

# Session Overview

SECOND REGULAR SESSION  
OF THE 51<sup>ST</sup> LEGISLATURE

Oklahoma House of Representatives  
Speaker Chris Benge

House Committee Staff

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natural gas production, and a measure seen as essential to the development of the state’s vast wind power potential was enacted. Other energy measures seek to strengthen the research and development presence of the oil and natural gas industry in the state.

Steps were taken to make child care facilities safer by strengthening certain licensing requirements and requiring DHS to create an online database containing substantiated complaints and inspection records of all child care facilities in the state.

The Legislature, with the Governor, reached an agreement on a bond issue in the amount of \$475 million. Revenue from the bond issuance will fund the repair of the state’s deteriorating roads and bridges, higher education endowed chairs, a low-water dam project on the Arkansas River in Tulsa, flood control dams in rural Oklahoma, and the American Indian Cultural Center in Oklahoma City.

The session also witnessed numerous gubernatorial vetoes of measures passed by the Legislature. One measure vetoed by the Governor was overridden by the Legislature (SB 1878). This marks the first time that a gubernatorial veto has been overridden since 1994.

A future publication will be prepared by the House Committee Staff later this year and will provide a complete synopsis of all legislation enacted during the 2008 session.

## Introduction

The 2008 Legislature tackled numerous issues of importance to the future of the state including an economic development proposal intended to attract the state’s first professional sports franchise, numerous energy incentives, and childcare reform, just to name a few. This *Session Overview* provides a brief summary of the major legislation passed in the Second Session of the Fifty-First Legislature.

The economic development package expands the Oklahoma Quality Jobs Program Act to include professional sports teams. This was part of an effort to attract the Seattle SuperSonics to Oklahoma City, and soon after the measure’s passage, the NBA voted to approve the relocation.

The state’s energy future was the focus of several measures. The deep-well incentive package was extended in an effort to promote continued oil and

## Aerospace and Technology

The Legislature enacted one measure this session essential to attracting new aerospace jobs to the state. **HB 3098** creates the Center for Aerospace Supplier Quality (CASQ) within the Oklahoma Aeronautics Commission. The purpose of CASQ is to create a partnership of service providers to more adequately meet

the needs of the aerospace industry in the areas of education, training, research, and economic development. The bill also provides that the Oklahoma Aerospace Institute (OAI) is to serve as a clearinghouse of information concerning the aerospace industry in Oklahoma.

## Agriculture and Rural Development

In the area of agriculture and rural development, numerous issues were considered by the Legislature. Veterinary students will get a boost from **SB 70**, which creates a veterinary training program for rural Oklahoma. This program is designed to provide encouragement, opportunities, and incentives for persons pursuing a veterinary medicine degree at Oklahoma State University to locate their veterinary practice in rural Oklahoma communities. These students will receive specialized training targeted to meet the needs of livestock producers in rural Oklahoma communities. **SB 1816** allows the Board of County Commissioners, working with local fire chiefs, to establish by resolution periods of extreme fire danger. This bill also increases the fine from \$500 to \$1,000 for those violating gubernatorial proclaimed burn bans. Finally, **SB 1859** creates Oklahoma Dairy Promotion Act and the Dairy Promotion Commission.

## Banking and Finance

The Legislature continued its effort to support proven finance programs and protect personal information pertaining to consumers. **SB 1891** extends the Oklahoma Quality Jobs Incentive Leverage Act. The Act allows for Quality Jobs Act rebates received by tire industry employers to be used for the debt service of bonds issued by the Oklahoma Development Finance Authority. The bonds are issued on behalf of these companies for physical plant improvements. The retirement of the debt of the first bond issue is set to be completed between 2013 and 2017. The bill allows for a second bond issue (after retirement of the first bond issue) as long as the investment project is at least \$100 million for each employer, and no more than \$250 million per employer.

