attorney General by the Legislature):

This measure amends the Oklahoma Constitution. It would add a new Section 55A to Article 5. It relates to the state budget. It relates to the ability of the Legislature to spend money each year. It would allow the Legislature to make decisions about the state budget. The Legislature would be able to decide how much money to spend each year. The Legislature would not be required to spend a certain amount of money for any one government service or function. If this amendment is adopted, the Oklahoma Constitution could not require the Legislature to do this. If this amendment is adopted, the Oklahoma Constitution could not require the Legislature to make spending decisions based on how much money any other state spent.

**VETOED BILLS**

SB 4 (Ford/Tibbs): Would have extended early voting for General Elections and required proof of identity to be presented in order to vote.

Vetoed 4-8-09: Veto message states "The right to vote is among our most precious freedoms, guaranteed to all eligible U.S. citizens regardless of their race, gender, religion, income level or social status, and policymakers must be especially careful when tinkering with

this fundamental right. By mandating new identification requirements, Senate Bill 4 would have established an unnecessary impediment to exercising this most basic freedom in conflict with Article III, Sec. 5 of the Oklahoma Constitution which states, "All elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage, ..." A small but still important minority of registered voters, many of whom are senior citizens or the working poor, do not have easy access to an official form of identification, and, therefore, could be discouraged from participating in the electoral process by the restrictions contained in SB 4.

Respected, non-partisan advocacy organizations such as the League of Women Voters and the American Association of Retired Persons oppose voter identification laws, citing projections that as many as 21 million eligible voters, including 78,000 in Oklahoma, do not have appropriate identifying credentials and could be negatively impacted by such legislation.

Oklahoma already has a model state election system, one that has earned national praise for its accuracy and efficiency and has operated without the taint of voter fraud. It is not in the best interest of the election system or Oklahoma citizens for the Legislature to enact new participation requirements for registered voters and additional and potentially confusing verification duties for election workers that could cause undue delays and longer waiting lines at the polls, potentially discouraging even more citizens from voting.

At a time when it is difficult to attract more than half of the registered voters to the polls at any given election, we must make voting easier and more convenient for registered voters, not more difficult and confusing".

SB 490 (Crain/Sullivan): Modifies the number of persons required to bring a taxpayer-instituted lawsuit against a political subdivision to 1/10 of 1 percent of the population that resides in such subdivision.

Vetoed 5-22-09: Veto message states "It is critical for Oklahoma taxpayers to have the ability to seek legal redress when they feel their state or local government has acted improperly, and taxpayer lawsuits provide an important check against public corruption, abuse and fraud. By raising the threshold necessary to file a taxpayer lawsuit, SB 490 would take a backward step and make it more difficult for citizens to hold public officials accountable".

SB 586 (Ford/Shumate): Authorizes sponsorship of charter schools by federally recognized Indian tribes when such schools are located in school districts as provided in the Oklahoma Charter Schools Act and on property held in trust for the benefit of the tribe.

Vetoed 5-13-09: Veto message states “that Oklahoma tribal governments already have the authority to create and operate their own schools. SB 586 is duplicative of the current law and unnecessary”.

SB 609 (Lamb/Sullivan): Modifies the positions of the Workers' Compensation Court and requires confirmation by the Senate of any gubernatorial appointment to the Workers' Compensation Court.

Vetoed 4-21-09: Veto message states that this bill “seeks to replace the successful, non-partisan judicial appointment process of Oklahoma with the gridlocked, highly-politicized process of Washington, DC, where partisan disputes in the Senate often delay judicial appointments and hinder the delivery of swift and effective justice. In the workers compensation system, such delays will ultimately cause undue expense and burden on injured workers and Oklahoma businesses, alike. Because the Oklahoma system has functioned far better than the one in Washington, DC, it is not in the best interest of the state or its citizens to adopt the flawed, federal appointment process proposed in SB 609”.

