



2013 | Session in Review

Measures passed during the First Session of the 54th Oklahoma Legislature
T.W. Shannon, Speaker
Oklahoma House of Representatives

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administrative rules

Each session, the Administrative Rules, Government Oversight and Repealer Committee examines the various state entities eligible for sunset review and conducts oversight of all proposed agency rules.



Certain types of rules — those that increase fees or the authority comes from Title 59 of the Oklahoma State Statutes — must be affirmatively approved by the Legislature with the enactment of a joint resolution. Agencies submit hundreds of proposed rule changes each year, requiring dozens of joint resolutions to be filed and shepherded through the legislative process. This session, the Legislature eased this procedure with the enactment **HB 2055**, which will allow the Legislature to adopt one omnibus resolution approving the rules the Legislature chooses to allow to become promulgated. ■

Bill	Entity	New Sunset Date
HB 1683	State Board of Examiners of Psychologists	2019
HB 1684	Oklahoma Oilseed Commission	2017
HB 1685	Committee of Home Inspector Examiners	N/A- Placed under Construction Industries Board
HB 1686	Construction Industries Board	2017
HB 1687	Sheep and Wool Utilization, Research and Market Development Commission	2017
HB 1688	Advisory Committee on Pedorthics	2019
HB 1690	Advisory Committee on Orthotics and Prosthetics	2019
HB 1691	Oklahoma Energy Resources Board	2017
HB 1693	Domestic Violence Fatality Review Board	2017
HB 1694	Archives and Records Commission	2017
HB 1695	Scenic Rivers Commission	2017
HB 1696	Oklahoma Real Estate Commission	2017
HB 1698	State Accrediting Agency	2017
HB 1699	Oklahoma Partnership for School Readiness Board	2017
HB 1700	State Board of Medical Licensure and Supervision	2019
HB 1702	State Board of Cosmetology	2019
HB 1703	Oklahoma Abstractors Board	2019
SB 35	Oklahoma Sorghum Commission	2018

agriculture, environment and wildlife

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The Legislature passed measures to allow for the slaughter of horses for human consumption outside the state, modified several statutes related to wildlife and enacted legislation as a reaction to drought conditions.



Agriculture

To help end the inhumane practice of abandoning or of shipping frail or sick horses to Mexico for slaughter, **HB 1999** repeals the section of law that prohibits the slaughter of horses for human consumption. However, it prohibits the slaughter of horses for human consumption in Oklahoma. The measure authorizes the state commissioner of health to have access to any transport vehicle, factory, warehouse or establishment in which horsemeat or feed suspected of containing horsemeat is transported, manufactured, processed, packed, sold or prepared. The commissioner also may examine all sale and shipping records and embargo any article of food or horsemeat suspected of being in violation of the law. The measure also defines *properly labeled* as displaying the name and address of the original packer or processor and the word *horsemeat*.

In an attempt to streamline the swine-feeding operation licensure and protest procedures, the Legislature enacted **HB 1640**. The measure allows the Oklahoma Department of Agriculture, Food and Forestry to require additional information from anyone requesting a swine feeding operation license and gives the department an additional 30 days to review it before making a decision as to whether the application is in compliance with statutory requirements. Applicants must notify affected property owners that an application is on file with the department and that the person may request

Following the close of the legislative session, congressional leaders introduced measures to deny funding for U.S. Department of Agriculture inspections of horse slaughter facilities. Plants planned in New Mexico, Iowa, Missouri and Tennessee remain on hold pending the outcome of the federal legislation and a suit filed by the Humane Society of the United States.

a hearing within 15 working days after receiving the notice. Affected property owners requesting hearings must state allegations showing the facility may have a direct, substantial and immediate effect upon a legally protected interest of the property owner. If the affected property owner requests an administrative hearing and has completed an adequate request, a preliminary hearing will be scheduled. Following the preliminary hearing, an administrative law judge will have 20 working days to issue an order granting or denying a full hearing or findings of fact upon which the decision is based if the judge denies a full hearing. The measure further outlines the full hearing process and requires that evidence presented be directly related to allegations and evidence presented by the affected property owners during the preliminary hearing.