**HB 2245** creates the Security Breach Notification Act. This measure requires Oklahoma entities who maintain electronic data that includes personal information to disclose any breach of security and notify

any resident of Oklahoma whose information may have been accessed.

**SB 1943** provides further flexibility for financing efforts for the Military Base Protection and Expansion Incentive Act. It allows funds, as a result of a bond issue by the Oklahoma Development Finance Authority, to be used for Military Base Protection and Expansion Act capital projects.

## Economic Development and Financial Services

Though much debate surrounded insurance reform and mandates, bills passed this session relating to businesses in Oklahoma include measures to save the state money, protect the public, and attract new jobs. **HB 2662** requires the Oklahoma Employment Security Commission to provide a mechanism to accept electronic payments on-line for state unemployment taxes. To help prevent the spread of fires caused by cigarettes, **HB 3341** creates the Fire Safety Standard and Firefighter Protection Act, which requires retailers to sell only fire safe cigarettes. Cigarettes sold in Oklahoma must be tested and certified by the manufacturer to be in compliance with the new law. Finally, legislators also approved a tax incentive package designed to lure an NBA team to Oklahoma City. **SB 1819** expands the Oklahoma Quality Jobs Program Act to include professional sports teams and allows them to qualify to receive a rebate of a portion of payroll taxes paid for fifteen years instead of the normal ten-year period.

## Education

### Common Education

In the area of common education this session, the Legislature focused on the health and safety of students and teachers in Oklahoma public schools. **SB 1941** establishes the Oklahoma School Security Act and includes the following provisions:

- School districts and institutions of higher learning are required to review and update their disaster and emergency plans annually;
- School districts are required to conduct at least three lockdown drills at each school site;
- Electronic communication (e.g., cell phone, computer) is included as a potential harassment mechanism under the School Bullying Prevention Act; and
- The Oklahoma Office of Homeland Security will make grants available to public schools,

private schools, and institutions of higher learning for the purpose of encouraging greater emergency preparedness. Grant money will also be made available to local law enforcement, emergency management, disaster relief, and public health entities for the purpose of encouraging their active engagement with public schools, private schools, and institutions of higher education.

**SB 923** provides Automated External Defibrillators (AEDs) to every school site, contingent on the availability of funding from various sources. **SB 1612** creates the Quality Afterschool Opportunities Act in an attempt to reduce childhood obesity and improve academic performance. Grants are to be awarded to comprehensive, community-based afterschool programs that include evidence-based obesity reduction components. Finally, **SB 1186** requires public elementary schools (K-5) to provide an additional 60 minutes per week of physical activity, which may include physical education, exercise programs, fitness breaks, recess, classroom activities, and wellness and nutrition education.

Alternative certification for teachers is another issue the Legislature targeted this session. **HB 3124** allows the State Board of Education to issue a two-year nonrenewable license to teachers who have been accepted into the Teach for America Program and who have completed coursework requirements. Teach for America is a national teacher corps mainly consisting of recent college graduates who commit to teach for two years in low-performing urban and public school districts.

Finally, the Legislature addressed the costs of remediation in public schools. **SB 1769** provides for funding to school districts for remediation for each subject-specific test by a student with a score at the unsatisfactory level (\$240) and for each subject-specific test by a student with a score at the limited knowledge level (\$180) who are in need of remediation. Remediation will be for the purpose of assisting students in achieving a satisfactory level on applicable criterion-referenced tests (CRT) or end-of-instruction tests (EOI).

#### Higher Education

The Legislature focused once again on the rising costs to higher education students. **HB 2446** addresses the financial need eligibility requirements for OHLAP for any student who was adopted while in permanent custody of DHS, in court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe. **HB 3397** modifies the

guaranteed tuition law passed last session by deleting the two-year period for tuition guarantee, leaving only the four-year provision. The bill also clarifies types of military service that are eligible for extended resident tuition guarantees in the event of military or other national defense emergencies.