SB 834 (Ford/Jones): Establishes the School District Empowerment Program. Exempts participating school districts from all statutory requirements and State Board of Education rules from which charter schools are exempt under the Oklahoma Charter Schools Act. Allows districts to choose to comply with any or all state laws, rules, or regulations from which a charter school is exempt. Requires districts participating in the program to continue to comply with certain specified requirements.

Vetoed 5-8-09: Veto message states “While local control is an important component of a successful public education system, it is also critical to have rigorous state standards in place to produce the highest quality graduates and ensure achievement and accountability throughout the system. Recognizing the importance of such uniform standards, public and private sector leaders have advocated and implemented numerous reforms in recent years to raise the academic bar for all students and schools.

Senate Bill 834 would essentially turn back the clock on much of that important progress

and weaken landmark reforms by allowing school administrators to create their own rules and ignore more rigorous state standards, including, but not limited to, the smaller class size mandates championed by former Gov. Henry Bellmon and Oklahoma voters in the historic passage of House Bill 1017 in 1990. SB 834 would also endanger such worthy programs as full-day kindergarten and alternative education in addition to making optional such critical personnel as school librarians and counselors.

Furthermore, SB 834 does a deliberate disservice to the backbone of the public education system, the public school teacher, by weakening or eliminating educators' rights and benefits, including due process rights guaranteed under the constitution. These provisions would also undermine ongoing efforts to attract and retain the best and brightest teachers in Oklahoma, something that is critically important, particularly for a state that is routinely recognized for having some of the best educators in the nation.

At a time when we are working to send the signal that Oklahoma is serious about improving its education system and producing high-quality graduates who can compete in the 21<sup>st</sup> Century global economy, it would be a disastrous step backward to approve legislation that weakens state standards, abolishes historic reforms and reduces rights and benefits provided to teachers”.

SB 934 (Anderson/Schwartz): Exempts atypical and typical antipsychotics from any preferred drug list or any product-based prior authorization program in the drug utilization review of the Oklahoma Health Care Authority. Makes an exception for approved clinical reviews and edits and generic equivalents.

Vetoed 5-12-09: Veto message states that this legislation “potentially undermines the ability of Oklahoma Health Care Authority administrators to manage the Medicaid program and hold down pharmaceutical costs in the event the science of administering these medications changes in the future”.

SB 1111 (Jolley/Jones): Creates the Educational Accountability Reform Act. Transfers all duties and responsibilities for the Oklahoma School Testing Program, the state student record system (known as “The Wave”), Adequate Yearly Progress (AYP) determination, and accountability functions from the State Department of Education to the newly established Educational Quality and Accountability Office, which will be governed by the Education Over-

sight Board. Modifies membership and appointments to the Education Oversight Board.

Vetoed 4-29-09: Veto message states "To build the best possible public education system, Oklahoma must produce accurate and accessible student test data. Although proponents of SB 1111 are well-meaning, the legislation falls far short of this important goal. While Senate Bill 1111 was billed as reform to improve the current testing and information system, the final legislation does nothing to address the root cause of the problem. Stripping the State Department of Education of its current duties and transferring them to a different oversight entity does not in and of itself achieve any real reform or progress. It simply creates a new bureaucracy and additional operating costs without making any changes to the current testing, assessment or data analysis and sharing processes.

More troubling from a constitutional perspective is the proposed shift of control from the executive branch to the legislative branch. By granting legislative leaders a majority of the appointments to the new administrative board, SB 1111 effectively puts the Speaker of the House and the President Pro Tempore of the Senate in charge of state school testing programs and data systems, even allowing the President Pro Tempore to select the board's chairman. This transfer of power is in conflict with the constitution's separation of powers doctrine, as the Legislature cannot both make policy and implement and carry out that policy.

Additionally, there was a lack of input from education experts and other stakeholders in the development of this legislation, which, ultimately, resulted in a lack of consensus on the legislation. In recent years, we have worked together in a bipartisan fashion and made great progress in raising school standards and improving accountability, but it is also important to improve Oklahoma's education testing and data systems. Accordingly, I look forward to working with policy makers to embark on a comprehensive and inclusive process to produce consensus legislation that accomplishes this goal".

