

# Session Overview

## SECOND REGULAR SESSION OF THE 50<sup>TH</sup> LEGISLATURE

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House Committee Staff

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## Introduction

The 2006 session of the Oklahoma Legislature was highlighted by a number of bills that reinforced traditional values, took aggressive steps toward combating crime, and sought new ideas to keep Oklahoma competitive and healthy in the future.

**SB 1742** contains a series of pro-life measures including parental consent for a minor seeking an abortion, while **HB 3056** provides a fine of up to \$500 and up to one year in jail for any person convicted of selling low-point beer to a minor.

In the area of crime, **SB 1037** was enacted after young Caitlin Wooten was killed by a person who had been released from jail on a kidnapping charge. The bill expands the circumstances under which bail can be denied. **HB 2840** was the result of another shocking and highly publicized murder, that of two-year-old Kelsey Smith-Briggs. With the passage of this bill, the Legislature took action to strengthen the adjudication and custody determination process following an investigation of alleged child abuse.

Finally, in keeping an eye toward the future, the Oklahoma Legislature took the lead in seeking practical, effective solutions to improving and reforming the state's Medicaid system with **HB 2842**.

## Aerospace and Technology

The surge in Internet use in Oklahoma has unfortunately also seen a corresponding surge in various online scams. To combat fraud and identity theft, **HB 2473** establishes the Anti-Phishing Act. Phishing is when a person or entity sends a prospective victim an email – often posing as a legitimate online business, especially a bank – to collect personal data with the intent to defraud that victim. Those violating the Anti-Phishing Act are subject to fines in an amount equal to the greater of the actual damages suffered or \$100,000. If a court finds that violations of this Act are frequent enough to establish a pattern or practice, it may increase the award to no more than three times the actual damages sustained.

## Agriculture and Rural Development

In the area of agriculture and rural development, the Legislature passed **HB 2895**, which creates the

Motor Carrier Harvest Permit Act. This bill gives jurisdiction for wheat harvesting permits to the Corporation Commission and also mandates that portable or stationary scales for weighing vehicles may not be located within two miles of any grain elevator.

The Legislature also took on the issue of animal cruelty, passing **HB 1672**. This bill requires veterinarians to report suspected cases of animal abuse within 24 hours of any treatment or examination and exempts them from any civil liability as it relates to that report. It also enables peace officers and animal control officers to remove an abused animal from custody. Finally, this bill adds language which includes “veterinary care to prevent suffering” among those actions which may result in a felony should they be denied to an animal.

Finally, **SB 1481** adds to the duties of the State Board of Agriculture the monitoring of the health, inventory, and condition of the state’s forest resources.

## Banking and Finance

**HB 2483** creates the Oklahoma Financial Transaction Reporting Act which requires any money services business in Oklahoma to file a registration application and secure a license to engage in the business of money services. Suppliers are required to provide to the Commissioner a list of each person to whom the necessary equipment to send or receive money has been provided. The State Banking Board makes an annual assessment of state-chartered banks, on each \$1,000 of bank assets, which is then deposited into the General Revenue Fund of the State Treasury. This measure reduces the percentage of those annually assessed funds from 20 percent of total assets to 10 percent of total assets.

**HB 2147** creates the Task Force for the Study of State Banking Services. This Task Force has been created to specifically determine the extent to which proposed changes in the powers of banks under the jurisdiction of the State Banking Commissioner would or would not have adverse economic effects upon other financial, real estate, or insurance service providers in the State of Oklahoma.

## Business and Economic Development

The bills passed by the Legislature relating to economic development were varied in their subject matter. **HB 1619** creates the Oklahoma Quality Investment Act, which allows the State of Oklahoma to provide incentives to support retention of manufacturing establishments in the state. On the employee side, **HB 2358** takes the side of working mothers by providing

guidelines for workplace policies governing breast-feeding. As outlined in **HB 2358**, a lactation room is now available in the Capitol for nursing moms. The room provides a private and clean location where each nursing mom can express milk or breastfeed her baby. The room is located in Room 538 on the fifth floor.

**HB 2880** amends the Small Business Regulatory Flexibility Act by establishing a Small Business Regulatory Review Committee within the Oklahoma Department of Commerce.

## Commerce, Industry, and Labor

**SB 876** creates the Commercial Real Estate Broker Lien Act, which gives real estate brokers a lien upon commercial real estate or any interest in that commercial real estate which is the subject of a purchase, lease, or other conveyance to a buyer in the commercial real estate.