Other issues focus on the administration and governance of higher education institutions. **HB 2297** allows the state's higher education institutions to hire a former member of the governing board of regents, provided a period of at least six months has passed since the member's term on the board ended or the member resigned from the board. **HB 2462** transfers ownership of Quartz Mountain from the Oklahoma Tourism and Recreation Department to the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park. The Board of Trustees will work with the three consortium higher education institutions - Western Oklahoma State College, Cameron University, and Southwestern Oklahoma State University - to provide courses and/or programs of study to be offered by the institutions at the Center. **HB 2882** creates the Board of Trustees for Langston University-Oklahoma City and Langston University-Tulsa. Finally, **SB 1442** changes the name of the state educational agency of OSU located in Okmulgee to the Oklahoma State University Institute of Technology-Okmulgee.

#### Arts and Culture

Cooperative artist organizations serve as a support system and networking tool, as well as a mechanism for advancing visual and performing arts through education, exhibitions, and workshops. **HB 3198** creates the Task Force on Creative Artist Guilds, which will study approaches to organizing, establishing, and supporting a cooperative structure for artists.

## Energy and Technology

### Energy

The Legislature enacted two measures which have Oklahoma's energy future as their focus. **SB 1475** creates the Sustaining Oklahoma's Energy Resources Board to direct state and private funding to technological research and development endeavors relating to the oil and gas industry. The Board's overall objective is to encourage and perpetuate new technologies that will assist in maximizing and sustaining the oil and gas industry. **SB 1658**, also known as the Deep-Well Incentive Bill, extends the Gross Production Tax exemptions allowed for the completion of economically risky wells drilled in excess of 15,000 feet. The

provided exemptions are tiered, depending on depth, and contain various expiration dates.

#### Utilities and Technology

The Legislature took action on two measures of significance related to the utility industry. In an effort to assist in the development of the vast wind energy resources located in the western portions of the state, **HB 2813** provides that reasonable costs incurred by an electric utility for transmission upgrades needed for the development of wind generation will be recoverable through a periodic adjustment in rates, provided Southwest Power Pool approves the upgrades. **HB 1739** addresses the division of electric service territories among electric service providers in an attempt to avoid a duplication of services and equipment needed for the transmission of electricity.

## Environment and Wildlife

The Legislature considered a variety of subjects related to wildlife and the environment. In the area of wildlife, **HB 2667** permits Oklahoma residents who have resided within the state for at least six months to purchase five-year fishing, hunting, or combination hunting/fishing licenses. The five-year fishing or hunting license is \$75; combination hunting/fishing licenses are \$135. **SJR 38** will refer to a vote of the people an amendment to the Oklahoma Constitution re-asserting the right of Oklahoma citizens to engage in hunting, trapping, and fishing as prescribed by the Legislature and the Wildlife Conservation Commission. **SB 1463** prohibits computer-assisted remote control hunting with an exception for permanently disabled persons. With the enactment of this law, Oklahoma becomes one of 38 states to have banned this practice of Internet hunting.

In the environmental area, **SB 498** provides that Oklahoma will establish a goal to recycle at least 10 percent of the state's solid waste stream by December 31, 2011. **HB 3394** establishes that beginning July 2009, construction of new state facilities will be subject to certification by the United States Green Building Council Leadership in Energy and Environmental Design (LEED) ratings system or the Green Building Initiative Green Globes rating system. This will require state facilities to be constructed in a way that makes the most efficient use of materials, light, water, and heating and cooling systems. Finally, **SB 1451** creates the Oklahoma Energy Efficiency and Emission Reduction Program to fund activities and projects designed to reduce regional air pollution. The bill also creates

labeling requirements for motor fuel containing ethanol or methanol.