SB 1123 (Sykes/Thompson): Limits liability for an owner, employee, participant, member, guest or customer of a gun range, gun shop or gun club, for injuries to any person engaged in firearm activities on the premises of such range, shop or club when such injuries result from the inherent risks of such activities.

Vetoed 5-22-09: Veto message states "It would strip an individual of his right to seek legal redress for a negligent act committed

against him. Under this legislation, if a person was injured or killed at a gun range because of the negligent act of another individual, the victim and the victim's family could not seek appropriate compensation in a court of law if the committer had acted in a good faith, albeit negligent, manner. For that reason, SB 1123 is unfair and unconstitutional".

HB 1021 (Faight/Newberry): Limits recovery for damages caused by a motor vehicle accident in which the plaintiff is not in compliance with the Compulsory Insurance Law.

Vetoed 5-26-09: Veto message states "It is critical to encourage motorists to carry liability insurance and penalize them when they do not. However, HB 1021 goes too far in its penalties, taking away the basic legal rights of an individual or family who is severely injured in an accident that is not their fault. Under HB 1021, such innocent victims would be denied appropriate compensation for damages simply because they did not have liability insurance at the time the wrongful action occurred. While HB 1021 does contain some exemptions designed to protect innocent parties, they are not inclusive enough to cover the universe of potential victims. Policy makers should encourage the purchase of liability insurance and penalize those who do not comply, but stripping citizens of their basic rights is not an appropriate or effective penalty. Additionally, this legislation is likely unconstitutional because it disproportionately affects lower-income citizens".

HB 1307 (Luttrell/Bass): Limits liability for any physician providing medical services at an athletic event sanctioned pursuant to the Oklahoma State Athletic Commission Act who is a ring official at the event and renders or attempts to render emergency care to an injured participant who is in need of immediate medical aid.

Vetoed 5-22-09: Veto message states "It would provide a liability exemption to physicians who could earn compensation for their services. Such liability exemptions eliminate accountability and should be reserved for medical professionals who offer services on a volunteer basis".

HB 1326 (Reynolds/Lamb): Prohibits any person from conducting nontherapeutic research that destroys or puts at risk a human embryo, transferring a human embryo with the knowledge that the embryo will be subjected to nontherapeutic research, or using cells or tissues that the person knows were obtained by performing activities in violation of this act.

Makes it a misdemeanor to violate this act. Effective 11-1-09.

Vetoed 4-22-09. Veto message states that this legislation “would hinder life-saving efforts by banning promising research that could yield new treatments or cures for cancer, Alzheimer’s disease, diabetes, multiple sclerosis, arthritis, spinal cord injuries and a variety of other ailments” and that it “criminalizes and punishes a scientist who, with the couple’s consent, elects to conduct stem cell research with an unused blastocyst before it is destroyed”.

HB 1570 (Schwartz/Paddack): Requires that affidavit of merit be attached to the petition in any civil action for professional negligence.

Vetoed 4-24-09: Veto message states “It is in direct conflict with a recent Oklahoma Supreme Court decision and therefore, is unconstitutional. In an 8-1 decision in 2006, the state’s highest court ruled that the cost associated with certificates of merit placed an undue financial burden on citizens seeking access to justice and served as a barrier to their constitutional rights. I support efforts to reduce frivolous lawsuits, but because the court has already spoken clearly on the certificate of merit issue, enacting this measure would have been a wasteful exercise in futility”.

HB 1575 (Banz/Ford): Modifies provisions relating to the Academic Achievement Award program. Delays the deadline for payment of awards to recipients from January 31 to March 31. Modifies the definition of qualified employees. Modifies award categories and amounts. Utilizes a three-year average of the Academic Performance Index (API) score for award determination. Extends the time a teacher can be hired on a temporary contract from 3 semesters to 5 semesters.