Legislators tasked the State Department of Agriculture with overseeing the licensing and inspection of animal shelters with **HB 1359**. The move came after legislators gave the department the same duties regarding commercial pet breeders in the 2012 session. The measure defines *animal shelter* as any nongovernmental facility that maintains 10 or more dogs and cats operated by or under contract for the state, a county, a municipal corporation or any other political subdivision of the state or any person or organization that maintains a facility for the impounding of cats and dogs. It does not include organizations that only operate through a system of fostering animals in private homes. Any animal shelter operator must obtain a license for each facility where animals are kept and may be subject to fines for noncompliance.

SB 931 adds aviation, including fly-ins at private airports, to the definition of *recreational purpose* in the Liability Farming and Ranching Land Act. The term *charge* will not include a license or permit fee imposed by a governmental entity to regulate use of the land, a water or park area, or lake reservation. It also will not include hunting, fishing, boating and other license and permit fees; hunting or fishing leases or donations made at fly-ins at private airports.

SB 1011 repeals various statutes that establish advisory committees and procedures of the Oklahoma Department of Agriculture, Food and Forestry that are obsolete. The measure also provides that the director of laboratory services, rather than the president of the State Board of Agriculture, will serve as director of the Bureau of Standards and provides that the director, rather than the board of control, will have charge of the operations of the bureau. The measure also requires that registered foresters have one three-credit course in each of the following: silviculture, forest protection, forest management, forest economics and forest utilization.

HB 1098 allows all-terrain vehicles to operate on roadways within unincorporated areas of a county if the board of county commissioners adopts a resolution approving such and if the vehicle is only used as an implement of husbandry.

HB 1740 authorizes the Oklahoma Department of Agriculture to promulgate rules, procedures and forms necessary to implement the Oklahoma Scrap Metal Dealers Act. The measure prohibits a scrap metal dealer from entering into any cash transactions in excess of \$1,000 in payment for the

purchase of certain scrap metal items. Payment by check must be issued and payable only to the seller whose identification has been established by a driver license or other form of government identification. Persons who provide false information for use in a scrap metal log book can be charged with a felony punishable by a fine of \$5,000, imprisonment for up to 2 years or both fine and imprisonment. Persons engaging in business as a scrap metal dealer are required to be licensed by the Oklahoma Department of Agriculture, Food, and Forestry. The measure established the application procedure for licensure and authorizes the collection of a \$100 application fee and \$100 investigation fee.

Wildlife

Legislators passed several measures that attempt to reduce nuisance animals, modify hunting and fishing regulations and protect wildlife.

To provide additional means of controlling the feral hog population, **HB 1920** and **SB 919** authorize hunting of feral hogs from the air in fixed-wing aircraft or helicopters anytime except between October 1 and January 15. HB 1920 authorizes the Oklahoma Department of Agriculture, Food and Forestry to issue a permit to any landowner or any person who has contracted with a landowner to engage in the management of depredating animals by use of aircraft. SB 919 allows for the hunting of hogs outside commercial hunting areas using manned, nonexperimental, fixed-wing aircraft and nonfixed wing aircraft registered with the Federal Aviation Administration.

HB 1426 requires that hunters attach their names, time of harvest, and date of harvest

instead of only their license number to wildlife carcasses. In addition, they must check in the carcass electronically using the online check station provided on the Oklahoma Department of Wildlife Conservation website or according to Wildlife Conservation Commission rules within 24 hours of leaving the hunting area and in all cases prior to processing the carcass. The measure also increases the fine for violations to between \$100 and \$250 from between \$25 and \$100. Any person convicted of a second or subsequent violation or of making a false statement to acquire a permit may be punished by a fine of between \$250 and \$750 or by imprisonment in the county jail for up to 10 days. The hunting or fishing license of anyone convicted of violating the requirement will be automatically revoked for between one and 10 years.

HB 1594 requires the Department of Wildlife Conservation to disclose online or in published listings, by county of harvest, an antler description of deer harvested and the name of the hunter who harvested the deer unless the hunter has chosen not to be identified by name.

In addition, the department may use personal information for promotional purposes when license and permit holders voluntarily provide the information. The measure allows any game warden or reserve game warden employed by the Department of Wildlife Conservation to serve on local boards of education and municipal governing bodies, boards, commissions or similar entities.