**HB 2635** adds “prepaid service arrangement” to the Gift Certificate and Gift Card Disclosure Act, which creates a method to purchase specific services in advance and enables the use of the service through a unique access number or authorization code provided manually or electronically to the service provider.

**HB 3043** modifies acts authorized for charitable auction or charitable wine event license by adding that the charitable wine event license authorizes the holder to conduct a wine event, which may be either a live auction conducted by an auctioneer or a silent auction.

## Criminal Justice

Several measures were enacted by the Legislature to protect the citizens of Oklahoma. The Caitlin Wooten Act, **SB 1037**, was enacted after young Caitlin Wooten was killed by a person who had been released from jail on a kidnapping charge. The bill expands the circumstances under which bail can be denied to include capital offenses, violent offenses, offenses where the maximum punishment may be life or life without parole, and felony offenses committed by a person who has two or more prior felony offenses. The measure also allows the Attorney General to establish a notification system relating to crime victims, witnesses, and persons who have filed protective orders to assist public officials in carrying out their duties to notify and inform crime victims and witnesses as the Attorney General establishes by rule.

Legislation aimed at protecting the public from sex offenders was the focus of several measures this session. **SB 1800** allows a court or jury to sentence a person to death or life without parole upon conviction for gross sex offenses against a child under the age of 14 years if the person has a prior conviction for one of these

crimes. Sex offenders who are released from prison will be required to submit to polygraph testing every six months under the provisions of **SB 1964**. The measure also allows a court to order up to three years of post imprisonment supervision of sex offenders and to require sex offenders to participate in treatment programs while in prison and under supervision. A final measure, **SB 1755**, increases the punishment of several sexually-based crimes. The measure increases the minimum punishment for lewd molestation from not less than one year in prison to not less than three years in prison and increases the punishment for sexual battery from not more than five years in prison to not more than ten years in prison. Punishments are also increased against registered sex offenders who violate the state's "Zone of Safety" law by making convictions for violation a felony punishable by imprisonment for not more than one year for a first offense. Any second or subsequent offense is punishable by up to three years in prison. The minimum punishment for a second or subsequent violation of a protective order is increased from a misdemeanor to a felony and imprisonment from not less than ten days in jail to not less than one year or more than three years imprisonment. The measure also increases the punishment from a misdemeanor to a felony punishable by up to a \$3,000 fine and not less than one year imprisonment against sex offenders who are caught residing within 2,000 feet of a school. Second and subsequent offenses are punishable by a fine of up to \$3,000 and not less than three years imprisonment.

The Prevention of Youth Access to Alcohol Act is created by **HB 3056**. The measure increases fines associated with alcohol-related criminal acts and uses the increased fines to fund programs designed to end alcohol abuse. The bill provides a fine of up to \$500 and up to one year in jail for any person convicted of selling low-point beer to a minor. A second offense within one year is punishable by a fine of not more than \$2,500 and up to one year in jail. A third offense within one year is a felony punishable by a fine of up to \$5,000 and up to five years imprisonment. One-half of any fine collected is to be deposited in the Prevention of Youth Access to Alcohol Revolving Fund. The bill increases the fine amount from \$750 to \$1,250 for alcohol or drug-related traffic offenses. Any amount in excess of \$750 is to be used to defray the costs of enforcing laws related to juvenile alcohol access.

HB 3056 also establishes greater penalties on businesses that sell beer to minors and on the minors that attempt to purchase beer from these businesses. The bill allows for the suspension of the business permit to sell low-point beer for 30 days upon a first violation. A second violation by the same employee within a 24-month period results in a mandatory 30-day suspension

of the permit to sell beer. A third violation within a 24 month period results in a mandatory 30-day suspension of the permit to sell beer. If all three violations were by the same employee, the period of suspension is to be 180 days. A fourth violation within a 24-month period results in a mandatory revocation of the permit to sell beer. In addition, to prevent family operated businesses from simply changing the name of the licensee, the measure prevents the licensing of family members of a person who has received a fourth violation. Fines are increased from \$100 to \$300 for purchasing or attempting to purchase beer while under the age of 21. The court may also order up to 30 hours of community service for any minor convicted of purchasing or attempting to purchase beer. A second offense is punishable by a fine of up to \$600 and 60 hours of community service. A third offense is punishable by a fine of up to \$900 and 90 hours of community service. Another provision sure to garner the attention of minors is that the bill requires a mandatory revocation of the violator's driver license. A minor's driver license may also be revoked after conviction for being in an enclosed bar area.

Finally, HB 3056 allows cities with a municipal court of record to establish fines of up to \$1,250 and up to six months in jail for alcohol or drug-related traffic offenses. A municipality may also establish a fee of up to \$800 for each deferred sentence for an alcohol or drug related offense. Fifty dollars of each fine is remitted to the municipality to help defray the costs of enforcing laws related to juvenile alcohol access.