Vetoed 6-5-09: Veto message states “While I strongly support the Academic Achievement Award program and the proposed improvements in HB 1575, other changes in Section 2 of the bill are problematic, amount to unconstitutional logrolling, and fatally flaw the measure. Without explanation, the legislation arbitrarily increases the time span that a teacher may be held under a temporary contract, changing a longstanding employment provision and eroding educators’ precious due process rights. I would encourage lawmakers to approve new legislation with Section 2 deleted so I can sign into law the proposed improvements for the Academic Achievement Award program”.

HB 1601 (Sullivan/Coffee): Prohibits attorneys from deducting or withholding certain monies for the purpose of contributing to certain funds, campaigns, or candidates.

Vetoed 4-22-09: Veto message states “While the concept of HB 1601 is commendable and one I support, the bill, as written, is clearly unconstitutional. The Oklahoma Supreme Court has expressly held special legislation that benefits or affects one class, profession or industry to be violative of the constitution. Although HB 1601 may also infringe on free speech, it would more likely be held to pass constitutional muster if it had applied to all political deductions by all professions, businesses and industries. This defect was previously identified to bill authors and could have easily been corrected by simply applying the prohibitions in the bill to all professions rather than a single one. In fact, at one time, HB 1601 contained such inclusive language, but it was removed without explanation before final passage. If that language had remained intact, HB 1601 would have been signed into law and would have more likely been held constitutional. I urge lawmakers to pass a fair and effective comprehensive ban on all political deductions”.

HB 1975 (Moore/Brown): Requires any bill which would mandate a health coverage or offering of a health coverage as a component of individual or group policies to be introduced only in an odd-numbered year and passed by the Legislature only during an even-numbered year. Requires any such mandated health insurance coverage legislation to be submitted to an actuary who shall prepare a report which assesses the financial impact of such coverage. Authorizes the Legislative Service Bureau to enter into a contract with a person or entity to perform such required actuarial services. Effective 11-1-09.

Vetoed 4-30-09: Veto message states “By mandating that certain insurance legislation can only be introduced in odd-numbered years and approved in even-numbered years of a legislative session, HB 1975 inexplicably and unreasonably ties the hands of state policy makers on a very important issue. The bill further restricts the state’s ability to respond to emergencies by requiring a 75 percent supermajority vote to lift the odd-even year restriction during an emergency or other catastrophic event. This would empower a small minority of legislators to thwart legitimate state efforts to address a pressing public policy issue and ensure that the restriction would rarely, if ever, be lifted. Furthermore, because HB 1975 ap-

plies these restrictions only to legislation involving a single issue, it raises legitimate concerns and questions regarding why one subject area would be singled out for special treatment and is constitutionally infirm. Oklahoma and its citizens are better served when policy makers are allowed the freedom to address any pressing issue in the Legislature without the hindrance of arbitrary restrictions”.

HB 2161 (Kern/Stanislawski): Prohibits school districts from allowing an individual or organization to speak or distribute material at an in-service teacher meeting for the purpose of influencing the results of an election for state or local office, excluding school bond elections or political fundraising for or against a candidate.

Vetoed 5-26-09: Veto message states “This legislation encroaches upon freedom of speech and unduly interferes with the ability of local school districts to control the content of local meetings. Additionally, the bill is vague and ambiguous, potentially resulting in numerous unintended consequences and making dissemination of information by certain officials or organizations a violation of law in one school district but not in another, depending on the interpretation and discretion of unspecified local officials”.

HB 2167 (McCullough/Sykes): Creates the Private Attorney Retention Sunshine Act to require and establish procedures for a request for proposal process for retention of a lawyer or law firm on behalf of state; and requires contract agencies to post on agency websites a statement that 120 days after the contract for which the request for proposals has been awarded, any person may obtain a copy of the request for proposal from the agency which prepared it and the identity of all persons or entities to whom the request for proposal was transmitted. Effective 11-1-09.

