

# **OKLAHOMA STATE SENATE**



## **2010 LEGISLATIVE SUMMARY AND FY'11 BUDGET REVIEW**

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July 2010

We are pleased to present the 2010 Legislative Summary and FY 2011 Budget Review. Included within this document are summaries of all substantive bills and resolutions enacted in the 2010 Session and information on appropriation measures and the state budget adopted by the Legislature for FY 2011.

The summaries contained herein have been prepared by the following Senate Committee Staff personnel:

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**TABLE OF CONTENTS**

Session Overview.....	1
Appropriation Overview .....	1
ARRA Stimulus Funding.....	2
Rainy Day Funds.....	2
Other Revenues .....	3
FY'10 Supplemental Appropriations .....	4
Agriculture & Rural Development Measures .....	5
Banking, Finance & Securities Measures.....	6
Business & Labor Measures .....	6
Criminal Law & Procedure Measures .....	11
Corrections Funding.....	12
Law Enforcement Funding.....	12
Economic Development & Commerce Measures.....	12
Commerce Funding .....	13
Corporation Commission Funding .....	13
Historical Society Funding.....	13
Education, Career & Technology Measures.....	13
Education, Career & Technology Funding.....	13
Education, Common Measures (K-12).....	13
Education, Common (K-12) Funding.....	18
Education, Higher Measures.....	18
Education, Higher Funding .....	19
Energy, Environment & Utilities Measures .....	19
Ethics and Elections Measures.....	21
Election Board Funding.....	22
Gaming, Sports & Amusements Measures .....	22
Government Measures (County, Municipal & Local).....	22
Government Measures (State) .....	24
Health Measures .....	25
Health Care Authority Funding.....	30
Mental Health & Substance Abuse Funding .....	30
Human Services Measures .....	30
Human Services Funding .....	31
Insurance Measures .....	31

Judiciary/Courts Measures.....	32
Motor Vehicles, Water Vessels & Licensing Measures .....	37
Public Finance Measures .....	37
Public Safety & Homeland Security Measures.....	38
Public Employees-Retirement/Insurance/Pay/Benefits Measures .....	42
Revenue & Taxation Measures.....	43
Sunset Measures.....	45
Tourism & Wildlife Measures .....	45
Tourism Funding.....	46
Transportation Measures.....	46
Transportation Funding.....	48
Veterans & Military Affairs Measures.....	49
Veterans & Military Affairs Funding.....	49
Senate and House Concurrent Resolutions.....	49
Senate and House Resolutions .....	50
Vote of the People .....	53
Vetoed Bills .....	57
Appropriations Comparison.....	65

**SESSION OVERVIEW**

In the second session of the 52<sup>nd</sup> Legislature, the Oklahoma State Senate considered 1,082 new Senate Bills and 45 carryover Senate Bills, 505 House Bills, 28 Senate Joint Resolutions, 2 carryover Senate Joint Resolutions, 15 House Joint Resolutions, 32 Senate Concurrent Resolutions, 19 House Concurrent Resolutions and 71 Simple Resolutions. Of those measures, 208 Senate Bills and 235 House Bills were signed into law, while 12 Senate Bills and 19 House Bills were vetoed (the vetoes of HBs 2656, 2780 and 3284 were overridden). Eleven state questions (ten referred by the Legislature and one initiative petition) were referred to the people for a vote in the 2009-2010 biennium and will be on the 2010 ballot, and 83 Senate Concurrent or Simple Resolutions were filed with the Secretary of State.

The 2010 session was the last for six members of the State Senate due to term limits, including Senate President Pro Tempore Glenn Coffee, Senate Appropriations Chairman Mike Johnson, Senator Johnnie Crutchfield, Senator Kenneth Corn, Senator Mary Easley and Senator Joe Sweeden.

Members of the 52<sup>nd</sup> Legislature faced a historic \$1.2 billion shortfall in state revenues in the 2010 session. In addition to the approval of targeted budget cuts and revenue enhancements, lawmakers also passed a voluntary buy-out incentives package for state employees as a way to reduce expenditures. Twenty percent of the Senate Staff accepted the buy-out and were honored for their service on the Senate floor.

Members of the Senate family also marked the passing of long-time webmaster Charles Israel who bravely battled Muscular Dystrophy for years, yet diligently carried out his responsibilities managing the Senate website even as the illness progressed. He also was the point-man for Executive Nominations in the Senate.

The following overview details the legislation approved during the 2010 legislative session.

**APPROPRIATION OVERVIEW**

In preparing the FY'11 budget, the Legislature faced one of the largest revenue reductions in state history. Certification estimates indicated a \$1.201 billion or 18.2% decrease in tax collections for the upcoming fiscal year. They were also experiencing a nearly \$1 billion shortfall in the current fiscal year, FY'10. Approximately \$153 million of the decrease was attributable to falling natural gas gross production tax collections. Over \$396 million was from lagging personal income tax collections and another \$153 million was from decreased corporate income tax collections. Sales and Use Tax collections were projected to decrease by \$317 million. There was also \$265 million less available from prior year cash sources. The Legislature was able to identify approximately \$1.385 billion in additional revenues after certification to help mitigate the overall state dollar cuts in FY'10 and FY'11. These revenues came from a combination of ARRA stimulus funds, Rainy Day funds, tax credit moratoriums, fee increases and transfers from cash accounts, most of which are described in the following three sections.

The General Appropriation (GA) Bill for the 2010 legislative session was SB 1561. That bill, in conjunction with several single agency appropriation bills passed in the final week of the session, appropriated a total amount of \$6,687,477,228. There are several ways to calculate the difference in this appropriation from the amount appropriated for FY'10. For the purposes of this document, the FY'10 figure used will be \$6,931,848,001. This is the amount state agencies received in FY'10 after the Office of State Finance instituted an across the board 7.5% reduction in General Revenue allocations due to the FY'10 revenue failure. The resulting comparison reflects the actual differences in the operating budgets of the agencies for FY'10 versus FY'11. Total appropriations are \$244,370,773 less for FY'11 than what agencies actually received in FY'10. This is a 3.53 percent decrease, significantly less than the 18.2% initial decrease in certification.

The standard budget cut for FY'11 was 7% from the revised FY'10 budget. Only a handful of agencies received a larger cut than this, and it was often due to the removal of one-time funds or "pass through funds" which will not affect the agency's budgets. Many agencies

received state funds, federal funds or fee increases to mitigate their 7% reductions. The Legislature was able to fully fund teacher retirement cost increases at Common Education, Higher Education and Career Technology Centers. The State Medicaid Program was fully funded using a combination of state and federal dollars as well as a new health care access fee (HB 2437). Other agencies such as the Department of Mental Health and Substance Abuse Services, Department of Human Services, Department of Rehabilitation Services, Department of Public Safety, Department of Medicolegal Investigations, Pardon and Parole Board and the Election Board were essentially held harmless from additional cuts. While ODOT did receive a \$14 million cut (7%) in appropriated dollars, the agency received its scheduled \$30 million increase in the ROADS Fund. Another \$65 million in State Transportation Funds were transferred to the Special Cash Fund, but that was made up to ODOT with the authorization of a bond issue in an equal amount. That explains a significant portion of the appropriation reduction to the General Government and Transportation subcommittee outlined below.

**Comparison of Appropriations  
Final FY'10 - FY'11  
(In millions)**

	FY'10 Approp.	FY'11 Approp.	Change \$	Change %
Education	3,685.9	3,575.3	-110.6	-3.0
Gen. Gov/Trans.	362.3	267.3	-95.0	-26.2
Health/ Human	1,979.6	1969.0	-10.6	-0.5
Natural Res.	145.4	132.4	-13.0	-8.9
Public Safety	745.1	730.9	-14.2	-1.9
REAP	13.3	12.4	-0.9	-7.0
<b>Total</b>	<b>6,931.8</b>	<b>6687.4</b>	<b>-244.3</b>	<b>-3.53</b>

**ARRA STIMULUS FUNDS**

The State of Oklahoma has received almost \$2.6 billion in American Recovery and Reinvestment Act (ARRA) Funds over the last two years. Approximately \$1 billion of those funds have passed through directly to local school districts, the Department of Transportation, Department of Environmental Quality, Water Resources Board and the Department of Commerce.

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 final budget agreement for FY'11 allocated the remaining \$199 million of these funds to help keep the cuts to Common Education and Higher Education at approximately 3% instead of the 7% experienced at other agencies.

The Legislature and Governor also had discretionary funds for the State Medicaid Program totaling approximately \$800 million for expenditure in FY'09, FY'10 and FY'11. The remaining \$340 million was authorized for use in FY'11 between OHCA, DHS, ODMHSAS, UHA, OJA and others to help mitigate their cuts. Congress is considering an extension of the Medicaid portion of the stimulus package. Approximately 37 states budgeted for this extension. Oklahoma did not. Our Medicaid program should be fully funded with or without the extension. An extension would help us fund the program in FY'12 instead.

**RAINY DAY FUNDS**

The Constitutional Reserve Fund had a balance of \$596.6 million at the beginning of the fiscal year. There are three constitutional provisions that allow for expenditures from this fund. They can be found in Article X, Section 23, subsections 6a, 7 and 8:

- 6.a “Up to three-eighths (3/8) of the balance at the beginning of the current fiscal year in the Constitutional Reserve Fund may be appropriated for the forthcoming fiscal year, when the certification by the State Board of Equalization for said forthcoming fiscal year General Revenue Fund is less than that of the current fiscal year certification. In no event shall the amount of monies appropriated from the Constitutional Reserve Fund be in excess of the difference between the two said certifications.” This provision was used to transfer \$223.73 million to the Special Cash Fund. Of that amount, \$100 million was set aside for the next legislature.

7 “Up to three-eighths (3/8) of the balance at the beginning of the current fiscal year in

*the Constitutional Reserve Fund may be appropriated for the current fiscal year if the State Board of Equalization determines that a revenue failure has occurred with respect to the General Revenue Fund of the State Treasury..." This provision was used to fund FY'10 supplemental appropriations to agencies in the amount of \$223.73 million.*

- 8 "Up to one-quarter (1/4) of the balance at the beginning of the current fiscal year in the Constitutional Reserve Fund may be appropriated, upon a declaration by the Governor that emergency conditions exist, with concurrence of the Legislature by a two-thirds (2/3) vote of the House of Representatives and Senate for the appropriation..." **This provision was used to appropriate \$50 million to DOC, \$66 million to OHCA and \$33 million to Common Education for FY'11.**

### OTHER REVENUES

A short summary of the major bills impacting state revenue for FY'11 is as follows:

SB 1267 (Mazzei/Hickman): Provides a moratorium on the ability to claim tax credits from July 1, 2010 through June 30, 2012 for credit programs relating to: investment in equipment and processes for recycling, reuse or source reduction of hazardous waste, amount of gas used in manufacturing establishment, investment in depreciable property or new employment relating to manufacturing, contributions to Energy Conservation Assistance Fund, purchase of Oklahoma-mined coal, investment in Oklahoma producer-owned agricultural processing entities, employer expenses for provision of child care services, expenses by child care service providers, fees paid as a guaranty fee relating to financing of small businesses, production and sale of electricity generated by zero-emission facilities, manufacture of advanced small wind turbines, expenses relating to immunizations for food service operators, rehabilitation of certain historic hotel or newspaper buildings, energy efficient residential property construction, employer expenses relating to injured employees, investment cost of new qualified recycling facility, ethanol fuel production, biodiesel fuel production, location or expansion of facility within certain enterprise zone, purchase and transportation of

poultry litter, investment in certain film or music projects, purchase of dry fire hydrants, railroad reconstruction or replacement expenditures, breeding of specially trained canines, qualified employee tuition reimbursement, compensation paid to qualified employees by employers, credits for qualified employees, loans made by financial institutions pursuant to Rural Economic Development Loan Act, origination fees paid by financial institutions making Stafford loans and new research and development jobs. Effective 7-1-2010.

SB 1396 (Mazzei/Hickman): Provides for the tax treatment of certain income which is deferred pursuant to the federal American Recovery and Reinvestment Act of 2009. Effective 8-27-2010.

The agency was also authorized in SB 1503 to spend \$2,000,000 from the Petroleum Storage Tank Indemnity Fund.

SB 1522 (Johnson (Mike)/Miller): Modifies the apportionment of sales and use tax beginning July 1, 2010 by redirecting a portion of the amount currently going to the Tourism Promotion Revolving Fund and the Tourism Capital Improvement Revolving Fund to a newly created Historical Society Capital Improvement and Operations Revolving Fund. Modifies permissible uses for monies accruing to the Tourism Promotion Revolving Fund. Creates Historical Society Capital Improvement and Operations Revolving Fund. Effective 7-1-2010.

SB 1556 (Johnson (Mike)/Miller): Increases the fee for Motor Vehicle Reports provided by the Department of Public Safety from \$10 to \$25, \$20 of which to be deposited in the General Revenue Fund and \$5 deposited in the Department of Public Safety Revolving Fund. It also increases the fee for Motor Vehicle Reports furnished by a tag agent from \$10 to \$25, with \$18 deposited in the General Revenue Fund and \$5 deposited in the Department of Public Safety Revolving Fund. Effective 7-1-2010.

SB 1561 (Johnson (Mike)/Miller): Requires DPS to remit 100% of the net proceeds from electronic ticketing to the General Revenue Fund. The Board of Equalization certified \$50 million in revenues associated with this change. Effective 7-1-2010.

SB 1574 (Johnson (Mike)/Miller): The measure increases the fee for the minimum overweight

vehicle permit from \$20 to \$40; increases the fee for each thousand pounds in excess of the legal load limit from \$5 to \$10; increases the fee for a special movement permit from \$250 to \$500; and increases the special combination vehicle permit fee from \$120 to \$240. The first \$20 million of the additional fee revenue is to be deposited in the General Revenue Fund. Effective 7-1-2010.

**SB 1576 (Johnson (Mike)/Miller):** Transfers \$120 million from the Cash Flow Reserve Fund to the Special Cash Fund. Effective 7-15-2010.

**SB 1590 (Johnson (Mike)/Miller):** Places a two-year moratorium on the ability to claim tax credits under two venture capital tax credit provisions - the Small Business Capital Formation Act and the Rural Small Business Capital Formation Act. The moratorium applies to investments made on or after June 1, 2010, through December 31, 2011. Effective 8-27-2010.

**HB 2358 (Johnson (Mike)/Miller):** Recognizes that OCIA plans to refinance the OCIA Series 2005 F Higher Education Bonds and the General Obligations Bond issued by the Building Bonds Commission. This refinancing will save Higher Education approximately \$16.5 million in FY'11 and will save the General Revenue Fund approximately \$23.5 million, as a portion of the tobacco tax is obligated for debt service on the General Obligation bonds. Effective 6-9-2010.

**HB 2359 (Miller/Johnson (Mike)):** Modifies various provisions relating to enforcement of the use tax, including: creating a retailer compliance initiative, an outreach program and various procedural changes to increase collections of the amount of tax currently owed but unpaid. Also reduces the amount of sales tax a vendor may keep for collecting and remitting the tax from 2.25% to 1%. Requires counties to contract with the Tax Commission for the collection and remittance of sales tax and allows cities to privately audit vendors for sales tax collection purposes. For the first time since 1988, increases the fee for a vending machine decal (in lieu of traditional collection of sales tax) from \$50 to \$150 annually. Modifies the apportionment of penalties for delinquent motor vehicle registration and payment of excise tax by extending the current apportionment for an additional year. Clarifies that there is no prohibition against a person holding both a re-

tail and wholesale license to sell tobacco products. Effective 7-1-2010.

**HB 2432 (Miller/Johnson (Mike)):** Modifies the gross production tax exemption for horizontally drilled wells by sunsetting the current exemption as of July 1, 2011 and requiring all rebate claims to be filed before December 31, 2011. For production between July 1, 2011 and June 30, 2015, reduces the gross production tax rate from 7% to 1% for 48 months from initial production. Provides that revenue from the 1% tax be apportioned as provided in the current statute for production at the 4% rate. Effective 7-1-2010.

**HB 2437 (Miller/Johnson (Mike)):** Assesses a 1% fee on all claims paid for health and medical services with bring an additional \$78 million to the Health Care Authority for the operations of the agency. The agency also received \$30 million from the Insure Oklahoma Fund in HB 2438. For FY'11, the Health Care Authority will maintain the 3.25% provider rate cuts that were implemented in FY'10 to deal with the budget cuts. Effective 8-27-2010.

**HB 2438 (Miller/Johnson (Mike)):** Authorizes the Oklahoma Health Care Authority to spend \$30 million from the Insure Oklahoma Fund. Effective 7-1-2010.

**HB 3024 (Hickman/Mazzei):** Modifies requirements relating to data provided to the Incentive Review Committee. Eliminates the credit for clean-burning motor vehicle fuel property (electric cars) and for cars run on hydrogen fuel cells after tax year 2010. Modifies 2-year tax credit moratorium (from SB 1267) on:

- the investment/new jobs tax credit by allowing credits to be claimed after the moratorium period but not more than 50% in any one tax year;
- electricity generated from zero emission facilities (wind power) by reducing to 1-year moratorium, credits to be claimed after the moratorium period; and
- rehabilitation of historic buildings by allowing credits to be claimed after the moratorium period.

Also creates new one-time income tax credit for certain electric cars manufactured in Oklahoma.

Effective 6-9-2010 for Sections 1, 3 and 6; 7-1-2010 for Sections 2, 4 and 5.

## **FY'10 SUPPLEMENTS**

### Department of Corrections

- \$7,200,000 was provided to prevent planned furlough days for all employees.

### Department of Public Safety

- The agency was given \$3,000,000 to prevent furloughs planned for all employees.

### Board of Medicolegal Investigations

- The agency was given \$233,469 by HB 2485 for operations from the Bureau of Narcotics Drug Money Laundering and Wire Transmitter Revolving Fund, as well as new budget limits.

### Common Education

- For the 2010 fiscal year, Common Education received a total supplemental appropriation of \$104,440,000. Of this amount, \$50 million was appropriated in reference to the revenue shortfall in the 1017 fund, and the remainder was appropriated to school districts through the state aid formula.

### Higher Education

- For the 2010 fiscal year, Higher Education received a supplemental appropriation of \$25,560,000 to reduce the impact of the revenue shortfall.

- Creates the Commercial Pet Breeders Enforcement Fund.
- States the duties of the Board.
- Requires the Board to establish rules, standards, procedures and fees necessary to implement the act.

Effective 1-1-2011.

**SB 1857 (Coates/Sullivan):** Amends the law pertaining to item prices in stores and inspection of stores as it relates to item prices versus prices at registers. The measure amends some fees and penalties related to these inspections and authorize the Department of Agriculture, Food, and Forestry to promulgate rules. Effective 7-1-2010.

**SB 1956 (Justice/Armes):** Amends the Oklahoma Agriculture Mediation Program by modifying the membership and duties of Agricultural Mediation Advisory Board. The Agricultural Mediation Board will oversee the Oklahoma Agriculture Mediation Program. The Board will adopt procedures as may be necessary for the management of the mediation program. Effective 8-27-2010.

**SB 2095 (Anderson/Armes):** Authorizes the State Veterinarian, upon permission of the State Board of Agriculture, to issue emergency orders governing animals in order to protect people and animals in Oklahoma from diseases and pests of animals. Effective 4-13-2010.

**SB 2096 (Anderson/McNiel):** Provides for unpaid checks to the Oklahoma Department of Agriculture, Food, and Forestry to be considered uncollectable after all appropriate collection remedies have been exhausted. Requires a list of such debts to be sent to the Legislature, the Office of State Finance, and the Oklahoma Tax Commission by May 1st of each year. Effective 11-1-2010.

**HB 2295 (Armes/Schulz):** Amends the Oklahoma Farmed Cervidae Act by adding definitions and listing all information that is to be included in an application for a farmed cervidae facility license. This act also allows an owner to slaughter their own farmed cervidae for personal or non-commercial consumption and to sell antlers obtained from farmed cervidae. Effective 7-1-2010.

**HB 3202 (Armes/Schulz):** This bill amends the Oklahoma Veterinary Practice Act by:

## **AGRICULTURE & RURAL DEVELOPMENT MEASURES**

**SB 1330 (Schulz/Armes):** Creates the Invasive Species Task Force to create a statewide plan of eradication of invasive species. Effective 7-1-2010.

**SB 1712 (Anderson/Jackson):** Creates the Commercial Pet Breeders Act which shall be administered by the newly created Board of Commercial Pet Breeders, under the authority of the State Board of Veterinary Medical Examiners. This act contains the following provisions:

- Authorizes municipalities to further regulate the possession, breeding or selling of dogs or cats.
- Requires the Board to establish licenses for inspectors and to train in the standards of animal care and the procedures for sale of animals.

- Defines “teeth floating” as a nonveterinary equine dental care.
  - Adds to the exemptions of the Oklahoma Veterinary Practice Act the following: animal husbandry, teeth floating and farriery.
  - Adds the requirement that of the five licensed veterinary members of the State Board of Veterinary Medical Examiners, one must be an equine practitioner and one must be a large animal practitioner.
  - Requires a \$200 fee for becoming a certified nonveterinary equine dental care provider.
  - Requires the State Board of Veterinary Medical Examiners to annually certify any practitioner of teeth floating and requires proof of eligibility for certification,
  - Proof of eligibility may be provided by the completion of at least eighty hours in equine dentistry at the Texas Institute of Equine Dentistry, the Academy of Equine Dentistry, or other similar program, or by certification as an equine dental tech by the International Association of Equine Dentistry or its equivalent.
  - Requires four hours of continuing education for annual certification renewal for teeth floaters.
  - Requires a licensed veterinarian to prescribe and provide the prescription drugs to be used in teeth floating (if needed).
  - Amended to state that any drug used shall not include any controlled substances as defined in the Uniform controlled Dangerous Substances Act.
- Effective 4-16-2010.

**HB 3203 (Armes/Marlatt):** Repeals the Livestock Dealers Act with exception of parts which addresses the federal requirements that livestock dealers maintain certain written records and permits the Oklahoma Department of Agriculture, Food, and Forestry to enter and to inspect livestock facilities and/or their records. Effective 11-1-2010.

**HB 3204 (Armes/Justice):** Exempts the Oklahoma Wheat Commission from the provisions of the Central Purchasing Act. Effective 11-1-2010.

**HB 3210 (Armes/Barrington):** This bill modifies existing law by increasing the time an extreme fire danger resolution passed by a board of county commissioners to thirty days from the current law of seven days. This bill also exempts the selling of fireworks from being

considered an act in violation of burning prohibitions. Effective 4-12-2010.

**HB 3285 (McNeil/Coates):** Authorizes certain stray animals to be sold to a slaughterhouse. Effective 11-1-2010.

**HB 3398 (McNeil/Anderson):** This bill grants the State Board of Agriculture to inspect meat and grant slaughter permits. It also gives the Board the ability to disseminate rules establishing fees for such inspection and permits. This act also reassigns inspection and permits of the Milk and Milk Products Act to the Oklahoma Department of Agriculture, Food, and Forestry. Effective 4-12-2010.

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

**SB 1648 (Jolley/Miller):** Prohibits charging a higher fee for certain transactions when a debit card is used. Effective 11-1-2010.

**SB 1955 (Marlatt/Jordan):** Modifies the Small Business Linked Deposit Loan Program by increasing the maximum loan amount from \$1 million to \$1.2 million for an eligible small business. Effective 5-14-2010.

**HB 2779 (Ownbey/Stanislawski):** Modifies the requirements for Deputy Banking Commissioner; provides that records of bank examinations in the possession of the bank are not subject to disclosure to any third party and requests for review shall be directed to the Department; modifies distribution of State Banking Department's annual report; modifies procedures relating to the Commissioner and a bank or savings association in danger of failing; and clarifies statutory references to the State Banking Commissioner and Banking Board. Effective 4-9-2010

**HB 2791 (Kouplen/Garrison):** Modifies a definition in the Agricultural Linked Deposit Loan Program Act by setting a certain dollar limit on the total loan which may be made to an eligible agricultural business which is a veterinary practice. Effective 11-1-2010.

**HB 2936 (Russ/Newberry):** Increases the fees paid by a government authority to a financial institution for assembling, copying or providing a customer's financial records. Effective 11-1-2010.

HB 3015 (Scott/Ivester): Modifies definitions in the Agricultural Linked Deposit Loan Program to include as an eligible business a “certified healthy corner store”. Effective 7-1-2010.

### BUSINESS & LABOR MEASURES

SB 479 (Crain/Jackson): This bill creates the Oklahoma Interventional Pain Management and Treatment Act. It prohibits pain management and treatment unless the person has been licensed by the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act. It exempts the administration of lumbar intra-laminar epidural steroid injections or peripheral nerve blocks by a certified registered nurse anesthetist when requested to do so by a physician. The Board may impose administrative penalties or initiate disciplinary and injunctive proceedings against any person who violates any of the provisions of the Oklahoma Interventional Pain Management and Treatment Act or any rule. Effective 4-9-2010.

SB 573 (Coates/Sullivan): This measure reduces the maximum retainage payment amount required in public contracts for construction contractors and subcontractors from 10% to 5%. Effective 5-5-2010.

SB 1012 (Coates/Sullivan): This bill creates requirements for private construction bid projects. It requires the owner in proposing the bid project to specify the frequency and time intervals when the primary contractor will be paid. Failure of the owner to specify in writing the payment periods in the contract will result in a requirement for monthly payments within 28 days of receiving the contractor billings. Subcontractors must be paid within 10 days of the owner's payment to the primary contractor. Architects and engineers preparing plans or specifications for bid projects are not liable for the owner's bid contract requirement to specify payment intervals. In addition, the bill authorizes private negotiated construction contracts to specify when contractors and subcontractors will be paid, but such payment terms may remain private. Primary contractors inviting subcontractors to bid on privately negotiated contracts must specify the day of the month when a subcontractor may expect to be paid. The subcontractor's payment periods must conform with the contract's terms of payment

to the primary contractor. A primary contractor and subcontractor may suspend work if payment is not received within 10 days after due and after a notice to the owner to suspend work. Resumption of work may continue after all due payments are received and the contract terms are appropriately extended to cover the work delay. The provisions of this bill do not apply to single, one, two, three or four-family dwellings. The bill further specifies certain contract provisions that are unenforceable which include basing the contract terms on another state's laws.

SB 1040 (Schulz/Armes): This bill prohibits a member of the Board of Chiropractic Examiners from being an insurance claims adjuster, reviewer, or consultant. Effective 11-1-2010.

SB 1280 (Anderson/Peters): The definition of employment under the Labor Code is modified to exempt the services performed by a person as a participant in a work or training program administered by the Department of Human Services. Effective 7-1-2010.

SB 1311 (Rice/Cox): This bill allows a long-term care pharmacy to maintain controlled dangerous substances in an emergency medical kit. It also allows a volunteer license to be issued by the Board of Osteopathic Examiners to eligible physicians. Effective 5-10-2010.

SB 1592 (Schulz/Wright (Harold)): This measure exempts from confidentiality certain release of information to the Center for Economic and Business Development at Southwestern Oklahoma State University, or a center of economic and business research or development at a comprehensive or regional higher education institution within the Oklahoma State System of Higher Education relating to information required to identify economic trends. Effective 7-1-2010.

SB 1628 (Coates/Murphy): This bill repeals from the Labor Code the provisions requiring employers to employ resident employees and the compiling of a most hazardous industries list. Effective 8-27-2010.

SB 1871 (Coates/Steel): This measure modifies provisions of the State Board of Licensure for Professional Engineers and Land Surveyors. It allows the Board to acquire real estate and provide or contract for maintenance, leasing and other duties relating to such property. It

exempts from licensing and defines material take-off which will allow the owner, owner's agent, lumber yard, and its employees to prepare lists, cost estimates and materials from plans, drawings and computer calculations. Effective 6-6-2010.

SB 1872 (Coates/Jordan): This bill modifies the Electrical Licensing Act by modifying the definition of electrical construction work to include the standard of installation provided in the National Electrical Code. Effective 7-1-2010.

SB 1883 (Leftwich/Tibbs): Peace officers have authority under this measure to detain and arrest persons operating wrecker or towing services without a valid wrecker or towing license. Each wrecker or towing operator may be required to show proof of valid licensure. Effective 7-1-2010.

SB 1905 (Coates/Armes): This bill creates a Horsemen's Bookkeeper to retain and distribute purse monies and funds for pari-mutuel horse racing. It requires each organization licensee to utilize a Horsemen's Bookkeeper who shall, at a minimum, maintain the records and accounts separately from the records of the organization and according to the rules of the Oklahoma Horse Racing Commission and this act. The Horsemen's Bookkeeper may be an employee of the organization licensee, may be employed jointly by two or more organization licensees, or may be an entity which contracts with one or more organization licensees. The funds shall be held in trust and must be distributed within 48 hours of approval of the steward of the Horse Racing Commission, unless a protest or appeal is filed. Minimal jockey mount fees may be disbursed even if a protest or appeal is filed. All monies shall be disbursed within 15 days following the last race day of the race meet. All records are subject to audit and inspection by the Commission and both the organization licensee and the Horsemen's Bookkeeper are subject to disciplinary action for violations. Effective 11-1-2010.

SB 1964 (Ford/Jones): This bill modifies the purposes of a caterer license issued by the Alcoholic Beverage Laws Enforcement Commission. It allows a caterer to maintain a caterer license if food sales are at least 35% of the total combined annual sales with low-point beer counted separately from food, alcoholic beverages and other sales revenue. It prohibits a caterer license from being issued to a person whose main purpose is the sale of alcoholic beverages or low-point beer. It requires the caterer to submit an annual report of revenue attributed to food, alcoholic beverages, low-point beer, and all other revenues of the caterer service. The caterer must submit a monthly event report showing all catering events and a report must be filed with 24 hours of scheduling a catering event after the monthly report is filed with ABLE. The ABLE Commission may suspend a caterer license for failure to submit the monthly event report. The caterer license allows the caterer to serve alcoholic beverages on and off licensed premises and to use the license for an establishment that has made application for a mixed beverage license which has not been approved at the time the business opens. The caterer is required to submit a written agreement when assisting a business whose mixed beverage license has not been issued which states and defines all terms of the

caterer's event. The temporary catering event for a business without a mixed beverage license is limited to 60 days. The caterer assumes all responsibility for the acts of the employees and persons serving alcoholic beverages under the caterer's license. It is recommended that the caterer keep a supervising employee on the premises. A new business licensee has 90 days to demonstrate the purpose of the business. If the licensee fails to satisfy the main purpose of the business is other than the sale of alcoholic beverages, that license will automatically convert to a license for sale of alcoholic beverages. Effective 8-27 2010.