## General Government and Transportation

### County and Municipal Government

The Legislature addressed several issues of importance to counties and municipalities this session. **SB 1662** requires municipalities to permit landowners of agricultural land located within the city or town boundaries to burn debris originating from their property following a flood or other natural disaster. **HB 2674** requires that municipal employees, assigned to enforce ordinances relating to the cleaning and mowing of properties and the condemnation and removal of dilapidated buildings in a municipality, complete certification training within one year of assignment to such enforcement.

### Transportation

Transportation issues were again at the forefront of the legislative session. To assist the Department of Transportation in continuing its efforts to maintain and rebuild Oklahoma's infrastructure, **HB 2272** authorizes the Oklahoma Capital Improvement Authority to issue bonds of no more than \$150 million no earlier than August 1, 2009, and another \$150 million no earlier than August 1, 2010. The purpose of the two bond issuances is to provide financing for the construction, maintenance, and improvement of those state highway and state bridge assets identified in the Oklahoma Transportation Commission Work Plan for the federal fiscal years 2007 through 2014. The infusion of additional resources fully funds the Department of Transportation's eight-year construction plan, addressing the backlog in state road and bridge maintenance projects. The bill removes the current 3 percent trigger that governs annual incremental allocations to the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund and raises the cap on the fund from \$270 million to \$370 million. The bill requires the Legislature to apportion \$30 million annually to the ROADS Fund to be used to pay off the bond indebtedness. The \$30 million allocation to the ROADS Fund will continue each year until a base of \$370 million is reached, and thereafter the fund will receive annual allocations of \$370 million. The influx of monies will allow ODOT to receive more than \$2.3 billion in allocations between FY-08 and FY-16 to be used for road and bridge construction and repair.

Counties have a new source of emergency funding with the enactment of **HB 2381**. The measure creates the Emergency and Transportation Revolving Fund for counties seeking funding for emergency transportation-related needs. The bill transfers \$25 million from the State Highway Construction and Maintenance Fund overseen by ODOT to the Emergency and Transportation Revolving Fund that will be utilized by the counties for road and bridge improvements resulting from a natural or man-made disaster. The Statewide Circuit Engineering Board is required to develop and adopt rules governing the application and qualifications for counties seeking funding.

Oklahoma’s weigh stations will also receive a much needed infusion of money to improve and rebuild the ports of entry. **SB 1423** transfers \$500,000 per month from the Petroleum Storage Tank Indemnity Fund to the Weigh Station Improvement Revolving Fund. Once the fund reaches \$51 million, the monthly apportionment will return to the Indemnity Fund.

## Government Modernization, Agency Review, and Administrative Rules

A number of important bills passed by the Legislature relate to government reform, agency review, and administrative rules. For instance, **HB 2250** modifies the voluntary disclosure requirements by public bodies that provide utility services under the Oklahoma Open Records Act. It allows the records of the name for each customer of public utilities to remain confidential. The measure also expands what information must be accessible to the public including consumption rates, adjustments to the bill, reasons for adjustment, and the name of the person that authorized the adjustment. **HB 2969** requires state agencies and political subdivisions to purchase U.S. flags and Oklahoma state flags manufactured only in the United States.

Eight entities and functions of Oklahoma government were scheduled to terminate on July 1, 2008, under the sunset provisions of the Oklahoma statutes. The Legislature re-created seven of the eight entities for another four years. The following table summarizes the sunset review process this session by providing the bill numbers, the entity, and their new sunset date.

### Sunset Review, 2008 Legislative Session

Bill #	Sunset Entity	Sunset Date
<b>HB 2202</b>	State Board of Examiners of Perfusionists	July 1, 2012
<b>HB 2203</b>	Emergency Response Systems Development Authority	July 1, 2012
<b>HB 2204</b>	State Committee of Plumbing Examiners	July 1, 2012
<b>HB 2205</b>	Oklahoma Educational Television Authority	July 1, 2012
<b>HB 2206</b>	Waterworks and Wastewater Works Advisory Council	July 1, 2012
<b>HB 2208</b>	Board of Examiners of Certified Shorthand Reporters	July 1, 2012
<b>HB 2209</b>	Public Employees Relations Board	July 1, 2012

## Health and Human Services

The Legislature took action on a variety of health and human services related measures, including increasing the safety of children, expanding access to health care, and ensuring the ability of seniors to live safely and as independently as possible.