Vetoed 5-8-09: Veto message states “While HB 2167 is well intended and has many good provisions, the legislation potentially does more harm than good because of its unintended consequences. Many state agencies could easily comply with the contracting restrictions in question, but for those agencies, such as Oklahoma Department of Transportation, that must respond quickly to a lawsuit or that must execute a large volume of legal contracts by virtue of their statutory responsibilities, such mandates would impair their ability to respond to pressing legal issues or to timely complete crucial projects, causing undue delays, increasing costs to the state and causing them to miss court-imposed deadlines. The Legislature

should consider legislation that recognizes the unique statutory responsibilities of such adversely-impacted agencies”.

HB 2176 (Nelson/Aldridge): Would have prohibited chief executive officers or other administrative heads of agencies which may issue licenses, or other persons exercising such authority, to solicit or request support for or opposition to legislation from licensees. Exceptions would have been provided for statewide elected officials and licensees who are members of the Legislature, members of agency governing boards or task force members. The measure would not have prohibited providing information regarding legislation. The measure further would have penalized nonappropriated agencies failing to file reports required under the Oklahoma Program Performance Budgeting and Accountability Act.

Vetoed 6-5-09: Veto message states “This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill 2176. All citizens, whether they are employed by the public or private sectors, have the constitutional right to express their views on any issue they choose. HB 2176 would prohibit certain state employees from advocating for or against legislation pending before the Oklahoma Legislature and authorize a felony charge and a prison term of up to two years for anyone who runs afoul of the provision. This legislation is poorly worded, has severe unintended consequences, and clearly stifles freedom of speech in direct conflict with the First Amendment”.

HB 2246 (Terrill/Brogdon): Would have extended the period for gathering signatures on initiative and referendum petitions from 90 days to one year. Only registered voters would have been allowed to circulate petitions for signature, and circulators would have been required to register with the Secretary of State. Certain actions interfering with the initiative and referendum process would have been prohibited and misdemeanor and civil penalties would have been applied. The Initiative and Referendum Task Force would have been created to examine the process and make recommendations for legislation.

Vetoed 6-5-09: Veto message states “This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill 2246. While HB 2246 is

designed to strengthen the initiative petition process and contains several good provisions, the bill is fatally flawed because of Section 3, a provision that grants additional rights to petition circulators at the same time it takes away the rights of other citizens. For example, Section 3 would make it a crime for a person to interrupt a conversation between a circulator and a potential signer, touch a petition or promotional material without the consent of a circulator or shout in the presence of a circulator to express opposition to their initiative. Such prohibitions have the effect of discouraging and even criminalizing such basic constitutional rights as free speech and freedom of assembly. Section 3 also provides unscrupulous circulators with a cash incentive to report such offensive speech or assembly by requiring offenders to pay the complaining circulator \$500 in statutory damages for each violation.

It is critical to have a fair and accessible initiative petition process available to the people, but the meritorious proposals in HB 2246 cannot overcome the harm caused by Section 3. In an effort to enact fair and responsible reforms in the next legislative session, I will appoint an interim task force to review the issues addressed in HB 2246 and work on language that strengthens and improves the process without eroding the constitutionally guaranteed rights of individual citizens”.