SB 1970 (Mazzei/McNeil): This measure creates the Shared Work Unemployment Compensation Program. It requires the Oklahoma Employment Security Commission to establish a voluntary shared work program and authorizes the Commission to promulgate certain rules and procedures to implement the program. It requires participating employers to employ at least 100 employees whose work is reduced by not less than 20% or more than 40% in lieu of law-offs. In addition, the employer's affected units within the company must have at least 10% of the employees participating under the shared work agreement and at least 50% of the total employees. The employer must maintain all fringe benefits and have an experience rating of less than 5.4% to be eligible. If the Commission approves a written shared work plan, unemployment benefits shall be paid for a maximum of 26 weeks, and when exhausted extended benefits may be available as provided by law. No shared work benefit will be paid before January 1, 2011. A shared work plan may be terminated or modified, and the employee benefits paid will be charged to the employer as required by law. Effective 7-1-2010.

SB 2180 (Newberry/Jordan): This measure creates the Roofing Contractor Registration Act. The Construction Industries Board is designated as the registrar. There is a misdemeanor fine for failure to register. A residential or farm property owner who elects to roof their own structure, or who uses employees to roof their own structure, is exempt from registration. To be eligible to register the person must be 18 years of age or older; have liability insurance in an amount of at least \$500,000.00; and maintain workers compensation insurance on employees. The fee to register cannot exceed \$300.00 and the registration is valid for one

year. There are provisions and procedures for determining a registration to be not in good standings; for refusing to register a person; for accepting complaints from the public; for conducting criminal background checks; for referring violations to the district attorney; for sharing information with other state and municipal agencies; and for making the registration of each roofing contractor available for public review. The roofing contractor's registration number must be printed on all business cards, signs and visible on commercial vehicles. In addition, the registration number must be entered on any building permit issued by a municipality and is required before a bid may be accepted for any public contract. The Roofing Contractor Registration Revolving Fund is created to collect fees and pay expenses to administer the act. Effective 11-1-2010.

**SB 2210 (Branan/Sullivan):** This bill prohibits any spouse of a package store license holder from holding another license provided for pursuant to the Oklahoma Alcoholic Beverage Control Act, except a package store license, beer and wine license, or a mixed beverage license. The measure also allows package store licensees to sell, or keep package store premises open for the purpose of selling, alcoholic beverages on the day of any General, Primary, Runoff Primary or Special Election whether on a national, state, county or city election, provided that the election day does not occur on any day on which such sales are otherwise prohibited by law. Additionally, the bill allows counties that elect to authorize sales of alcoholic beverages by the individual drink to continue such sales on the day of any national, state, county or city election, including primary elections, provided that the Election Day does not occur on any day on which such sales may otherwise be prohibited by any other law. Effective 7-1-2010.

**HB 2305 (Bailey/Lamb):** This measure exempts from the Oklahoma Real Estate License Code a person or entity that manages a transient lodging facility. It defines "transient lodging facility" as a person or entity that rents rooms on a daily basis for a period less than thirty (30) days. Effective 7-1-2010.

**HB 2320 (Martin (Steve)/Coates):** This bill modifies provisions of the Alarm and Locksmith Industry Act. It requires persons who install or repair Class 2 and Class 3 electrical circuits and power sources as defined by the National

Electrical Code to be licensed under the Alarm and Locksmith Industry Act. All other circuit and power source installation and repairs require the person to be licensed under the Electrical Licensing Act. The measure limits the term of office for the Alarm and Locksmith Industry Committee members to two terms. Effective 11-1-2010.

**HB 2348 (Schwartz/Schulz):** A permit from the Alcoholic Beverages Laws Enforcement Commission is required under this measure to make beer, cider and wine by simple fermentation for personal consumption and use. It limits the total gallons authorized under the permit for low-point beer or wine to be less than 200 gallons per calendar year. The bill prohibits selling the beer and wine beverages. Effective 8-27-2010.

**HB 2530 (Schwartz/Justice):** The Elevator Safety Act is modified by this bill to exempt certain existing elevators in certain independent living apartments where persons 62 years of age or older reside and where the building is owned by a municipal trust. Effective 11-1-2010.

**HB 2566 (Wesselhoft/Stanislawski):** This bill makes an appropriation from the federal Reed Act Distribution funds received by this state to the Employment Security Administration Fund for purposes of funding the Employment Services Program in the amount of Four Million Four Hundred Ninety-five Thousand Eight Hundred Twenty-five Dollars (\$4,495,825.00) and the Unemployment Insurance Program in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000.00). The funds shall be used by December 31, 2011. Expenditures from this appropriation shall be accounted for in accordance with standards established by the United States Secretary of Labor. The Oklahoma Employment Security Commission shall utilize the appropriation made by this section in accordance with the provisions and requirements contained in the Social Security Act, Title 42 of the United States Code. Effective 11-1-2010.

**HB 2593 (Kirby/Burrage):** This measure modifies provisions of the State Dental Act relating to dental labs. It provides exemptions for certain licensed dental practices, on-site labs used by a licensed dentist, and certain technologies. It requires a dental lab permit if prostheses are fabricated for other dentists. It requires the

dental lab to provide details of materials used, disinfectant methods used, and particulars of where the prosthesis was fabricated and by whom. It allows the Board of Dentistry to inspect the dental lab before issuing a dental lab permit. Effective 11-1-2010.

HB 2625 (Jones/Burrage): This bill exempts vehicles transporting horses or livestock from being stopped by law enforcement officials for weight, axel and ownership requirements if the vehicle has on each side of the vehicle the words "Not For Hire" in at least two-inch letters. Effective 6-7-2010.

HB 2678 (Faught/Jolley): This bill changes the licensing requirements under the Orthotics and Prosthetics Practice Act by requiring the person seeking licensure to demonstrate to the State Board of Medical Licensure and Supervisions and the Advisory Committee on Orthotics and Prosthetics that the person has certification by the Board for Orthotist-Prosthetist Certification (BOC), or the American Board for Certification in Orthotics, Prosthetics & Pedorthics (ABC). Effective 11-1-2010.

HB 2704 (McDaniel (Randy)/Newberry): The Employment Security Act of 1980 is amended by this measure to adjust the assessment contribution rate owed by certain organizations and the experience rate tables. It modifies the requirements for granting unemployment benefits to certain workers participating in work rehabilitation programs. The Oklahoma Employment Security Commission is authorized to require claimants to produce certain documents and appear for certain purposes to obtain or continue unemployment benefits. The Commission is authorized to disqualify claimants for failure to comply with requests of the Commission. Posting requirements, the appeals process, and electronic transfer of funds are also modified. It allows information obtained under the Workforce Investment Act to be confidential. Effective 7-1-2010.

HB 2772 (Watson/Anderson): This bill creates the Oklahoma Appraisal Management Company Regulation Act. It defines terms, procedures and establishes a process to regulate real estate appraisal management services. It requires a registration to be issued by the Oklahoma Real Estate Appraiser Board and requires payment of a \$2,000.00 registration fee. The bill exempts certain acts and persons from registration; sets standards for conduct-

ing real estate appraisals; and managing an appraisal business. The Oklahoma Real Estate Appraiser Board is authorized to suspend, revoke, refuse to issue, or deny renewal of a registration for certain acts. Administrative fines up to \$5,000.00 may be imposed for violations of this act. Administrative proceedings must be conducted in accordance with the Administrative Procedures Act. The Oklahoma Real Estate Appraiser Board is directed to promulgate rules to implement the provisions of this act. Effective 1-1-2011.

HB 2831 (Peters/Newberry): This measure amends various provisions relating to the Department of Consumer Credit. It removes specific fee amounts from the statutes and authorizes the Commission of Consumer Credit to set all fees by rule for the Uniform Consumer Credit Code, the Credit Services Organization Act, the Oklahoma Pawnshop Act, the Precious Metal and Gen Dealer Licensing Act, the Oklahoma Rental-Purchase Act, the Oklahoma Health Spa Act, the Oklahoma Secure and Fair enforcement for Mortgage Licensing Act, and the Deferred Deposit Lending Act. Prior to July 1, 2011, all fees shall be set by emergency rule until permanent rules are promulgated in accordance with Article I of the Administrative Procedures Act. Permanent rules setting fees for the above-stated acts require approval of the Legislature. Fees cannot be increased more than \$100.00 in any three-year period. Beginning July 1, 2010, seventy percent (70%) of all fees and civil penalties collected shall be deposited into the Consumer Credit Administrative Expenses Revolving Fund and thirty percent (30%) shall be deposited into the General Revenue Fund of the State Treasurer. Additionally, on July 1, 2010, certain unencumbered and unexpended monies in abolished funds shall be deposited into the Consumer Credit Administrative Fund. The Commissioner on Consumer Credit shall be the policy-making and governing authority for the Department of Consumer Credit. The Commission shall appoint the Administrator of Consumer Credit. The Administrator of Consumer Credit is authorized to administer licensing for various persons and businesses; appoint hearing examiners for violations of various provisions of law; impose civil penalties not exceeding \$5,000.00; impose late fees; examine places of business and impose fees for business examinations; promulgate rules for the Oklahoma Pawnshop Act; review rental-purchase agreements; examine certain books and records and

impose an examination fee; review health spa contracts; and promulgate rules for sponsorship of applicants for mortgage broker license. There is created a Consumer Credit Advisory Committee which shall appoint the Commissioner of Consumer Credit. The Administrator of Consumer Credit shall serve as the Advisory Committee Chair. The bill renames the Oklahoma Deferred Deposit Lending Regulatory Revolving Fund to be the Consumer Credit Counseling Revolving Fund. It requires ten percent (10%) of each deferred deposit loan scheduled payment of fees may be transferred to the Consumer Credit Administrative Expenses Revolving Fund. It repeals sections of law relating to the Consumer Credit Investigation Fund; the deposit of fees derived pursuant to the Oklahoma Rental-Purchase Act; the Health Spa revolving Fund; continuing education courses for mortgage broker and mortgage originator licenses; and the Oklahoma Mortgage Broker and Mortgage Loan Originator Revolving Fund. Effective 7-1-2010.

HB 3190 (Sanders/Anderson): This measure modifies the Oklahoma Accountancy Act. It modifies qualifications for one member of the Oklahoma Accountancy Board to allow a person who has not met licensing requirements to serve on the Board. It requires an applicant to pay for a national criminal history search and requires persons seeking credentials as CPA and PA to make application for their respective credential within 5 years from the notification date after passing the exam. There is a 120-hour continuing education requirement for CPA and PA credential applications when the applicant has failed to apply for his or her credential as CPA or PA within the required time. A waiver is allowed for applicants of CPA or PA credentials for certain military service and other good causes. Additionally, the bill modifies license, reinstatement and pre-issuance procedures when the person has committed a violation of the act. Effective 7-1-2010.

HB 3236 (Jackson/Newberry): This bill modifies the Improvement District Act for cities and towns by allowing the districts to use assessed funds for certain capital improvement projects which have a useful life of at least 5 years. The total cost of each project cannot exceed the amount of a single year's assessment. It establishes a procedure for filing a petition detailing the proposed project and notifying persons in the district and the adjacent property owners. It allows certain adjacent areas to be annexed

into the district for certain project purposes after notice and hearing. It allows districts to increase assessments, provide new or additional improvements, and annex additional property after certain filing, notice and hearing. Effective 11-1-2010.

HB 3343 (Christian/Barrington): This bill amends provisions of the Oklahoma Security Guard and Private Investigator Act. Beginning November 1, 2010, it increases the fees for licensure of security guards, armed and unarmed security guards, and armed and unarmed private investigators. It lengthens the period for a license to be valid from 2 to 3 years for Security Guard, Armed Security Guard, Private Investigator, and Armed Private Investigator licenses. It creates the CLEET Private Security Revolving Fund and directs a portion of license fees be deposited in such fund for the purpose of administration, training and education of security guards and private investigators. It increases the fee for duplicate licenses. Effective 11-1-2010.

## **CRIMINAL LAW & PROCEDURE MEASURES**

SB 2150 (Sparks/Peters): The measure adds assault and battery of a former spouse of a present spouse to crimes that fall under the definition of domestic abuse. Effective 11-1-2010.

SB 2258 (Terrill/Jolley): This measure creates the "Greater Protecting Victims of Human Trafficking Act of 2010". The measure makes it unlawful to intentionally destroy, hide, alter, abscond with or keep another person's documentation, such as birth certificate, visa, passport, green card, or other documents for the purpose of human trafficking. The measure expands the definition of blackmail to include threatening to report a person as being illegally present in the United States. The measure authorizes the Attorney General, upon availability of funds, to establish an emergency hotline number for victims of human trafficking to call in order to request assistance or rescue. Effective 11-1-2010.

HB 2983 (Duncan/Sykes): Adds crimes related to financial transactions and wire transfers to the Oklahoma Antiterrorism Act, and changes the name of the Oklahoma Corrupt Organizations Prevention Act to the Oklahoma Racketeer-Influenced and Corrupt Organizations Act.

The measure also revises the definition of biochemical assault, and the measure expands the definition of racketeering activity to include human trafficking, the transport, concealing or harboring of illegal aliens, terrorism and organized voter fraud. The measure makes it a felony to conduct a financial transaction with the intent to commit or further the commission of an act of terrorism. Effective 11-1-2010.

## CORRECTIONS FUNDING

For FY'11, the Department of Corrections (DOC) received a 2.9% cut from its final FY'10 budget and received an appropriation of \$462,141,777.

## LAW ENFORCEMENT FUNDING

The Office of the Attorney General was cut .09% from its FY'10 level and was appropriated \$12,704,552, which amounted to a difference of only \$11,485.

The ABLE Commission was cut by 7% in FY'11 and was appropriated \$3,376,703.

The Legislature appropriated to the District Attorneys' Council \$34,257,560, which was a 7% reduction from FY'10. The DA's Council, however, received federal ARRA stimulus funding of approximately \$17 million to be spent over a 3-year period for the Justice Assistance Grant, which provides funding for criminal justice initiatives, including drug court and substance abuse treatment programs.

The Oklahoma Indigent Defense System received a 4% increase in appropriated funding and was allocated \$15,153,971. Included in that amount was \$100,000 that was transferred from the Bureau of Narcotics Drug Money Laundering and Wire Transmittal Revolving Fund.

The Council on Law Enforcement Education and Training was cut by 9.7% and was appropriated \$3,917,618. These cuts were offset partially by a fee increase for the private security licensing division of the agency.

The Department of Public Safety received a 1.02% cut in FY'11 and was appropriated \$88,432,073, roughly \$900,000 less than in FY'10. However, the agency will benefit from increased fees contained in SB 1556, which the agency estimates will provide \$6 million additional funds to the agency in FY'11.

The State Bureau of Investigation was cut 7% and received a \$14,716,322 appropriation.

The Bureau of Narcotics and Dangerous Drugs Control received a 7.7% cut in appropriated funding and received \$5,466,418.

The Pardon and Parole Board received a stand-still budget in FY'11 and was appropriated \$2,334,162.

The Legislature appropriated to the State Fire Marshal \$1,932,004 for FY'11 operations, a 7% decrease from FY'10.

The Board of Medicolegal Investigations received a 10.2% increase in state appropriations, and was provided \$4,794,164.

## ECONOMIC DEVELOPMENT & COMMERCE MEASURES

SB 1284 (Stanislawski/Liebmann): Creates the Quality Events Incentive Act. Incremental state sales tax from a defined area and time period (quality event) is captured and if incremental state sales tax exceeds the amount of local support, the increment may be directed by the Tax Commission to a host community in an amount equal to local support. Statewide payments are capped at \$2 million for 2012, \$2.5 million for 2013 and \$3 million for 2014. Effective 7-1-2012.

SB 1631 (Mazzei/Jordan): Authorizes public trusts to participate in wholesale and retail activities.

Effective 5-4-2010.

SB 1966 (Justice/McNiel): Modifies the Small Employer Quality Jobs Incentive Act by giving applicants additional time to "ramp up" to employment and out-of-state sales requirements. Clarifying the application of certain provisions. Effective 1-1-11.

SB 2124 (Mazzei/Hickman): Modifies the Quality Jobs Program Act to include under the definition of basic industry certain support activities for rail and water transportation and certain activities related to alternative and solar energy equipment and installation. Effective 11-1-2010.

SB 2128 (Myers/Jackson): Clarifies provisions in the Quality Jobs Program Act which apply to incentives granted for a "qualified federal contract". Effective 7-1-2010.

HB 1786 (Shannon/Barrington): Modifies definitions under the Oklahoma Development and Enterprise Zone Incentive Leverage Act to in-

clude certain “military growth impact projects” which otherwise qualify and are determined to be in support of the needs and quality of life issues resulting from military growth impacts. Effective 5-26-2010.

HB 3286 (McNiel/Lamb): Authorizes the Oklahoma Development Finance Authority to issue obligations for the Oklahoma Community Economic Development Pooled Finance Act based upon the defeasance of previously issued obligations. Effective 5-26-2010.

### **COMMERCE FUNDING**

SB 1561 appropriates \$26,905,919 to the Department of Commerce. This amounts to a \$3,930,713 decrease over the agency's FY'10 appropriation. The Department will handle these cuts by streamlining functional areas, removing duplicative internal systems, and reducing personnel by closing vacated positions and offering voluntary buyouts.

There will be a Native American Cultural and Educational Authority operations cut in the amount of \$257,338. There was no reduction to NACEA debt service funds.

### **CORPORATION COMMISSION FUNDING**

SB 1561 appropriates \$10,133,793 to the Corporation Commission. The agency was also authorized in SB 1503 to spend \$2,000,000 from the Petroleum Storage Tank Indemnity Fund.

The agency's budget was reduced \$1,801,468 from FY '10. The reductions in appropriations will be addressed by eliminating positions and implementing furlough days. The agency will close on furlough days in order to further reduce its expenses.

### **HISTORICAL SOCIETY FUNDING**

SB 1561 appropriates \$12,913,636 to the Oklahoma Historical Society.

This is a reduction of \$563,226 from FY '10 appropriations. The Historical Society will reduce staff at its central offices and from field sites to adjust to the smaller budget.

The agency also increased Historical Center admission fees from \$5 to \$7.

For the FY '11, the Historical Society will begin to receive 0.06% of all revenue from the state sales and use tax to be deposited in the Oklahoma Historical Society Capital Improvement and Operations Revolving Fund.

### **EDUCATION, CAREER & TECHNOLOGY MEASURES**

HB 2274 (Thomsen/Anderson): Expands allowable uses of school district and technology center school district building funds to include repair and maintenance of computer systems and equipment and to purchase telecommunications utilities and services. Effective 6-6-2010.

### **EDUCATION, CAREER & TECHNOLOGY FUNDING**

CareerTech was appropriated a total of \$141,977,302. This is a decrease of \$4,240,310 (2.9%) from their final FY'10 appropriation of \$146,217,612. Within their budget, CareerTech received \$523,210 in order to fund employer contribution rate increases for Teachers' Retirement.

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

SB 509 (Ford/Coody): Authorizes school districts that have schools identified for school improvement for four consecutive years that choose to replace all or most of the school staff as the chosen alternative governance arrangement and that have more than 30,000 average daily membership, to utilize an optional method for teacher employment at the identified school sites. Upon approval of the district board and the executive committee of the bargaining unit, the district may:

- employ any teacher not retained at the school site as a full-time substitute for a period not to exceed two years; and
- not reemploy the teacher if the teacher is not offered a contract teaching position at a school in the district within the two-year-period.

Requires districts to designate trained instructional staff to provide the teacher support, development, and evaluation. Exempts districts from the Teacher Due Process Act for actions

taken regarding whether to reemploy the teacher and states that district board decisions shall be final. Specifies that any teacher who becomes a full-time substitute shall receive the same salary, benefits and step increases to which the teacher would otherwise be entitled. Effective 5-10-2010.

SB 747 (Jolley/Nations): Exempts persons seeking licensure or certification as a school psychologist or school psychometrist from the requirement to successfully complete the general education and professional education portions of the teacher competency exams. Effective 7-1-2010.

SB 749 (Jolley/Cooksey): Authorizes school districts to issue debt for purchase of electronic media content, perpetual or continuous district software license agreements, and associated hardware and software necessary for implementation and training. Effective 8-27-2010.

SB 1404 (Burrage/Peters): Prohibits the Oklahoma School for Visual and Performing Arts from offering campus summer arts camps for grades nine through twelve. Specifies that the prohibition shall not be enforced if either the Oklahoma Arts Institute or the Oklahoma School for the Visual and Performing Arts ceases to exist. Effective 8-27-2010.

SB 1617 (Halligan/Denney): Requires schools on the needs improvement list for four consecutive years to submit plans for alternative governance arrangements to the State Department of Education (SDE), and for SDE to submit an annual report of those plans to the House and Senate Education Committees beginning December 31, 2010. The measure also creates the Oklahoma School Principal Training Task Force to study the requirements for principal certification and requires a report by December 31, 2010. Effective 8-27-2010.

SB 1633 (Brogdon/Blackwell): Creates the School District Transparency Act which requires the State Department of Education (SDE) to maintain on its website a database of school district expenditures that allows the public to search and sort with no charge for access. Specifies the types of information to be included in the database such as credit card statements, per pupil expenditures and budgeted and audited expenditures for each fiscal year. Requires the SDE to make the data available on its website within 120 days after it

is provided by a school district. Requires a district to make the data available on its website if the district maintains a website. Effective 11-1-2010.

SB 1700 (Anderson/Cox): Directs each school district board of education to work in cooperation with the Oklahoma Secondary School Activities Association to develop guidelines and information to educate coaches, youth athletes, and their parents of the risk of concussion and head injury. Requires an information sheet to be completed and returned to the school district by the youth athlete and the youth athlete's parent or guardian prior to participation in practice or competition. Requires the removal of youth athletes suspected of sustaining a concussion or head injury during a practice or game. Prohibits the youth athlete's participation until the youth athlete is evaluated by a health care provider who provides written clearance to return to participation. Exempts volunteers who authorize a youth athlete to return to participation from liability for civil damages. Effective 7-1-2010.

SB 1715 (Justice/Osborn): Allows excused absences from school for students attending military funerals. Effective 7-1-2010.

SB 1799 (Paddock/Coody): Authorizes schools to administer online End-of-Instruction (EOI) tests to students who need to retake an EOI up to two weeks prior to the testing window date set by the State Board of Education if the school is unable to administer the tests to all students taking EOIs for the first time as well as students needing to retake the tests. Effective 7-1-2010.

SB 1862 (Coffee/Benge): Authorizes sponsorship of charter schools by school districts, technology center school districts, and comprehensive or regional institutions in the State System of Higher Education if the charter school is located in a school district which has a school site on the school improvement list. Also authorizes sponsorship of charter schools by federally recognized Indian tribes for purpose of demonstrating native language immersion instruction. Removes the cap on establishment of new charter schools. Provides preference for enrollment at new charter schools for eligible students who reside in the school district boundaries and who attend a school improvement site. Specifies that administrative service fees of up to 5% retained by sponsors of charter schools shall only be assessed on State Aid allocations and not on any other line-item appropriated amounts. Effective 11-1-2010.

SB 1876 (Coates/Hickman): Specifies minimum criteria for mandated physical education curriculum in schools. Requires each school district to establish specific goals for the physical education curriculum. Specifies minimum standards for the Priority Academic Student Skills for physical education. Effective 11-1-2010.

SB 2033 (Coffee/Benge): Authorizes several reform initiatives in support of Oklahoma's application for federal Race to the Top funds including a statewide teacher evaluation system, performance pay initiatives based upon the evaluation system, and other pay initiatives for teachers in hard-to-staff areas and low-performing schools. Provides a process for dismissing teachers not achieving certain ratings under the evaluation system and limits compensation and benefits for career teachers who file a petition for trial de novo. Requires the State Board of Education to adopt the K-12 Common Core State Standards for English/language arts and mathematics. Effective 7-1-2010 (Sections 1-7 and 15-17) and 7-1-2012 (Sections 8-14).

SB 2034 (Coffee/Sullivan): Transfers authority for approval of school auditors, the duty to examine school district audit reports, and the duty to report audit violations from the State Board of Education to the State Auditor and Inspector (SAI). Specifies requirements for auditor's opinions and reporting standards. Modifies eligibility and application requirements for firms to enter into audit contracts with school districts. Adds requirement for school auditors to complete continuing education and be licensed by and in good standing with the Oklahoma Accountancy Board. Increases professional liability insurance requirement. Requires SAI to determine audits are in compliance with Oklahoma Public School Audit Law and notify district and auditor of any deficiencies in an audit report submitted. Directs SAI to make or cause audit to be made and requires school districts to pay cost of audit upon failure to comply with law. Authorizes SAI to perform special audits on elementary and independent school districts. Removes requirement for special audits to be conducted according to certain AICPA standard. Removes school size limitation for special audits of school districts. Effective 7-1-2010.

SB 2108 (Leftwich/Terrill): Permits a school district to convey real property to a local politi-

cal subdivision or to an educational institution within the State System of Higher Education. Effective 4-16-2010.

SB 2109 (Stanislawski/Coody): Requires the State Department of Education to apply the appropriate grade level weight and all applicable category weights when calculating state aid for students with disabilities who transfer under the Open Transfer Act regardless of whether the receiving district provides education to the student using traditional in-class means or via online instruction. Modifies the calculation of state aid for students enrolled in online courses by basing it on the weighted average daily membership of students enrolled in online courses during the preceding year or the first nine weeks of the current school year, whichever is greater. Effective 7-1-2010.

SB 2129 (Stanislawski/Coody): Creates the Statewide Virtual School Task Force until December 31, 2010, to explore the feasibility of establishment of a statewide virtual school. If the recommendation is to create a statewide virtual school, the task force shall further study and make recommendations for the purpose, structure, enrollment process, types of courses to be taught, services to be provided, location of operations, and funding for a statewide virtual school. Effective 8-27-2010.

SB 2183 (Branan/Blackwell): Directs the Commissioners of the Land Office to study the possibility of selling some school land while retaining mineral rights, with a report of recommendations to be distributed to the Governor and Legislature by December 1, 2011. Removes language that requires surface and subsurface lands administered by the Commissioners of the Land Office to comply with local ordinances. Effective 5-14-2010.

SB 2199 (Coffee/Jones): Requires school districts to request a national criminal history record check be conducted for any person seeking employment with a public school. Removes the differentiated process in current law for large and small districts, by requiring all districts to submit background check requests to the State Board of Education, which then submits requests to the OSBI. Removes authorization for districts to conduct name- and state-based background checks. Directs the State Board of Education to provide any follow-up information received from OSBI to the employing school district. Specifies the background

check to be conducted by the OSBI shall be a fingerprint-based national criminal history record check submitted to the FBI. Effective 7-1-2010.

SB 2211 (Jolley/Cox): Provides for forfeiture of state aid for the time of noncompliance for any school district that is not in compliance with the standards and requirements established by the State Board of Education related to the state student record system known as the WAVE. Effective 8-27-2010.

SB 2212 (Ford/McDaniel (Randy)): Specifies that a charter school sponsored by a school district board of education shall be considered a local education agency for purposes of federal funding, which will also result in such charter schools making separate reports as required. Effective 8-27-2010.

SB 2318 (Jolley/Jones): Provides for the testing of students enrolled in online courses offered by a school that is not the student's district of residence. Such students may take state and district-required tests at alternative locations approved by the State Board of Education. Alternative locations may include technology center school sites or other locations selected by the school offering the online course, but must include at least six sites with one in each quadrant of the state and in each of the two metropolitan areas of the state. Assigns responsibility for test administration costs to the school offering the online course or program. Effective 11-1-2010.

SB 2319 (Stanislawski/Coody): Requires the State Board of Education to adopt rules pertaining to online courses that address a number of issues, including eligibility criteria, admissions, transfers, enrollment, course withdrawal, Individualized Learning Plan adoption, extracurricular activities participation, communication between students/parents and teachers, and course provider approval and payment. Effective 8-27-2010.

SB 2330 (Ford/Denney): Creates the Empowered Schools and School Districts Act which allows school sites, groups of schools, or school districts to submit to the State Board of Education empowerment plans that detail innovations designed to improve school performance and request that certain statutes and rules be waived to accomplish the plan. Effective 8-27-2010.

HB 1479 (Fields/Ivester): Requires the State Board of Education (SBE) to study and recommend ways to reduce reports and information required of schools by the SBE and submit a report to the Governor and Legislative leaders. Allows school districts to study and assess ways to eliminate, reduce, consolidate, and simplify the number, type, and length of reports, data, statistics, and student tests. Requires findings and recommendations to be included in the Comprehensive Local Education Plan of the district. Effective 7-1-2010.

HB 2004 (Wright (Harold)/Stanislawski): Requires preservice programs for teacher candidates to include components on mental health symptoms identification and mental health issues. Effective 7-1-2010.

HB 2296 (Carey/Gumm): Modifies the requirements for certification as a principal or superintendent by authorizing the minimum specified two years of experience to be from the proper accrediting authority of another state or from a school accredited by the State Board of Education. Effective 5-6-2010.

HB 2299 (Banz/Ford): Changes the number of semesters a district can hire a teacher on a temporary contract from three to four semesters and removes the exception which allowed districts to hire licensed teachers on a temporary contract for one additional year immediately after the resident year. Effective 7-1-2010.