HB 1928 removes the requirement that a person be at least 8 years old to obtain an apprentice hunting license. Instead of ages 8 through 30, anyone under age 30 who does not pos-

sess a certificate of hunter safety may purchase an apprentice license. Persons under 10 years old may take hunter education courses but are not eligible for hunter safety certification.

HB 1597 provides that no person is exempt from the requirement to have a migratory bird permit and a sandhill crane permit to hunt sandhill crane.

SB 780 increases the minimum fine to \$500 for capturing, killing, mutilating or destroying wildlife, except furbearers and coyotes, with the intent to abandon the body without disposing of it in the appropriate manner. In addition, any hunting or fishing license will be revoked upon conviction for between a year and 10 years. If the court does not set a period, revocation will be for one year. The measure also establishes a one-day, nonresidential fishing license for \$14, with \$1.50 of the license fee going to the Wildlife Land Acquisition Fund.

SB 819 prohibits hunters from using laser sighting devices except for battery-powered scoping devices that project a light or dot inside the scope and pin sight lights on archery equipment. Licensed hunters may use a .22 caliber rimfire rifle or pistol with a laser sighting device while hunting furbearers with hounds during legal, open furbearer season. *Laser sighting device* is defined as any artifi-

cial light that casts or reflects a beam of light onto or otherwise illuminates wildlife. Hunters who are 100 percent disabled as certified by the Social Security Administration or the U.S. Department of Veterans Affairs or are certified as being legally blind by a physician may use laser sighting devices if they are hunting on private property and are accompanied by a licensed hunter. Anyone found in violation of the provisions will be guilty of a misdemeanor.

Two measures relate to fishing.

HB 1010 sets dates for bowfishing season for nongame fish on the Upper Illinois River. Bowfishing will be permitted upstream from the Horseshoe Bend boat ramp to the intersection of State Highway 51 and the Illinois River from June 1 to March 31. Bowfishing will be permitted upstream from the intersection of State Highway 51 and the Illinois River from December 1 through March 31.

SB 324 allows noodling of blue and channel catfish.

Water

The Legislature addressed the persistent drought that has plagued the state in recent years and addressed the composition of the state's water agency.

HB 1923 creates the Emergency Drought Relief Fund and appropriates \$3 million to the fund.

The U.S. Supreme Court's unanimous rejection in June of Texas' claim to Oklahoma water brought closure to the contentious issue that had endured for well over a decade. The court ruled that the Red River Compact signed by Texas, Oklahoma, Louisiana and Arkansas does not pre-empt statutes passed by Oklahoma lawmakers blocking the sale of the water, thus preventing the Tarrant Regional Water District's efforts to divert 150 billion gallons of water per year from several southeastern Oklahoma river basins to the Dallas-Fort Worth metroplex.

The measure also creates an Emergency Drought Commission, which will recommend fund expenditures to the Governor in the event of an emergency drought declaration.

HB 2193 authorizes the Oklahoma Water Resources Board to issue general obligation bonds and other duties as part of its duty to manage the Water Infrastructure Credit Enhancement Reserve Fund, which was created via State Question 764 in 2012.

SB 965 modifies the composition of the Oklahoma Water Resources Board of Directors to represent nine regions, based on county boundaries, rather than congressional districts. (See map.) The measure also adds *oil and gas production* to the list of required industries represented on the board.

SB 413 removes the permit application deadline for public water supply systems operating without a permit.

Finally, **HB 1482** repeals the dam safety study group, whose report was due December 25, 2009.

Miscellaneous

SB 79 includes Creek County in rural fire protection coordination district No. 6.

SB 402 requires that the owner of animals from the canidae or felidae family be liable for damages caused to livestock by the animals, including reasonable attorney's fees and litigation expenses. Animal control officers may seize animals with-

out a warrant if the animal continues to run at large; if the officer has probable cause to believe the dog is a dangerous dog and a threat to livestock or people or if the owner fails to meet requirements related to registration, insurance and enclosure. The court may issue an order requiring seizure upon the start of any civil action. Cost for seizure and confinement will be the responsibility of the owner or the nonprevailing party in any court action. *Potentially dangerous dog* is defined as a dog that unprovoked on more than one occasion was chasing or was a threat to livestock or people. *Dangerous dog* is defined as a dog that when unprovoked killed or injured livestock or was previously found to be a potentially dangerous dog and continues to be found chasing or being a threat.