### Children

Tragic events that occurred at two child care facilities last year prompted a swift response by legislators. **HB 2643** was passed in response to the death of a child due to abuse by the owner of a child care home. The measure requires the Department of Human Services (DHS) to establish an online database to assist parents in selecting a facility for their child that contains the name and location of all child care facilities in the state and a summary of substantiated complaint records and inspection reports completed by the department. The bill also directs DHS to establish a child care worker registry, accessible to the public through an online database. The registry will include the names of persons who have had a confirmed finding of abuse or neglect of a child when it occurred in a child care facility and will contain information on the revocation or denial of a child care facility license. Some other provisions of the measure include:

- Requiring a search of the criminal history records, the child care worker registry, and the Oklahoma State Courts Network (OSCN) be conducted *prior to* issuing a permit or license to an individual to operate a child care facility;
- Requiring that a child care facility submit a criminal history records search and a records

search of the child care worker registry of an applicant for employment to the department's licensing division and that the department conduct a records search of the OSCN prior to the employment of an individual in a child care facility;

- Requiring the department to notify the child care resource and referral organization within one business day of revoking or denying a license to operate a child care facility; and
- Authorizing the department to issue an emergency order to cease operations to a facility providing unlicensed care and authorizing CLEET-certified officers to issue citations to facilities that continue operations after an emergency order has been issued or an application for a license has been denied.

**HB 2863** was enacted in response to the case of a child who sustained brain damage last summer when he was inadvertently left for several hours in a van by an employee of a child care facility. The bill requires child care facilities to maintain liability insurance coverage of at least \$200,000 for each occurrence of negligence in which a child is injured while on the premises of the facility. If the facility is unable to secure liability insurance, the measure requires the facility to provide notice to the parent or guardian of a child as well as to DHS that liability coverage is not provided.

The Legislature also took further action to protect children from abuse by enacting **HB 1601**, which designates the crime of child abuse as a violent offense. The bill requires persons or businesses that provide services to children to conduct an annual name search of employees pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act. The bill also requires persons who work with or provide services to children to sign a statement declaring that the person is not required to register as a sex offender or violent crime offender. Finally, the bill provides that, under the provisions of the Mary Rippy Violent Crime Offenders Registration Act, the requirement to register for a crime of abuse will be determined by the judge at the time of sentencing or upon granting the defendant a deferred judgment.

#### Health Care Access

The Legislature took action on two measures to extend eligibility for the state's premium assistance program, Insure Oklahoma. **HB 2713** provides that otherwise qualified foster parents who are employed by an employer with more than 250 employees may participate in the program, if supported by existing

funding. Another measure, **SB 1404**, directs the Oklahoma Health Care Authority to apply for a federal waiver to expand the existing premium assistance program to include not-for-profit employers with 500 employees or less as supported by existing funding.

#### Elderly and Long-Term Care

**SB 2047** prohibits an entity from constructing or undertaking a major alteration of an assisted living facility, and certain other structures, without first obtaining a building permit from the appropriate jurisdiction. The measure requires assisted living facilities built after November 1, 2008, and that house residents who are not capable of responding to emergency situations without assistance, to meet certain building codes and authorizes existing facilities to house residents who need assistance from staff to respond to emergency situations, or who are not capable of self-preservation, provided the facility discloses such as part of the licensure renewal process and the facility installs fire sprinklers and an alarm system.

In response to alarming reports of convicted sex offenders living in nursing homes around the state, the Legislature enacted **HB 2704**. The measure directs the State Department of Health to initiate a request for proposal for the operation of a stand-alone long-term care facility for sex offenders that would provide heightened security of the residents of the facility in order to protect the public and other residents.