HB 2302 (Banz/Ford): Modifies the Academic Achievement Awards (AAA) Program by adding differing levels of standards identified as Gold, Silver, and Bronze by which teachers earn specific bonuses at any school that achieves a certain score. Modifies award amounts, changes the methodology by which scores are measured, and modifies the number of sites eligible for Top Score and Top Growth Awards. Delays the date by which the State Board of Education must provide the awards to teachers from January 31 to March 31 of each year. Effective 7-1-2010.

HB 2321 (Russ/Ivester): Authorizes school districts to offer elective courses in Hebrew Scripture and New Testament to students in grades nine through 12. States purpose, specifies primary text and provides guidelines. Requires teachers of such courses to be certified to teach

social studies or literature. Effective 11-1-2010.

HB 2750 (Denney/Justice): Requires that Oklahoma history courses include information about the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in Oklahoma City and the role it played in the history of Oklahoma and the nation from April 19, 1995, to present. Authorizes the State Department of Education to make materials available to public schools and requires the State Textbook Committee to incorporate provisions of this law when considering textbooks for United States and Oklahoma history. Effective 7-1-2010.

HB 2753 (Denney/Coffee): Removes the cap on the number of charter schools that can be established per year. Allows a school district which has a school site on the state's school improvement list to sponsor a charter school. Authorizes technology centers and comprehensive regional institutions to sponsor charter schools if they are within a district that has a school site on the school improvement list. Allows the Office of Juvenile Affairs to operate a charter school for students in the custody of the agency. Effective 11-1-2010.

HB 2854 (Inman/Laster): Increases the length of time from 70 to 90 days during a school year a district may employ a substitute teacher who does not hold a bachelor's degree, teaching certificate, or lapsed or expired teaching certificate. Effective 11-1-2010.

HB 2928 (Blackwell/Ford): Exempts teachers from professional development point requirements for the fiscal years ending June 30, 2011, and June 30, 2012. Allows teachers to complete some or all of the minimum professional development points required for those two years and any points shall be counted toward the total number of points required to maintain employment. If a teacher does not complete some or all of the minimum number of points required for those two years, the total number of points required shall be reduced. Authorizes school districts to issue debt for software and hardware maintenance agreements. Effective 7-1-2010.

HB 2929 (Coody/Justice): Creates the Oklahoma Advisory Council on Indian Education until July 1, 2014, to facilitate cooperation between the state and tribes regarding Native American education and to promote equitable

learning environments. Requires the Council to report annually to the State Board of Education. Effective 7-1-2010.

HB 3026 (Benge/Coffee): Creates the Commissioners of the Land Office Modernization Act.

- Authorizes CLO to sell school land when it is in the best interest of the trust and to acquire real property by exchange, gift or grant and acquire personal property by exchange, purchase, and gift or grant to maximize trust income for beneficiaries. Provides for appointment of the Secretary of the Land Office for a four-year term concurrent with the Governor. Sets eligibility criteria for the Secretary.
- Creates a cash drawer change fund not to exceed \$1,000. Limits use of fund to making change for customers. Prohibits use of fund for purchases.
- Authorizes CLO to invest not more than 60% of the trust fund investments in equity securities.
- Establishes a fine of not more than \$5,000 for any person convicted of making false statements in connection with any transaction made from CLO funds.
- Establishes a fine of not more than \$1,000 for any employee of the office found guilty of tampering with CLO records or property.
- Requires use of a check-printing machine that prints amounts using perforations designed to prevent alterations. Authorizes use of a vendor for lock box collection services for the handling, collection, and processing of mail and sorting, totaling and recording payments and making deposits.
- Requires annual audit to be conducted in accordance with Government Auditing Standards issued by Comptroller General of U.S. Requires copies of audits to be filed with State Auditor and Inspector and Director of Office of State Finance.
- Authorizes CLO to institute collection proceedings in the event of lessee default. Redirects lease-bonus and delay rental income from the Trust to beneficiaries, allowing for potentially greater annual distributions to school districts. Exact amounts are unknown, but the agency estimates an average of an additional \$14 million per year.
- Directs CLO to apportion and pay monthly distributions to schools by the last business day of the following month.

Effective 4-2-2010.

HB 3029 (Benge/Halligan): Provides several waivers, exemptions, and suspensions of certain requirements and programs during the 2011 and 2012 fiscal years due to the budget downturn. Exempts school districts from media materials and equipment standard requirements and media program expenditure standards. Directs the State Board of Education to exempt districts from any requirement in policy, rule, or law for convening of advisory councils or committees. Removes requirement for districts to adopt and offer a professional development program. Authorizes districts to expend textbook allocations, professional development funds, and library media program funds for school operations. Suspends the awarding of scholarships under the Education Leadership Oklahoma program and payment of the National Board certification bonus for any teachers attaining the certification during the two-year period. Prohibits the State Board of Education from assessing a financial penalty on any district for accreditation deficiencies. Effective 8-27-2010.

HB 3126 (Dorman/Ford): Designates the Oklahoma Partnership for School Readiness (OPSR) Board to serve as the state's Early Childhood Advisory Council. Adds the state director of Head Start Collaboration as a member of the OPSR Board. Effective 11-1-2010.

HB 3393 (Nelson/Anderson): Establishes the Lindsey Nicole Henry Scholarships for Students with Disabilities Program Act for the purpose of providing a scholarship to a private school of choice for students with disabilities for whom an individualized education program (IEP) has been developed in accordance with the Individuals with Disabilities Education Act. Provides scholarship eligibility requirements for students, eligibility requirements for participating private schools, participant compliance requirements, scholarship amount calculations, and payment procedures. Specifies that scholarships are to be available beginning with the 2010-2011 school year. Sets the maximum scholarship amount as the lesser of either the calculated amount equivalent to the local and county revenue for the school district which is chargeable in the State Aid formula, state-dedicated revenue, and state-appropriated funds per weighted average daily membership generated by that student for the applicable school year, or the amount of tuition and fees at the private school, minus up to five percent of the scholarship amount to be retained by the

school district as an administrative fee. Effective 8-27-2010.

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

Common Education was appropriated a total of \$2,375,556,186. This is a decrease of \$70,948,640 (2.9%) from their final FY'10 appropriation of \$2,446,504,826. Within their budget, Common Education received \$6,065,962 in order to fund employer contribution rate increases for Teachers' Retirement. They also received \$8,500,000 to address the needs of the Ad Valorem Reimbursement Fund.

### **EDUCATION, HIGHER MEASURES**

SB 1332 (Myers/Martin (Scott)): Authorizes the Regents to refinance or restructure outstanding obligations for the master lease program. Effective 7-1-2010.

SB 1426 (Coffee/Miller): Amends the Oklahoma Science and Technology Research and Development Act, by clarifying the purpose of the Act, defining the term "Commercialization Center," clarifying program goals of the Oklahoma Center for the Advancement of Science and Technology (OCAST), and limiting the use of certain agency program funds. Effective 7-1-2010.

SB 1609 (Halligan/Denney): Allows university presidents on the Oklahoma Science and Technology Research and Development Board to appoint designees who will have full voting privileges. Effective 7-1-2010.

SCR 42 (Burrage/Jones): Authorizes the Board of Regents of the University of Oklahoma to issue revenue bonds of \$16 million for student housing at Rogers State University. Filed with Secretary of State 5-27-2010.

SCR 43 (Burrage/Jones): Authorizes the Board of Regents of the University of Oklahoma to issue revenue bonds of \$3.5 million for a classroom building at Rogers State University. Filed with Secretary of State 5-27-2010.

SCR 44 (Burrage/Jones): Authorizes the Board of Regents of the University of Oklahoma to issue revenue bonds of \$3 million for a multi-purpose building and related sports facilities at

Rogers State University. Filed with Secretary of State 5-27-2010.

**HB 1043 (Sears/Crain):** Creates the Oklahoma Medical Loan Repayment Program to be administered by the Physician Manpower Training Commission (PMTC). Requires participants to practice in a community in the state designated by PMTC and provides education loan repayment assistance to primary care physicians to provide medical care and services to Medicaid recipients. Assistance in the amount of \$25,000 per year for a five-year period will be provided to up to six physicians. Effective 11-1-2010.

**HB 2644 (Thomsen/Jolley):** Modifies statutory language regarding the Guaranteed Student Loan Program by updating the program's purposes to more closely align with federal law. Authorizes the State Regents for Higher Education to administer the student loan guarantee program under the federal Higher Education Act of 1965 for attendance at participating schools. The bill also would allow the state regents to provide, or hire a contractor to provide support services in areas such as default prevention, financial literacy, financial aid awareness, college access and outreach and other areas permitted by federal legislation. The interest rate for the loans shall be as established through the federal act instead of the state regents. Effective 7-1-2010.

**HB 2747 (Denney/Stanislawski):** Requires each teacher education institution to give an annual report to the Oklahoma Commission for Teacher Preparation rather than the Office of Accountability on participation in alternative placement programs. Requires institutions to report annually to the Commission on the procedures used to inform the public about teacher education programs and how public input is solicited and received for the institutions' plans for accreditation. This report will replace the requirement for an annual public forum. Also requires each accredited teacher education program to document the annual professional development of teacher education faculty members. Requires the Commission to review these reports as part of the accreditation process. Allows teachers certified to teach elementary education prior to July 1, 2010, to be certified in early childhood education upon meeting the requirements provided in law and successful completion of the appropriate subject area portion of the certification examina-

tion by July 1, 2012. Allows teachers certified to teach early childhood education prior to July 1, 2010, to be certified in elementary education upon meeting the requirements in law and successful completion in the appropriate subject area portion of the examination by July 1, 2012. Authorizes teachers who complete an accredited teacher preparation program or who are alternatively certified through the Troops to Teachers program prior to July 1, 2010, to be certified in special education upon meeting the requirements provided in law and successful completion of the appropriate subject area portion of the examination by July 1, 2012. Effective 7-1-2010.

HB 3031 (Benge/Coffee): Authorizes the Oklahoma Capitol Improvement Authority to refinance or restructure outstanding obligations for the endowed chair program. Effective 4-13-2010.

### **EDUCATION, HIGHER FUNDING**

Higher Education was appropriated a total of \$1,003,461,016. This is a decrease of \$34,244,275 (3.3%) from their final FY'10 appropriation of \$1,037,705,291. Within their budget, Higher Education received \$2,704,804 in order to fund employer contribution rate increases for Teachers' Retirement.

### **ENERGY, ENVIRONMENT & UTILITIES MEASURES**

SB 300 (Bingman/Thompson): This measure modifies statutes governing accident or spills otherwise referred to as "incidents" occurring on gathering pipeline units which are subject to regulation by the Corporation Commission. The bill provides for the Corporation Commission to keep some information confidential and provides such information will not be subject to the Oklahoma Open Records Act. Effective 5-14-2010.

SB 441 (Bingman/McNeil): Adds to the current waste tire recycling fees a fee of five cents per pound (with a \$2.50 minimum) for tires used on husbandry and agriculture equipment which are recycled at the customer's request and the bill further creates an assessment for these types of tires beginning in 2013 of five cents per pound unless the customer chooses to retain the tire for use on a farm or ranch. The bill also requires facilities to collect and transport agriculture use waste tires. Effective 7-1-2010.

SB 1326 (Myers/Watson): Re-creates the Oklahoma Geologic Storage of Carbon Dioxide Task Force which was first created in 2009 until December 1, 2010. The membership of the committee will stay the same and the committee will continue to study issues relating to the transmission and storage of carbon dioxide in geologic formations, especially the issues relating to insurance, liability and ownership relating to long-term carbon dioxide storage facilities. The committee is directed to produce a report following the termination of its activities

and distribute the report to the Governor, Pro Tempore of the Senate and the Speaker of the House of Representatives by December 15, 2010. Effective 5-17-2010.

SB 1615 (Bingman/Trebilcock): Creates the "Oil and Gas Owners' Lien Act of 2010" resulting from court decisions in the SemCrude bankruptcy case and federal court decisions which weakened existing statutory lien rights protecting royalty owners and producers. This measure gives oil and gas owners an automatic first priority statutory lien in all oil and gas produced from Oklahoma wells and secures the obligations of a first purchaser to pay the agreed price for the oil or gas. Effective 4-20-2010.

SB 1678 (Myers/Richardson): Requested by the Department of Environmental Quality, SB 1678 authorizes the DEQ to apply for recognition as an "accrediting body" with The NELAC Institute, so that other states may recognize accreditations from DEQ's laboratories and DEQ can recognize accreditations from other states with equivalent standards for accreditations and eliminate duplication of efforts. The measure has no significant fiscal impact. Effective 7-1-2010.

SB 1692 (Myers/Watson): This bill extends the term of the Oklahoma Clean Energy Independence Commission, first created in 2009, to December 31, 2011. The membership of the committee will remain the same. This group of 12 legislative members and private industry energy leaders has met regularly and is studying issues relating to many types of clean energy technologies. Effective 4-19-2010.

SB 1695 (Wyrick/Cox): This measure modifies statutes governing shared sewage treatment facilities, by requiring that only public entities may receive permits to construct shared systems. Problems have occurred when shared sewage systems are left to private homeowner associations or similar groups to conduct routine maintenance or repairs. Most private homeowner associations do not have the expertise and/or resources necessary to keep systems in good working condition so this measure would ensure that HOA's are no longer allowed to own and operate these systems. Effective 4-20-2010.

SB 1765 (Bingman/Armes): Modifies current statutes governing sewage treatment systems

by requiring contractors installing on-site sewage treatment systems to certify the number of bedrooms in a residence or the water usage of a business to ensure the system will be properly sized. Effective 4-26-2010.

**SB 1787 (Schulz/Jordan):** This measure creates a new property statute which restricts landowners from severing the airspace over their property for the purpose of developing wind or solar energy conversion systems. The intent is to prevent future problems, much like those created by severed oil and gas mineral interests, such as clouded titles and multiple ownerships in Oklahoma where wind power development is still in the beginning phases. SB 1787 requires wind or solar rights to be leased by agreements with the surface owner and such agreements will be filed with the county clerk and will run with the leased property. Effective 7-1-2010.

**SB 1840 (Sykes/Johnson):** Creates a task force to study the availability of retail natural gas service in southern parts of Oklahoma. The task force shall have eleven members made up of Senate and House members and a Corporation Commissioner. Appointments are to be made by the end of June 2010 and its activities will terminate no later than January 31, 2011. Effective 5-28-2010.

**HB 1281 (Miller and Johnson (Mike):** Reduces the number of inspections for active strip or surface mines from once each month to four to six times per year and as necessary in response to compliance concerns. This bill also increases the fee paid by operators of non-coal mining operations from  $\frac{3}{4}$  of one cent per ton of mineral produced to one cent per ton of mineral produced. Effective 6-6-2010.

**HB 1554 (Duncan/Newberry):** Prohibits municipal solid waste landfills from accepting municipal sewage sludge unless the sludge is treated to reduce pathogens and it is demonstrated to be free of certain liquid contaminants. The bill allows the Department of Environmental Quality to suspend or revoke a landfill's permit for violation of this requirement. Effective 5-6-2010.

**HB 2556 (Martin/Bingman):** Amends the Nine-One-One Wireless Emergency Number Act to include "prepaid wireless telecommunications service" and enacts a fifty-cent (\$0.50) per retail transaction fee to be paid by prepaid wire-

less customers. Such fees shall be remitted by the retail providers and the providers are authorized to deduct 3% of the fees collected to cover the costs of administration. The bill includes a provision requiring the Tax Commission to make a report to the Legislature itemizing the one-time costs authorized to cover implementation of the Nine-One-One Wireless Emergency Number Act. Effective 1-1-2011.

**HB 2626 (Jones/Schulz):** This bill provides a statutory definition of the term "biodiesel" by prescribing quality specifications. Effective 11-1-2010.

**HB 2697 (McDaniel/Lamb):** This measure updates the statutes governing oil and gas royalty payments by allowing producers to make such payments by electronic methods, such as direct deposit, upon written consent of both the payee and payor. Effective 4-21-2010.

**HB 2912 (Morgan/Coates):** Makes it unlawful for any person to maliciously destroy or tamper with any safety equipment used in drilling or production of an oil or gas well. Effective 11-1-2010.

**HB 2973 (Sanders/Marlatt):** Creates the "Oklahoma Wind Energy Development Act" to provide for the orderly development and eventual decommissioning of wind energy facilities. The bill requires owners of wind energy facilities will be responsible for the proper decommissioning of such facilities at the end of their useful commercial lifespan. The bill requires a wind developer to file evidence of financial security to cover the anticipated decommissioning costs with the Corporation Commission after the 15<sup>th</sup> year of operation of the facility. Finally, the bill requires a wind developer to either purchase a liability insurance policy or provide proof of self insurance with the owner of the land where the wind turbine or other facility named in such policy. Effective 1-1-2011.

**HB 3028 (Benge/Myers):** Creates the Oklahoma Energy Security Act, the goal of which is to reduce the dependence of Oklahoma and the United States on foreign oil, to improve national security and improve the economic well-being of Oklahomans. The bill sets a goal for the use of renewable energy which is that fifteen percent of all installed capacity of electricity generation will be generated from renewable sources by the year 2015. Qualifying renew-

able energy sources shall include: wind, solar, photovoltaic, hydropower, hydrogen, geothermal and biomass. Additionally, the bill states a commitment to promote the use of natural gas and declares natural gas as the preferred choice of electric generation for new fossil fuel generating facilities until the year 2020. The act further promotes the development of a robust electricity transmission grid to enhance wind-energy development in Oklahoma and to that end requires the Legislature and the Corporation Commission to work with the Southwest Power Pool to develop a plan to expand transmission capacity and monitor construction of transmission facilities through the year 2020. Finally, the bill declares it to be in the public interest to promote public access to compressed natural gas (CNG) fueling stations throughout the state and sets a goal to have at least one such station located every 100 miles along the entire Interstate highway system in the state by the year 2015. Effective 11-1-2010.

**HB 3314 (Martin/Schulz):** This bill updates statutes, originally enacted in the 1920's, governing conservancy districts by authorizing the members of the board and district administrators to make many of the day-to-day operating decisions of the district instead of requiring the district to seek permission from district courts as was originally required. The bill raises the public bidding requirement limit from \$25,000 to \$50,000 and allows the board of directors of a district to establish by rule a competitive bidding process. Effective 4-27-2010.

**HJR 1087 (Trebilcock/Jolley):** Disapproves amendments to Corporation Commission permanent rule No. OAC 165:5-3-1 which provided an increase in fees for certain filings and permits issued by the Commission, mostly related to oil and gas exploration and regulation. Effective 5-25-2010.

### **ETHICS & ELECTIONS MEASURES**

**SB 1910 (Ford/Jackson):** Makes several changes relating to state elections, including:

- Allows the state central committee of a political party to submit names for membership on county election boards if the county central committee fails to do so or there is no county central committee;

- Allows a county to provide additional compensation from county funds to the secretary of the county election board;
- Changes references to the Oklahoma Election Management System to the voter registration database;
- Requires voters who wish to remove their names to personally sign a notarized or witnessed written notice;
- Clarifies that duplicate voters may include persons voting in another county in-state or out-of-state;
- Updates procedures for removing registrations of deceased voters;
- Defines the term "election results storage medium" for electronic voting devices;
- Updates ballot printing requirements;
- Clarifies that it is illegal for a notary public to charge a fee for certifying an absentee ballot; and
- Repeals obsolete sections relating to counting of ballots.

Effective 1-1-2011.

**SB 1921 (Coffee/Benge):** Increases criminal penalties for various election offenses, including the general felony and misdemeanor penalties, voting an absentee ballot issued to another person, removing a ballot from or carrying a ballot into a polling place, executing a false application for an absentee ballot, causing cancellation of a voter registration, collecting or submitting false registration information, and conspiring to commit election fraud. Effective 1-1-2011.

**SB 2142 (Russell/Banz):** Modifies procedures for overseas voters to cast absentee ballots and extends procedures to statewide, as well as federal, elections. Effective 7-1-2010.

**SJR 66 (Coffee/Sullivan):** Provides that the Secretary of State shall not refer the state question relating to Senate confirmation of judges on the Workers' Compensation Court (from HJR 1041, 2009) for a vote of the people.

**HB 2408 (Johnson (Mike)/Miller):** Allows the Ethics Commission to make copies required under the Political Subdivisions Ethics Act available on its website, and further requires the first \$25,000 collected from late filing fees each year to be deposited to the Ethics Commission Fund. The requirement to follow up an electronic filing with a verification of signature is deleted. Effective 7-1-2010.

HB 3261 (Crain/Blackwell): Changes the number of signatures for a petition in lieu of a candidate's filing fee from 5% to 4% of the registered voters eligible to vote in the first election, and repeals Section 5-113 of Title 26, which provides for refunds of filing fees. Effective 8-27-2010.

### ELECTION BOARD FUNDING

The State Election Board received an FY'11 appropriation in the amount of \$8,047,225. This amount includes an additional \$2.5 million in appropriations that is normally appropriated to the agency in election years to cover the state-wide elections.

### GAMING, SPORTS & AMUSEMENTS MEASURES

SB 820 (Nichols/Terrill): Increases the percentage of Horse Racing Commission funds which may be used for administrative purposes. Authorizes the Commission to fund certain non-profit entities dedicated to caring for retired and unwanted Oklahoma-bred racing stock. Effective 11-1-2010.

HB 2333 (McDaniel (Randy)/Newberry): Requires the Oklahoma Lottery Commission to withhold the amount of delinquent debt as established by the Oklahoma Employment Security Commission from the lottery prize monies won by an individual. Establishes a priority for the withholding of lottery winnings if the debt exceeds the winnings. Effective 7-1-2010.

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

SB 1640 (Halligan/Williams): Creates the Certified Retirement Communities Programs Act for the purpose of assisting communities to promote and market themselves as retirement destinations for retirees. Provides procedures for the certification process which is to be administered by the Oklahoma Department of Commerce. Designates Stillwater, Oklahoma, to serve as the pilot project for the implementation of the Oklahoma Certified Retirement Communities Program. Effective 7-1-2010.

SB 1812 (Anderson/Jackson): Modifies existing notification requirements as they relate to

the disposition of unclaimed property by authorizing a police department to notify the owner of the unclaimed property that is worth in excess of \$100.00 of pending disposal by first class mail. Effective 11-1-2010.

SB 1864 (Bingman/McNiel): Provides that prevailing property owners in annexation disputes be entitled to court costs and reasonable attorney fees, including, but not limited to, when a municipality withdraws, revokes or otherwise reverses the ordinance at issue in response to litigation before issuance of a final judgment. Also adds language stating that those annexed parcels of land 40 acres or more used for agricultural purposes prior to annexation and that have continued uninterrupted agricultural use shall be exempt from ordinances restricting land use and building construction to the extent such land use or construction is related to agricultural purposes. Effective 11-1-2010.

HB 1888 (Richardson/Sparks): Modifies the name of the Rural Ambulance Service Districts Act to the Ambulance Service Districts Act. This act requires each county with a population of 500,000 people or less to present an emergency medical service plan to the State Dept. of Health no later than April 1, 2011. This act also requires that a petition, signed by at least 25% of the registered voters may be filed with the county clerk to seek the incorporation of a district under the provisions of the Ambulance Services Act. This act also requires a duty to act within the licensed area upon the acceptance of an ambulance service license. Effective 6-6-2010.

SB 1900 (Coates/Jett): This measure requires any municipality or county employee authorized to issue building permits to provide to an applicant for a building permit a list of state taxes that may potentially be assessed against any state or out-of-state taxpayer who applies for a building permit. Also provides that the Tax Commission may maintain a document electronically which may serve as proof of registration under the system. Effective 11-1-2010.

HB 2277 (Carey/Gumm): Removes the requirement that a sheriff accompany a reserve deputy when the reserve deputy has not completed the basic police course and allows a CLEET certified deputy to accompany the reserve deputy. Effective 11-1-2010.

HB 2332 (Murphey/Jolley): This act gives the Department of Central Services the authority and responsibility to implement a policy to approve the ability of state government entities to accept the terms of service for usage of social media services and contract for technology products and services provided the terms of service contain standard language including a liability agreement which is considered customary or largely similar to terms of service agreed to or contracts entered into by other government entities and private sector companies. Effective 4-26-2010.

HB 2573 (Trebilcock/Coffee): Requires the salaries of certain county officers to follow specified scale.

When caring for a person in the custody of the county jail, requires a hospital to accept reimbursement in an amount equal to the current fee schedule of the State and Education Employees Group Insurance Board. Effective 11-1-2010.

HB 2602 (Johnson/Sykes): Deletes the population requirement when calculating the hours part-time reserve municipal police officers may serve per calendar month. Effective 11-1-2010.

HB 2655 (Sullivan/Crain): Repeals section of law relating to the Tulsa County Retirement System for service credit for service as an elected official. Effective 7-1-2010.

HB 2698 (McDaniel (Randy)/Aldridge): Creates the Oklahoma Government Website Information Act. Effective 11-1-2010.

HB 2921 (Trebilcock/Bingman): Authorizes county purchasing agents to use electronic commerce for solicitation, notification and other purchasing processes. Effective 4-12-2010.

HB 2989 (Enns/Brogdon): Modifies notification requirements for unclaimed property sent by municipal governments to property owners to be sent first class mail instead of certified mail. Effective 11-1-2010.

HB 2992 (Enns/Anderson): Requires that county bid notices state the manner of payment to be made to a contractor and whether the contractor will be paid in money, in bonds or in a proportion of money and bonds for exe-

cuting certain improvements. Effective 11-1-2010.

HB 3006 (Peterson/Bingman): Requires the State Auditor and Inspector, upon the request of the county commissioners, to issue a certification of release of the unencumbered balance of certain funds prior to the completion of an audit, provided the State Auditor and Inspector makes a determination that sufficient funds are encumbered to cover the cost of the audit of all county accounts. Effective 7-1-2010.

HB 3242 (Derby/Ballenger): Authorizes county sheriffs to enter into a contract with a contractor for the purposes of attempting to locate and notify persons of their outstanding failure-to-pay warrants. Effective 11-1-2010.

HB 3312 (Martin/Anderson): Creates new law permitting counties and county officers to establish and use an Internet-based reverse auction bidding procedure to obtain bids for the purchase of goods or services of any kind. The procedure must provide a specific bid opening and closure date and the real time, electronic posting and updating of all auction bids. Effective 11-1-2010.

HB 3054 (Benge/Mazzei): The Municipal Fiscal Impact Act. Requires fiscal impact statements for legislation that would have a direct adverse fiscal impact on municipalities. Prohibits reporting legislation out of committee if it has a direct adverse fiscal impact of more than \$100,000 on municipalities statewide, unless a fiscal impact statement has been prepared. Delays effective date of legislation having direct adverse fiscal impact on municipalities over \$100,000 statewide if enacted without emergency clause, until July 1 of the following calendar year. Effective 11-1-2010.

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

SB 1337 (Sykes/Terrill): Authorizes the Office of the State Medical Examiner and the Board of Medicolegal Investigations to relocate the Office to a location in close proximity to the University of Central Oklahoma Forensic Science Institute. Authorizes the Office of the State Medical Examiner and the University of Central Oklahoma to take all necessary steps to effectuate the relocation of the Office. Effective. Effective 6-6-2010.

SB 1369 (Leftwich/Jordan): Modifies existing exemptions relating to the requirements that contractors demonstrate proof of general liability insurance and workers compensation insurance prior to the issuance of a municipal building permit. Effective 4-12-2010.

SB 1389 (Jolley/Cox): Adds the State Board of Pharmacy to the list of state agencies which may employ attorneys. Effective 11-1-2010.

SB 1486 (Johnson (Mike)/Miller): Directs the Office of Juvenile Affairs to initiate a request for proposals for the construction of a facility to house juveniles. Authorizes the Board of Juvenile Affairs to enter into a lease-purchase agreement for the construction or acquisition of such facility. Directs the Office of Juvenile Affairs to initiate a separate request for proposals for the razing of property needed to construct the facility and authorizes the Board to enter into a contract for the razing of property. Directs the Office of Juvenile Affairs to initiate a separate request for proposals for the management and operation of the facility and authorizes the Board to enter into a contract for the management and operation of the facility. Directs the Department of Central Services to work in conjunction with the Office of Juvenile Affairs to implement the provisions of this act. Effective 8-27-2010.

SB 1659 (Aldridge/Wright): Amends the Fair Labor Standards Act by providing that no agency, board, commission, department, institution, bureau, executive officer or other entity of the executive branch can exceed the minimum overtime entitlement provisions of the Act except as provided by the bill. The measure permits an employee receiving compensatory time to use such accrued time within 180 days following the day on which the time was accrued, providing that the taking of the comp time does not unduly impact agency operations. Effective 11-1-2010.

SB 1697 (Anderson/Murphy): This measure requires a directory of links to electronic publications be prominently available on the [www.ok.gov](http://www.ok.gov) website; reduces the required number of paper copies of the Oklahoma Statutes, Supplements and Session Laws that are not published in electronic format from 110 to 60 copies and requires agencies to maintain links to electronic versions of publications. Effective 11-1-2010.

SB 1714 (Justice/Morissette): This measure amends how state agencies award certain contracts to include preference for goods and services which have been manufactured or produced in this state if the price, fitness, availability and quality are otherwise equal and gives preference to goods and services from another state over foreign goods or services if goods or services manufactured in this state are not equal to price, fitness, availability, or quality. Also states that state agencies must add a percent increase to the bid of a nonresident bidder equal to the percent, if any, of the preference given to the bidder in the state in which the bidder resides. Effective 11-1-2010.

SB 1756 (Coffee/Benge): Allows the Supreme Court to retain management and control of the courtroom and robing room in the State Capitol, and allows the Legislature to grant use of its space to agencies of other departments. The measure also transfers space under the control of the Capitol Complex and Centennial Commemoration Commission to the Legislature. Effective 11-1-2010.