In other criminal justice matters:

**SB 1807** establishes a procedure outlining the steps necessary to determine if a person is mentally retarded and ineligible for the death penalty in capital cases in which questions of mental retardation are raised.

**HB 3004** prohibits the sale of violent video games to minors and restricts the placement of sexually oriented business signage on state highways.

**HB 2813** prohibits a dog owner from allowing their dog to run at large after the dog has bitten someone. Violators will be subject to a misdemeanor punishable by up to one year in the county jail and up to a \$5,000 fine.

**HB 2615** creates the Stand Your Ground law by expanding Make My Day law protections to allow persons to protect themselves not only in their home, but also in any residence or occupied vehicle. A person found justified in their use of defensive force is immune from criminal prosecution and civil action for the use of the defensive force. The measure becomes effective November 1, 2006.

#### Juvenile Justice

Several bills were enacted this session to strengthen how the state treats juvenile offenders. A

measure reorganizing how the Office of Juvenile Affairs contracts with service providers and modifications to the Youthful Offender Act were of major importance.

**HB 2999** provides specific guidelines to be followed by the Office of Juvenile Affairs (OJA) and nonprofit youth services agencies when providing core community based services. Core community based services are those services provided to youth by local youth services agencies through contracts with OJA. The bill establishes a system of peer review of youth services agencies to better inform OJA of the organization, programs, records, and financial condition of the agencies contracting with the Office. Another provision of the measure reorganizes and creates new divisions within OJA to better monitor the relationships between OJA and youth services agencies. The Division of Institutional Services is charged to be responsible for the institutions operated by or contracted for by the Office. The Division of Community-based Youth Services is responsible for contracting with, monitoring, evaluating, and supporting community-based youth services agencies. The Division of Juvenile Services is responsible for intake, probation, and parole services. The Division of Residential and Treatment Programs is created to be responsible for contracting for, monitoring, and evaluating residential and treatment programs other than institutions and community-based youth services agencies. Other provisions of the bill grant youth services agencies the ability to negotiate the documentation required to show that the agency has fulfilled contracted obligations. OJA is prohibited from funding any new or replacement youth services agency if the funding would lower the contract amount from the previous fiscal year for the existing youth services agency. Finally, the measure requires OJA to give full consideration to any recommendations of the Oklahoma Association of Youth Services regarding community-based facilities, programs, or services when planning and coordinating statewide juvenile justice and delinquency prevention services.

A series of four bills affecting juvenile justice were enacted as the result of the work of the Youthful Offender Task Force of 2005. The Task Force was created to evaluate the effectiveness of the Youthful Offender Act and to study the best practices for similar types of adjudicated juveniles in other states and jurisdictions, study the ability and effects of transferring youth to the Department of Corrections, and make recommendations for changes to the Legislature.

**SB 1756** requires the judgment and sentence of a person who is or has been certified as a youthful offender to clearly identify the person as a youthful offender and detail the history of the application of the Youthful Offender Act as it relates to the person when

the person is being bridged from the Office of Juvenile Affairs to the custody of the Department of Corrections.

**SB 1760** removes a provision that allows juveniles age 15, 16 or 17 years of age and who are charged with murder in the first degree to be treated as youthful offenders. The measure requires that these juveniles who are charged with murder in the first degree be held accountable as if the person is an adult.

**SB 1799** clarifies the process used by OJA and the courts when making determinations on the release from custody or transfer of a youthful offender to the adult corrections system. The bill requires the court to schedule annual reviews for every youthful offender in the custody of OJA and allows incremental yearly extensions of OJA custody for these offenders until the offender reaches their twentieth birthday. An offender may be retained in OJA custody until their twenty-first birthday if the Office has established a separate youthful offender facility. The measure adds to list conditions that allow for the transfer of a youthful offender from OJA custody to the adult corrections system by including the failure of the offender to substantially complete the reasonable treatment objectives and if the offender commits battery or assault and battery on a state employee or contractor of a juvenile facility while in custody. Finally, the bill provides legislative intent stating that eligible 17-year-olds should have the opportunity to be processed as youthful offenders and should have the ability to be transferred to the Department of Corrections when incarceration or additional supervision is required.