SB 716 exempts beekeepers with annual production of less than 500 gallons from State Department of Health inspection for the manufacture, sale and distribution of honey and honeycomb products if they meet certain requirements. The beekeeper can only sell honey or honeycomb produced from hives located wholly in the state of Oklahoma and managed by the beekeeper and the product must be raw and not blended with other ingredients. The measure prohibits counties, municipalities, consolidated governments or political subdivisions from adopting rules that restricts honey sales that are in compliance with the provisions. ■

Oklahoma Water Resources Board
Future OWRB Membership and Representation



Beginning July 1, 2014, the membership of the Oklahoma Water Resources Board will transition from congressional district and at-large representation to regional representation. This map depicts the nine regions and the year the transition will take place for each region. For more information please visit the OWRB's website at: (<http://www.owrb.gov>) 5/23/2013



criminal justice

Several measures were adopted this session to improve the criminal justice system. In an effort to improve oversight of the pardon and parole process, the Legislature enacted **HB 1722** to provide procedures to be used by the Pardon and Parole Board and Governor when considering pardons and commutations.



The measure provides that any consideration of a pardon or commutation may only be considered after an application is made with the Pardon and Parole Board. The board is required to provide copies of these applications to the district attorney, the victim or representative of the victim and the Office of the Attorney General. An application for commutation also must be accompanied by the written recommendation of two of three trial officials. The trial officials are the current judge of the court where the conviction occurred, the current district attorney where the conviction occurred, and the chief or head administrative officer of the arresting law enforcement agency. Additionally, the measure clarifies that inmates who are sentenced to consecutive sentences are not eligible for parole consideration on any consecutive sentence until one-third of the consecutive sentence has been served or until the minimum term of incarceration has been served.

Another measure, **HB 1068**, creates the Postconviction DNA Act to establish a procedure for a person convicted of a violent felony crime or who has received a sentence of 25 years or more and who asserts that he or she did not commit the crime, to file a motion requesting forensic DNA testing of biological material to challenge the conviction. A sentencing court must have a hearing after receipt of a motion for DNA testing and must order testing if the court finds:

- A reasonable probability that the person would not have been convicted if favorable results had been obtained at the time of the original prosecution;
 - That the request for testing is made to demonstrate innocence and not to delay the administration of justice,
 - That one or more items of evidence to be tested exists;
 - That the evidence to be tested was secured; and
 - That the chain of custody of the evidence is not in dispute.
- The court may order DNA testing to be performed by the Oklahoma State Bu-

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Oklahoma became the 50th state to pass a postconviction DNA testing law. Nationally, more than 300 people who were wrongfully convicted of crimes have been exonerated by DNA evidence since DNA testing first became available as a forensic tool in 1989.

reau of Investigation or other accredited laboratories. If the DNA results are favorable, the court must schedule another hearing to vacate the conviction, grant a new trial or order the person released from custody.

The supervision of criminal defendants also was addressed by the Legislature. **HB 1328** allows a district attorney to collect \$40 per month from offenders during the first two years of probation to compensate the district attorney's office for costs incurred during the prosecution of the offender and for the additional work of verifying the compliance of the offender with the rules and conditions of probation. Failure to pay may not be considered a violation of probation and the district attorney may waive this fee in the best interest of justice. The court is prohibited from waiving the fee. Under the provisions of **HB 1085**, the court may order a defendant, as a condition of pretrial release to participate in any monitoring or testing, including but not limited to GPS monitoring or urinalysis testing. The court may also order the defendant to pay any expenses related to any supervision, monitoring or testing.

Inmates assigned to the electronic monitoring program are required by **HB 1766** to report to the court clerk and the district attorney of the county from which the judgment and sentence resulting in incarceration originated to address payment of any fines, costs, restitution and assessments owed by the offender within 30 days of being

placed in a community setting.

HB 1743 increases the amount that can be assessed to an offender for participation in a victims impact panel program to not more than \$60. The measure provides a definition for *victims impact panel program* to mean a meeting with at least one live presenter sharing personal experiences about how alcohol, drug abuse and the illegal conduct of others has impacted their life.