SB 1759 (Sykes/Murphy): Creates the Stimulus Transparency Act and modifies the Taxpayer Transparency Act to include the expenditure of federal stimulus funds. Requires the State Auditor and Inspector to include specified information relating to stimulus funds on the Auditor's website. Requires institutions of higher education to provide listing of certain transactions to the Office of State Finance. Establishes the Oklahoma State Government 2.0 Pilot Program relating to a standardized social media policy, web-based interactivity for state government services and various other standards and policies to be established by the State Governmental Technology Applications Review Board. Effective 6-10-2010.

SB 1901 (Coates/McDaniel (Randy)): Allows the Native American Cultural and Educational Authority to enter into contracts without approval of the Department of Central Services, and provides that the Public Building Construction and Planning Act does not apply. Effective 11-1-2010.

SB 1907 (Aldridge/Wright): Recreates the Minority Teacher Requirement Advisory Committee until 2011. Effective 8-26-2010.

SB 1936 (Corn/Peters): Authorizes the Office of Juvenile Affairs to sell certain real estate

situated within Talihina. Exempts the Office of Juvenile Affairs from certain provisions of law related to the sale. Directs all monies received from the sale to be deposited into the Office of Juvenile Affairs Revolving Fund 200. Effective 7-1-2010.

**SB 1997 (Jolley/Sanders):** Creates the "Marvin Williams and Robbie Chase Whitebird County Sheriff Assistance Act". Effective 11-1-2010.

**SB 1998 (Newberry/Jordan):** Authorizes a board of county commissioners to construct, improve, repair, or maintain any of the streets of a municipality having a population of less than 5,000 persons subject to agreement between the governing bodies of the county and the municipality. Also, modifies the powers of a board of county commissioners to use county-owned equipment, labor and supplies on property owned by the county, public schools, two year colleges or technical branches of colleges that are members of the Oklahoma State System of Higher Education. Effective 5-17-2010.

**HB 2319 (Murphey/Sykes):** States if a legislatively created task force or similar advisory body does not conduct at least one meeting or issue a final report within three years of the date in which the law that created it became effective, the task force will cease and be considered terminated. Effective 11-1-2010.

**HB 2330 (Nelson/Crain):** The measure allows officers, investigators or agents of the Office of Inspector General and the Oklahoma Child Support Services divisions of the Department of Human Services to maintain possession of their sidearm and badge upon retirement. Effective 11-1-2010.

**HB 2653 (Sullivan/Crain):** Creates the Task Force on Municipal Finance for the purpose of examining the laws governing municipal finance for all forms of municipal government. Effective 4-19-2010.

**HB 2717 (Ballenger/McPeak):** Provides procedures for operation of state agency Indian housing authorities in areas of federally recognized Indian tribes, bands or nations, and allows them to undertake the management and control of the housing program under certain conditions. Effective 4-26-2010.

**HB 3052 (Kirby/Lamb):** Modifies dates for Christmas holiday as follows: the Thursday and Friday before Christmas if Christmas is on a Saturday, and the Monday and Tuesday after Christmas if Christmas is on Sunday. Effective 11-1-2010.

**HB 3313 (Martin/Barrington):** Modifies the contract amounts requiring competitive bidding under the Competitive Bidding Act of 1974. It increases the threshold on the amount of contracts for construction, labor, equipment or material that may be awarded by public trust from \$25,000 to \$50,000. Effective 11-1-2010.

## **HEALTH MEASURES**

**SB 673 (Anderson/Sullivan):** Modifies the definition of "public bathing place" to exclude spray pads or spray grounds. Effective 11-1-2010.

**SB 1289 (Coates/Morgan):** Adds persons who have pled guilty or no contest or who have received a deferred sentence for various offenses to the list of persons whom employers are pro-

hibited from hiring or contracting with to provide nursing care, health-related services, or supportive assistance. Effective 11-1-2010.

SB 1373 (Crain/Schwartz): Creates the Oklahoma Plan for Comprehensive Treatment of Chronic Obstructive Pulmonary Disease Act. Directs the State Department of Health to create a comprehensive chronic obstructive pulmonary disease (COPD) state plan. Authorizes the Department to use existing plans developed by advocacy organizations. Approves the creation of the Oklahoma Health Information Exchange Trust (OHIET). Specifies that the primary purposes of OHIET are to serve as Oklahoma's Qualified State-Designated Entity for federal grants to expand the use of electronic health information and to promote health information exchanges at the state level. Provides for an advisory board to make recommendations regarding OHIET to the trustees. Provides for the appointment of 7 trustees. Applies the provisions of the Governmental Tort Claims Act to OHIET as a state-beneficiary public trust. Effective 6-7-2010.

SB 1699 (Rice/Cox): Exempts entities issuing special volunteer health care licenses from the requirement to verify the lawful presence of applicants. Effective 4-13-2010.

SB 1754 (Leftwich/Denney): Updates the definition of "official compendium" to mean the authoritative compendia as identified by the Secretary of the United States Department of Health and Human Services. Effective 11-1-2010.

SB 1772 (Anderson/Martin (Scott)): Clarifies and modifies various provisions related to the duties of the Board of Mental Health and Substance Abuse Services, the Commissioner, and the Department. Permits the Department to lease property for 50 years without an initial lease and options. Authorizes the Board to promulgate rules related to the certification of recovery support specialists. Extends the period of emergency detention from 72 hours to 120 hours. Repeals duplicative language. Effective 11-1-2010.

SB 1817 (Crain/Holland): Deletes and updates obsolete language related to newborn eye care. Requires a person attendant upon the birth of a newborn to ensure the treatment of the newborn's eyes with a prophylactic ophthalmic agent as prophylaxis against opthalmia neonatorum. Permits a parent or guardian to refuse prophylactic treatment. Requires the health care provider to document a refusal in the newborn's medical file. Repeals obsolete sec-

tions of law regulating newborn eye care. Effective 11-1-2010.

SB 1819 (Crain/Cox): Permits persons 16 years of age to voluntarily donate blood with parental permission or authorization. Effective 11-1-2010.

SB 1879 (Newberry/Thompson): Directs nursing home facilities to report situations where rape or criminal activity is suspected to the State Department of Health within 24 hours and to local law enforcement immediately. Requires the facility to make every effort to preserve the scene of a suspected rape or crime until local law enforcement has arrived. Effective 11-1-2010.

SB 1890 (Lamb/Sullivan): Prohibits persons from knowingly or recklessly performing or attempting to perform an abortion with knowledge that the pregnant female is seeking the abortion solely on account of the sex of the unborn child. Makes any person who knowingly or recklessly violates this act liable for damages and permits the person to be enjoined from such acts. Authorizes certain persons to maintain a cause of action for injunctive relief and provides penalties for violating the terms of the injunction. Authorizes certain persons to commence a civil action against the abortion provider for actual and punitive damages. Provides for the anonymity of a female in any proceeding or action brought under this act. Repeals a similar section of law that was determined to be unconstitutional. Effective 4-2-2010.

SB 1891 (Sykes/Peterson): Creates the Freedom of Conscience Act. Prohibits an employer from discriminating against an employee or prospective employee by refusing to reasonably accommodate the person's religious practices in situations involving abortions, procedures that destroy or involve an in-vitro human embryo, procedures on a developing child in an artificial womb, procedures that use fetal tissue or organs, or acts related to assisted suicides. States that no health care facility is required to admit a patient or allow the use of its facility for the purpose of performing the acts listed above. Prohibits forced participation in the acts listed above and prohibits disciplinary acts resulting from refusal to participate. Makes persons who refuse to participate immune from liability for any damages caused by the refusal. Prohibits health care facilities, schools, or employers from discriminating against any person on the grounds that the person refuses to participate. Permits persons who are adversely

affected by conduct in violation of the Freedom of Conscience Act to bring a civil action for equitable relief. Repeals similar sections of law that were determined to be unconstitutional. Effective 4-2-2010.

SB 1902 (Jolley/McNiel): Prohibits a person from knowingly or recklessly providing RU-486 (mifepristone) for the purpose of inducing an abortion unless such person is a physician who meets certain minimum qualifications. Requires physicians who provide RU-486 to provide each patient with certain information, fully explain the procedure, and record the manufacturer's package serial number in the patient's medical record. Requires RU-486 to be administered by or in the physical presence of the physician who provided the drug to the patient. Requires the physician to make efforts to ensure that the patient returns for a follow-up visit. Requires physicians who provide RU-486 to provide a written report of certain events that occur within 1 year after the RU-486 was administered, to the drug manufacturer and to the appropriate physician licensing board. Directs the physician licensing boards to maintain such reports as public records. Protects confidentiality of public records. Permits sanctioning by the physician licensing board for failure to file such report. Permits certain persons to maintain an action against a person who violates this act for actual and punitive damages. Repeals a similar section of law that was determined to be unconstitutional. Effective 4-2-2010.

SB 1927 (Newberry/Peters): Authorizes a city-county health department to own, acquire, lease, or dispose of real property in the performance of local public health duties. Effective 11-1-2010.

SB 1985 (Crain/Cox): Permits physicians who have received a Certification of Special Qualifications or a Certification of Added Qualifications in Sleep Medicine from the American Osteopathic Association to be "interpreting physicians" and "supervising physicians" under the Oklahoma Sleep Diagnostic Testing Regulation Act. Directs the State Board of Health to promulgate rules and enforcement measures to implement the provisions of the Oklahoma Sleep Diagnostic Testing Regulation Act. Effective 11-1-2010.

HB 2529 (Schwartz/Schulz): Directs the Oklahoma State Bureau of Narcotics and Danger-

ous Drugs Control to compile a yearly report of all fatal and nonfatal drug overdoses in the state. Requires registrants under the Anti-Drug Diversion Act to report any person appearing at a medical facility with a drug overdose to the central repository. Makes such information confidential and not open to the public. Requires the Director of the Bureau to prepare a yearly report on all deaths and non-fatal overdoses which were the result of abuse of a controlled dangerous substance. Grants access to the central repository to the Oklahoma Health Care Authority. Makes all information regarding nonfatal overdoses confidential. States that registrants are not liable to any person for a claim of damages for information reported pursuant to law. Effective 11-1-2010.

HB 2551 (Roan/Paddack): Permits registered emergency medical responders to receive the same death benefit as emergency medical technicians for deaths resulting from official duties. Changes the name of the "Emergency Medical Technician Death Benefit Revolving Fund" to the "Emergency Medical Personnel Death Benefit Revolving Fund". Modifies application fees for emergency medical technicians. Beginning in tax year 2010, exempts from taxable income any amount received by the beneficiary of a death benefit for a registered emergency medical responder. Effective 7-1-2010.

HB 2596 (Morrissette/Coates): Creates the Empower-OK Act. Directs the Oklahoma Health Care Authority's plan for alternatives to long-term care to include specific provisions related to the cash and counseling program. Effective 11-1-2010.

HB 2656 (Sullivan/Crain): Prohibits damages from being recovered in a wrongful life or wrongful birth action for any condition that existed at the time of a child's birth if the claim is that the defendant's act or omission contributed to the mother's not having an abortion. Repeals a similar section of law that was found to be unconstitutional. Effective 4-27-2010.

Vetoed 4-22-2010: The veto message states that HB 2656 "would allow unscrupulous, reckless or negligent physicians to knowingly withhold information or negligently provide inaccurate information to pregnant women without facing the potential of legal consequences".

Veto overridden by the Legislature 4-27-2010. Effective 4-27-2010.

HB 2695 (Tibbs/Barrington): Permits assisted living facilities licensed to house 6 or fewer residents prior to July 1, 2008, to install 13D or 13R fire sprinkler protection in lieu of meeting I-II sprinkler requirements with approval of the municipal fire marshal or compliance with local codes. Effective 11-1-2010.

HB 2748 (Denney/Halligan): Designates all buildings owned by an educational facility as nonsmoking. Authorizes all campuses and grounds owned or operated by an institution of higher education to be designated as tobacco-free by the institution. Effective 11-1-2010.

HB 2774 (Steele/Jolley): Authorizes the State Department of Health to implement a rebate program to reimburse restaurants for expenses incurred in building designated smoking rooms. Requires participating restaurants to convert to a smoke-free environment no later than January 1, 2013. Directs the Department to utilize Tobacco Prevention and Cessation Revolving Fund monies to fund the rebate program. Creates the Oklahoma Certified Healthy Communities Act. Directs the Department to establish a program for the voluntary certification of healthy communities. Creates the Oklahoma Healthy Communities Advisory Committee to assist the Department in developing criteria for certification. Creates the Oklahoma Certified Healthy Schools Act. Directs the Department to establish a program for the voluntary certification of healthy schools. Creates the Oklahoma Healthy Schools Advisory Committee to assist the Department in developing criteria for certification. Authorizes monetary rewards for certified schools that may be used to enhance wellness activities. Effective 11-1-2010.

HB 2775 (Steele/Justice): Authorizes the State Department of Health to contract with a vendor for the purpose of delivering Women, Infants and Children (WIC) benefits electronically. Effective 11-1-2010.

HB 2777 (Steele/Crain): Amends the Self-Directed Care Act to permanently implement the self-directed care pilot program statewide. Removes language permitting consumers to use self-directed care monies for home modifications and assistive devices. Modifies the membership of the committee to assist the Department of Human Services in the development of rules related to self-directed services. Directs the Oklahoma Health Care Authority to establish a procedure for verifying applicants' income by utilizing records from the Oklahoma Tax Commission, the Oklahoma Employment Security Commission, and child support payment data. Permits the Oklahoma Health Care Authority to implement the durable medical equipment retrieval program as funds become available. Effective 11-1-2010.

HB 2778 (Steele/Crain): Directs the Oklahoma Health Care Authority to make certain refinements to the nursing facility incentive reimbursement rate plan to ensure transparency and integrity. Requires the Oklahoma Health Care Authority to provide an annual report of the incentive reimbursement rate plan by December 31 of each year. Effective 11-1-2010.

HB 2780 (Billy/Sykes): Requires a physician to perform an obstetric ultrasound and provide a simultaneous explanation of what the ultrasound is depicting at least 1 hour prior to a woman undergoing an abortion. Permits a woman to avert her eyes from the ultrasounds images. Exempts the ultrasound requirements in the event of an emergency. Makes an abortion provider who knowingly violates the provisions of this act liable for damages. Permits a cause of action for injunctive relief by certain persons against any person who has knowingly violated this act. Subjects any person who knowingly violates the terms of an injunction to civil contempt and fines. Permits certain persons to commence a civil action against an abortion provider for any knowing or reckless violation of this act. States that any abortion provider who violates this act shall be considered to have engaged in unprofessional conduct for purposes of license suspension or revocation. Repeals similar sections of law that have been determined to be unconstitutional.

Vetoed 4-22-2010: The veto message states that HB 2780 "lacks an essential exemption for victims of rape and incest", that this legislation could result "in a costly and potentially futile legal battle for the state", and that it "represents an unconstitutional attempt by the Oklahoma Legislature to insert government into the private lives and decisions of its citizens".

Veto overridden by the Legislature 4-27-2010. Effective 4-27-2010.

HB 2828 (Peters/Bingman): Directs the Oklahoma Health Care Authority to annually assess a Home-Based Support Quality Assurance Assessment on each contracted community-based service provider in order to provide quality care enhancements. Prohibits the Assessment from being increased unless specifically authorized by the Legislature. Creates the Home-Based Quality Assurance Fund and directs monies received by the Oklahoma Health Care Authority pursuant to the Assessment to be deposited into the fund. Authorizes use of monies from the fund by the Oklahoma Health Care Author-

ity for Medicaid services provided by contracted community-based service providers. Effective 11-1-2010.

HB 2920 (Trebilcock/Jolley): Creates the Shaken Baby Prevention Education Initiative. Creates the Shaken Baby Prevention Initiative Task Force until December 31, 2015 to identify evidence-based models for reducing the incidence of abusive head trauma to infants and to develop a plan for implementing a statewide model to improve outcomes. Directs the task force to seek the voluntary participation of relevant groups. Specifies the membership of the task force and provides for its administration. Requires the task force to submit a report of its findings by December 31, 2011. Effective 7-1-2010.

HB 2999 (Steele/Crain): Clarifies the term length for members of the Board of Mental Health and Substance Abuse Services. Provides that the Department of Mental Health and Substance Abuse Services may maintain specified facilities (previous language made such maintenance mandatory). Permits persons to make a report on the abuse, neglect, or exploitation of a vulnerable adult to municipal employees. Requires the Department to continue to purchase therapy provided by certified alcohol and drug counselors until June 30, 2013. Effective 11-1-2010.

HB 3075 (Hamilton/Justice): Requires any facility in which abortions are performed to conspicuously post signs which inform patients that it is against the law for anyone to force another person to have an abortion. Specifies the required content, format, and location of the signs. Specifies that any facility that fails to post required signs shall be assessed a fine for each violation. Permits actions to be brought by or on behalf of an individual injured by the failure to post required signs. Requires the attending physician to orally inform a minor patient that no one can force her to have an abortion and requires the minor to certify in writing that she was informed of this information prior to the abortion. Repeals similar sections of law that were determined to be unconstitutional. Effective 4-22-2010.

HB 3171 (Hickman/Anderson): Directs death certificates to be filed with the State Department of Health rather than the local registrar. Requires personal data needed for the death certificate to be entered by the funeral director electronically. Requires the death certificate produced by the electronic system to be available to the physician or medical examiner for certification within 24 hours after the death. Requires the State Registrar of Vital Statistics

to make the electronic system available to funeral directors and physicians at no cost. Directs funeral directors and physicians to register with the State Registrar of Vital Statistics prior to using the electronic system. Provides for required annual updates to the electronic system. Directs the training of funeral directors and physicians on the electronic system. Effective 11-1-2010.

HB 3231 (Jackson/Anderson): Directs Medicaid-related errors suspected to be the result of fraudulent acts to be reported and investigated by the Oklahoma Attorney General. Requires the Oklahoma Health Care Authority to evaluate and report findings concerning the limited use of the extrapolation method to the Governor and the Legislature. Effective 11-1-2010.

HB 3241 (Derby/Sykes): Adds four substances used as alternatives to marijuana found in K-2 smoke blends to the list of Schedule I controlled substances. Effective 11-1-2010.

HB 3251 (Tibbs/Crain): Prohibits retailers from selling certain small glass tubes which may be used to facilitate violations of the Uniform Controlled Dangerous Substances Act. Requires registrants who prescribe or dispense methadone to check the prescription profile of the patient on the central repository of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Effective 11-1-2010.

HB 3284 (Peterson/Jolley): Creates the Statistical Abortion Reporting Act. Requires the State Department of Health to make an Individual Abortion Form and a form for a Complications of Induced Abortion Report available online. Requires the Department to provide a system whereby physicians who perform abortions may complete and electronically submit required forms to the Department. Requires physicians to complete and submit required forms to the Department. Requires the Department to collect and combine non-identifying information from all forms and publish the information annually on its website. Directs the Department to provide the language of state laws and regulations relating to abortion on its website. Directs the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners to notify physicians of the requirements of the act. Specifies penalties for failing to submit required forms. Permits 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 this act is challenged. Repeals similar sections of law that were determined to be unconstitutional.

Vetoed 5-22-2010. The veto message states that HB 3284 "lacks an essential exemption for rape and incest victims" and that this measure could be "result in an expensive and potentially futile legal battle for the state".

Veto overridden by the Legislature 5-25-2010. Effective 11-1-2010.

### **HEALTH CARE AUTHORITY FUNDING**

The Oklahoma Health Care Authority (OHCA), charged with administering the state's Medicaid program, was appropriated \$963,015,720. This is a 1.77 percent decrease over the agency's FY'10 appropriation. HB 2437, which assesses a 1% fee on all claims paid for health and medical services will bring an additional \$78 million to the Health Care Authority for the operations of the agency. The agency also received \$30 million from the Insure Oklahoma Fund in HB 2438. For FY'11, the Health Care Authority will maintain the 3.25% provider rate cuts that were implemented in FY'10 to deal with the budget cuts.

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

The Department of Mental Health and Substance Abuse Services received an appropriation of \$187,742,123. This is a 0.5 percent decrease from the agency's FY'10 appropriation. To meet this cut, the Department will be cutting contracts for private providers and making operational cuts at state-run facilities. The Department also received approval for a \$6 million bond issue to build a building for inpatient and outpatient services in Tulsa. SB 1488 also requires the Department to match the bond amount before the bonds will be issued.

### **HUMAN SERVICES MEASURES**

SB 1679 (Jolley/Murphrey): Clarifies language permitting the suspension or revocation of a child care facility license for failure to maintain liability insurance coverage for negligence. Effective 11-1-2010.

SB 1776 (Anderson/Peters): Renames the "Oklahoma 2-1-1 Advisory Collaborative" as the "Oklahoma 2-1-1 Coordinating Council". Modifies the duties of the Council. Directs the development of by-laws. Effective 11-1-2010.

SB 1830 (Crain/Nelson): Directs the Department of Human Services to immediately make a referral to the appropriate law enforcement agency for possible criminal investigation if the Department determines that a report alleging abuse or neglect involves a child who was placed in an Office of Juvenile Affairs secure juvenile facility at the time of the alleged abuse or neglect. States that the Department shall not be responsible for further investigation after referral to a law enforcement agency. Directs the Advocate General within the Office of Juvenile Affairs to establish a system for investigating allegations of misconduct by a person responsible for a child placed in an Office of Juvenile Affairs secure juvenile facility. Effective 5-6-2010.

SB 1928 (Newberry/Jordan): Modifies language related to escapes from juvenile detention facilities. Makes juvenile or youthful offenders who escape from juvenile detention facilities or who escape while out of the facility on escort or on a pass guilty of a felony. Effective 7-1-2010.

HB 2776 (Steele/Justice): Permits the public disclosure of information concerning an investigation when a person responsible for the care of a vulnerable adult has been charged with committing a crime resulting in the death or near death of the vulnerable adult. Provides for the confidentiality of persons other than the person criminally charged. Effective 11-1-2010.

HB 3267 (Jackson/Sparks): Increases the filing fees for civil cases by three dollars. Removes language requiring the courts to deposit twenty dollars to the credit of the Voluntary Registry and Confidential Intermediary Program and the Mutual Consent Voluntary Registry for each adoption case filed. Removes language requiring the courts to deposit ten dollars to the credit of the Child Abuse Multidisciplinary Account (CAMA) for each civil case filed. Removes language requiring the courts to assess and credit three dollars to the Office of the Attorney General Victim Services Unit for each civil case filed. Earlier this year, the Oklahoma Supreme Court ruled that the col-

lection of these fees was unconstitutional. (*Fent v. State ex rel. Dept. of Human Services*, 2010 OK 2) Effective 7-1-2010.

## **HUMAN SERVICES FUNDING**

The Department of Human Services was appropriated \$543,110,994. This was a 3.99% increase from the Department's FY'10 appropriations. With this increase, it is anticipated that the Department will not have to furlough the staff for the 23 days as was anticipated during session. Other cost cutting measures and savings are being looked at for FY'11. Within this appropriation, \$5 million was directed for use as the state over-match for the Senior Nutrition Program. These funds will be used to provide congregate and home-delivered meals to seniors throughout the State. Another \$2.8 million was directed for the Child Abuse Multidisciplinary Account.

## **INSURANCE MEASURES**

**SB 1251 (Wilson/Brown):** Prohibits health benefit plans from denying coverage or a claim on the basis of the insured's status as a victim of domestic abuse. Specifies that domestic abuse shall not be considered to be a preexisting condition. Effective 11-1-2010.

**SB 2042 (Brown/Sullivan):** Transfers duties relating to the Perpetual Care Fund Act and the Cemetery Merchandise Trust Act from the State Banking Commissioner to the Insurance Commissioner. Effective 7-1-2010.

**SB 2043 (Brown/Sullivan):** Modifies various provisions relating to the Oklahoma Life and Health Insurance Guaranty Association Act to reflect National Association of Insurance Commissioners (NAIC) model language including modifying and creating definitions, modifying and specifying coverage, authorizing the Association to join an organization of one or more other state associations of similar purposes and establishing caps on benefits the Association may be required to cover. Effective 11-1-2010.

**SB 2044 (Brown/Sullivan):** Modifies various provisions relating to the Oklahoma Property and Casualty Insurance Guaranty Association Act to reflect National Association of Insurance Commissioners (NAICS) model language including modifying and creating definitions, modifying powers and duties of the Association, modifying procedures relating to claims and certain proceedings and specifying when

the Association is not obligated to pay certain claims. Effective 11-1-2010.

**SB 2045 (Brown/Sullivan):** Requires the Insurance Commissioner to develop certain questionnaire for use by small employers applying for certain health insurance coverage. Requires health insurers to provide the same coverage and benefits to any individual under the age of 18 who has been diagnosed with an autistic disorder as it would provide coverage to such person not diagnosed with an autistic disorder. Effective 11-1-2010.

**SB 2051 (Coffee/Benge):** Specifies that a contract between a health benefit plan and a dentist cannot require the dentist to provide services at a fee set by the health benefit plan unless the services are covered services under the applicable subscriber agreement. Effective 11-1-2010.

**SB 2054 (Brown/Sullivan):** Provides for the annual omnibus bill for the Oklahoma Insurance Department:

- Authorizes the Insurance Commissioner to require regulated entities to submit filings and other documents electronically.
- Changes the name of unauthorized insurer to surplus line insurer.
- Adds advisory boards and advisory organizations to the list of those required to make loss runs or claims histories available to policyholders.
- Allows a nonresident life or accident and health insurance broker applicant to receive an Oklahoma license if they are licensed and in good standing in their home state and their state issues nonresident licenses to residents of Oklahoma on the same basis.
- Modifies provisions of the Genetic Nondiscrimination in Insurance Act to conform with federal changes to the Genetic Nondiscrimination in Insurance Act.
- Eliminates the reimbursement limitation for mammography screening.
- Provides for a uniform definition of a health benefit plan for health insurance purposes.
- Modifies the Insurance Code to conform to federal changes for mental health parity.
- Directs the Oklahoma Small Employer Health Reinsurance Board to develop a plan to wind up the business of the Oklahoma Employer Health Reinsurance Program.

- Allows a Professional Employer Organization or a Professional Employer Organization Group to use a thirty party assurance organization to meet registration and filing requirements.
- Allows the Insurance Commissioner to refuse to renew a licensed bondsman for failure to file certain reports or pay any outstanding fines or fees.
- Allows the insurance Commissioner to cancel a bail surety appointment if the license of the bondsman is suspended, revoked or non-renewed.

Effective 11-1-2010

SB 2073 (Stanislawski/McDaniel(Randy)): Requires an insurer to provide to an insurance producer, whose appointment has been terminated under certain conditions, information relating to the policy of the person who purchased a product from the producer if the insured has signed a form authorizing the release of the information. Effective 11-1-2010.

SB 2074 (Sparks/Sullivan): Merges and consolidates two versions of a section of law in the Service Warranty Insurance Act relating to unearned premium reserve which were enacted in 2009. Effective 4-22-2010.

HB 1613 (McDaniel (Randy)/Aldridge): Extends confidential treatment to certain work papers involved in certain examinations conducted by the Insurance Commissioner. Effective 11-1-2010.

HB 1458 (Sullivan/Coates): Increases from \$15,000 to \$20,000 the maximum amount of principal an organization may receive from a person pursuant to a contract establishing a fund for prepaid funeral benefits. Provides for indexing of this amount. Effective 11-1-2010.

HB 2671 (McDaniel (Randy)/Stanislawski): Increases certain age limits as it relates to benefit or membership certificates issued by a mutual benefit association. Specifies that certain assessments shall become part of an association's general funds. Effective 11-1-2010.

HB 3213 (Ortega/Sykes): Prohibits an insurer from offering a cash settlement for the purchase of a comparable replacement vehicle and then selling the vehicles back to the claimant if the insurer has determined repair of the wrecked vehicle would not result in restoration to operative condition. Effective 11-1-2010.

**JUDICIARY/COURTS MEASURES**

SB 499 (Anderson/Duncan): Exempts members of the Council on Judicial Complaints from restrictions on dual office holding. Effective 11-1-2010.

SB 889 (Anderson/Enns): Creates the Uniform International Wills Act, which establishes procedures for recognition, probate and enforcement of foreign wills. Effective 11-1-2010.

SB 1070 (Paddock/Peters): This bill amends the Oklahoma Solicitation of Charitable Contributions Act. It provides a process for more transparency in the solicitation of charitable contributions. It enhances the information provided on the Secretary of State's website. It also provides for enforcement by the Attorney General's Office. Effective 7-1-2011.

SB 1132 (Anderson/Sherrer): Creates the Uniform Limited Partnership Act of 2010, which sets guidelines for the organization of limited partnerships, defines the rights and liabilities of both limited and general partners and outlines the registration of the partnership. Effective 1-1-11 and 9-1-2010.

SB 1250 (Nichols/Terrill): Prohibits the unauthorized storage, transferring, use or data basing of DNA from any newborn child without express parental consent. Effective 5-11-2010.

SB 1287 (Burrage/Sherrer): Adds personal representatives of the estate of any deceased heir, devisee or legatee to the list of people who must provide written consent upon the filing of a petition or application in probate. Effective 11-1-2010.

SB 1325 (Anderson/Enns): Changes language in the Oklahoma Do-Not-Resuscitate consent form that refers to the "Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act" to the "Oklahoma Advance Directive Act". Effective 11-1-2010.

SB 1351 (Myers/Hickman): Authorizes the Oklahoma Film and Music Office to keep certain business plans and proprietary information confidential. Effective 8-27-2010.

SB 1601 (Burrage, Johnson/Peters): Prohibits expungement of records of investigations conducted pursuant to the Protective Services for Vulnerable Adults Act except by court order, and requires the development of the Vulnerable Adult Intervention Task Force. Effective 7-1-2010.

SB 1645 (Paddock/Thomsen): Modifies statutory references to certain definitions related to child abuse and child neglect. Effective 4-5-2010.