<b>APPROPRIATIONS COMPARISON FY'09 – FY'10</b>
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	FY'09 Base Appropriation	FY'10 Budget Base Cut	Additional Appropriations	Stimulus Funds	Total FY'10 Appropriation	\$ Change from FY'09	% Change from FY'09
<b>Education Subcommittee</b>							
Arts Council	\$5,150,967	(\$450,710)	\$450,000		\$5,150,257	(\$710)	0.0%
Career Technology Education	\$157,769,736	(\$8,677,335)	\$8,698,078		\$157,790,479	\$20,743	0.0%
Education Department	\$2,531,462,553	(\$167,559,651)	\$40,544,649	\$167,559,651	\$2,572,007,202	\$40,544,649	1.6%
Educational Television Authority	\$5,194,383	(\$363,607)	\$0		\$4,830,776	(\$363,607)	-7.0%
Higher Education	\$1,039,161,280	(\$68,792,477)	\$31,579,728	\$68,792,477	\$1,070,741,008	\$31,579,728	3.0%
Land Office	\$4,864,881	(\$340,542)	\$0		\$4,524,339	(\$340,542)	-7.0%
Libraries Department	\$7,294,856	(\$638,300)	\$638,000		\$7,294,556	(\$300)	0.0%
Physician Manpower Training	\$5,523,502	(\$386,645)	\$0	\$423,891	\$5,560,748	\$37,246	0.7%
Private Vocational Schools	\$193,304	(\$13,531)	\$0		\$179,773	(\$13,531)	-7.0%
School of Science and Math	\$7,985,737	(\$471,026)	\$31,995		\$7,546,706	(\$439,031)	-5.5%
OCASST	\$22,456,507	(\$1,964,944)	\$1,535,000		\$22,026,563	(\$429,944)	-1.9%
Teacher Preparation Commission	\$2,059,982	(\$144,199)	\$0		\$1,915,783	(\$144,199)	-7.0%
<b>Subtotal</b>	<b>\$3,789,117,688</b>	<b>(\$249,802,967)</b>	<b>\$83,477,450</b>	<b>\$236,776,019</b>	<b>\$3,859,568,191</b>	<b>\$70,450,503</b>	<b>1.9%</b>
<b>General Government &amp; Transportation Subcommittee</b>							
Auditor and Inspector	\$6,315,269	(\$442,069)	\$0		\$5,873,200	(\$442,069)	-7.0%
Bond Advisor	\$186,419	(\$13,049)	\$0		\$173,370	(\$13,049)	-7.0%
Central Services	\$18,713,175	(\$1,309,922)	\$0		\$17,403,253	(\$1,309,922)	-7.0%
Election Board	\$6,805,988	(\$476,419)	\$44,000		\$6,373,569	(\$432,419)	-6.4%
Civil Emergency Management	\$806,604	(\$70,578)	\$52,303		\$788,329	(\$18,275)	-2.3%
Ethics Commission	\$667,960	(\$46,757)	\$0		\$621,203	(\$46,757)	-7.0%
State Finance	\$23,081,434	\$0	\$0		\$23,081,434	\$0	0.0%
Governor	\$2,661,981	(\$186,339)	\$0		\$2,475,642	(\$186,339)	-7.0%
House of Representatives	\$19,176,434	(\$1,342,350)	\$0		\$17,834,084	(\$1,342,350)	-7.0%
Legislative Service Bureau	\$5,537,349	(\$387,614)	\$387,418		\$5,537,153	(\$196)	0.0%