Issues related to human trafficking were addressed by the Legislature. The first measure, **HB 1067**, requires any peace officer who comes into contact with a victim of human trafficking to inform the victim of the emergency hotline number maintained by the attorney general's office and provide the victim notice of certain rights. Law enforcement also is required to notify the Department of Human Services when an officer comes into contact with a child who may be a victim of human trafficking or sexual abuse. A related measure, **HB 1508**, grants the Oklahoma Bureau of Narcotics and Dangerous Drugs Control the ability to issue investigative subpoenas in human trafficking cases. Lastly, **HB 1058** allows a court to expunge law enforcement and court records relating to a charge or conviction for a prostitution related offense committed as a result of human trafficking.

The Bail Enforcement and Licensing Act, created by **SB 1013**, provides a licensing procedure for bounty hunters. The

measure requires any person who acts as or offers services as a bail enforcer to be licensed by the Council on Law Enforcement Education and Training. Bail enforcers are prohibited from breaking into a dwelling to recover a defendant unless the bail enforcer has first-hand knowledge that the person is in the dwelling and after reasonable requests that the person surrender. A license is valid for three years and the fee for an unarmed bail enforcer license is \$300 and an armed bail enforcer license is \$400. A person who acts as a bail enforcer without a license may be found guilty of a felony, punishable by a fine of up to \$10,000 and imprisonment for up to three years, or both fine and imprisonment.

Another measure, **HB 2167** makes numerous modifications to the licensure provisions relating to bail bondsmen. The measure:

- Requires cash bail bondsmen applicants to show proof of residency;
- Allows the insurance commissioner to deny or suspend the license of a bail bondsman who demonstrates financial irresponsibility, insufficient electronic funds transfer, or for failure to notify the commissioner of changes to legal name, email address or telephone number;
- Authorizes the commissioner to suspend or deny the license if a bondsman fails to accept a certified mailing from the department;
- Authorizes the commissioner to deny a new surety appointment or apply sanctions when a statement made on an affidavit is found to be false;
- Requires court clerks to maintain a list of bondsmen consisting of professional, property, cash and surety bondsmen; and

- Increases the fee to be paid to the court clerk in each county in which the bail bondsman is licensed from \$10 to \$20 and requires the fee to be paid biennially.

HB 1084 requires the applicant for a private process server license to place notice of the hearing to determine licensure in a legal publication at least 20 days prior to the hearing. The applicant is responsible for the costs associated with the publication of notice. The court clerk is required to mail or deliver a copy of the notice at least 20 days prior to the hearing to the district attorney, sheriff and the Oklahoma State Bureau of Investigation, giving them an opportunity to protest.

Several measures were enacted relating to criminal procedure.

HB 1297 eliminates a sentencing ambiguity related to how second and subsequent offenses are to be treated within the crime of lewd molestation. The lewd molestation statute contained specific language on the application of punishment for second and subsequent offenses that conflicted with another statute that deals generally with the treatment of second and subsequent offenses.

HB 1912 prohibits a court from requiring a victim petitioning for an order of protection to seek legal sanctions, such as divorce, separation, paternity or criminal prosecution against the defendant and lowers from 20 days to 14 days the time in which the court must hold a hearing on a petition for a protective order. The measure prohibits the court from imposing any term or condition, such as mediation, counseling, parenting classes or joint victim offender counseling sessions that could compromise the safety of the victim. Lastly, the

bill requires the Administrative Office of the Courts to provide annual domestic violence educational training to members of the judiciary.

With the passage of **SB 1**, a peace officer may not take a person into custody for public intoxication, if that person requested emergency medical assistance for another individual who appears to be in need of medical assistance due to alcohol consumption. That person must provide his/her full name and remain at the scene with the individual who appears to be in need of medical assistance.

A separate sentencing proceeding for persons convicted of first-degree murder is established by **SB 1036**. When the state is not seeking the death penalty, but has alleged that the defendant has prior felony convictions, the state is given the opportunity to prove any prior felony convictions beyond a reasonable doubt to the court. The court is then to determine if the defendant should be sentenced to life imprisonment without parole or life imprisonment.