SB 1771 (Anderson/Johnson): States legislative intent that youthful offenders shall not remain in custody or under supervision of the Office of Juvenile Affairs (OJA) beyond the youthful offender's maximum age of 18 years and 5 months of age, and modifies language related to instances when a juvenile or youthful offender is found to have run away or is absent without leave from a staff secure or non-secure placement. Effective 5-28-2010.

SB 1793 (Paddock/Thomsen): Allows waiver of right to be present at a jury trial on the issue of termination of parental rights if a party requests the jury trial and fails to appear at such trial. Effective 11-1-2010.

SB 1814 (Crain/Sullivan): Adds a definition to be used in employment discrimination cases to require expectant mothers to receive equal treatment for employment-related purposes. Effective 11-1-2010.

SB 1895 (Anderson/Sherrer): Clarifies state statutes to reflect the elimination of the state's estate tax, and provides that for deaths occurring on or after January 1, 2010, no lien related to the estate tax shall attach to any property passing through the estate of a decedent, by joint tenancy, or otherwise. Effective 7-1-2010.

SB 1938 (Sykes/Johnson): Modifies proper venue in an action involving a child alleged to be deprived. Effective 11-1-2010.

SB 1973 (Coffee/Sullivan): Modifies procedures for proceedings of the Workers' Compensation Court sitting en banc, requires notice to an injured worker of the availability of the Workers' Compensation Court counselor program and of the availability of mediation, requires all parties in a mediation to be represented by a person with full settlement author-

ity, increases certain fees related to workers' compensation cases and certain application fees, and requires the Administrator of the Workers' Compensation Court to waive payment for up to 5 years for medical services of a health care provider who has committed abusive practices. Effective 11-1-2010.

SB 2022 (Nichols/Tibbs): Authorizes a victim of domestic violence, upon application to the court, to monitor the location of the defendant through computer or cellular inquiries. Effective 11-1-2010.

SB 2038 (Anderson/Duncan): Requires an applicant for enrollment as a certified shorthand reporter to show a minimum level of court reporting proficiency and removes residency requirement. Effective 11-1-2010.

SB 2039 (Anderson/Sullivan): Updates language related to subpoenas, including responding to subpoenas to reflect the use of electronically stored information; modifies provisions related to the length of depositions and the frequency and extent of discovery; modifies provisions relating to information produced in discovery that is subject to claims of privilege and requires any recorded testimony that is by means other than stenographic to have an on-the-record statement that includes specified information. Effective 11-1-2010.

SB 2040 (Anderson/Sullivan): Requires the fee for a jury trial to be paid at the time of the pre-trial conference by the party requesting the jury. Effective 11-1-2010.

SB 2063 (Anderson/Jackson): Requires a court clerk to collect from the party seeking a general execution all fees necessary for the payment of the appraisers of the property, and requires payment for appraisal services within 30 days of the date of return of the estimate of the real value of the property. Effective 11-1-2010.

SB 2104 (Ballenger/Sanders): Increases the time period for notice of the filing of a lien statement from one business day to five business days. Effective 11-1-2010.

SB 2125 (Burridge/Sherrer): Limits the bond in any action or litigation brought under any legal theory involving a nonparticipating manufacturer to the Master Settlement Agreement dated November 23, 1998, to an amount not to

exceed 100% of the judgment, exclusive of interest and costs, 10% of the net worth of the judgment debtor, or \$25,000,000.00, whichever is less. Effective 11-1-2010.

SB 2126 (Leftwich/Terrill): Allows a technology center school district to be considered a political subdivision for purposes of the Governmental Tort Claims Act. Effective 11-1-2010.

SB 2154 (Crain/Sullivan): Modifies procedures for deficiency judgments. Effective 11-1-2010.

SB 2170 (Sparks/Jordan): Creates the Task Force on Standardization of Courtroom Security Procedures to study the current security systems for courthouses in this state and to develop a standard statewide protocol for security procedures. Effective 4-5-2010.

SB 2201 (Anderson/Hickman): Authorizes administrators and executors of estates to enter into contracts and lease property for the construction, operation and maintenance of wind energy conversion systems. Effective 11-1-2010.

SB 2203 (Crain/Sullivan): Provides for termination of durable power of attorney if a court appoints a conservator, guardian or other fiduciary charged with the management of the property of the principal. Effective 11-1-2010.

SB 2204 (Ivester/Nelson): Creates the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to address all aspects of guardianships and protective proceedings for both minors and adults, including provisions related to multiple jurisdiction, transfer, and out of state recognition. Effective 11-1-2010.

SB 2235 (Crain/Sullivan): Requires a motion for an emergency custody hearing in a court proceeding regarding child custody or visitation to include an independent report or affidavit stating that the child is in surroundings that have or could endanger the child's welfare, and establishes qualifications for parenting coordinators. Effective 11-1-2010.

SB 2270 (Crain/Sullivan): Requires a designated grantee beneficiary who intends to accept real estate pursuant to a transfer-on-death deed to execute a notarized affidavit that verifies the record owner's death; whether the record owner and the designated beneficiary were married at the time of the record owner's

death, and a legal description of the real estate. Effective 11-1-2010.

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

SJR 27 (Anderson/Sullivan): Modifies composition of the Judicial Nominating Commission.

HB 1319 (Shoemaker/Ballenger): Establishes procedures for transfer of mineral interests to successor. Effective 5-11-2010.

HB 1520 (Peterson/Crain): Establishes disclosure requirements for court experts in proceedings involving children and allows parties to object to the appointment of court experts in certain circumstances. Effective 8-27-2010.

HB 1611 (Sullivan/Coffee): Establishes licensing and continuing education requirements for a claims adjuster for any insurer duly authorized to transact workers' compensation insurance in this state. Effective 11-1-2010.

HB 1641 (Inman/Ivester): Provides for the validity of and establishes requirements for a trust for the care of designated domestic or pet animals. Effective 8-27-2010.

HB 1658 (Dorman/Barrington): Limits the liability of any physician or health care provider who is providing health care services in a volunteer capacity at a secondary school function. Effective 1-1-2011.

HB 1741 (Peters/Burrage): Authorizes each district court to establish a family drug court for the purpose of treating children adjudicated deprived and their families in cases where the parent has a substance abuse disorder. Requires the Department of Mental Health and Substance Abuse Services to assist in the development of family drug courts. Modifies various judicial and procedural requirements regarding children alleged to be deprived. Authorizes each county treasurer to create a Family Drug Court Revolving Fund. Effective 11-1-2010.

HB 1964 (Steele/Crain): Establishes procedures for granting a qualified relative of a minor custody by abandonment; provides that the provision of psychotropic medications for children in state custody is considered routine and ordinary medical care and treatment, re-creates the Adoption Review Task Force and restores certain deleted statutory provisions. Effective 6-7-2010.

HB 2168 (McCullough/Anderson): Allows convictions for domestic abuse related crimes to be used as prior convictions for a period of 10 years and increases the length of time the court can defer a sentence from 5 years to 10 years. Effective 8-27-2010.

HB 2171 (McCullough/Anderson): Creates the Oklahoma Discretionary and Special Needs Trust Act. Effective 11-1-2010.

HB 2313 (Duncan/Jolley): Modifies procedures relating to juvenile proceedings concerning youthful offenders, removes the requirement for district attorneys to file an annual accounting with the county treasurer, makes it unlawful to remove an electronic monitoring device, modifies definition of lewd molestation and sexual battery, modifies conditions for admission to Delayed Sentencing Program for Young Adults, and allows district attorneys and the Attorney General to obtain certified copies of birth and death certificates without a court order and at no cost. Effective 11-1-2010.

HB 2541 (Cooksey/Jolley): Authorizes municipal courts to keep certain personal identifying information confidential. Effective 11-1-2010.

HB 2552 (McCullough/Anderson): Authorizes district attorneys to allow assistant district attorneys to carry firearms if certain conditions are met. Effective 11-1-2010.

HB 2572 (Wesselhoft/Russell): Provides that evidence requested for admission as substantive evidence of assemblage in the exercise of free speech or display of religious beliefs that is not connected to the direct conduct of planning, conspiring, or committing an act of violence as prescribed by law is not admissible, and clarifies the scope of the Oklahoma Funeral Picketing Act. Effective 11-1-2010.

HB 2624 (Jones/Anderson): Defines "single line dealer", for purposes of the repurchase of inventory, as a business that has purchased at least 75 percent of the dealer's total new inventory from a single supplier and has an annual average sales volume for the previous three years that exceeds twenty million dollars. Effective 11-1-2010.

HB 2650 (Sullivan/Sykes): Modifies workers' compensation provisions, including excepting employers from liability for injuries arising out-

side of the course of employment, authorizing an action for damages outside of the workers' compensation court for injuries to an employee as the result of an intentional tort, modifying compensation schedules and procedures, and creating a Task Force on Vocational Rehabilitation for Injured Workers. Effective 8-27-2010.

**HB 2652 (Sullivan/Coffee):** Decreases number of Workers' Compensation Court judges and modifies terms and qualifications. Effective 11-1-2010.

**HB 2729 (Rousselot/Garrison):** Authorizes use of chemical agents and electroshock weapons in secure facilities operated by or through contract with the Office of Juvenile Affairs if such use is specifically provided for in OJA rules. Effective 11-1-2010.

**HB 2800 (Kiesel/Rice):** Authorizes an executor or administrator to have control of certain social networking, micro blogging or e-mail accounts of the deceased. Effective 11-1-2010.

**HB 2826 (Peters/Anderson):** Prohibits the use of ex parte orders to remove children from domestic violence shelters. Effective 11-1-2010.

**HB 2827 (Peters/Anderson):** Authorizes victims of domestic violence, stalking and harassment to request a petition for an emergency temporary order of protection, modifies the definition of stalking, authorizes persons seeking a protective order to request the exclusive possession of any animal owned by the petitioner, defendant or minor child residing in the residence of the petitioner or defendant, and requires the court to consider certain factors before determining bond and other conditions of release for a person arrested for a violation of a protective order or for domestic abuse, stalking or harassment. Effective 11-1-2010.

**HB 2852 (Wright/Aldridge):** Modifies emergency rulemaking procedures in the Administrative Procedures Act. Effective 11-1-2010.

**HB 2865 (Buck/Barrington):** Establishes a seven year statute of limitations for prosecutions for criminal violations in which a deadly weapon is used to commit or attempt to commit a felony. Effective 11-1-2010.

**HB 2890 (Moore/Aldridge):** Requires in the written notice of a claim to the state or a political subdivision the inclusion of any and all

other information required to meet the reporting requirements of the Medicare Secondary Payer Mandatory Reporting Provisions in Section 111 of the Medicare, Medicaid SCHIP Extension Act of 2007 (MMSEA) through the Centers for Medicare & Medicaid Services (CMS). Effective 11-1-2010.

**HB 2895 (Walker/Bingman):** Classifies circuit engineering districts as political subdivisions of the state for purposes of the Governmental Tort Claims Act. Effective 11-1-2010.

**HB 2911 (Morgan/Coates):** Prohibits creation of a new business entity for the purpose of avoiding payment of a workers' compensation judgment. Effective 5-11-2010.

**HB 2934 (Luttrell/Anderson):** Requires persons subject to the Sex Offenders Registration Act to provide any electronic mail address information, instant message, chat or other Internet communication name or identity information to be used while accessing the Internet or social networking. Effective 11-1-2010.

**HB 2939 (Russ/Crain):** Amends the Uniform Durable Power of Attorney Act by adding "extended absence" as a condition for which acts of attorney-in-fact are effective. Effective 11-1-2010.

**HB 2944 (Jordan/Crain):** Requires scheduling of court appearances of school district employees to minimize class time disruption when possible, and requires certain witness fees to be paid to a school district. Effective 11-1-2010.

**HB 2946 (Jordan/Anderson):** Establishes procedures and requirements for the commencement of an action based on a construction-related accessibility claim that a facility does not conform with applicable law, codes and standards for facilities for the physically disabled. Effective 11-1-2010.

**HB 2964 (Nelson/Justice):** Consolidates victims rights laws in the Oklahoma Statutes into the Victims' Rights Act, requires the district attorney's office to inform victims and witnesses of crimes of their right to be informed of all court proceedings, financial assistance and other social and protection services available, gives victims of violent crimes and their legal representative a priority interest in any proceeds or profits received by a district court

from an offender, requires certain notification requirements by the Pardon and Parole Board, and authorizes adult members of the immediate family of a deceased victim to witness the execution of the defendant. Effective 11-1-2010.

HB 2968 (Sanders/Jolley): Requires persons required to register under the Sex Offenders Registration Act to provide a mappable address and zip code, and prohibits such persons from residing within 2,000 feet of property or campsite used by an organization whose primary purpose is working with children. Effective 11-1-2010.

HB 3000 (Steele, Jett/Laster, Johnson (Constance)): Modifies procedures related to structured settlements under the Governmental Tort Claims Act. Effective 11-1-2010.

HB 3021 (Scott/Burrage): Requires a landlord to disclose, if such a fact is known or should have been known, that the dwelling unit or any part of the premises was used in the manufacture of methamphetamine to prospective tenant prior to the commencement of a rental agreement. Effective 11-1-2010.

HB 3158 (Osborn/Justice): Authorizes a six-month extension of the supervision period under the Oklahoma Drug Court Act. Effective 11-1-2010.

HB 3169 (Hickman/Marlatt): Exempts the spouse of an exempt employer from the Workers' Compensation Act. Effective 11-1-2010.

HB 3230 (Jackson/Marlatt): Provides legislative findings and exceptions related to the treatment of United States Bureau of the Census references in Oklahoma Statutes and allows for flexible interpretation of Census references arising from reform efforts in data compilation, analysis and reporting by the Census. Effective 7-1-2010.

HB 3292 (Peterson/Crain): Modifies provisions related to adoption and adoption assistance, modifies the Independent Living Act and modifies the membership requirement for the Interagency Child Abuse Prevention Task Force. Effective 6-5-2010.

HB 3294 (Tibbs/Barrington): Allows OSBI to use otherwise confidential information from records for training and educational purposes

if ten or more years have passed since the production of the information and to use otherwise confidential information from records of laboratory services provided to law enforcement if the release of information has been authorized by the Director of OSBI for the purpose of developing or obtaining additional information in a criminal investigation being conducted by the Bureau. Effective 5-11-2010.

HB 3311 (Benge/Coffee): Requires every act of the Legislature to contain a separate provision that expresses the subject of the bill and requires the court to provide written findings that detail each of the multiple subjects the court has determined are contained within such measure if it finds the measure violates the one-subject rule. Effective 8-27-2010.

HB 3323 (Pittman/Anderson): Requires all authorized persons accessing service recipient information within a home record to sign a form certifying that they have been informed and understand the penalties for misuse of confidential and protected information within the home record. Effective 11-1-2010.

HB 3340 (Christian/Sykes): Makes the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control the designated keeper of records relating to the Uniform Controlled Dangerous Substances Act. Effective 11-1-2010.

HB 3394 (Kirby/Anderson): Limits the number of terms that can be served by appointed members of the Oklahoma Commission on Children and Youth. Effective 11-1-2010.

HJR 1065 (Peters/Anderson): Establishes the Oklahoma Juvenile Justice Reform Committee and directs the Committee to undertake a full, good-faith and thorough study of Oklahoma's juvenile justice system.

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

SB 1917 (Aldridge/Banz): Provides for special license plates for the Downed Bikers Association and reauthorizes the Armed Forces Veteran Motorcycle plate. Effective 11-1-2010.

HB 2264 (Christian/Russell): The measure requires the collection of a \$3 fee as a prerequisite to licensing or registration of any motorcycle. The fee will be transferred to the Department of Public Safety for deposit in the Motorcycle Safety and Education Program Revolving Fund. Effective 11-1-2010.

HB 2959 (Wright, Harold/Sykes): This measure authorizes property owners to obtain the services of a licensed wrecker or towing service from an adjacent county to remove an abandoned vehicle, provided that the property

owner is unable to obtain the services of a licensed wrecker or towing service within his or her county of residence in a reasonable amount of time. Under current law, a licensed wrecker or towing service located within the county must be used to remove abandoned vehicles from property located in that county. A property owner can enlist the services of a licensed wrecker or towing service to remove a vehicle that the property owner has reasonable cause to believe has been abandoned, provided that the vehicle has been abandoned for a period of forty-eight (48) hours or left on the property without express or implied permission. Effective 11-1-2010.

#### **PUBLIC FINANCE MEASURES**

SB 1309 (Anderson/Enns): Under current law, the State Bond Advisor is required to limit private companies on amounts they can pay their bond attorneys, underwriters, etc. if they want to use the Oklahoma Development Finance Authority to issue bonds to borrow money, even though the private entity is using the professionals it has previously contracted with, and the private entity (not the ODFA) is paying all of those fees. Current law requires the Bond Advisor to set fee schedules for these fees (paid by private issuers) every 6 months, based on fees charged in all conduit arrangements in the industry. Under SB 1309, if the private entity (conduit borrower) has already selected and contracted with a bond attorney, underwriter, and other service providers, the Bond Advisor would not be involved with controlling how much they can pay and would no longer have to set and reset allowable ranges for private entity borrowers' fees every 6 months. Effective 6-10-2010.

SB 1488 (Johnson (Mike)/Miller): Authorizes the Oklahoma Capitol Improvement Authority to issue \$6 million in bonds for an inpatient and outpatient facility for the Department of Mental Health and Substance Abuse Services, contingent on the receipt of \$6 million in private donations for the facility. Effective 6-9-2010.

SCR 42 (Burrage/Jones): Authorizes the Board of Regents of the University of Oklahoma to issue revenue bonds of \$16 million for student housing at Rogers State University.

Filed with Secretary of State 5-27-2010.

SCR 43 (Burrage/Jones): Authorizes the Board of Regents of the University of Oklahoma to issue revenue bonds of \$3.5 million for a classroom building at Rogers State University. Filed with Secretary of State 5-27-2010.

SCR 44 (Burrage/Jones): Authorizes the Board of Regents of the University of Oklahoma to issue revenue bonds of \$3 million for a multi-purpose building and related sports facilities at Rogers State University. Filed with Secretary of State 5-27-2010.

HB 1740 (Peters/Halligan): Prohibits the Oklahoma Centennial Botanical Garden Authority from issuing bonds until the Legislature has ascertained that funds are available to meet bond obligations. Effective 8-27-2010.

HB 2434 (Miller/Johnson (Mike)): Increases authority of the Oklahoma Capitol Improvement Authority to issue bonds for state highway and state bridge assets to \$215 million on August 1, 2010. Effective 6-10-2010.

HB 3031 (Benge/Coffee): Authorizes the Oklahoma Capitol Improvement Authority to refinance or restructure outstanding obligations for the endowed chair program. Effective 4-13-2010.

HB 3167 (Hickman/Mazzei): Modifies the Oklahoma Community Economic Development Pooled Finance Act by including under the definition of "infrastructure" any railway or utility system owned by an eligible local government entity. Effective 6-7-2010.

HB 3291 (McNiel/Justice): Modifies eligibility requirements for certain grants under the Rural Economic Action Plan. Modifies the definition of "economic development" as it relates to the expenditure of certain funds under the Plan and mandates the manner in which certain funds are expended. Requires certain information to be transmitted to the Department of Commerce for use on a website. Modifies the definition of "public body" under the Open Meeting Act to include committees or subcommittees including members of an entity which receives funds from the Rural Economic Action Plan Fund. Effective 8-27-2010.

HB 3315 (Scott/Anderson): Modifies provisions of the Unclaimed Property Act and Small Business Linked Deposit Act relating to evidence of an obligation, certain burden of proof and al-

lowable affirmative defenses for the holder; authorizes Treasurer to require certain electronic reports; expands the definition of "good faith" as it relates to certain unclaimed property provisions; requires certain proof for claimants with an interest in a deceased owner's property; subjects claims against Mineral Owners Fund to same requirements as those applicable to Unclaimed Property Act; provides that the state register of checks and warrants is not subject to Open Records Act until certain actions occur; modifies procedures relating to certain reports by State Treasurer; increases certain fees charged by the office. Effective 5-1-2010.

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

SB 956 (Lamb/Peterson): Increases the penalties for persons who commit human trafficking with a victim under age 18. Prohibits the statute of limitations for a cause of action resulting from human trafficking from commencing until the latter of the victim's emancipation from the defendant or the victim's 21<sup>st</sup> birthday. Authorizes the seizure or forfeiture of property used to facilitate the commission of human trafficking or prostitution. Effective 6-5-2010.

SB 1264 (Mazzei/Ritze): The measure allows an applicant for a driver license or identification card to use a mailing address (rural route or post office box) as the address required to be placed on the driver license or identification card. Effective 11-1-2010.

SB 1295 (Rice/Cox): The measure specifies that one of the members of the Oklahoma Emergency Response Systems Development Advisory Council be a specialist in pediatric services. Effective 11-1-2010.

SB 1313 (Paddock/Thomsen): This measure authorizes CLEET to establish and host law enforcement youth camps at the CLEET statewide training facility. Effective 11-1-2010.

SB 1329 (Bass/Hoskin): The measure creates the Motorcycle Mobility and Safety Act. The measure allows the operator of a motorcycle facing a steady red signal to proceed through the intersection under certain conditions. Effective 11-1-2010.

SB 1387 (Leftwich/Christian): This measure clarifies that a motor vehicle accident can result in a personal injury to another without the requirement that the accident involve another vehicle. Effective 11-1-2010.

SB 1670 (Bass/Sullivan): The measure modifies the membership of the Motorcycle Safety and Education Advisory Committee by requiring the Commissioner of Public Safety to appoint three members who are licensed and safety course certified operators/owners. Effective 4-9-2010.

SB 1762 (Leftwich/Terrill): This measure creates a new criminal penalty for any person owning or operating a hired bus or limousine service to knowingly transport persons under the age of 21 who are in possession of or are consuming alcoholic beverages. An owner or operator is subject to a misdemeanor conviction punishable by a fine of not more than \$500. A second conviction may result in loss of business license for the owner and driver license for the operator. Effective 11-1-2010.

SB 1779 (Burrage/Sherrer): This measure gives persons applying for a driver license or identification card or renewal to provide an emergency contact person. The emergency contact information will be maintained by the Department of Public Safety and will be used by law enforcement for emergency purposes only. Effective 11-1-2010.

SB 1810 (Nichols/Thomsen): This measure authorizes Highway Patrol officers and other law enforcement officers employed by the Department of Public Safety to engage in part-time employment for the duration of any furlough period imposed by the Commissioner of Public Safety. Effective 4-9-2010.

SB 1908 (Sykes/Tibbs): The measure prohibits persons operating on a learner permit from operating a motor vehicle other than the hours of 5:00 a.m. to 10:00 p.m. The measure prohibits persons with a learner or intermediate driver license from using a hand-held mobile telephone while operating a motor vehicle except during life-threatening emergencies. Effective 11-1-2010.

SB 2007 (Barrington/Nelson): The measure modifies the notice requirement made to the Department of Public Safety regarding the suspension of driving privileges for persons 20 years of age or younger. Allows DPS to extend period of suspension under certain circumstances. It allows second and third suspension for driving while impaired to be modified. Effective 11-1-2010.

SB 2064 (Gumm/Terrill): The measure enlarges the zone of safety created around schools, child care centers, playgrounds and parks, prohibiting the loitering of a sex offender from 300 feet to 500 feet. It further clarifies that "permitted" child care centers are included in the zone of safety.

Finally, the measure requires a person exempted from the above language as it relates to schools and child care facilities to inform the administrator of those entities of that person's registered sex offender status as well as provide current information about the specific times the person will be within the zone of safety. Effective 4-19-2010.

SB 2229 (Ellis/Banz): The Committee Substitute to SB 2229 authorizes the override of the requirement for finger imaging in cases where the person is over the age of sixty-five and the finger image cannot be scanned. The licensing agent must be able to verify the individual's identity with alternative identification. The ability to determine who approved the override must be available. Effective 2-1-2011.

SB 2231 Branan/Martin, Scott): The measure prohibits those persons who must register with the Sex Offender Registration Act from using a post office box for a home address. Those already registered who have provided post office boxes as an address must be contacted by local law enforcement and required to provide a physical address. Effective 11-1-2010.

SB 2239 (Russell/Enns): This measure requires fingerprints submitted for application for a carry concealed license to meet the Oklahoma State Bureau of Investigation's Automated Fingerprint Identification System standards. The measure also requires OSBI to issue a carry concealed permit within 60 days of receipt of application when a background check reveals no records pertaining to the applicant. In all other cases, the OSBI must either issue or deny the application within 90 days of receipt. Effective 11-1-2010.

SB 2253 (Barrington/Armes): This measure modifies several definitions that relate to the sale and display of fireworks. It provides that the State Fire Marshal rather than the Tax Commission is responsible for licensing fireworks manufacturers, distributors and wholesalers and collecting fees. Fee revenues are directed to the State Fire Marshal Revolving

Fund instead of the General Revenue Fund. It requires those making application for a permit to display fireworks to have a general liability insurance policy of at least \$1 million. Effective 6-8-2010.

**SB 2259 (Lamb/Nelson):** The measure requires the Director of the Department of Corrections to post on the Department's website and transmit to the President Pro Tempore of the Senate, the Speaker of the House and the Governor a report on the progress of the Department in the use of work release programs, work centers, community corrections centers, intermediate sanctions facilities, halfway houses and transitional living centers to re-integrate offenders. Effective 11-1-2010.

**HB 2276 (Duncan/Anderson):** This measure relates to vehicles operating in the right-hand lane. It provides that failure to stay in the right-hand lane except to pass another vehicle shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than 10 days.

The measure allows a law enforcement officer to issue a citation if the officer observes an operator of a vehicle driving in a manner that poses a danger to other persons on the roadway. Effective 11-1-2010.

**SB 2296 (Wyrick/Duncan):** This measure modifies the membership of the State Hazard Mitigation Team to include a local Emergency Management Director, the State Chancellor of Higher Education, and the State Director of the Department of Career and Technology Education. The measure removes language requiring a formal state of emergency declaration as a requirement for consideration by the State Hazard Mitigation Team. Effective 11-1-2010.

**HB 2325 (Shoemake/Ballenger):** The measure raises the minimum age for consideration as a commissioned officer within the highway patrol from twenty-one years of age to twenty-three years of age and raises the maximum age limit for commissioned officers within the highway patrol from forty-three years of age to forty-six years of age. Effective 11-1-2010.

**HB 2331 (Martin, Steve/Stanislawska):** The measure requires law enforcement to verify compulsory insurance compliance during a traffic stop or accident investigation. If compliance is not confirmed by the online verification

system or by the security verification form provided by the operator, the officer shall issue a citation for failure to comply with the Compulsory Insurance Law. It also requires law enforcement to seize the vehicle of any person who is operating a vehicle while under suspension for failure to carry insurance as required by the Compulsory Insurance Law. Law enforcement may seize the vehicle of any person who is operating a vehicle without insurance as required by the Compulsory Insurance Law if the operator does not produce a security verification form and the officer is unable to confirm compliance through the online verification system. It clarifies that a vehicle is not to be seized upon the production of a valid security verification form. It also clarifies that no vehicle displaying a valid temporary license plate is subject to being seized or towed.

Lastly, it requires DPS to contact the Oklahoma Tax Commission within 3 days of impoundment of a vehicle to determine name and address of the owner and any lien holder of the vehicle. DPS is required to contact lien holder within 3 days of receipt of information. Effective 11-1-2010.

**HB 2567 (Wesselhoft/Leftwich):** This measure requires municipalities to recognize disability stickers issued by the Department of Veterans Affairs and federal military bases or disability placards issued by another state as valid disability placards in Oklahoma. In addition, the measure provides for a \$500.00 fine for individuals who illegally use a disabled parking space. The aforementioned fine, however, will not apply to any person that is escorting or accommodating a physically disabled person who has been issued a qualifying placard or license plate. In addition, it clarifies the investigative and enforcement authority of municipalities and political subdivisions when a municipality or political subdivision enforces any ordinance or regulation on disabled parking.

Eighty percent (80%) of the fines collected pursuant to the measure will be allocated to the general fund of the issuing municipality with the remaining twenty percent (20%) being allocated to the Department of Public Safety for the purpose of establishing a system for the enforcement of disability parking requirements.

Upon the accumulation of necessary funds, the Department of Public Safety is required to develop and administer a database identifying all

persons that have been issued a disabled parking permit. The measure also requires that the database, upon completion, be available twenty-four (24) hours a day to any person authorized by statute to enforce disabled parking laws for the purpose of verifying disabled parking permits and the individuals to whom such permits have been issued. Effective 6-5-2010.

HB 2579 (Trebilcock/Schulz): This measure requires the Director of the Oklahoma Department of Emergency Management to provide a quarterly report regarding the balance and outstanding obligations of the State Emergency Fund to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. Effective 11-1-2010.

HB 2730 (Rousselot/Garrison): Authorizes law enforcement to request that the Tax Commission brand the title of a vehicle with "Drug Manufacture Vehicle" if the vehicle is seized due to the manufacture of a controlled substance in the vehicle. Effective 11-1-2010.

HB 2746 (Denney/Halligan): The measure clarifies that the Department of Public Safety immediately revoke for one year the driving privilege of any person convicted of a misdemeanor for unlawful possession or delivery of a controlled dangerous substance if the offense occurs while using a motor vehicle. Effective 11-1-2010.

HB 2837 (Sears/Ford): The measure revises how crime stoppers organizations are certified. Currently, crime stoppers organizations are certified by the Attorney General. HB 2837 authorizes the Oklahoma Crime Stoppers Association to certify the organizations, consistent with state statutes. Effective 11-1-2010.

HB 2907 (Morgan/Paddock): The measure authorizes the Department of Public Safety to issue a temporary placard to pregnant women whose condition, as determined by a medical professional, meets one or more of the conditions for "physical disability" for which placards are issued currently. Effective 4-9-2010.