Lt. Governor	\$659,597	(\$46,172)	\$0		\$613,425	(\$46,172)	-7.0%
Merit Protection Commission	\$613,684	(\$53,697)	\$53,697		\$613,684	(\$0)	0.0%
Military Department	\$13,132,301	(\$919,261)	\$38,519		\$12,251,559	(\$880,742)	-6.7%
Personnel Management	\$4,891,745	(\$342,422)	\$0		\$4,549,323	(\$342,422)	-7.0%
Secretary of State	\$380,517	(\$26,636)	\$0		\$353,881	(\$26,636)	-7.0%
Senate	\$14,699,125	(\$1,028,939)	\$0		\$13,670,186	(\$1,028,939)	-7.0%
Space Industry Development	\$530,340	(\$37,124)	\$0		\$493,216	(\$37,124)	-7.0%
Tax Commission	\$48,201,340	(\$4,217,617)	\$2,320,000		\$46,303,723	(\$1,897,617)	-3.9%
Transportation Department	\$207,591,448	\$0	\$1,149,866		\$208,741,314	\$1,149,866	0.6%
Treasurer	\$4,668,763	(\$326,813)	\$0		\$4,341,950	(\$326,813)	-7.0%
<b>Subtotal</b>	<b>\$379,321,473</b>	<b>(\$11,273,780)</b>	<b>\$4,045,803</b>	<b>\$0</b>	<b>\$372,093,497</b>	<b>(\$7,227,976)</b>	<b>-1.9%</b>
<b>Health &amp; Human Services Subcommittee</b>							
Children and Youth Commission	\$2,608,473	(\$228,241)	\$100,000		\$2,480,232	(\$128,241)	-4.9%
Disability Concerns	\$412,769	(\$36,117)	\$16,117		\$392,769	(\$20,000)	-4.8%
Health Department	\$74,718,113	(\$6,537,835)	\$4,850,000	\$1,330,652	\$74,360,930	(\$357,183)	-0.5%
Health Care Authority	\$842,122,261	(\$178,785,769)	\$0	\$316,460,502	\$979,796,994	\$137,674,733	16.3%
Human Rights Commission	\$710,226	(\$46,165)	\$0		\$664,061	(\$46,165)	-6.5%
Human Services Department	\$559,107,190	(\$78,507,190)	(\$1,243,527)	\$71,355,640	\$550,712,113	(\$8,395,077)	-1.5%
Indian Affairs	\$258,466	(\$18,093)	\$0		\$240,373	(\$18,093)	-7.0%
J.D. McCarty Center	\$4,452,961	(\$363,572)	\$0	\$363,572	\$4,452,961	\$0	0.0%
Juvenile Affairs	\$112,254,258	(\$4,030,029)	\$3,465,680	\$698,669	\$112,388,578	\$134,320	0.1%
DMHSAS	\$207,429,129	(\$18,150,049)	\$10,250,000	\$3,746,142	\$203,275,222	(\$4,153,907)	-2.0%
Rehabilitation Services	\$30,053,770	\$0	\$400,000		\$30,453,770	\$400,000	1.3%
University Hospitals Authority	\$43,250,342	(\$10,316,683)	\$243,000	\$10,316,683	\$43,493,342	\$243,000	0.6%
Veterans Affairs	\$40,282,600	\$0	\$0		\$40,282,600	\$0	0.0%
<b>Subtotal</b>	<b>\$1,917,660,558</b>	<b>(\$297,019,743)</b>	<b>\$18,081,270</b>	<b>\$404,271,860</b>	<b>\$2,042,993,945</b>	<b>\$125,333,387</b>	<b>6.5%</b>