Finally, **SB 1765** makes numerous changes on how the courts are to proceed in youthful offender matters. The bill provides that preliminary hearings must commence within 90 days of the filing of information to determine whether a crime was committed and whether there is probable cause to believe the accused person committed the crime. If the preliminary hearing is not commenced within 90 days, the state is prohibited from seeking an adult sentence unless the 90-day requirement is waived by the defendant. If the accused person flees the jurisdiction, purposely avoids apprehension for the charges, or fails to cooperate with providing information on locating the parent, guardian, or next friend of the accused, the right to have the preliminary hearing within 90 days is waived. The bill requires the court to give more weight to some criteria the court must consider when making determinations as to whether a juvenile will be considered a juvenile, youthful offender, or adult for purposes of prosecution. The court must give more weight if the offense was committed in an aggressive or violent manner, if the offense was against a person and personal injury resulted, and the court must consider the record and past history of the accused. Things to be

given less weight are issues such as sophistication and maturity of the accused, the accused person's capability of distinguishing right from wrong, emotional attitude, and pattern of living. Less weight is also given to likelihood of rehabilitation and if the offense occurred while the person was escaping or in escape status from an institution. The bill allows a district attorney to file a motion to impose an adult sentence on a person arraigned as a youthful offender if the district attorney believes that the person will not reasonably complete a plan of rehabilitation or the public will not be protected if the person were sentenced as a youthful offender. This motion must be filed within 30 days of the formal arraignment or 14 days prior to the start of the preliminary hearing. The bill also contains the provisions from SB 1799 relating to the annual review of all youthful offenders and the ability to extend OJA jurisdiction until the offender attains the 21 years of age if OJA has a youthful offender facility. Youthful offenders who are still in custody at 18 years of age are allowed to authorize and consent to the medical care sought on behalf of the youthful offender by OJA. Lastly, the measure requires any child under 18 years of age who is a legal resident of Oklahoma and who has been detained or arrested to be identified within 72 hours of the detention or arrest for educational needs and be given educational opportunities by the State Department of Education without delay while in a detention facility or jail.

## Education

### Common Education

The 2006 session was marked by some concern over our children's health. SB 1467 requires schools to provide information about meningococcal meningitis to parents who have students in grades 6 through 12. Also related to children's health is SB 1459 which mandates that the State Department of Education in conjunction with the State Department of Health provide information and technical assistance for the health of students for the Healthy and Fit School Advisory Committees.

The Legislature was not just concerned about children's health but also that teachers would be able to recognize and know when and how to report child abuse. HB 2097 requires professional training for the recognition and reporting of child abuse.

Cognizant of those issues facing children who are deaf or hearing impaired, the Legislature passed **HB 1646** which modifies student transfer application limitations and adds a clause for deaf students or those who are hearing impaired who wish to transfer to a school district with a specialized deaf education program. Applications may be filed at any time during the school year. Upon approval of the receiving school

district, the student may transfer to that district at any time during the school year.

According to statute passed last year, only teachers trained in Literacy First or a scientifically research-based program could teach in the third grade summer reading academies of Literacy First or Reading First. With the passage of **HB 2712**, teachers who are certified as reading specialists but have not taken the Literacy First or Reading First professional development program are now included in the pool of those teachers certified to teach the third grade summer reading academies.

The need to provide teachers with a firm definition of the provisions in the Teacher Due Process Act lead to **HB 2756**. It specifies actions for which a career teacher may be dismissed or not reemployed to be as follows:

- Willful neglect of duty;
- Repeated negligence in performance of duty;
- Mental or physical abuse to a child;
- Incompetence;
- Instructional ineffectiveness;
- Unsatisfactory teaching performance;
- Commission of an act of moral turpitude; or
- Abandonment of contract.

Problems with student truancy led the Legislature to fashion **SB 1597** which raises the parental fines and allows for jail time for parents of students who are truant. It also allows the court to order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine, all or part of which may be performed for a public school district. Additional conditions the court considers necessary to obtain compliance with school attendance requirements may also be imposed including, but not limited to, the following:

- Verifying attendance of the child with the school;
- Meeting with school officials;
- Taking the child to school;
- Taking the child to the bus stop;
- Attending school with the child;
- Undergoing medical, psychological, or psychiatric evaluations and following the recommendations of the evaluator;
- Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and
- Taking the child for medical, psychological, or psychiatric evaluation or for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator

Along with providing our children with the very best teachers available, the Legislature increased

standards for substitute teachers in **SB 1493**. This bill requires that beginning with the 2007-08 school year, any substitute teacher employed to teach special education for the same assignment for more than 15 consecutive or 30 total school days during a school year who does not hold a valid certificate to teach special education must complete in-service training as prescribed by the State Board of Education. The training is to be provided at no cost to the substitute teacher. The school district may request a waiver of the restrictions on total time a substitute teacher may be employed or the restrictions on time in the same assignment from the State Board of Education for a substitute teacher who does not hold a valid certificate. However, the school district must also submit evidence on the availability of certified substitute teachers and the qualifications of the substitute teacher.