#### Miscellaneous

**HB 2490**, the Pharmacy Audit Integrity Act, establishes minimum and uniform standards for the auditing of pharmacy records by or on behalf of certain entities. Provisions of the bill include:

- Outlining the requirements and standards for the performance of audits and requiring the entity that conducts the audit to provide the pharmacy with a written report and allow time for a response by the pharmacy;
- Requiring the establishment of an appeals process under which a pharmacy may appeal an unfavorable preliminary audit report; and
- Prohibiting the use of extrapolation audits in calculating recoupments or penalties.

A newborn's umbilical cord blood is rich in blood-forming cells that can be used in transplants for patients with leukemia, lymphoma, and other life-threatening diseases. **HB 3060** requires, contingent upon available funding, the State Department of Health, in collaboration with a private blood donor or private blood bank organization, to establish and maintain a public umbilical cord blood bank for the purpose of collecting

and storing umbilical cord blood and placental tissue donated by maternity patients. The measure also requires that an educational program be developed for maternity patients regarding cord blood banking and the potential medical uses of stored umbilical cord blood and requires physicians to inform maternity patients about the opportunity to donate to the public umbilical cord blood bank.

**HB 3126**, the Advancement in Stem Cell Cures and Therapies Act, authorizes research on human tissue regeneration and human diseases using only adult stem cells, stem cells obtained from umbilical cord blood or amniotic fluid and embryonic stem cell lines created prior to August 1, 2001. In addition, the measure prohibits the restriction of public funds or creating disincentives to conducting stem cell research in accordance with provisions of the Act.

## Insurance and Retirement

### Retirement

Insurance and retirement areas provided the Legislature the opportunity to continue to enact policies which help protect insurance consumers and continue responsible retirement reforms.

**SB 1980** creates the Viatical Settlements Act of 2008. The bill establishes more stringent regulations regarding a practice that allows investors to benefit from the deaths of the state's elderly citizens, more commonly known as stranger-originated life insurance. Investors profit by receiving the death benefit from life insurance policies when senior citizens die.

Legislators addressed a loophole in the Oklahoma Public Employees Retirement System (OPERS) with **SB 1641**. The bill limits state elected officials from earning more from the state's retirement system than they did while they were in office. OPERS officials have estimated more than 500 people received enhanced benefits because of the loophole, costing the state hundreds of thousands of dollars annually. The change in the law will apply to all newly elected officials beginning July 1, 2008.

**HB 2074** removes the earnings limitation for OTRS retirees who return to employment 36 months after the date of retirement.

## Judiciary and Public Safety

### Judiciary

In the area of Judiciary and Public Safety, the Legislature focused primarily on the criminal justice system but also addressed several pro-life issues. For

instance, **SB 1878** takes several pro-life measures and incorporates them into the Freedom of Conscience Act. One provision forbids an employer from discriminating against an employee who refuses to participate in procedures that are at odds with his or her religious beliefs. These procedures include abortion, embryonic stem cell research, and assisted suicide, but do not include prescribing birth control. Employers also may not discriminate against hiring someone who refuses or intends to refuse to participate in any of these procedures. This bill also prohibits anyone other than a physician from giving RU-486 to induce an abortion, requires an obstetric ultrasound to be performed prior to any abortion, and requires physicians performing abortions on a minor to inform her that no one can force her to have an abortion without her consent. SB 1878 was vetoed by Governor Henry; however, the House and Senate overrode that veto.

### Public Safety

Several measures were enacted this session to protect the citizens of Oklahoma from criminal exploitation. A new criminal penalty is created by **HB 1021** which makes it a felony to engage in human trafficking for forced labor or forced sexual exploitation. Persons convicted of human trafficking are subject to a sentence of five years imprisonment, a fine of \$10,000, or both fine and imprisonment. The punishment is increased to a sentence of up to ten years in prison, a fine of up to \$20,000, or both fine and imprisonment, if the victim is under the age of 14. The bill also authorizes the seizure of any property that was used in the crime of human trafficking.