	FY'09 Base Appropriation	FY'10 Budget Base Cut	Additional Appropriations	Stimulus Funds	Total FY'10 Appropriation	\$ Change from FY'09	% Change from FY'09
<b>Natural Resources &amp; Regulatory Services Subcommittee</b>							
Agriculture Department	\$33,685,185	(\$2,357,963)	\$1,230,836		\$32,558,058	(\$1,127,127)	-3.3%
Commerce Department	\$30,934,772	(\$2,060,434)	\$4,406,750		\$33,281,088	\$2,346,316	7.6%
Conservation Commission	\$10,292,962	(\$720,507)	\$0		\$9,572,455	(\$720,507)	-7.0%
Consumer Credit	\$669,042	(\$46,833)	\$0		\$622,209	(\$46,833)	-7.0%
Corporation Commission	\$12,210,417	(\$854,729)	\$250,000		\$11,605,688	(\$604,729)	-5.0%
Environmental Quality	\$9,728,096	(\$680,967)	\$250,000		\$9,297,129	(\$430,967)	-4.4%
Historical Society	\$14,967,451	(\$1,047,722)	\$333,305		\$14,253,034	(\$714,417)	-4.8%
Horse Racing Commission	\$2,669,568	(\$186,870)	\$0		\$2,482,698	(\$186,870)	-7.0%
Insurance Commissioner	\$2,515,943	(\$176,116)	\$0		\$2,339,827	(\$176,116)	-7.0%
J.M. Davis Memorial Commission	\$385,403	(\$26,978)	\$0		\$358,425	(\$26,978)	-7.0%
Labor Department	\$3,760,284	(\$263,220)	\$0		\$3,497,064	(\$263,220)	-7.0%
Mines Department	\$1,013,586	(\$70,951)	\$0		\$942,635	(\$70,951)	-7.0%
Scenic Rivers Commission	\$345,322	(\$24,173)	\$0		\$321,149	(\$24,173)	-7.0%
Tourism and Recreation	\$27,821,991	(\$1,947,539)	\$34,955		\$25,909,406	(\$1,912,585)	-6.9%
Water Resources Board	\$6,801,524	(\$476,107)	\$200,000		\$6,525,417	(\$276,107)	-4.1%
Will Rogers Memorial	\$933,702	(\$65,359)	\$0		\$868,343	(\$65,359)	-7.0%
<b>Subtotal</b>	<b>\$158,735,248</b>	<b>(\$11,006,467)</b>	<b>\$6,705,845</b>	<b>\$0</b>	<b>\$154,434,626</b>	<b>(\$4,300,622)</b>	<b>-2.7%</b>
<b>Public Safety &amp; Judiciary Subcommittee</b>							
ABLE Commission	\$3,925,266	(\$304,208)	\$304,200		\$3,925,258	(\$8)	0.0%
Attorney General	\$14,624,449	(\$1,133,395)	\$231,180		\$13,722,234	(\$902,215)	-6.2%
Corrections Department	\$503,000,000	\$0	\$0		\$503,000,000	\$0	0.0%
Court of Criminal Appeals	\$3,474,527	(\$269,276)	\$99,300		\$3,304,551	(\$169,976)	-4.9%
District Attorneys and DAC	\$42,820,210	(\$2,997,415)	\$0		\$39,822,795	(\$2,997,415)	-7.0%
District Courts	\$58,067,785	(\$4,064,745)	\$0		\$54,003,040	(\$4,064,745)	-7.0%
Fire Marshal	\$2,270,855	(\$175,991)	\$151,000		\$2,245,864	(\$24,991)	-1.1%
Indigent Defense System	\$16,734,008	(\$1,296,886)	\$296,900		\$15,734,022	(\$999,986)	-6.0%
OSBI	\$17,316,450	(\$1,342,025)	\$1,132,604		\$17,107,029	(\$209,421)	-1.2%
Judicial Complaints	\$283,729	(\$21,989)	\$6,300		\$268,040	(\$15,689)	-5.5%
CLEET	\$4,614,370	(\$357,614)	\$157,600		\$4,414,356	(\$200,014)	-4.3%
Medicolegal Investigations	\$4,825,625	(\$373,986)	\$248,300		\$4,699,939	(\$125,686)	-2.6%
OBNDD	\$6,773,895	(\$474,173)	\$0		\$6,299,722	(\$474,173)	-7.0%
Pardon and Parole Board	\$2,577,581	(\$199,763)	\$145,600		\$2,523,418	(\$54,163)	-2.1%
Public Safety Department	\$97,170,391	(\$7,530,705)	\$3,700,000		\$93,339,686	(\$3,830,705)	-3.9%
Supreme Court	\$19,247,063	(\$1,347,294)	(\$31,828)		\$17,867,941	(\$1,379,122)	-7.2%
Workers' Compensation Court	\$5,259,801	(\$407,635)	\$203,800		\$5,055,966	(\$203,835)	-3.9%
<b>Subtotal</b>	<b>\$802,986,005</b>	<b>(\$22,297,098)</b>	<b>\$6,644,956</b>	<b>\$0</b>	<b>\$787,333,863</b>	<b>(\$15,652,142)</b>	<b>-1.9%</b>
<b>REAP</b>	<b>\$15,500,000</b>	<b>(\$15,500,000)</b>	<b>\$14,415,000</b>		<b>\$14,415,000</b>	<b>(\$1,085,000)</b>	<b>-7.0%</b>
<b>Total Including Stimulus Funds</b>	<b>\$7,063,320,972</b>	<b>(\$606,900,055)</b>	<b>\$133,370,325</b>	<b>\$641,047,879</b>	<b>\$7,230,839,121</b>	<b>\$167,518,149</b>	<b>2.4%</b>
<b>Total State Dollar Spending</b>	<b>\$7,063,320,972</b>	<b>(\$606,900,055)</b>	<b>\$133,370,325</b>		<b>\$6,589,791,242</b>	<b>(\$473,529,730)</b>	<b>-6.7%</b>



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