In **SB 1792**, the Legislature created the Achieving Classroom Excellence Steering Committee. The 2005 Achieving Classroom Excellence Task Force recommended a Steering Committee to help with the development of end-of-instruction testing. The Steering Committee will continue until December 31, 2009. It will evaluate alternate tests, develop a list of career and technology education state and national tests that may serve as alternatives, and determine if each alternate test evaluated is standardized, independently graded, knowledge-based, and administered on a multi-state or international level. The Steering Committee will also study and recommend the minimum score or level of mastery needed to pass each alternate test.

SB 1792 also adjusts the requirements to include that students entering the ninth grade in the 2006-07 school year and subsequent years must complete the following core college preparatory/work ready curriculum units or sets of competencies in order to graduate from a public high school accredited by the State Board of Education with a standard diploma:

- Four units of English to include Grammar, Composition, Literature, or any English course approved for college admission requirements;
- Three units of mathematics, limited to Algebra I, Algebra II, Geometry, Trigonometry, Math Analysis, Calculus, Advanced Placement Statistics, or any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;
- Three units of laboratory science, limited to Biology, Chemistry, Physics, or any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;
- Three units of history and citizenship skills, including one unit of American History, one-half

unit of Oklahoma History, one-half unit of United States Government and one unit from the subjects of History, Government, Geography, Economics, Civics, or Non-Western culture and approved for college admission requirements;

- Two units of the same foreign or non-English language or two units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including computer programming, hardware, and business computer applications, such as word processing, databases, spreadsheets, and graphics, excluding keyboarding or typing courses;
- One additional unit selected from paragraphs 1 through 5 of this subsection or career and technology education courses approved for college admission requirements; and
- One unit or set of competencies of fine arts, such as music, art, or drama, or one unit or set of competencies of speech.

### Career and Technology Education

The most significant legislation this session dealing with career technology education is **HB 2139**. This bill allows the Board of Career and Technology to accept and expend funds from any source in order to market, advertise, or promote programs and services available through the Career and Technology Education system.

## Energy

**HB 2810** expedites and streamlines the permitting process that prospective oil refineries must undergo before they can be built as part of the Rural Economic Development Initiative (REDI). It is estimated that 200 to 500 new jobs could be created for every new refinery that opens in the state as a result of this legislation.

**HB 2903** provides for the protection of customer telephone records and data from unauthorized use by requiring telephone companies to establish reasonable procedures to protect against unauthorized or fraudulent disclosure which could result in substantial harm to any customer.

**HB 2877** authorizes governing bodies to provide for the operation of Enhanced 9-1-1 emergency service which includes the provision of 9-1-1 calls from interconnected Voice over Internet Protocol (VoIP) service users and imposes a 9-1-1 emergency service fee in the area to be served by the system. Upon submission of the appropriate petitions signed by not less than 5 percent of the total votes cast in the most recent general election, the proposition will be submitted to the voters of the county, municipality, or area to be served in a

referendum election. Any fee imposed by the governing body must be stated separately and added to the user's billing and must be used to pay for the operation of the 9-1-1 VoIP emergency service.

## Environment and Natural Resources

Three bills deal with Concentrated Animal Feeding Operations (CAFO). **HB 2603** creates the Oklahoma Concentrated Animal Feeding Operations (CAFO) Rural Economic Development Initiative Act requiring reporting to the Oklahoma Department of Agriculture, Food, and Forestry the release from a swine animal feeding operation of processed wastewater or manure that does not reach the waters of the state, if it is greater than 100 gallons or leaves a licensee's property.

**HB 2646** requires any person applying for a license for a new or expanding animal feeding operation to comply with the notice and hearing requirements of the State Board of Agriculture.

Finally, **HB 3015** requires all licensed managed feeding operations and all animal feeding operations which are permitted pursuant to the Oklahoma CAFO Act to utilize Best Management Practices as determined by the Oklahoma Department of Agriculture, Food, and Forestry.

## Government Reform, Agency Oversight, and Administrative Rules

A number of important bills passed by the Legislature relate to government reform, agency oversight, and administrative rules.

**HB 2357** requires governmental agencies to expediently notify persons of a breach of computer systems which results in unauthorized release of personal information unless the delay is caused by law enforcement purposes. Similarly, **HB 2396** provides the consumer with more protection from identity theft by modifying the Oklahoma Open Records Act. This new law allows public bodies that provide utility services to the public to keep social security numbers of individual customers confidential.