**HB 2606** modifies the "Peeping Tom" statute to protect individuals from lewd or lascivious clandestine activities that occur in a public place. The measure adopts language from the Federal Voyeurism Act which states that it is illegal to capture images of a person's private areas even though the person is in a public place. Persons convicted for violations of this Act face up to one year in the county jail, a fine of up to \$5,000, or both fine and imprisonment.

Several measures designed to protect persons from domestic violence were enacted this session. Courts are authorized by **SB 2163** to order a defendant to use an active, real-time, 24-hour Global Positioning Monitoring system (GPS) device as a condition of a sentence when a protective order has been issued in a domestic abuse case. The measure also authorizes the court to order a person not otherwise eligible for pretrial release to use a GPS device as a condition of pretrial release. Additionally, the court may order defendants to pay

costs and expenses related to the GPS device and monitoring. A second measure, **SB 2003**, authorizes the district attorney to accelerate or revoke probation for a person convicted of domestic abuse who fails to participate in court ordered domestic abuse counseling. Acceleration or revocation can occur when the person has three unexcused absences in succession or seven unexcused absences in a period of 52 weeks from any court-ordered domestic abuse counseling or treatment program. Lastly, **HB 1897** makes a first offense of domestic abuse committed against a pregnant woman with knowledge of the pregnancy a misdemeanor, punishable by up to one year in the county jail. A second or subsequent offense of domestic abuse committed against a pregnant woman with knowledge of the pregnancy is to be a felony, punishable by a minimum of ten years imprisonment. If the abuse causes a miscarriage or injury to the unborn child, the punishment increases to a minimum of 20 years imprisonment.

The Legislature continued efforts to seek treatment for nonviolent drug users with the passage of **HB 2522** which authorizes counties to establish a misdemeanor drug court program. The measure provides that the misdemeanor drug courts should follow the rules and regulations of felony drug courts except that the penalty for revocation must not exceed one year in the county jail or the maximum penalty for the misdemeanor allowed by statute, whichever is less. The Department of Mental Health and Substance Abuse Services is to provide assistance to counties deciding to operate these misdemeanor drug courts.

Two measures were enacted to alleviate the financial burden faced by state and county officials due to inmate medical costs. **SB 811** further clarifies that inmates in pretrial detention are responsible for medical costs concerning preexisting conditions and contains methods by which these costs can be recovered from inmates. The bill also modifies the method used by OSEEGIB to reimburse counties for valid medical expense liabilities from the Medical Expense Liability Revolving Fund. Previously, claims were paid on a first come first served basis; **SB 811** changes the method to a quarterly based pro rata share distributed to all valid claims received in the preceding quarter. Another measure, **HB 3336**, requires the Department of Corrections (DOC) to reimburse health care providers for medical care provided to inmates in the county jail after a judgment and sentence has been entered by the court. The bill allows health care providers to be reimbursed at network rates, if the providers are in the

DOC provider network, or at Medicaid rates if the provider is not in the network. **HB 3336** also requires DOC to pay pharmacy providers for medications on the DOC formulary at Medicaid rates and to provide dental and mental health care through designated DOC host facilities. The measure also requires counties to receive authorization from DOC prior to obtaining nonemergency care for inmates outside of the jail.

Finally, **SB 2111** increases the penalty for trespass upon private land to include restitution for actual damages incurred. In addition, persons convicted of a second or subsequent offense will be assessed a fine of not less than \$500 nor more than \$1,000, and/or 30 days to six months in the county jail.

## Revenue and Taxation

Several measures were passed this session in the area of revenue and taxation. **HB 1387**, a comprehensive tax measure, provides sales tax exemptions for construction contracts by the Department of Central Services when carrying out construction contracts for the Oklahoma Department of Veterans Affairs. The bill also provides sales tax exemptions to:

- Organizations that provide end-of-life care and access to hospice services for low income individuals;
- Sales of food and snack items to or by organizations that exist to provide funding for medical field scholarships;
- Ticket sales to events by State Department of Health licensed hospitals; and
- Firearms-related nonprofit organizations.