HB 2957 (Wright, Harold/Schulz): The measure prohibits public transit drivers from using a cellular phone or electronic communication device while operating a motor vehicle. Punishment is a misdemeanor, subject to a fine of \$500. Effective 11-1-2010.

HB 2969 (Sanders/Justice): The measure includes Class AA wreckers as vehicles authorized to display flashing red or blue lights.

The measure requires a wrecker or towing service that repossesses a vehicle to notify law enforcement within 2 hours of repossessing the vehicle providing information regarding the vehicle repossessed, where the repossession occurred, the name of the owner of the vehicle and the name of the lien holder of the vehicle. Effective 11-1-2010.

HB 2991 (Enns/Anderson): The measure requires any officer of the Department of Public Safety or any other political subdivision of this state to cause to be towed any vehicle that has been used in the commission of a felony offense. Effective 11-1-2010.

HB 2998 (Steele/Lamb): The measure authorizes the Department of Corrections to implement a pilot program to provide diversion programs to reduce the high rate of incarceration for nonviolent offenders who are also the primary caregiver of minor children and to provide reentry services for inmates with minor children. The pilot program will develop partnerships within communities to assist in providing support services and employment opportunities as well as a diversion program that provides comprehensive services and treatment to offenders with children. Effective 11-1-2010.

HB 3240 (Derby/Jolley): The measure creates the Aaron Gillming Act. The measure requires persons convicted of a municipal ordinance relating to driving under the influence of alcohol or other intoxicating substance to participate in an alcohol and drug substance abuse evaluation and assessment program. Requires the offender to follow the recommendations of the evaluation and assessment. The Department of Public Safety shall not reinstate the driving privilege of the person until completion of the recommendations. Effective 11-1-2010.

HB 3380 (Terrill/Sykes): The measure creates the Methamphetamine Offender Registry Act. The bill allows the Oklahoma Bureau of Narcotics and Dangerous Drugs Control to create a registry of persons who have been convicted of possession of methamphetamine or any of the precursors with intent to manufacture methamphetamine. Any person subject to registration is prohibited from purchasing, pos-

sessing or having control of any Schedule V compound or preparation containing any detectable quantity of pseudoephedrine. Violation is a felony subject to not less than 2 nor more than 10 years imprisonment and a fine of not more than \$5,000.

The registry is to be made available to registrants who sell pseudoephedrine-related products, the courts and law enforcement agencies. It requires all district court clerks to forward a copy of the judgment and sentence and date of birth of all persons convicted of possession of methamphetamine or any of the precursors with intent to manufacture methamphetamine. Persons subject to registration are to remain on the registry for 10 years.

The measure creates a new felony crime to assist a person subject to the registry in obtaining pseudoephedrine products. The first offense is a misdemeanor punishable by incarceration in the county jail for not more than one year and a fine of up to \$1,000. Any second or subsequent conviction is a felony punishable by incarceration for two years in prison and a fine of \$2,500.

It also allows the OBNDD to conduct background checks on companies or persons who provide janitorial services to the OBNDD.

Lastly, it allows a passport or military identification to be used as identification to purchase pseudoephedrine. It also allows a person in a nursing home or under hospice care that does not have state issued identification to use their Social Security number to obtain prescriptions. Effective 11-1-2010.

HJR 1089 (Enns/Justice): The resolution disapproves the promulgation of permanent rules relating to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act that were adopted by the Oklahoma Department of Public Safety. Effective 8-27-2010.

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

SB 859 (Bass/Dorman): Allows certain retired members of the Teachers' Retirement System of Oklahoma (OTRS) who initially elected to receive the maximum benefit amount without beneficiary payments after death to elect to

choose either Option 2 or 3 which provide a reduced benefit and to name the member's spouse as the designated beneficiary if the member marries after making the initial election. Authorizes the assignment of death benefits payable to beneficiaries of members of OTRS to funeral directors. Effective 8-27-2010.

SB 1578 (Johnson (Mike)/Miller): Removes the Oklahoma Accountancy Board from the salary schedule for chief executive officers of non-appropriated agencies. Effective 7-1-2010.

SB 1579 (Johnson (Mike)/Miller): Modifies the unclassified register by adding unclassified positions for the Office of State Finance, Department of Central Services, Department of Agriculture and State Election Board. Makes all positions of the Oklahoma Public Employees Retirement System and the Teachers' Retirement System of Oklahoma unclassified. Provides that involuntary furloughs of legislative and court employees shall be credited for retirement purposes. Effective 6-7-2010.

SB 1580 (Johnson (Mike)/Miller): Delays by one year to July 1, 2011, the scheduled increase in the employer contribution rate for the Oklahoma Public Employees Retirement System from 15½% to 16%. Effective 7-1-2010.

SB 1662 (Schulz/Ortega): Allows a retiree of the Teachers' Retirement System of Oklahoma who has selected one of the options for a reduced benefit to make a one-time election to select another option for the amount of the retirement benefit within sixty days of the member's retirement. Effective 8-27-2010.

SB 1889 (Stanislawski/Sullivan): Specifies that for retirement purposes elected officials who are first elected or appointed to an elected office on or after November 1, 2010, shall elect a computation factor of either 1.9% or 4%. Deletes obsolete language relating to the Uniform Retirement System for Justices and Judges (URSJ). Eliminates the ability of the Board of Trustees of the Oklahoma Public Employees Retirement System to adjust the employer contribution rate for URSJ. Effective 7-1-2010.

SB 1989 (Brown/Sullivan): Brings the Oklahoma Police Pension and Retirement System and the Oklahoma Law Enforcement Retirement System into compliance with Internal Revenue Service requirements. Effective 6-9-2010.

SB 2130 (Barrington/Armes): Brings the Oklahoma Firefighters Pension and Retirement System into compliance with Internal Revenue Service requirements. Eliminates the mandatory retirement age of sixty years for members of the Oklahoma Law Enforcement Retirement System. Effective 6-9-2010.

HB 1935 (Watson/Stanislawski): Changes references to the Executive Secretary of the Teachers' Retirement System of Oklahoma (OTRS) to the Executive Director. Allows the State Superintendent of Public Instruction and the Director of State Finance to be represented on the OTRS Board by a designee. Provides that the election made by a retiree who marries after retirement to choose either Option 2 or 3 must be made by July 1, 2011 or within one year of the date of marriage, whichever is later. Specifies that certain information in a member's retirement file including the member's name, age and benefits being paid shall not be confidential. Effective 7-1-2010.

HB 2328 (Murphrey/Russell): Directs the Oklahoma State Employees Benefits Council to conduct an annual planning meeting. Effective 11-1-2010.

HB 2363 (Miller and Johnson (Mike)): Authorizes state agencies to be reimbursed for certain specified costs associated with a voluntary buyout (VOBO) which results in the employees retiring from the agency. Requires the agency to reduce the number of FTEs in the agency for three years if the agency receives reimbursement for VOBO expenses. Prohibits any employee that retires from an agency that receives reimbursement to return to work at the agency for three years after retirement. Effective 4-28-2010.

HB 3128 (Dorman/Barrington): Allows death benefits paid by the Oklahoma Public Employees Retirement System to be assigned by the beneficiary to a person licensed as a funeral director. Effective 11-1-2010.

## **REVENUE & TAXATION MEASURES**

SB 461 (Mazzei/Hickman): Modifies the Oklahoma Tourism Development Act by including "destination hotel" under the definition of a tourism attraction qualifying for incentives and by requiring a tourism attraction or film or music project to meet the minimum standard of revenue neutrality in order to qualify for incentives. Extends the provisions of the act until 1-1-16. Effective 5-10-2010.

SB 1321 (Gumm/Terrill): Modifies the penalty for intentional refusal to honor a 100% disabled veteran's sales tax exemption by adding a misdemeanor offense for second and subse-

quent violations and by requiring the Tax Commission to refer violators to the district attorney. Also authorizes the Tax Commission to release certain communications between the Commission and a violator to another consumer. Effective 7-1-2010.

SB 1397 (Mazzei/Hickman): Requires the Tax Commission to provide electronic notice for automobile registration renewal or if no e-mail is provided, authorizes the use of the current postcard system. Authorizes the Commission to release certain otherwise confidential information about automobile lien holders in specific circumstances. Effective 6-7-2010.

SB 1398 (Mazzei/Hickman): Authorizes the Tax Commission to provide electronic notice for vessel and motor registration renewal. Any taxpayer who has opted out of the electronic notice system is subject to a \$.50 fee for mail notification. Effective 6-7-2010.

SB 1590 (Miller/Johnson): Places a two-year moratorium on the ability to claim tax credits under two venture capital tax credit provisions - the Small Business Capital Formation Act and the Rural Small Business Capital Formation Act. The moratorium applies to investments made on or after June 1, 2010, through December 31, 2011. Effective 8-27-2010.

SB 1816 (Bingman/Ownbey): Exempts active duty military stationed outside the state from penalties for delinquent vehicle registration for the time on duty and for 60 days after. Effective 11-1-2010.

SB 1882 (Bingman/Thompson): Extends the expiration date for the 3-tier gross production tax structure from 7-30-2010 to 7-30-2013. Also extends the expiration date for exemptions for "economically at-risk" oil and gas leases. 5-10-2010.

SB 1919 (Nichols/Terrill): Creates an income tax credit for donations to a cancer research institute as a part of an existing provision for credits for donations to a biomedical research institute. Limits the amount of such donations on an individual and statewide basis. Effective 1-1-11.

SB 1954 (Anderson/Jackson): Requires the Tax Commission to modify its online motor vehicle registration system by September 1, 2010 to allow a taxpayer to select between the Com-

mission and a tag agent for processing of the tag renewal. Specifies how fees are to be distributed. Effective 6-10-2010.

**SB 2169 (Branan/McDaniel):** Creates the Task Force on Tax Incentives to Increase Natural Gas Pipeline Capacity to study the impact of existing incentives and the need for others. Effective 7-1-2010.

**SJR 61 (Coffee/Benge):** Creates the Oklahoma Business Activity Tax Code. Levies a tax of \$25 on each person doing business in the state and a 1% tax on net business activity allocated to Oklahoma, in lieu of ad valorem taxes on personal property for the years 2010 through 2012. Provides that for 2010 through 2012, those subject to the franchise tax will pay the amount they paid in franchise tax for 2010 in lieu of the 1% tax on net business activity. Provides for certain discounts on the 1% business tax levied after January 1, 2013. Provides for a \$25 credit against individual income tax for those who pay the \$25 tax on each person doing business in the state and a \$25 credit against the Secretary of State's registration fee for those not paying the franchise tax. Provides for the apportionment of the \$25 tax as individual income tax is apportioned and for the 1% tax, to General Revenue.

Creates the Task Force on Comprehensive Tax Reform to review the Business Activity Tax Code and ad valorem taxation of personal property, in addition to other topics.

Provides that the Business Activity Code will expire at the beginning of tax year 2013.

Establishes a moratorium on the levy of the franchise tax from July 1, 2010 through July 1, 2013. Effective 8-27-2010.

**HB 2300 (Banz/Barrington):** Provides an opportunity for donation to Oklahoma Honor Flights through income tax refund checkoff. Effective 1-1-11.

**HB 2519 (Jones/Johnson (Mike)): Extends the tax credit for coal use and coal purchase by two years, through 2014. Imposes moratorium on coal tax credits from 2010 through 2012. Effective 11-1-2010.**

**HB 2686 (Morrissette/Coates):** Creates the Eastern Red Cedar Registry Board Act which shall work with the Oklahoma Tax Commission to develop recommendations for tax incentives for private property owners who donate eastern red cedar trees to the Eastern Red Cedar Tree Registry. Effective 7-1-2010.

**HB 2710 (Collins /Eason McIntyre):** Provides an opportunity for donation of up to \$25 to the Multiple Sclerosis Society through income tax refund checkoff. Effective 11-1-2010.

**HB 2883 (Luttrell/Bingman):** Establishes definitions under the Oklahoma Vehicle License and Registration Act for "powersports vehicle" and "powersports vehicle dealer". Effective 11-1-2010.

**HB 2918 (Shannon/Eason McIntyre):** Creates new special license plates for Buffalo Soldiers, Oklahoma Blood Institute, U.S. Air Force Academy Alumni, Operation Enduring Freedom Veterans, Star Spencer High School, Northeast High School, Oklahoma City Central High School, Historic Greenwood District, Oklahoma Rifle Association, Oklahoma City Thunder, Oklahoma State Capitol Restoration and Prevent Blindness. Reauthorizes plates for Zeta Phi Beta and Phi Beta Sigma and eliminate certain fundraising plate for Oklahoma City Thunder. Effective 11-1-2010.

**HB 2935 (Russ/Bingman):** Modifies procedures relating to the ad valorem tax assessment roll by requiring the county assessor to make changes within a specified period of time if real estate is conveyed between October 1<sup>st</sup> and December 31<sup>st</sup>. Prohibits the county treasurer from sending out delinquent tax notices unless the address has been verified. Effective 11-1-2010.

**HB 3166 (Hickman/Mazzei):** Provides a new definition under the Streamlined Sales Tax Agreement for "Model 4 Seller". Provides that all sales by florists are sourced to the business location, not the point of delivery. Modifies certain procedures relating to the intercept of a tax refund to pay a debt to a municipal court, district court or state agency. Requires certain tax preparers to file electronically. Provides a sales tax exemption for the sale of gold, silver, platinum, palladium or other bullion items sold as precious metal or as an investment and stored within a recognized depository facility. Effective 11-1-2010.

**HB 3422 (Miller/Jolley):** Modifies definition relating to the Taxpayer Transparency Act. Requires the Office of State Finance to update the Open Books website with a specified expanded database. Authorizes the disclosure of certain otherwise confidential tax information by the Tax Commission. Requires the Commission to

prepare and maintain a list of all taxpayers who have claimed any tax credit authorized by state law administered by the Tax Commission and requires the Office of State Finance to post certain specified other information on the website. Also requires certain information relating to tax credit for specified venture capital investments to be made public. Effective 7-1-2010.

### SUNSET MEASURES

HB 2281 (Wright/Aldridge): Recreates the Electronic Information Technology Accessibility Advisory Council until 2014. Effective 8-27-2010.

HB 2282 (Wright/Aldridge): Recreates the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board until 2014. Effective 8-27-2010.

HB 2283 (Wright/Aldridge): Recreates the Electronic and Information Technology Accessibility Advisory Council and the Oklahoma Strategic Military Commission until 2014. Effective 8-27-2010.

HB 2284 (Wright (John)/Aldridge): This measure recreates the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma under the Oklahoma Sunset Laws to continue until 7-1-2014. Effective 8-27-2010.

HB 2285 (Wright/Aldridge): Recreates the Long-Term Care Facility Advisory Board until 2014. Effective 8-27-2010.

HB 2286 (Wright (John)/Aldridge): This measure recreates the Oklahoma Accountancy Board under the Oklahoma Sunset Laws to continue until 7-1-2014. Effective 8-27-2010.

HB 2287 (Wright/Aldridge): Recreates the Commission on Marginally Producing Oil and Gas Wells until 2014. Effective 8-27-2010.

HB 2288 (Wright (John)/Aldridge): This bill recreates the Oklahoma Funeral Board under Oklahoma Sunset Laws to continue until 7-1-2014. Effective 8-27-2010.

HB 2289 (Wright (John)/Aldridge): This bill recreates the State Board of Licensure for Professional Engineers and Land Surveyors under

Oklahoma Sunset Laws to continue until 7-1-2014. Effective 8-27-2010

HB 2290 (Wright/Aldridge): Recreates the Oklahoma Board of Licensed Alcohol and Drug Counselors until 2014. Effective 8-27-2010.

### TOURISM & WILDLIFE MEASURES

SB 1275 (Gumm/Carey): Allows taxidermists to sell unclaimed taxidermy to other Oklahoma residents six months following notification that the specimen is completed for an amount not to exceed the original price for mounting the specimen. Effective 11-1-2010.

SB 1347 (Schulz/McNiel): Renames the Division of Travel and Tourism to the Travel Promotion Division and creates the Oklahoma Tourism Promotion Advisory Committee. Effective 7-1-2010.

SB 1519 (Johnson/Miller): Authorizes the Scenic Rivers Commission to charge an annual use fee of \$10.00 for each noncommercial, privately owned device or a use fee of \$1.00 per day for all noncommercial, privately owned floatation devices floating upon state-designated scenic rivers. Effective 8-27-2010.

SB 1594 (Marlatt/Sanders): States the use of crossbows and conventional longbows with a device that permits the bow to be held mechanically at full or partial draw, shall be a legal hunting method during any open season when conventional longbows are a legal means of take. Effective 7-1-2010.

HB 1889 (Richardson/Sparks): Allows the Wildlife Conservation Commission to establish Oklahoma as a member of the Interstate Wildlife Violator Compact and designate procedures for implementation. Effective 7-1-2010.

HB 2629 (Jones/Burrage): Authorizes the Will Rogers Memorial Commission and the J.M. Davis Memorial Commission to transfer certain museum objects to other state agencies and nonprofit museums when the items are duplicates or are outside the scope of the museum collections. Effective 6-5-2010.

HB 2861 (Richardson/Garrison): Increases fines for certain wildlife violations and provides restitution in cases involving illegal killing or possession of wildlife. Allows courts to sus-

pend or revoke hunting and fishing licenses privileges depending on the type of violation and a person's previous record or violations. Effective 4-12-2010.

**HB 2862(Richardson/Justice):** Specifies the Wildlife Conservation Commission can establish annual three-day user licenses for people who do not have a hunting or fishing license for lands owned by the Oklahoma Department of Wildlife Conservation. Effective 8-27-2010.

**HB 2963 (Sears/Schulz):** Consolidation of Hunting and Fishing License bill. The bill does the following:

- Creates new hunting licenses and fees that expire on June 30 of the year issued. The following June 30-expiration hunting licenses are created: annual nonresident license for game other than deer, antelope, or elk, annual resident hunting licenses for those 18 years of age or older, annual resident hunting licenses for those 16 or 17 years of age, and the annual resident combination hunting/fishing license.
  - Creates one senior citizen lifetime hunting/fishing license.
  - Raises the annual nonresident fishing license fee and changes the 5-day nonresident fishing license to a 6-day license.
  - Increases nonresident hunting license fee across the board.
  - Adds black bear to a list of species exempt from a substitute temporary license and 5 day nonresident hunting license.
  - Sets the fee for both the senior citizen lifetime hunting and fishing license for persons 65 years of age and older.
  - Allows a resident 18 years-of-age or under to pay for a lifetime hunting, fishing, or combination license in installments, not to exceed a 3-year period.
  - Exempts persons with a lifetime hunting or lifetime combination license from trapping license requirements.
  - Makes the state fishing license valid for trout fishing, thereby eliminating the current fees for trout fishing.
- Effective 1-1-2011.

### TOURISM FUNDING

**SB 1561** appropriates \$22,503,229 to the Department of Tourism and Recreation. This is a

\$1,462,972 decrease over the agency's FY'10 appropriation.

Several adjustments will be made to the department and its operations to address the reduced budget. The agency has reduced staffing levels by 42, including 5 layoffs at Roman Nose State Park. Furlough days for department employees will be implemented. Promotion efforts are to be cut 18%, and issues of Oklahoma Today will be a smaller size.

Beginning FY '11, the Tourism Promotion and Parks Capital Improvement portion of the sales and use tax will decrease from 0.93% to 0.87% of the total revenue. The agency will be authorized to spend up to 20% of these funds on operations instead of capital projects to help deal with the budget cuts.

### TRANSPORTATION MEASURES

**SB 1394 (Jolley/McDaniel):** Designates a section of Broadway Extension near Edmond as the "U.S. Navy Captain Steven L. Farley Memorial Interchange". Effective 11-1-2010.

**SB 1635 (Nichols/Billy):** Designates a section of SH 76 in Blanchard as the "Don Bowser Memorial Highway". Effective 4-13-2010.

**SB 1636 (Justice/Osborn):** Names a portion of SH 81 in Chickasha as the "Don R. Dunn Memorial Highway". Effective 8-27-2010.

**SB 1684 (Aldridge/Banz):** Authorizes a board of directors of a circuit engineering district to establish a County Energy District Authority if they choose to do so for the purpose of reducing energy costs in county engineering district buildings. Effective 8-27-2010.

**SB 1713 (Gumm/Buck):** Designates portions of state highways memorializing the following persons: Corporal Michael Eyre Thompson (Madill), Sergeant Clint E. Williams (Madill), and Chief Warrant Officer Brady Rudolf (Durant) and in Carter County a portion of State Highway 77 is designated as the "Three Hero Highway: Honoring and In Memory of District Attorney Mitchell D. Sperry, Sheriff Harvey Burkhardt and State Representative Terry Hyman". Effective 11-1-2010.

**SB 1785 (Bingman/McCullough):** Designates a portion of SH 66 in Sapulpa as the Officer

Larry W. Cantrell and Mr. Charles L. Cantrell Memorial Highway". Effective 4-20-2010.

SB 1940 (Marlatt/Sanders): This measure raises the public bidding required limit of the estimated costs for bridge reconstruction projects from \$300,000.00 to \$400,000.00. Effective 5-10-2010.

SB 1941 (Marlatt/Nelson): This measure creates the Innovative Funding for Oklahoma Roads Task Force until December 1, 2011, for the purpose of studying and evaluating innovations, technologies and methods to adequately and equitably fund road and bridge construction and maintenance. The task force shall also study proposed reforms to the federal highway law funding formula which encourages states to adopt new funding methods to increase their share of federal-aid dollars. The task force has eleven members and appointments will be made by July 1, 2010. The group is directed to report its findings before December 1, 2011. Effective 5-4-2010.

SB 2137 (Nichols/Billy): Designates SH 62 within the city limits of Blanchard as the "Veterans Memorial Highway". Effective 4-19-2010.

SB 2173 (Branan/Shannon): Transfers certain monies dedicated to the construction and maintenance of county roads and bridges from under the control and direction of the Oklahoma Department of Transportation back to the counties through the Statewide Circuit Engineering District Revolving Fund. The bill authorizes funds to be distributed to the various counties based on a formula developed by ODOT and approved by the DOT County Advisory Board which shall be similar to the current distribution of monies in the Country Bridge Program but it shall allow counties to take into consideration the effect of terrain and traffic volume related to county road improvement and maintenance costs. The bill further directs some monies to the Statewide Circuit Engineering District Revolving Fund and requires counties to notify ODOT at least 21 days prior to accepting public bids on road or bridge projects in a county and the Department will make this information available to the public on their website. SB 2173 amends current law to allow counties to use state and/or federal matching funds if they are available for costs associated with constructing bituminous sur-

face treatment or gravel roadways. Effective 7-1-2010.

SB 2179 (Branan/Thompson): This bill modifies current statutes governing outdoor advertising by clarifying the regulation of certain billboards which are intended to be read by drivers on roadways subject to the regulatory control of ODOT. This bill attempts to clarify regulation of billboards in certain urban areas in response to complaints from nearby property owners. The bill further streamlines the process governing condemnation of billboards when relocations are required due to highway relocations. Effective 7-1-2010.

HB 1006 (Wesselhoft/Russell): Designates a section of Interstate 40 in Oklahoma County as the "Billy B. Walkabout Memorial Highway". Effective 8-27-2010.

HB 2306 (Murphrey/Anderson): This bill authorizes the boards of county commissioners to work with federal, state, municipal, and public school districts in an effort to minimize costs to those entities. It further authorizes the boards of directors of rural road improvement districts to establish rules and regulations for the construction and maintenance of culverts and drainage projects in their districts. Effective 7-1-2010.

HB 2322 (Roan/Ellis): This measure creates the "Casey Lewis Act" which modifies current statutes requiring drivers turning left to yield the right-of-way to vehicles approaching from the opposite direction when such vehicle is so close as to constitute an immediate hazard when initiating such turn. It removes language relating to approaching intersections. The bill also amends the statute defining "Class D motor vehicles" by clarifying that certain vehicles owned by local government entities must be operated by licensed drivers and it modifies the definition of a motorcycle. Effective 11-1-2010.

HB 2609 (Liebmann/Branan): Dealing with the same subject material as SB 2179, outdoor advertising, this measure was the first attempt to clarify the regulation of certain billboards located on highways and their intent to be read by drivers on the roadway as opposed to nearby property owners. SB 2179 amends sections previously enacted in this measure. Effective 4-16-2010.

HB 2621 (Glenn/Wyrick): Designates a portion of SH 25 in Ottawa County as the “Fern Holland Memorial Highway”; a portion of US Highway 59 near Heavener as the “Tommy Azlin Memorial Highway”; the bridge crossing Polk Creek on the Poteau Bypass as the “Joe Hempill Memorial Bridge”; the bridge crossing McMurtry Creek on the Poteau Bypass as the “F.L. Holton Memorial Bridge”; the bridge on SH 4 crossing the Canadian River between Mustang and Tuttle as the “State Representative Tim Pope Memorial Bridge”; and a portion of SH 11 in Blackwell as the “USMC Cpl. Jeremy D. Allbaugh Memorial Highway”. Effective 11-1-2010.

HB 2696 (Roan/Crutchfield): Designates a portion of SH 7 near Atoka as the “Master Sergeant Houston K. Blackburn Memorial Highway”; a portion of SH 48 near the Johnston County Line as the “PFC Lonnie D. Loyd, Jr. Memorial Highway”; the bridge on SH 31 in Coal County as the “George Freas Memorial Bridge”; the bridge crossing Bull Creek in Craig County as the “Fallen Heroes Memorial Bridge”; a portion of Interstate 44 in Comanche County as the “95<sup>th</sup> Division Memorial Highway”; a portion of SH 46 as the “E.A. Woods Memorial Highway”; a portion of Interstate 35 in Oklahoma City as the “Representative Opio Toure Memorial Highway”; a portion of SH 11 in Blackwell as the “USMC Cpl. Jeremy D. Allbaugh Memorial Highway”; a portion of SH 88 between Inola and Claremore as the “James W. Summerlin Memorial Highway”; a portion of SH 66 in Sayre as the “Walter Merrick Memorial Highway”; a portion of SH 152 in Sayre as the “Raymond Mallouf Memorial Highway”; the bridge on US Highway 81 crossing the Canadian River between Union City and Minco as the “Frank Drew Memorial Bridge”; a portion of US Highway 81 in Union City as the “Dr. D.P. Richardson, M.D. Memorial Highway” and the bridge on SH 63 in Pittsburg County as the “E.F. (Doc) Coker Bridge”. Effective 5-10-2010.

HB 2846 (Joyner/Branan): Modifies statutes governing regional economic development and transportation authorities, organized by local governmental entities, by defining terms and authorizing such authorities to levy a sales tax upon a vote of the citizens within the affected areas for the purpose of planning, financing, construction, maintenance and operation of transportation and regional economic development projects within the boundary of the authority. The bill amends current law to provide

such authority shall exist for the duration of the operation and no longer than one year after cessation of the operation. Effective 11-1-2010.

HB 2882 (Luttrell/Sweeden): Designates a portion of SH 177 as the “Tribal Elder Parrish Williams Memorial Highway”; a portion of US Highway 77 in Ponca City as the “Dr. Martin Luther King, Jr. Memorial Parkway” and the bridge on SH 3E near Bowlegs as the “Marcus Eugene Mills Memorial Bridge”. Effective 11-1-2010.

HB 2919 (Morgan/Myers): This measure creates the “Aircraft Pilot and Passenger Protection Act” the intent of which is to regulate obstructions to air navigation and use of land in close proximity to public-use airports. The bill does not affect municipalities from regulating land use near public-use airports and it does not apply to existing structures. The act requires owners of proposed structures within a three-mile area surrounding a public-use airport to obtain a permit from the Oklahoma Aeronautics Commission prior to construction. The Commission is authorized to charge reasonable fees for such permits, not to exceed \$200.00 per application. (HB 2919 duplicates the language in SB 1960 which was vetoed by Governor Henry.) Effective 10-1-2010.

HB 2958 (Wright/Justice): This measure adds hay as an exemption from certain restrictions governing secure fastening of loads on motor vehicles and it adds a definition for a “split tandem axle” to the current statutes governing oversize vehicles. Effective 11-1-2010.

HB 2967 (Shannon/Branan): This bill updates current statutes to allow electronic manifests and similar documents to serve as “certificates” as required for overweight vehicles. Effective 7-1-2010.

HB 2971 (Sanders/Marlatt): Directs the interest accrued from the investment of monies in the Emergency and Transportation Revolving Fund to be credited to the Statewide Circuit Engineering District Revolving Fund. Effective 6-6-2010.

HB 3220 (Benge/Bingman): Authorizes the Oklahoma Turnpike Authority to construct a new turnpike in Tulsa between Interstate 44 at 49<sup>th</sup> West Avenue to the L.L. Tisdale Expressway. Effective 4-20-2010.

**TRANSPORTATION FUNDING**

The Department of Transportation received an FY'11 authorization in the amount of \$114,771,010. The authorization represents a significant decrease from last year; however, HB 2434 authorized ODOT to issue a \$215 million bond issue to cover the authorization decrease and continue funding road and bridge improvements.

In addition, SB1466 increased the annual ROADS fund allocation from \$30 million to \$35.7 million and increased the overall cap on the fund from \$370 million to \$400 million.

### **VETERANS & MILITARY AFFAIRS MEASURES**

**SB 2037** (Newberry/Jordan): Requires the Department of Central Services to provide a state flag to members of the Armed Services killed in the line of duty. Provides a notice to the state senator and representative to give them an opportunity to send a letter of condolence. Effective: 11-1-2010

**SB 2260** (Russell/Wesselhoft): Allows executive branch state employees who are in the U.S. Air Force Auxiliary Civil Air Patrol to be granted leave with pay to participate in specialized disaster relief services. Private employers and school administrators are encouraged to allow employees and students to participate in volunteer disaster service programs. Effective 11-1-2010.