**HB 1284** modifies the Open Meeting Act to allow for teleconferencing and videoconferencing in certain circumstances. With the passage of **HB 2554**, the Department of Central Services is granted the ability to establish and implement a comprehensive statewide facilities management software program in order to effectively identify state-owned real property and to

efficiently and fiscally manage its long-range deferred maintenance funding requirements

## Health and Human Services

### Medicaid

After months of study undertaken by members of the House Medicaid Reform Task Force to identify areas of possible improvement and reform in the state's Medicaid program, **HB 2842** was enacted. The purpose of the Oklahoma Medicaid Reform Act of 2006 is to create a more efficient and effective service delivery system that will enhance the quality of care and health outcomes of persons in the Medicaid program. Some provisions of the measure include:

- Allowing commercial insurers the ability to offer benefit packages to Medicaid recipients;
- Developing an opt out option to allow recipients to purchase health insurance from an employer;
- Implementing cost-sharing methods and/or benefits within federal guidelines for persons between 133 percent and 185 percent of the federal poverty level;
- Requiring the development of an incentive reimbursement rate plan for nursing facilities based on certain quality care indicators and the development of alternatives for long-term care;
- Implementing a physician-staffed health line pilot program in an effort to reduce unnecessary emergency room visits;
- Directing the OHCA to apply for a waiver to extend Medicaid benefits to persons up to the age of 23 for full-time college students who meet existing eligibility criteria;
- Expanding eligibility for the premium assistance program to include parents of children eligible for Medicaid, contingent upon the existing program not consuming more than 75 percent of the dedicated funding; and
- Expanding eligibility for the premium assistance program to include employers with up to 50 employees contingent upon the expansion being accomplished with current funding levels.

### Child Abuse and Neglect

The shocking and highly publicized murder of two-year-old Kelsey Smith-Briggs last year resulted in the Legislature taking action to strengthen the adjudication and custody determination process following an investigation of alleged child abuse. **HB 2840** requires the court to use uniform orders in all deprived proceedings and record the recommendations of the parties and participants made at a hearing related to custody or placement of a child and allows DHS, through the district attorney, to appeal a decision of the

court when the department objects to the removal of a child from state custody. The measure also authorizes the Oklahoma Commission on Children and Youth's Office of Juvenile System Oversight to provide to the court information gathered in an investigation regarding placement of a child or release of a child from state custody and recommendation for placement of the child. Other provisions of the measure include:

- Requiring court appointed special advocates to complete required training and undergo a criminal history background check;
- Requiring DHS to establish a performance-based incentive compensation program for child welfare specialists;
- Expanding the scope of the records disclosure requirement following the death or near death of a child to include recommendations made by DHS and other parties with regard to the custody or placement of a child;
- Authorizing district court judges and the director of DHS to request an investigation by the OSBI in cases where criminally injurious conduct has occurred; and
- Establishing the Oklahoma Children and Juvenile Law Reform Committee to undertake a comprehensive review and study of Title 10 of the Oklahoma Statutes and make recommendations with regard to updating and recodifying the statutes.

### Abortion

**SB 1742** provides that a woman who is pregnant with a child who is 20 weeks of age or older and seeking an abortion, which is not a medical emergency, be provided an opportunity to read materials regarding pain and the unborn child and be informed if an anesthetic would alleviate pain to the unborn child during the abortion procedure. Other provisions of the measure include:

- Requiring written informed consent of one parent prior to an abortion being performed on an unemancipated minor;
- Providing that, prior to an abortion, a woman be informed that ultrasound imaging and heart tone monitoring of the unborn child are available and requiring the State Board of Medical Licensure and Supervision to compile and make readily available a list of agencies that offer ultrasound imaging or heart tone monitoring at no cost to the woman; and
- Requiring the State Health Department to implement a program to facilitate funding nongovernmental entities that provide alternatives to abortion services.
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### Tattooing

Supporters of legalized tattooing were successful this session in pushing for the passage of **SB 806**. The measure requires tattoo operators and artists be licensed by the State Department of Health and prohibits the Department from granting a license to a body piercing or tattoo operator whose business is within 1,000 feet of a church, school, or playground. The bill also prohibits any person under 18 years of age from receiving a tattoo and requires written parental consent and the presence of a parent during a body piercing procedure for any person under the age of 18. With the passage of **SB 806** tattooing is now legal in all 50 states.