**HB 1387** also extends the poultry litter tax credit for another five years. Finally, **HB 1387** authorizes the Tax Commission to acquire an Integrated Tax System. The commercial integrated computer tax system will enhance agency productivity and increase tax collections.

**SB 1558** extends the sunset date of the tax credit for motor vehicles using clean burning fuel to January 1, 2010.

**HB 3326** authorizes the Oklahoma Tax Commission to begin a license plate reissue. Most states reissue license plates every ten years, and it has been approximately 20 years since Oklahoma reissued license plates. A major safety concern exists for law enforcement because of the outdated tags and the fading that has occurred on these tags.

## Rules

A change in Oklahoma's campaign finance law was enacted with the passage of **HB 2196**. The bill prohibits contributions from lobbyists or lobbyist principals to legislators or candidates for legislative office during regular legislative sessions and for five days following sine die adjournment. The bill includes a misdemeanor penalty for violating the new provision.

In an effort to enhance Oklahoma's winemaking industry, **SJR 29** proposes an amendment to the Constitution to be submitted to a vote of the people. This proposal allows winemakers that produce no more than 10,000 gallons of wine a year to sell wine directly to retail package stores and restaurants in this state. **SB 995** will become law if **SJR 29** is approved by the people. The bill creates a self-distribution license for winemakers, allowing in-state and out-of-state winemakers to sell and deliver their product directly to retail package stores and restaurants in Oklahoma, with the caveat that a winery must transport the product in their own vehicles, thereby not allowing delivery by private contract carrier.

**HB 2458** was an effort to reform Oklahoma's professional malpractice laws. The bill would have required, prior to going to trial, those making a negligence claim to provide an expert opinion stating that a reasonable interpretation of the facts support a possible claim. The Governor vetoed the bill and provided the following veto message:

*This is to advise you that on this date, pursuant to the authority vested in me by Section 11 and 12 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill 2458. House Bill 2458 is in direct conflict with a recent Oklahoma Supreme Court decision and therefore, is unconstitutional. In an 8-1 decision in 2006, the state's highest court ruled that the cost associated with certificates of merit placed an undue financial burden on citizens seeking access to justice and served as a barrier to their constitutional rights. I support efforts to reduce frivolous lawsuits, but because the court has already spoken clearly on the certificate of merit issue, enacting this measure would have been a wasteful exercise in futility.*

**HJR 1058** authorizes the sale of the current Laura Dester Shelter for abused and neglected children with all proceeds going to the Department of Human Services. A new facility is being built for the same purpose.

**HJR 1093** urges the United States Department of Defense and the United States Department of Labor to

include Oklahoma in the Military Spouse Career Advancement Initiative program. This federal program, which is designed to provide career assistance to military spouses, is only offered in a limited number of states.

**HCR 1047** creates a statewide competition to name the official Oklahoma Rock and Roll song. The competition will be conducted by the Oklahoma Historical Society. The public will nominate songs for consideration at [www.oklahomarocksong.org](http://www.oklahomarocksong.org). An expert panel will determine a list of finalists, and the public will vote via the Internet to determine the official song.

**SJR 41** directs the State Board of Health to prepare a health improvement plan for the State of Oklahoma.

## Tourism and Recreation

Tourism and recreation continues to be a vital industry in this state. In order to increase usage rates and show appreciation to Oklahoma veterans, the Legislature enacted **HB 2970** which waives the admission fees to state parks and museums for veterans who are Oklahoma residents.

This Session Overview is available at

[www.okhouse.gov/Information/Info\\_Publications.aspx](http://www.okhouse.gov/Information/Info_Publications.aspx)