**HB 2292** (Duncan/Russell): Allows the Adjutant General to receive financial donations to be expended for mementos, presentations or participation in events to promote the interests of the Military Department or Oklahoma National Guard. It authorizes the Adjutant General to make and publish a policy concerning compensation and benefits for members of the Oklahoma National Guard. It amends the membership of the Oklahoma National Guard Relief Program review board. Repeals the Awards and Decorations Act of 1961, provisions relating to determination of character and Inactive National Guard. Effective 5-6-2010.

**HB 2571** (Wesselhoft/Russell): Amends the Oklahoma Missing in America Act. It authorizes a funeral establishment to transfer unclaimed cremated remains to certain charitable organizations approved by the Military Department if it is discovered that the remains are those of a military veteran. Effective: 11-1-2010

**HB 3383** (Terrill/Barrington): Amends surcharges for certain alcohol and low-point beer related licenses. Provides for the expiration of certain non-resident seller licenses. Sets a maximum amount of alcohol allowed to be transported into Oklahoma by military personnel who are returning from active assignments outside the United States. Allows certain transport of alcoholic beverages from one licensed premises to another for certain events

held at facilities owned by the state or political subdivision. Effective 5-28-2010.

**HJR 1088** (Banz/Reynolds): A resolution waiving the 30-day legislative review period for amendments to rule OAC: 770-10-1-4 regarding waiting lists for admission to Oklahoma Veterans Centers for eligible veterans. Effective 8-27-2010.

### **VETERANS & MILITARY AFFAIRS FUNDING**

The Oklahoma Military Department received an FY'11 appropriation in the amount of \$10,787,365, a 5 percent decrease over FY'10. \$44,278 was kept in the Department's base budget to cover debt service payments on outstanding bonds.

### **SENATE & HOUSE CONCURRENT RESOLUTIONS**

**SCR 34** (Johnson (Constance)/McDaniel (Randy)): Designating November 14, 2010 as Diabetes Awareness Day. Adopted 4-5-2010.

**SCR 35** (Ellis/Bailey): Recognizing the Oklahoma Forest Heritage Center Museum as the Wood Art Capitol of Oklahoma. Adopted 2-17-2010.

**SCR 37** (Justice/DeWitt): Congratulating U.S. Senator Jim Inhofe for earning the Farm Bureau's Golden Plow Award. Adopted 2-9-2010.

**SCR 38** (Mazzei/Trebilcock): Commending Danny Cahill as the Biggest Loser. Adopted 2-9-2010.

**SCR 39** (Garrison/McPeak): Recognizing February 12 as Drop Out Prevention Day. Adopted 2-25-2010.

**SCR 42** (Burrage/Jones): Authorizing the Board of Regents to issue bonds for Rogers State University. Adopted 5-27-2010.

**SCR 43** (Burridge/Jones): Authorizing the Board of Regents to issue bonds for Rogers State University. Adopted 5-27-2010.

SCR 44 (Burrage/Jones): Authorizing the Board of Regents to issue bonds for Rogers State University. Adopted 5-27-2010.

SCR 45 (Marlatt/Sanders): Designating the 2010 Official State Chuckwagon Event. Adopted 4-5-2010.

SCR 46 (Leftwich/Denney): Recognizing March 2010 as National Colon Cancer Awareness Month in the State of Oklahoma. Adopted 3-24-2010.

SCR 48 (Brown/Kirby): Designating the Honor and Remember Flag as the state's emblem of service and sacrifice. Adopted 3-24-2010.

SCR 49 (Corn/Brannon): Honoring the memory of Joe Paul Hemphill. Adopted 5-27-2010.

SCR 50 (Corn/Brannon): Mourning the loss of civic leader F.L. Holton. Adopted 5-27-2010.

SCR 54 (Newberry/Sullivan): Celebrating the life of Pastor Billy Joe Daugherty. Adopted 4-14-2010.

SCR 60 (Halligan/Denney): Congratulating Ali Aufleger upon her selection as the 2010 Oklahoma Junior Miss. Adopted 5-28-2010.

SCR 63 (Coffee/Benge): Designating May 12, 2010 as T. Boone Pickens Appreciation Day. Adopted 5-12-2010.

SCR 64 (Coffee/Benge): Authorizing the employment of legal counsel to file a lawsuit relating to health insurance. Adopted 5-28-2010.

SCR 65 (Coffee/Benge): Sets forth the legislative procedure schedule for the 53rd Legislature. Adopted 5-28-2010.

HCR 1045 (Shoemaker/Ballenger): Memorializing Congress to oppose certain legislation regarding domestic horses. Adopted 5-28-2010.

HCR 1047 (McDaniel (Randy)/Newberry): Support for leaving the regulation of the insurance industry at the state level. Adopted 4-21-2010.

HCR 1048 (Wesselhoft/Adelson): Supporting the Nation of Israel and congratulating Israel on 62nd anniversary of its founding. Adopted 5-6-2010.

HCR 1050 (Benge/Coffee): Congress to provide health care for the elderly, uninsured and poor persons by implementing grants to states. Adopted 5-27-2010.

HCR 1051 (Armes/Bass): Proclaiming March 1, 2010 as Red Cross Day and March as Red Cross Month. Adopted 3-3-2010

HCR 1052 (McCullough/Newberry): Declaring The Glenpool Project to be in the best interest of the citizens of this state. Adopted 3-3-2010

HCR 1053 (Wright (Harold)/Schulz): Proclaiming Mitochondrial Disease Awareness Week. Adopted 4-21-2010.

HCR 1056 (Armes/Justice): Proclaiming April 7, 2010 as 4-H Day at the Capitol. Adopted 4-8-2010.

HCR 1060 (Martin (Scott)/Nichols): Naming Rebecca Anderson Nurse of the Day in perpetuity on April 19 each year. Adopted 4-20-2010.

HCR 1063 (Dorman/Eason McIntyre): Acknowledging the accomplishments of Mr. Leon Russell and his induction into the Rock and Roll Hall of Fame. Adopted 5-28-2010.

HCR 1064 (Tibbs/Marlatt): Designating November 2010 as Pancreatic Cancer Awareness Month. Adopted 5-13-2010.

HCR 1067 (DeWitt/Justice): Urging Congress to protect and support the Capper-Volstead Act and other related federal statutes. Adopted 5-28-2010.

HCR 1068 (Faught/Brown): Proclaiming August 7, 2010 as Oklahoma Purple Heart Day. Adopted 5-28-2010.

## **SENATE & HOUSE RESOLUTIONS**

SR 76 (Crain): Encouraging the State Department of Health to develop and distribute the WIC Cookbook. Adopted 5-28-2010.

SR 77 (Crain): Encouraging schools to offer healthy snacks for children. Adopted 5-28-2010.

SR 78 (Ivester): Encouraging training for first responders in dealing with Alzheimer's disease. Adopted 5-28-2010.

SR 79 (Branan): Encouraging condition information labeling for prescribed medications. Adopted 3-30-2010.

SR 81 (Leftwich): Honoring Eric Berry as the 2009 Jim Thorpe Award winner. Adopted 2-4-2010.

SR 82 (Newberry): Supporting pregnancy resource centers. Adopted 2-4-2010.

SR 83 (Coates): Honoring the many accomplishments of Dawn Welch. Adopted 2-8-2010.

SR 84 (Paddack): Congratulating Taylor Treat upon her selection as Miss Oklahoma 2009. Adopted 2-24-2010.

SR 85 (Eason McIntyre): Designating March 2010 as Social Workers Month in Oklahoma. Adopted 3-18-2010.

SR 86 (Eason McIntyre): Supporting the naming of a U.S. Post Office after the Chappelle Family. Adopted 2-18-2010.

SR 87 (Lamb): Congratulating Rumble the Bison on the occasion of his first birthday. Adopted 2-18-2010.

SR 88 (Johnson (Constance)): Commending the career of Sheila Ford. Adopted 3-1-2010.

SR 90 (Johnson (Constance)): Honoring the sponsors of Pennies for Peace – Oklahoma. Adopted 5-28-2010.

SR 91 (Coffee): Praising the life and career of the late John Warren Crawford. Adopted 4-6-2010.

SR 92 (Branan): Praising the life and career of Charles Israel. Adopted 3-2-2010.

SR 93 (Leftwich): Designating March as Women's History Month in Oklahoma. Adopted 3-29-2010.

SR 94 (Lamb): Designating March 9, 2010 as Railroad Day in the State of Oklahoma. Adopted 3-10-2010.

SR 95 (Ballenger): Declaring April 5-9, 2010 as County Government Week in Oklahoma. Adopted 4-8-2010.

SR 96 (Wyrick): Commending Northeastern Oklahoma A&M College on their 90th academic year. Adopted 3-24-2010.

SR 97 (Corn): Expressing gratitude to Dr. Hoat for his service to the Vietnamese Community. Adopted 4-13-2010.

SR 98 (Bingman): Commending the Boys and Girls Clubs of Oklahoma and designating March 25, 2010 as Boys and Girls Clubs Day. Adopted 3-29-2010.

SR 99 (Johnson (Constance)): Urging that questionable arson convictions be reviewed. Adopted 3-24-2010.

SR 100 (Anderson): Congratulating the Enid High School Constitution class. Adopted 3-24-2010.

SR 101 (Justice): Declaring March 25, 2010 as Ag Day in the State of Oklahoma. Adopted 3-29-2010.

SR 102 (Anderson): Recognizing Lew Meibergen as the 2010 winner of the Governor's Outstanding Achievement Award in Agriculture. Adopted 3-29-2010.

SR 103 (Branan): Commending the Putnam City High School boys basketball team. Adopted 4-13-2010.

SR 104 (Garrison): Commending the Roynonton-Moton Girls Class B State Basketball Champions. Adopted 3-30-2010.

SR 105 (Eason McIntyre): Congratulating Currie Ballard upon his induction into the Oklahoma Historians Hall of Fame. Adopted 5-3-2010.

SR 108 (Leftwich): Designating April 6, 2010 as Oklahoma Employee Benefits Day. Adopted 4-7-2010.

SR 109 (Branan): Designating April 7, 2010 as National Start! Walking Day. Adopted 4-12-2010.

SR 110 (Laster): Congratulating the OBU Bison boys basketball team upon winning the NAIA Championship. Adopted 4-15-2010.

SR 111 (Anderson): Commending Church Women United, Inc. and their Ribbons of Tangible Hope. Adopted 4-19-2010.

SR 112 (Rice): Commemorating the 15th anniversary of the Murrah Building bombing. Adopted 4-20-2010.

SR 113 (Sparks): Commending the University of Oklahoma's Women's basketball team. Adopted 4-21-2010.

SR 114 (Sykes): Congratulating retired Newcastle Principal Joe Cox upon his selection as Newcastle Citizen of the Year. Adopted 5-5-2010.

SR 115 (Russell): Commending Virgil Van Dyck as the oldest living D-Day Oklahoman. Adopted 5-11-2010.

SR 116 (Johnson (Constance)): Commending the Millwood High School boys basketball team for winning the Class 3A State Championship. Adopted 5-28-2010.

SR 117 (Johnson (Constance)): Commending the Douglass High School boys basketball team for winning the 2010 4A St Championship. Adopted 5-3-2010.

SR 118 (Halligan): Commending Coach Dave Smith and his Oklahoma State University Cross Country Team. Adopted 5-11-2010.

SR 119 (Johnson (Constance)): Congratulating the Star Spencer High School Bobcats football team for winning the 2009 Class 4A St Championship. Adopted 5-28-2010.

SR 120 (Coates): Commending the Troopers of the Year for Heroism. Adopted 5-4-2010.

SR 121 (Sweeden): Designating October 2010 as Housing America Month in Oklahoma. Adopted 5-11-2010.

SR 122 (Marlatt): Designating June 2010 as RV Centennial Celebration Month in Oklahoma. Adopted 5-12-2010.

SR 123 (Johnson (Constance)): Congratulating Dr. Scruggs and Dr. Reed. Adopted 5-28-2010.

SR 124 (Newberry): Commending Reverend Hassan Mansaray for rescuing children. Adopted 5-13-2010.

SR 125 (Rice): Commending the Oklahoma City Thunder professional basketball team. Adopted 5-24-2010.

SR 126 (Ivester): Congratulating the Sentinel Lady Bulldogs for winning the Class 2A State

Slow-Pitch Championship. Adopted 5-21-2010.

SR 127 (Ivester): Commending the Elk City High School boys golf team. Adopted 5-21-2010.

SR 128 (Gumm): Commending the Silo High School Boys Baseball Team as the Class 2A State Champions. Adopted 5-20-2010

SR 129 (Garrison): Promoting the Oklahoma Music Trail. Adopted 5-27-2010.

SR 130 (Russell): Asking Congress to correct the disabled veteran ten-year rule. Adopted 5-24-2010.

SR 133 (Johnson (Constance)): Congratulating the Black Chronicle for 30 years of operation. Adopted 5-28-2010.

SR 134 (Barrington): Commending the Fletcher High School Wildcats Baseball Team. Adopted 5-21-2010.

SR 135 (Johnson (Constance)): Praising the Haitian relief effort. Adopted 5-28-2010.

SR 136 (Garrison): Praising the academic career of Dr. Jerry D. Carroll. Adopted 5-24-2010.

SR 137 (Johnson (Constance)): Commending Sam L. Sibert upon his induction into the Oklahoma State College Alumni Hall of Fame. Adopted 5-28-2010.

SR 138 (Lamb): Provides for the protection of property and supplies of the Senate in the 2010 interim. Adopted 5-27-2010.

SR 139 (Johnson (Constance)): Honoring the life and career of the late Leodies Robinson. Adopted 5-28-2010.

SR 140 (Anderson): Praising the public career of the late Senator Robert Milacek. Adopted 5-27-2010.

SR 141 (Laster): Expressing gratitude to Senator Kenneth Corn. Adopted 5-25-2010.

SR 142 (Laster): Expressing gratitude to Senator Johnnie Crutchfield. Adopted 5-25-2010.

SR 143 (Laster): Expressing gratitude to Senator Mary Easley. Adopted 5-25-2010.

SR 144 (Laster): Expressing gratitude to Senator Joe Sweeden. Adopted 5-25-2010.

SR 145 (Myers): Honoring Grant County Veterinarian Harry "Doc" James. Adopted 5-27-2010.

SR 146 (Bingman): Calling on federal officials to refrain from certain regulation of Internet broadband services. Adopted 5-28-2010.

HR 1068 (Steele): Proclaiming April 24, 2010 Kelsey Briggs Day. Adopted 2-18-2010.

HR 1069 (Lamons): Commending Dr. C. Rieger Wood for his many contributions. Adopted 3-4-2010.

HR 1070 (Liebmann): Designating Railroad Day. Adopted 3-10-2010.

HR 1072 (Sanders): Declaring April 5 through 9, 2010 County Government Week. Adopted 4-8-2010.

HR 1073 (Glenn): Recognizing the ninetieth academic year of Northeastern Oklahoma A&M College. Adopted 3-24-2010.

HR 1074 (Armes): Proclaiming March 25, 2010 as Agriculture Day at the State Capitol. Adopted 3-29-2010.

HR 1075 (Sanders): Commending the Boys and Girls Clubs and designating Boys and Girls Clubs Day. Adopted 3-29-2010.

HR 1076 (Ortega): Recognizing Employee Benefits Day. Adopted 4-7-2010.

HR 1077 (McDaniel (Randy)): Proclaiming April 7, 2010 as National Start! Walking Day. Adopted 4-8-2010.

HR 1078 (Benge): Congratulating Larry Watkins upon the occasion of his retirement. Adopted 4-6-2010.

HR 1079 (Dorman): Commending the crews and support personnel who restored electricity following the winter storm. Adopted 4-13-2010.

HR 1080 (Hoskin): Commending the life of Wilma Mankiller. Adopted 4-8-2010.

HR 1081 (Jackson): Proclaiming Sunday, April 18, 2010 as Church Women United Day. Adopted 4-19-2010.

HR 1082 (McNiel): Commending Millard C. Pickering. Adopted 4-19-2010.

HR 1086 (Nations): Commending the University of Oklahoma Women's Basketball Team. Adopted 4-21-2010.

HR 1087 (Kern): Supporting pregnancy resource centers. Adopted 5-10-2010.

HR 1089 (Denney): Observing May 6, 2010 as the National Day of Prayer. Adopted 5-3-2010.

HR 1090 (Wesselhoft): Encouraging legislation which supports democratic aspirations of Iranian people. Adopted 5-11-2010.

HR 1091 (Nations): Proclaiming Bob Barry, Sr. Day. Adopted 5-6-2010.

HR 1092 (Williams): Commending the OSU Men's Cross Country Team and commending their coach. Adopted 5-27-2010.

HR 1099 (Wesselhoft): Protecting children against assault of indecent television programming. Adopted 5-27-2010.

HR 1102 (Benge): Expressing appreciation for service of Carlis E. Bruce to the Oklahoma House of Representatives. Adopted 5-28-2010.

HR 1104 (Derby): Proclaiming Leonard Pirtle Day in recognition of forty years of pastoral ministry. Adopted 5-28-2010.

### **VOTE OF THE PEOPLE**

**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, Okla-

homa 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 re-written by the Attorney General):

This measure amends Sections 11A and 11B of Article 5 of the Oklahoma Constitution. These provisions deal with how the Legislature is divided into districts. This process is known as apportionment. The Legislature must make an apportionment after each ten-year federal census. If the Legislature fails to act, an Appor-

tionment Commission must do so. The measure changes the name of this Commission. It removes all three existing Commission members. It removes the Attorney General. It removes the Superintendent of Public Instruction. It also removes the State Treasurer.

The measure increases the number of members from three to seven. The President Pro Tempore of the Senate appoints one Democrat and one Republican. The Speaker of the House of Representatives appoints one Democrat and one Republican. The Governor appoints one Democrat and one Republican.

The measure provides that the Lieutenant Governor chairs the Commission and is a nonvoting member. It requires order of apportionment to be signed by at least four members of the Commission.

**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 re-written by the Attorney General):

This measure amends a section of the State Constitution. The section deals with initiative petitions. It also deals with referendum petitions. It deals with how many signatures are required on such petitions. It changes that requirement.

“Initiative” is the right to propose laws and constitutional amendments. “Referendum” is the right to reject a law passed by the Legislature.

The following voter signature requirements apply.

8% must sign to propose a law.

15% must sign to propose a change to the State Constitution.

5% must sign to order a referendum.

These percentages are based upon the State office receiving the most total votes at the last General Election. The measure changes this basis. The measure’s basis uses every other General Election. General Elections are held every two years. The Governor is on the ballot every four years. The measure’s basis only

uses General Elections with the Governor on the ballot.

The President is on the ballot in intervening General Elections. The measure’s basis does not use General Elections with the President on the ballot.

More votes are usually cast at Presidential General Elections. Thus, the measure would generally have a lowering effect on the number of required signatures.

**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 re-written by the Attorney General):

This measure amends the State Constitution. It adds a new Article to the Constitution. That Article deals with the State’s official actions. It dictates the language to be used in taking official State action. It requires that official State actions be in English. Native American languages could also be used. When Federal law requires, other languages could also be used.

These language requirements apply to the State’s “official actions.” The term “official actions” is not defined. The Legislature could pass laws determining the application of the language requirements. The Legislature would also pass laws implementing and enforcing the language requirements.

No lawsuit based on State law could be brought on the basis of a State agency’s failure to use a language other than English. Nor could such a lawsuit be brought against political subdivisions of the State.

**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 re-written by the Attorney General):

This measure amends a section of the Oklahoma Constitution. It amends Section 3 of Article 7-B. The measure deals with the Judicial

Nominating Commission. This Commission selects nominees to be appointed judges or justices, when a vacancy occurs. The Commission selects three, sometimes four, qualified nominees. The Governor must appoint one of the nominees.

The amendment adds two at-large members to the Commission. At-large members can come from any Oklahoma congressional district. The Senate President Pro Tempore appoints one of the new at-large members. The Speaker of the House of Representatives appoints the other. At-large members can not be lawyers. Nor can they have a lawyer in their immediate family. Nor can more than two at-large members be from the same political party.

Six non-at-large members are appointed by the Governor. They cannot be Oklahoma lawyers. The measure adds a new qualification for non-lawyer members. They can not have a lawyer from any state in their immediate family. Each congressional district must have at least one non-lawyer member.

Six lawyer members are elected by members of the Oklahoma Bar Association. Each congressional district must have at least one lawyer member.

**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 re-written by the Attorney General):

This measure adds a new section to the Oklahoma Constitution. It adds Section 55A to Article 5. The Legislature designates amounts of money to be used for certain functions. These designations are called appropriations. The measure deals with the appropriation process.

The measure limits how the Constitution could control that process. Under the measure the Constitution could not require the Legislature to fund state functions based on:

1. Predetermined constitutional formulas,
2. How much other states spend on a function,
3. How much any entity spends on a function.

Under the measure these limits on the Constitution's power to control appropriations would apply even if:

1. A later constitutional amendment changed the Constitution, or
2. A constitutional amendment to the contrary was passed at the same time as this measure.

Thus, under the measure, once adopted, the measure could not be effectively amended. Nor could it be repealed.

**Issue: Court Decisions**

**State Question 755**

**Legislative Referendum 355**

**Originating Legislation: HJR 1056 (2010)**

**Principal Authors: Senator Anthony Sykes, Representative Rex Duncan**

**Election Date: November 2, 2010**

**Ballot Title** (as re-written by the Attorney General):

This measure amends the State Constitution. It changes a section that deals with courts of this state. It would amend Article 7, Section 1. It makes courts rely on federal and state law when deciding cases. It forbids courts from considering or using international law. It forbids courts from considering or using Sharia Law.

International law is also known as the law of nations. It deals with the conduct of international organizations and independent nations, such as countries, states and tribes. It deals with their relationship with each other. It also deals with some of their relationships with persons.

The law of nations is formed by the general assent of civilized nations. Sources of international law also include international agreements, as well as treaties.

Sharia Law is Islamic law. It is based on two principal sources, the Koran and the teaching of Mohammed.

**Issue: Health Care Systems**

**State Question 756**

**Legislative Referendum 356**

**Originating Legislation: SJR 59 (2010)**

**Principal Authors: Senator Dan Newberry, Representative Mike Thompson**

**Election Date: November 2, 2010**

**Ballot Title** (as re-written by the Attorney General):

eral):

This measure adds a new section of law to the State Constitution. It adds Section 37 to Article 2. It defines "health care system." It prohibits making a person participate in a health care system. It prohibits making an employer participate in a health care system. It prohibits making a health care provider provide treatment in a health care system. It allows persons and employees to pay for treatment directly. It allows a health care provider to accept payment for treatment directly. It allows the purchase of health care insurance in private health care systems. It allows the sale of health insurance in private health care systems.

The measure's effect is limited. It would not affect any law or rule in effect as of January 1, 2010.

Nor could the measure affect or negate all federal laws or rules. The United States Constitution has a Supremacy Clause. That clause makes federal law the supreme law of the land. Under that clause Congress has the power to preempt state law. When Congress intends to preempt state law, federal law controls. When Congress intends it, constitutionally enacted federal law would preempt some or all of the proposed measure.

**Issue: Constitutional Reserve Fund**

**State Question 757**

**Legislative Referendum 357**

**Originating Legislation: SJR 51 (2010)**

**Principal Authors: Senator Mike Johnson, Representative Ken Miller**

**Election Date: November 2, 2010**

**Ballot Title** (as in enrolled version and approved by the Attorney General):

This measure amends the State Constitution. It amends Section 23 of Article 10. It increases the amount of surplus revenue which goes into a special fund. That fund is the Constitutional Reserve Fund. The amount would go from 10% to 15% of the funds certified as going to the General Revenue fund for the preceding fiscal year.

**VETOED BILLS**

**SB 738 (Coffee/Benge):** Modifies membership of the Board of Medicolegal Investigations. Authorizes the Board to override any act by the

Chief Administrative Officer (CAO) or the Chief Medical Examiner that jeopardizes the agency. Changes the name of the "Office of the Chief Medical Examiner" to the "Office of the State Medical Examiner". Directs the Office to be administered by the CAO. Directs the CAO to be appointed by the Board. Directs the Chief Medical Examiner to be appointed by the CAO. Directs the Office to maintain access to a central office in close proximity to the University of Central Oklahoma Forensic Science Institute. Authorizes the Office to contract with independent third parties. Authorizes the CAO to hire a transition coordinator to oversee the relocation of the Office. Requires the advice and consent of the Board by the Chief Medical Examiner when appointing county medical examiners. Specifies that only complete and final autopsy reports must be furnished to district attorneys or law enforcement officers and that only complete and final autopsy reports may be admitted in evidence in preliminary hearings. Repeals language that has previously been found to be unconstitutional.

**Vetoed 6-6-2010 – Veto message states that** "This legislation contains many important reforms and efficiencies, but it is fatally flawed because of one provision. SB 738 creates a new, duplicative and unnecessary position, agency transition coordinator, at the salary of \$80,000, but does not justify the need for the post. At a time when the state has been forced to cut many important programs and services, the creation of such a position cannot be justified or supported. Because SB 738 contains many other positive provisions to help make the Office of the Chief Medical Examiner more efficient and effective, I will urge the agency's governing board to administratively implement as many of those proposals as possible until the matters can be addressed in statute by the next Legislature".

**SB 828 (Marlatt/Blackwell):** This measure modifies in current statutes the definition of "public utility" to include certain electric transmission companies which are subject to federal or Corporation Commission regulation. The definition specifically excludes certain public power entities or electric cooperatives which are not subject to regulation by the Corporation Commission.

**Vetoed 6-20-2010:** Veto message states that "This bill is not in the best interest of Oklahomans, particularly landowners. It essentially makes it easier for out-of-state companies, including non-public utility companies

that contract with a public utility, to have eminent domain rights over the lands of Oklahomans. This is a major policy shift that will cost property owners in Oklahoma. It requires extensive study and deliberation and should not be enacted in the final days of the legislative session".

**SB 1073 (Crain/Sullivan):** Modifies procedures related to judgment liens.

**Vetoed 6-20-2010:** Veto message states that "this legislation could trigger unintended consequences jeopardizing federal tax credits for Oklahoma employers. Additional study is needed before such a proposal could be enacted into law".

**SB 1342 (Aldridge/Banz):** Exempts county treasurers also serving as school district treasurers from continuing education required of school district treasures.

**Vetoed 4-9-2010.** Veto message states that "citizens expect and demand that taxpayer dollars be used wisely, efficiently and effectively. Accordingly, proper training and accountability in the administration of public funding, particularly dollars earmarked to benefit schoolchildren, is essential to foster and maintain public trust. Senate Bill 1342 could impair accountability and undermine public trust by eliminating important training requirements for government officials sworn to administer and protect school funds. Given the complexities of school finance, undergoing 12 hours of specialized training once every three years is not onerous for any public official, and retaining the requirement would be in the best interest of the people of Oklahoma."

**SB 1354 (Ellis/Roan):** This measure revises the minimum and maximum ages for appointment of commissioned officers of the Oklahoma Highway Patrol Division of the Department of Public Safety. The minimum age is increased from twenty-one to twenty-three and the maximum age from forty-three to forty-five years of age.

**Vetoed 5-6-2010:** Veto message states that "this measure was vetoed to prevent duplicative legislation. HB 2325 was already signed with the same changes".

**SB 1589 (Coffee/Benge):** Creates a subclass of property of a public service corporation known as "specified wireless telecommunications property" and provides that for tax years 2010, 2011 and 2012, any new property first placed

on the tax rolls will be assessed at a 12% assessment ratio. Makes this ratio applicable only to growth in total receipts for those years.

**Vetoed 6-10-2010:** Veto message states that "ad valorem revenues are a critical funding source for public education and county governments, and significant changes to state laws governing property tax assessment policies require in-depth study and deliberation. A new state statute has authorized the creation of a task force to review such issues and help determine future policies on this complex and difficult question. It would be more appropriate for this task force and affected stakeholders to thoroughly research and debate the changes proposed in SB 1589 to determine if they are in the best interest of the state and should be enacted into law. Furthermore, during my tenure as governor, I have placed the highest priority on the advancement of public education and have done my best to direct the necessary resources for success to teachers, students and classrooms. Quality education remains the single most important issue in our continuing efforts to ensure future prosperity for our state and its people, and I cannot in good conscience support any initiative that potentially detracts from this goal".

**SB 1668 (Myers/Duncan):** This bill would remove the statutory prohibition preventing the Oklahoma Municipal Power Authority from purchasing power from or investing in any nuclear fueled electric generation facilities. This was originally enacted following the Public Service Company of Oklahoma (PSO) attempt to build the Black Fox nuclear power generation facility in the 1970's. If enacted, SB 1668 would have allowed OMPA to purchase, on behalf of their municipal customers, lower cost electricity generated by nuclear facilities if such power was available for purchase.

**Vetoed 5-24-2010:** Veto message states that "Oklahoma should do everything it can to promote the use of alternative energies, particularly homegrown fuels such as natural gas, wind power and biofuels, but it must also be careful in the type of activity it encourages in state law. While nuclear power may hold great promise for Oklahoma in the future, there are still many unanswered questions about its impact on the state energy market and its consumers. Section 2 of this legislation would authorize actions that could serve as incentives for the construction of a nuclear power plant. It would be more appropriate for the state to con-

duct an intensive study of nuclear power and such incentives before it proceeds any further".

**SB 1685 (Brogdon et al./Key et al.):** Creates the Firearms Freedom Act to make firearms, firearm accessories or ammunition manufactured or sold in Oklahoma exempt from federal law or federal regulation.