### Insurance

Uninsured motorists exact a financial toll on the citizens of Oklahoma. In an effort to further address this growing problem, **HB 3115** directs the Department of Public Safety (DPS) to implement statewide, no later than July 1, 2008, an online verification system for motor vehicle insurance or bond which will provide for direct inquiry and response between DPS and insurance carriers and direct access to insurers' records by authorized personnel, such as law enforcement officers. The measure also provides that it is a misdemeanor to purchase, display, or possess an altered or fictitious security verification form and provides that it is a felony for anyone, other than an insurance carrier, to create, issue, or sell security verification forms.

A measure to facilitate the adoption of uniform standards across state lines for various insurance products, **HB 2685** authorizes the state to join the Interstate Insurance Product Regulation Compact and become a member of the Interstate Insurance Product Regulation Commission and designates the Insurance Commissioner as the state's representative to the Commission. The measure allows a compacting state to opt out of a uniform standard adopted by the Commission and to withdraw from the compact.

### Judiciary

As is often the case, the bills that passed out of the Judiciary Committee were varied in topic.

**HB 1908** entitles child support to any child who is regularly enrolled in and attending high school up to the age of 20 or graduation, whichever occurs first. Before the passage and signature of this bill, entitlement to child support ceased at age 18 regardless of high school status.

On the topic of crimes, **HB 2480** extends the statute of limitations for solicitation for murder to seven years from discovery. Discovery is defined as the date upon which the crime is made known to anyone other

than a person involved in the solicitation. **HB 2099** raises the maximum fine that an individual can be prosecuted for in a municipal court without triggering a jury trial from no more than \$200 to no more than \$500.

**SB 1749** creates the Notice of Opportunity to Repair Act, which provides guidelines to both the contractor and homeowner for the conditions under which a homeowner may file a lawsuit against the contractor.

## Public Safety

### Oklahoma Wildfires

Oklahoma wildfires and support to volunteer firefighters were of major importance to the Legislature this session. When the legislative session began, the state had been under an executive order banning outdoor fires since November. In all, the state was under a fire ban order for 184 days. To assist overtaxed volunteer fire departments, the Legislature enacted **HB 2252** which appropriates \$3.6 million to the Oklahoma Department of Agriculture, Food, and Forestry to be used to address needs associated with the costs to the Department and the Incidental Command Posts established during the fires. An additional \$1.5 million was used to reimburse rural fire departments for expenses incurred to suppress drought-related fires. A second measure, **SB 1190**, appropriates an additional \$4.5 million for Operational Fire Grants to aid rural fire departments; \$2 million to be used to repair or replace rural firefighting equipment, with priority toward rural fire departments who have suffered equipment losses due to the drought suppression related fires; and another \$2.5 million to address expenses incurred by the Department of Agriculture, Food, and Forestry and rural fire departments during the drought conditions.

### Honoring Our Soldiers

The Legislature enacted two measures designed to protect our soldiers. **HB 2643** makes it illegal for any person or business to use the name or picture of any service member in any advertisement without having first obtained the consent of the person or the consent of the surviving spouse if the person is deceased. Punishment for violation is a misdemeanor subject to a \$1,000 fine and up to a year in the county jail. The second measure, **SB 1020**, is known as the Oklahoma Funeral Picketing Act and prevents picketing within 500 feet of an armed service member's funeral. Any person convicted of violating this act is guilty of a misdemeanor subject to a fine of \$500 and up to 30 days in the county jail. A companion bill to this legislation, **SB 1951**, extends the ban on funeral protests to include any place where a portion of a funeral service is held.

## Retirement

Following the Georgia model, **SB 1894** provides that a retirement bill with an actuarial impact on the Teachers' Retirement System, the Oklahoma Public Employees Retirement System, the Uniform Retirement System for Justices and Judges or any new retirement system must be introduced during an odd-numbered year of a legislative session and passed in an even-numbered year. A retirement bill that has been found to have an actuarial impact may not be reported out of committee with an increase in the unfunded liability. This bill would prevent changes to a retirement system plan that are not sufficiently funded, and thus ultimately enhance the actuarial soundness of the three retirement systems.

## Revenue and Taxation

With the passage of **SB 1577**, the Legislature took the steps necessary to close loopholes and curb abuses of the Small Business Capital Formation Incentive Act and the Rural Venture Capital Formation Incentive Act. These Acts provide tax credits of up to 20 percent of investments made in small businesses and up to 30 percent of investments made in rural businesses. If left unchecked, the tax credit loophole could have cost the state hundreds of millions of dollars. The law requires that an investor's own funds and not borrowed funds actually be invested in a company to receive a tax credit under the programs.