Vetoed 4-26-2010: Veto message states that "As a strong supporter of the 2nd Amendment and the holder of an A rating from the National Rifle Association, I have consistently supported and approved legislation that preserves and strengthens an individual's constitutional right to bear arms. Senate Bill 1685 does nothing to enhance 2nd Amendment protections and its unintended consequences are more likely to produce benefits for criminals in Oklahoma and potentially disastrous results for the state's law enforcement officers and law-abiding citizens. By exempting Oklahoma-manufactured guns and ammunitions from federal law, SB 1685 would enable criminals to obtain a wide array of weaponry, including fully automatic machine guns, without undergoing a simple criminal background check or meeting other basic federal requirements. Oklahoma would likely become a safe haven for domestic and international offenders seeking to elude federal gun safeguards and obtain weapons of all kinds. In the final analysis, SB 1685 would endanger law enforcement officers and citizens without doing anything to strengthen an individual's right to bear arms. Furthermore, because there is no way to ensure Oklahoma-manufactured weapons will remain in the state, this legislation violates the interstate commerce clause and is unconstitutional. Any state effort to selectively ignore federal laws will certainly draw a legal challenge and result in a costly court battle that the state cannot win".

**SB 1686 (Coates/Sullivan):** This measure attempted to modify pre-lien notice requirements and exemptions. Property occupied as a dwelling was exempt unless the pre-lien notice was sent within 75 days of the last furnishing of materials, services or labor. It attempted to increase the aggregate claim amount from \$2,500.00 to \$10,000.00 for which a pre-lien notice was not required. It further attempted to repeal provisions relating to material liens.

Vetoed 6-10-2010: Veto message states that "this legislation erodes homeowners rights by increasing the aggregate claim amount required for pre-lien notices from \$2,500 to \$10,000. Senate Bill 1686 also repeals the

state law that requires contractors to provide notice to homeowners about the lien process, eliminating an important safeguard for these consumers.

**SB 1903 (Aldridge/Sullivan):** Creates the Oklahoma Home Service Contract Act for the purpose of regulating home service contracts. Specifies that certain warranties, maintenance agreements and service contracts are not subject to the provisions of this act. Provides that the types of agreements covered by this act are not insurance. Requires providers of home service contracts subject to this act to pay certain registration, fraud and administrative fees.

Vetoed 6-10-2010: Veto message states that "one of government's many important roles is to protect consumers, particularly senior citizens, from disreputable or deceptive business practices. Senate Bill 1903 would essentially deregulate the home service warranty industry in Oklahoma, repealing oversight functions currently performed by the State Insurance Department and allowing companies to operate in the state with little more than a registration requirement. While there are many reputable home service warranty companies doing business in Oklahoma, there is no compelling reason to deregulate the industry and reduce consumer protections."

**SB 1960 (Coates/Morgan):** Creates the Aircraft Pilot and Passenger Protection Act, the intent of which is to regulate obstructions to air navigation and use of land in close proximity to public-use airports. The bill does not affect municipalities from regulating land use near public-use airports and it does not apply to existing structures. The act requires owners of proposed structures within a three-mile area surrounding a public-use airport to obtain a permit from the Oklahoma Aeronautics Commission prior to construction. The Commission is authorized to charge reasonable fees for such permits, not to exceed \$200.00 per application.

Vetoed 6-10-2010: Veto message states that "because it is duplicative of HB 2919. All of the language in this bill is contained in HB 2919, which I have signed. Therefore, signing this bill would create duplicate sections of law and cause an unnecessary and unwise waste to taxpayer dollars to later fix".

**SB 1961 (Jolley/Sullivan):** It amends Oklahoma discrimination laws concerning employment, housing and public accommodation. It prohibits certain discrimination related to ge-

netic information. It replaces the term “handicap” with “disability”. It makes these discrimination laws exclusive for discrimination issues at the state level and abolishes common law remedies concerning employment discrimination.

Vetoed 6-10-2010: Veto message states that “This legislation would impair the Human Rights Commission in its efforts to amicably resolve employment-related disputes and protect employees who have legitimate discrimination claims. Among other things, SB 1961 eliminates the commission’s ability to conduct administrative hearings on employment discrimination and triggers unintended consequences that could force more unnecessary litigation and jeopardizes the agency’s federal funding”.

SB 2008 (Coffee/Benge): Provides an alternative procedure for review of ballot titles by the Attorney General, which would allow the President Pro Tempore or Speaker to submit a proposed ballot title to the Attorney General for review as to legal correctness prior to final passage of the measure.

Vetoed 4-26-2010: Veto message states that "to ensure that voters have the best possible information to make a decision, it is critical to have a clear, concise and unbiased ballot title in the consideration of a state question. At a time when the Oklahoma Legislature is submitting more and more questions to voters for their decisions, the ballot title has become even more important. For many years, an entity independent of the legislative process, the attorney general's office, has effectively and efficiently performed the task of writing ballot titles without the concern or appearance of bias for or against any particular question. By essentially transferring this authority to the legislative leadership, Senate Bill 2008 removes the independent arbiter from this process and allows lawmakers who have already cast a ballot for or against a particular proposal to craft the ballot language that will ultimately help voters decide its fate. This change will undoubtedly lead to the appearance of and possible charges of bias in the ballot title process. Because the current system is functioning appropriately, there is no reason to change it."

SB 2046 (Brown/Ritze): Creates the Health Care Choice Act which authorizes the sale of health insurance by certain out-of-state insurers. Authorizes the Insurance Commissioner to negotiate compacts with other states in order to facilitate the out-of-state sales. Provides that the out-of-state insurers do not have to offer health benefits mandated by Oklahoma law. Authorizes the Health Insurance High Risk Pool to establish and operate other high risk pools which shall not be funded by assessments.

Vetoed 6-10-2010: Veto message states: "Senate Bill 2046 would enact a major policy change with regard to health insurance regulations by allowing out-of-state companies, unlicensed in Oklahoma, to sell policies in this state. Some contend consumers would benefit from shopping for health coverage in other states, but consumer advocates have raised legitimate concerns to the contrary. For example, they say it would be easier for companies to cherry-pick low-risk customers that are more profitable to their bottom line while deny-

ing or pricing out of coverage higher risk groups. Firms could also establish their headquarters in states with the fewest regulations and mandated treatments, resulting in fewer consumer protections and less effective coverage. Policyholders who had complaints or concerns about their coverage would have little regulatory recourse in holding their insurer accountable and would ultimately be harmed by such an arrangement. While federal health care reform might provide future safeguards to protect consumers in such scenarios, those protections are still several years away. Accordingly, this legislation could prove costly to and is not in the best interest of Oklahoma consumers at this time, and such a major policy shift requires extensive study and deliberation and should not be enacted with little discussion in the final days of the legislative session."

SB 2052 (Coffee/Benge): Creates the Oklahoma Health and Wellness Board (Board) which replaces the State and Education Employees Group Insurance Board (OSEEGIB) and the Oklahoma State Employees Benefits Council (EBC). Renames the "State and Education Employees Group Insurance Act" to the "Oklahoma Health and Wellness Act". Requires the Board to consolidate the personnel and facilities of the Board and the Board's Divisions and to identify inefficient or duplicative functions or services. Directs the Board to utilize certain amounts for the purpose of funding health savings accounts, flexible spending accounts and the wellness program. Requires the Board to establish a wellness program for all participants in the plan. Requires the Board to contract for Plan Year 2011 with a vendor that offers a HIPAA compliant web-based, doctor-patient mutual accountability incentive program. Requires state employees hired on or after November 1, 2010, to deposit any excess benefit allowance into a HSA, FSA or a deferred compensation account. Recreates the State Employees Health Insurance and Review Working Group until January 1, 2011, and renames the entity the State Employee Health Insurance and Compensation Review Working Group. Adds two more legislative members to the Group. Requires the Board to annually remit 15% of the combined administrative costs of the Board for FY10 to the state. Provides that beginning for Plan Year 2011 the benefit allowance for state employees shall never be less than the Plan Year 2010 amounts and for future Plan Years the allowance shall

be benchmarked at the amount equal to the monthly premium of the basic preferred provider organization plan offered, plus the monthly premium of the dental plan offered, the disability plan premium and the basic life insurance plan premium. Specifies that there will only be one HMO plan offered. Provides that effective November 1, 2010, all state employees shall be enrolled in a wellness program and the Wellness Council shall establish financial incentives for successful participation in the program. Requires all new eligible school district employees to participate in the cafeteria plan for major medical coverage with the benefit allowance for these employees to be used for the purchase of health insurance. Requires any excess benefit allowance to be transferred to a FSA, HSA, deferred compensation account or a Section 125 plan.

Vetoed 6-10-2010: Veto message states it "seeks to implement a major, complex policy shift in the administration and operation of the state's health insurance and benefits program for teachers and state employees. Despite the scope of the proposed changes, the final draft of this 289-page bill was not revealed to state legislators or other stakeholders until the final hours of the legislative session. While supporters' goals of an improved system and more manageable costs are laudable and desirable, there is no supporting evidence to confirm that SB 2052 would accomplish those goals and there are legitimate concerns that it might actually create a less responsive system with less manageable costs. For such a sweeping policy change to be enacted into law, it must be thoroughly researched and debated throughout the four-month session with all stakeholders at the table, not unveiled and passed in the hectic and often chaotic final moments before adjournment."

**SB 2163 (Paddack/Sullivan, Peterson):** Creates the Health Care Indemnity Trust Fund, with a Board of Trustees that oversees the fund, to pay a portion of noneconomic damages awarded by the court in professional negligence cases against Oklahoma physicians, and requires the Board to develop rules to request and review bids for insurance coverage required for the operation of the trust fund.

Vetoed 6-10-2010: Veto message states that "while I support and signed into law the 2009 tort reform bill and the provision establishing a health care indemnity fund, this legislation is not consistent with the agreement that created the original reform measure, is not in

the best interest of the state of Oklahoma and its citizens and is constitutionally flawed. Specifically, paragraph E of Section 1 of the bill authorizes legislative leaders and the attorney general to personally intervene and present evidence in cases involving the indemnity fund, thereby unfairly tipping the scales of justice against the average citizen who is on the opposing side of the case. Under the U.S. Constitution, every person is guaranteed equal treatment under the law, and nowhere is that treatment more important than in our justice system. This legislation is unfair to the citizens of this state and unconstitutional under the laws of the land".

**HB 2266 (Christian/Sykes):** Modifies the methods for carrying out the death penalty, provides that the State is not required to submit a rap sheet, date of birth, or social security number of any witness who is currently certified as a law enforcement officer when responding to a disclosure request from the defense in a trial, and allows for the appointment of counsel for indigent defendants not in custody.

Vetoed 6-9-2010: Veto message states that "while this legislation contains some positive provisions, it also places a costly, unworkable unfunded mandate on local court funds, requiring payment from local court funds of the cost of certain indigent defense cases. Those court funds were not established for that purpose, and the resources do not exist to fulfill such obligation without dramatically and negatively impacting court operations".

**HB 2310 (Murphey/Sykes):** This measure created the Oklahoma Innovation, Efficiency and Accountability Act of 2010. It modified provisions relating to applications and renewals of licenses on-line by authorizing electronic signatures. It modified requirements for travel reimbursements by changing certain requirements for use of trip odometer readings. It required the agencies to report budget information for processing payroll and financial services transactions and required certain agencies within certain percentages for operation of financial services to be contracted by the Office of State Finance. It required the Office of State Finance to establish a website for public access to reports on stimulus funds under the American Recovery and Reinvestment Act of 2009. It provided an exemption from certain requirements to the Oklahoma State Regents for Higher Education and to institutions within

The Oklahoma State System of Higher Education.

Vetoed 6-9-2010: Veto message states that "while House Bill 2310 contains some positive provisions, it contains a fatal flaw. By giving the Office of State Finance the authority to conduct performance assessments of agencies and then requiring low-scoring agencies to enter financial services contracts with OSF, the legislation creates an untenable conflict of interest".

**HB 2569 (Wesselhoft/Newberry):** The measure prohibits the Department of Public Safety from assigning any radio frequency identification tag (RFID) or utilizing any RFID ink on any driver license or identification card.

Vetoed 4-28-2010. Veto message states that "This measure was vetoed to avoid a ban of specific technology that could potentially have benefits in the future".

**HB 2575 (DeWitt/Myers):** Requires the State Department of Education (SDE) to notify school districts of any changes to the Oklahoma Cost Accounting System reporting codes and procedures for code usage by February 1 of each year. Prohibits the SDE from changing the reporting codes and procedures for code usage more than once per year.

Vetoed 5-7-2010. Veto message states that "While it may be well intended, HB 2575 triggers an unintended consequence that could reduce accountability of public school expenditures. By mandating that fiscal reporting codes cannot be changed more than once a year, the legislation makes it difficult if not impossible for state personnel to track certain expenditures and new program implementation by not being able to provide coding as needed".

**HB 2658 (Sullivan/Aldridge):** Extends the deadline for CompSource to be converted into a private insurance company until December 31, 2011, and extends the termination date of the Task Force on the Privatization of CompSource Oklahoma until December 31, 2012.

Vetoed 6-10-2010: Veto message states that "currently, all state agencies may obtain workers compensation insurance coverage from an insurer other than CompSource Oklahoma if it can be demonstrated that the policy will result in lower costs. This legislation, however, could lead to short- and long-term increases in state agencies' workers compensation premiums because the requirement to demonstrate lower costs is removed, forcing state lawmakers to shift funds from other important state programs in order to pay the higher costs. It would be poor public policy to enact legislation that unnecessarily increases state workers compensation insurance premium costs, particularly in a time of budget crisis".

**HB 2733 (Rousselot/Garrison):** Modifies requirements for placement of a child with a guardian, provides for custody by abandonment for a qualified relative, and establishes a

\$50 fee for an application for custody of a child by an adult relative.

Vetoed 4-13-2010: Veto message states that "while the supporters of HB 2733 are well intended, the legislation itself is poorly constructed and could result in a number of unintended consequences that would not benefit children or families but, instead, would create confusion, conflict and instability. I urge supporters of this legislation to work with my staff and other interested parties to address these deficiencies and submit a new bill for my consideration and signature this session".

**HB 2886 (Moore/Brown):** Authorizes the Risk Management Division of the Department of Central Services to assist any state agency in obtaining quotes for Workers' Compensation Insurance.

Vetoed 6-10-2010: Veto message states that "this legislation is a companion bill to HB 2658, which I vetoed because it increases state costs".

**HB 2894 (Walker/Schulz):** Requires persons convicted of workers' compensation fraud to pay certain costs to employer.

Vetoed 4-13-2010: Veto message states that "while it is critical for the state to punish those who commit fraud of any kind, it is equally important that any state-imposed penalties be clearly and concisely prescribed in statute in order to be fairly and effectively administered by the appropriate courts. HB 2894, however, is so vaguely and ambiguously constructed that it would be virtually impossible for any court to administer in a manner that would withstand constitutional challenge. In proposing a monetary penalty for those found guilty of fraud, HB 2894 offers no clear formula for determining and legally justifying such an assessment, the amount of it, or how long it will be imposed. Without significantly more detail, HB 2894 runs afoul of the constitution and cannot function as an effective statutory penalty. I urge supporters of this legislation to work with my staff and other interested parties to address these deficiencies and submit a new bill for my consideration and signature this session".

**HB 2994 (Enns/Brogdon):** Creates the Firearms Freedom Act to make firearms, firearm accessories or ammunition manufactured or sold in Oklahoma exempt from federal law or federal regulation.

Vetoed 5-18-2010: Veto message states that "this legislation is essentially identical to SB 1685, which I vetoed earlier this session. As a strong supporter of the 2nd Amendment and the holder of an A rating from the National Rifle Association, I have consistently supported and approved laws that preserve and strengthen an individual's constitutional right to bear arms. This legislation does nothing to enhance 2nd Amendment protections and its unintended consequences are more likely to produce benefits for criminals in Oklahoma and potentially disastrous results for the state's law enforcement officers and law-abiding citizens. By exempting Oklahoma-manufactured guns and ammunitions from federal law, this measure would enable criminals to obtain a wide array of weaponry, including fully automatic machine guns, without undergoing a simple criminal background check or meeting other basic federal requirements. Oklahoma would likely become a safe haven for domestic and international offenders seeking to elude federal gun safeguards and obtain weapons of all kinds. In the final analysis, this legislation would endanger law enforcement officers and citizens without doing anything to strengthen an individual's right to bear arms. Furthermore, because there is no way to ensure Oklahoma-manufactured weapons will remain in the state, this legislation violates the interstate commerce clause and is unconstitutional. Any state effort to selectively ignore federal laws will certainly draw a legal challenge and result in a costly court battle that the state cannot win".

HB 3032 (Benge/Sparks): Beginning in FY-16, modifies the apportionment of gross production tax to the General Revenue Fund. Establishes a "moving 3-year average amount" for oil and gas revenue collections which is equal to an average of the most recently completed 3 years of collections. In any year when the apportionment to General Revenue from gross production tax collections reaches the moving 3-year average amount, excess revenue will be apportioned to the newly-created Energy Revenue Stabilization Fund. Money from the Stabilization Fund may be appropriated to the General Revenue Fund if gross production tax apportionment is lower than the previous year. Requires the Oklahoma Tax Commission to report to the Governor, Pro Tempore and Speaker the "moving 3-year average amount" of oil and gas by January 31<sup>st</sup> each year.

Vetoed 6-10-2010: Veto message states that "the concept of an Energy Stabilization

Fund has merit, but in the rush to pass this legislation in the final hours of session, numerous technical errors were made in the construction of HB 3032, making it difficult if not impossible to implement in its current form. The next Legislature should revisit this concept and carefully draft legislation that can be implemented without question or concern".

HB 3161 (Osborn/Justice): Modifies the authority of the Lottery Commission regarding lottery advertisements by prohibiting ads which involve children or make any claim which is not substantiated by actual expenditures of revenue for specified purposes.

Vetoed 6-10-2010: Veto message states that "although Oklahomans voted overwhelmingly in 2004 to establish a state lottery for public education, opponents have continued to campaign against it with the help of the Oklahoma Legislature. Proposals to boost lottery proceeds for education have routinely been ignored at the State Capitol while measures that would hinder the administration of the program have been advanced. HB 3161, for example, would prohibit lottery advertising campaigns from featuring the very students who benefit from the program. This mandate would effectively kill an ongoing and successful promotional effort and waste the time and money invested in it. The greater impact of this legislation would be to further tie the hands of the Lottery Commission and impede its efforts to effectively and efficiently administer a program created and sanctioned by voters to raise funds for public education. During its short history, the lottery has generated more than \$330 million for schools, keeping at home Oklahoma dollars that had previously been spent on other states' lotteries and education systems. Lawmakers should respect the wishes of voters and work to enhance the lottery, not pass legislation that hinders its operations and reduces funding for public school students in the process".

HB 3290 (McNiel/Sykes): Prohibits health plans currently offered in the state or through the future state Exchange from including elective abortion coverage. Permits the purchase of optional supplemental coverage for elective abortions with a separate premium. Places requirements on issuers of health plans providing elective abortion coverage. Requires employers and entities offering group health plans that provide elective abortion coverage to annually provide employees or group members

the option to choose or reject the elective abortion coverage.

Vetoed 5-26-2010: The veto message states that "HB 3290 creates onerous and unconstitutional health insurance restrictions, particularly for rape and incest victims" and that the measure "creates an unconstitutional barrier to legal medical treatment protected by this nation's highest court".

HB 3338 (Christian/Sykes): The measure prohibits the State Fire Marshal from engaging in any other business that may be a conflict of interest with agency business. The measure also removes the cap on the State Fire Marshal Revolving Fund.

Vetoed 6-10-2010: The veto message states that "This legislation would authorize a top state officer, the fire marshal, to solicit and receive compensation for another job or task performed outside his or her state duties, an arrangement currently prohibited under state law. The first and foremost responsibility of a state officer is to uphold the Oklahoma Constitution and serve the citizens of this state. This responsibility could be compromised if a state officer must answer to another authority outside of state government."

HB 3354 (Duncan/Sykes): This measure authorizes the carrying or use of weapons in any state courthouse by a justice of the Supreme Court, judge of the Court of Civil Appeals, judge of the Court of Criminal Appeals, or a judge of the Workers' Compensation Court who is in possession of a valid handgun license and whose name appears on a list maintained by the Administrative Director of the Courts. The measure makes the previous "concealed handgun license" a "handgun license" to allow the carry of an unconcealed handgun.

Vetoed 5-14-2010. The veto message states that "that it could potentially endanger citizens and law enforcement officers".

HJR 1054 (Ritze/Brogdon): Prohibits forced participation in a health insurance policy. Permits a person or employer to pay directly for health care services. Permits a health care provider to accept direct payment for health care services. Prohibits laws or policies that impair the rights of persons to privately contract for health insurance. Authorizes the President Pro Tempore of the Senate and the Speaker of the House of Representatives to employ legal counsel to file a lawsuit against Congress, the President, and the Secretary of

the U.S. Department of Health and Human Services to prevent the provisions of the federal Patient Protection and Affordable Care Act from taking effect.

Vetoed 5-14-2010: The veto message states that "HJR 1054 exposes Oklahoma taxpayers to costly and unnecessary legal bills at a time when they can least afford them". The veto message also states that "No state has the authority to selectively ignore federal laws of its choosing" and that "this measure could jeopardize future federal funding for critical health care programs on which many Oklahomans currently rely".

**APPROPRIATIONS COMPARISON FINAL FY'10 – FY'11**

	<b>FY'10 Final Budget</b>	<b>FY'11 Final Budget</b>	<b>Dollar Change</b>	<b>Percent Change</b>
<b>Education Subcommittee</b>				
Arts Council	\$4,763,988	\$4,406,689	-\$357,299	-7.50%
Career Technology Education, Education, State Department of Educational Television Authority	\$146,217,612	\$141,977,302	-\$4,240,310	-2.90%
Higher Education, Regents for Land Office, Commissioners of Libraries, Department of Physician Manpower Training Private Vocational Schools Science and Math, School of Science & Technology, Center for Teacher Preparation, Comm.	\$2,446,504,826	\$2,375,556,186	-\$70,948,640	-2.90%
	\$4,468,468	\$4,200,360	-\$268,108	-6.00%
	\$1,037,705,291	\$1,003,461,016	-\$34,244,275	-3.30%
	\$5,004,880	\$7,109,000	\$2,104,119	42.04%
	\$6,747,464	\$6,342,616	-\$404,848	-6.00%
	\$5,205,484	\$4,812,367	-\$393,117	-7.55%
	\$179,773	\$167,194	-\$12,578	-7.00%
	\$6,980,704	\$6,540,080	-\$440,623	-6.31%
	\$20,374,570	\$19,152,096	-\$1,222,474	-6.00%
	\$1,772,100	\$1,641,053	-\$131,046	-7.39%
<b>TOTAL EDUCATION</b>	<b>\$3,685,925,160</b>	<b>\$3,575,365,960</b>	<b>-\$110,559,200</b>	<b>-3.00%</b>
<b>General Government &amp; Transportation Subcommittee</b>				
Auditor and Inspector	\$5,432,710	\$5,152,673	-\$280,037	-5.15%
Bond Advisor	\$160,367	\$155,556	-\$4,811	-3.00%
Central Services, Department of Election Board	\$17,252,205	\$15,973,031	-\$1,279,174	-7.41%
Civil Emergency Management	\$5,906,801	\$8,047,225	\$2,140,424	36.24%
Ethics Commission	\$729,204	\$692,744	-\$36,460	-5.00%
Finance, Office of State	\$574,613	\$545,882	-\$28,731	-5.00%
Governor	\$22,175,326	\$20,623,054	-\$1,552,272	-7.00%
House of Representatives	\$17,289,969	\$2,129,671	-\$15,160,298	-87.68%
Legislative Service Bureau	\$16,496,527	\$15,341,770	-\$1,154,757	-7.00%
Lt. Governor	\$5,271,866	\$4,902,835	-\$369,031	-7.00%
Merit Protection Commission	\$567,418	\$527,699	-\$39,719	-7.00%
Military, Department of Personnel Management	\$567,657	\$527,921	-\$39,736	-7.00%
Secretary of State	\$11,374,203	\$10,787,365	-\$586,838	-5.16%
Senate	\$4,208,124	\$3,913,555	-\$294,569	-7.00%
Space Industry Development Auth.	\$327,340	\$304,426	-\$22,914	-7.00%
Tax Commission	\$456,225	\$424,289	-\$31,936	-7.00%
Transportation, Department of	\$12,644,922	\$11,759,778	-\$885,145	-7.00%
Treasurer	\$43,830,944	\$46,830,944	\$3,000,000	6.84%
	\$193,085,716	\$114,771,010	-\$78,314,706	-40.56%
<b>TOTAL GG&amp;T</b>	<b>\$4,023,803</b>	<b>\$3,903,089</b>	<b>-\$120,714</b>	<b>-3.00%</b>
	<b>\$362,375,942</b>	<b>\$267,314,518</b>	<b>-\$95,061,424</b>	<b>-26.23%</b>
<b>Health &amp; Human Services Subcommittee</b>				
Children and Youth, Commission	\$2,294,214	\$2,156,561	-\$137,653	-6.00%
Disability Concerns, Office of Health, Department of	\$363,311	\$341,513	-\$21,798	-6.00%
Health Care Authority	\$68,883,659	\$63,709,238	-\$5,174,421	-7.51%
Human Rights Commission	\$980,384,093	\$963,015,720	-\$17,368,373	-1.77%
Human Services, Department of Indian Affairs, Commission of	\$614,256	\$571,258	-\$42,998	-7.00%
J.D. McCarty Center	\$522,260,369	\$543,110,884	\$20,850,515	3.99%
Juvenile Affairs	\$222,345	\$206,781	-\$15,564	-7.00%
Mental Health & Substance Abuse	\$4,146,257	\$4,021,869	-\$124,388	-3.00%
Rehabilitation Services, Depart.	\$104,161,835	\$99,162,067	-\$4,999,768	-4.80%
University Hospitals Authority	\$188,685,541	\$187,742,113	-\$943,428	-0.50%
Veterans Affairs, Department of	\$29,369,737	\$30,453,770	\$1,084,033	3.69%
	\$41,005,093	\$38,595,044	-\$2,410,049	-5.88%
	\$37,261,405	\$35,957,256	-\$1,304,149	-3.50%
<b>TOTAL HHS</b>	<b>\$1,979,652,115</b>	<b>\$1,969,044,074</b>	<b>-\$10,608,041</b>	<b>-0.54%</b>

	FY'10 Final Budget	FY'11 Final Budget	Dollar Change	Percent Change
<b>Natural Resources &amp; Regulatory Services Subcommittee</b>				
Agriculture, Department of	\$30,777,266	\$26,306,894	-\$4,470,372	-14.52%
Commerce, Department of	\$30,836,632	\$26,905,919	-\$3,930,713	-12.75%
Conservation Commission	\$9,021,281	\$9,845,434	\$824,153	9.14%
Consumer Credit, Department	\$575,543	\$535,255	-\$40,288	-7.00%
Corporation Commission	\$11,935,261	\$10,133,793	-\$1,801,468	-15.09%
Environmental Quality, Department	\$8,599,845	\$8,126,853	-\$472,991	-5.50%
Historical Society	\$13,476,863	\$12,913,636	-\$563,226	-4.18%
Horse Racing Commission	\$2,296,496	\$2,135,741	-\$160,755	-7.00%
Insurance Commissioner	\$2,164,340	\$2,012,836	-\$151,504	-7.00%
J.M. Davis Memorial Commission	\$331,543	\$306,677	-\$24,866	-7.50%
Labor, Department of	\$3,404,419	\$3,166,110	-\$238,309	-7.00%
Mines, Department of	\$871,937	\$810,902	-\$61,036	-7.00%
Oklahoma Scenic Rivers Comm.	\$297,063	\$279,239	-\$17,824	-6.00%
Tourism and Recreation, Depart.	\$23,966,201	\$22,503,229	-\$1,462,972	-6.10%
Water Resources Board	\$6,036,011	\$5,698,571	-\$337,440	-5.59%
Will Rogers Memorial Comm.	\$803,217	\$744,984	-\$58,233	-7.25%
<b>TOTAL NRR</b>	<b>\$145,393,918</b>	<b>\$132,426,074</b>	<b>-\$12,967,844</b>	<b>-8.92%</b>
<b>Public Safety &amp; Judiciary Subcommittee</b>				
ABLE	\$3,630,864	\$3,376,703	-\$254,160	-7.00%
Attorney General	\$12,693,067	\$12,704,552	\$11,485	0.09%
Corrections, Department of	\$476,225,000	\$462,141,777	-\$14,083,223	-2.96%
Court of Criminal Appeals	\$3,056,710	\$3,455,575	\$398,866	13.05%
District Attorneys and DAC	\$36,836,086	\$34,257,560	-\$2,578,526	-7.00%
District Courts	\$52,502,812	\$57,641,865	\$5,139,053	9.79%
Fire Marshal	\$2,077,424	\$1,932,004	-\$145,420	-7.00%
Indigent Defense System	\$14,554,964	\$15,153,971	\$599,007	4.12%
Investigation, State Bureau of	\$15,824,002	\$14,716,322	-\$1,107,680	-7.00%
Judicial Complaints, Council on	\$247,937	\$230,581	-\$17,356	-7.00%
CLEET	\$4,341,704	\$3,917,618	-\$424,087	-9.77%
Medicolegal Investigations	\$4,347,444	\$4,794,164	\$446,720	10.28%
OBNDD	\$5,928,493	\$5,466,418	-\$462,076	-7.79%
Pardon and Parole Board	\$2,334,162	\$2,334,162	\$0	0.00%
Public Safety, Department of	\$89,339,209	\$88,432,073	-\$907,137	-1.02%
Supreme Court	\$16,550,345	\$15,381,358	-\$1,168,987	-7.06%
Workers' Compensation Court	\$4,676,769	\$4,349,395	-\$327,374	-7.00%
<b>TOTAL PS&amp;J</b>	<b>\$745,166,991</b>	<b>\$730,286,097</b>	<b>-\$14,880,893</b>	<b>-2.00%</b>
<b>REAP</b>	<b>\$13,333,875</b>	<b>\$12,400,504</b>	<b>-\$933,371</b>	<b>-7.00%</b>
<b>Total Appropriation</b>	<b>\$6,931,848,001</b>	<b>\$6,686,837,228</b>	<b>-\$245,010,773</b>	<b>-3.53%</b>