**HB 2690** authorizes the establishment of regional economic development authorities located within the boundaries of cities, towns, or counties. These regional development authorities have the same powers of current transportation authorities in the planning, financing, and constructing of regional economic development projects

The Legislature passed two revenue and tax bills related to professional sports teams. **SB 1022** exempts from sales tax the cost of admission tickets to professional athletic events in which a team in the National Basketball Association and National Hockey League is a participant, while **HB 2062** exempts from sales tax the admission tickets to a professional sporting event involving ice hockey, baseball, basketball, football or arena football, or soccer.

In an effort to promote charitable giving, the Legislature passed **HB 2373** which authorizes a donation checkoff box to be added to Oklahoma tax returns whereby taxpayers receiving refunds can donate to the Oklahoma Leukemia and Lymphoma Revolving Fund in support of finding a cure for leukemia, lymphoma, Hodgkin's disease, and myeloma. This takes effect for tax years beginning after December 31, 2006.

## Rules

Old law required bicycles to travel on bike paths, where they exist. This proved to be a problem for bicycle riding clubs. Often a large number of bikes on a lengthy ride could not safely transition from the highway to a short bike path and back to the highway. To alleviate this situation **HB 2926** removes the requirement that bicycles travel on bike paths. It also requires drivers to maintain a three-foot distance from bicycles traveling on a street or highway. Finally, the bill repeals a requirement for a certain type of bicycle light which is no longer manufactured.

This year, through **SB 1678**, the Mexican free-tailed bat, *Tadarida Brasiliensis*, was designated the official flying mammal of the State of Oklahoma. These bats spend a portion of each year in and around Oklahoma's Alabaster Caverns.

On a similar note, two state emblems were designated in **SB 1613**. The wild turkey was named the state game bird. The *Acrocanthosaurus Atokensis* was named the state dinosaur.

The Legislature also passed **HJR 1066**, a constitutional amendment that would allow liquor stores to be open on election days. This amendment will be submitted to a vote of the people. Many states already allow liquor sales on election days, and Oklahoma allows restaurants and bars to sell alcoholic beverages on those days.

## Tourism and Recreation

**HB 2792** defines those film and music projects eligible for a rebate payment. It also requires the Film and Music Commission to establish a film production registration.

The establishment of the Oklahoma Tourism Signage Advisory Task Force is found in **HB 2878**. The 11-member Task Force is for the purpose of screening and issuing recommendations to the Department of Transportation concerning directional signs for tourist and traveler-related attractions and enterprises in this state.

**HB 1757** allows extended hours for seasonal employees of the Department of Tourism and Recreation from 1,000 to 1,600 hours.

## Transportation

Several measures were enacted this session to increase the efficiency and effective use of funds on the state's transportation infrastructure. One measure, **SB 1288**, allocates \$125 million to the Department of Transportation to use solely on repairing obsolete and damaged bridges. A second measure, **SB 1390**, increases the reimbursable amount for force account

county bridge projects from \$100,000 to \$200,000 and allows the transfer of monies from the County Bridge and Road Improvement Funds to a county highway fund when a county must reconstruct a damaged bridge.

Another cost saving measure, **HB 2474**, allows the Oklahoma Turnpike Authority to enter into transactions utilizing derivative and other financial products to hedge interest rate risks connected to the issuance of bonds issued by the Authority. These transactions must be approved by the Oklahoma State Bond Advisor and the Council of Bond Oversight

## Veterans and Military Affairs

Leave of absence modification for state employees serving in the military can be found in **SB 1088**. This bill extends the leave of absence time from 20 days to 30 days.

**SB 1318** allows the Oklahoma Department of Veterans Affairs to provide nurse aide training in its capacity as an operator of nursing facilities and for purposes of certification by the State Department of Health.

Finally, The twenty-fifth of March of each year designation as "Medal of Honor Day" is found in **SB 1505**. The bill asks all citizens of this state to devote some portion of Oklahoma's Medal of Honor Day to recognize the recipients of the Medal of Honor.

## Wildlife

**HB 2621** establishes the Oklahoma Farmed Cervidae (Deer) Act. Under this bill, the Department of Agriculture is authorized to enforce this Act, and the Department of Wildlife is authorized to inspect the premises. This Act does not apply to those who raise cervidae for the purpose of commercial hunting.

For purposes of clarification, new language in **HB 3016** states that when a landowner or occupant gives consent to hunt on his or her land, that consent will only be valid for one year unless a specified period of time is granted.

**SB 1296** authorizes the Wildlife Conservation Commission to declare an open season on mountain lions and bears in Oklahoma. This bill allows for the hunting of river otter during the furbearer season which takes place from December 1 to January 31.