Under the provisions of **SB 889**, sex offenders must comply with registration requirements if they wish to be removed from registration. If at any time during the registration the offender is found in noncompliance, the 15- or 25-year period of registration begins anew.

HB 2217 attempts to address the increased use of designer synthetic drugs by prohibiting the sale of any compound, mixture or preparation that contains any quantity of a prohibited synthetic chemical. The measure also adds numerous chemical compounds to the list of scheduled drugs. The bill requires certain compounds

that are dispensed in a pharmacy to include an attestation by the person receiving the compound that the person is not subject to the Methamphetamine Offender Registry. The Oklahoma Bureau of Narcotics and Dangerous Drugs Control is required to promulgate rules regarding the notice to be given to persons subject to the methamphetamine offender registry.

Drug Control

In an effort to deal with the epidemic of prescription drug abuse in Oklahoma, the Legislature passed several measures to address the issue. **HB 1419** instructs the director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs to notify a health care practitioner, as defined in the Uniformed Controlled Dangerous Substances Act, if a patient is possibly unlawfully obtaining prescription drugs. Additionally, the bureau is authorized to contract with vendors to facilitate the electronic transmission of central repository data to dispensers. A related measure, **HB 1783**, prohibits health care practitioners from refilling a written or oral prescription containing hydrocodone.

To facilitate study of this epidemic, **HB 1781** gives the Department of Mental Health and Substance Abuse Services and the State Department of Health access to the central repository for statistical, research, substance abuse prevention and educational purposes if confidentiality is not compromised.

Miscellaneous

HB 1241 clarifies the crime of arson by establishing that any person attempting to manufacture a controlled substance that causes a fire that burns a building or person is guilty of

first-degree arson.

HB 1340 prohibits persons who have been convicted of discharging a weapon at or into a dwelling and unlawful manufacturing or attempting to manufacture, or aggravated manufacturing of a controlled dangerous substance from participating in the Delayed Sentencing Program for Young Adults.

HB 1423 provides that a person who attempts to prevent another from producing any record, document or other object that has been duly summoned or subpoenaed is subject to prosecution.

HB 1522 repeals antiquated law related to reckless horse racing.

HB 1523 repeals antiquated law related to passes, tickets and franks of transportation or transmission companies.

HB 1524 repeals antiquated law relating to requiring railroad conductors and brakemen to

arrest without warrant persons conducting confidence games on railroad property.

HB 2045 clarifies that nothing in the Oklahoma Computer Crimes Act prohibits the monitoring of computer usage, or the denial of computer or internet access to a child by a parent, legal guardian, legal custodian or foster parent.

SB 64 prohibits the sale and possession of aerial luminaries.

SB 549 adds crimes relating to exploitation of elderly persons or disabled adults, computer crimes, unlawful proceeds, unlawful practices related to the Consumer Protection Act, violations of the Solicitation of Charitable Contributions Act, giving or receiving kickbacks, insurance fraud, and workers' compensation fraud to the list of crimes which can be considered racketeering activity under the provisions of the Oklahoma Racketeer-Influenced and Corrupt Organizations Act. ■

economic development and financial services

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Legislators passed several measures related to unemployment benefits to combat frivolous claims and to give lawmakers additional tools to assess the effect of future proposals to expand unemployment benefits. The Legislature also expanded several programs that offer incentives for businesses to expand or relocate to the state.



SB 613 makes numerous changes to the Oklahoma Quality Program Jobs Act. The measure revises the definition of *basic industry* as used in the North American Industry Classification System manual to include:

- Transportation and warehousing activities;
- Wired telecommunications carriers;
- Securities, commodity contracts and investment activities; and
- Activities related to pipeline transportation of petroleum or refined petroleum products.

As a result, establishments that fall under these categories are now eligible to qualify for incentives provided by the program. The measure also revises the wage criteria that establishments must meet to qualify for the incentive. Current law requires establishments to pay new employees at least 300 percent of the average county wage, but does not have a maximum threshold. The measure caps the maximum wage threshold at \$94,000, which will be periodically modified based on the percent changes of the latest Consumer Price Index. In addition, health care premiums paid for new employees may not be included in the annualized wage.

The measure also allows the state to recapture incentive payments to establishments that do not offer the state long-term benefits. Recipients of the incentive will be required to repay all incentive payments if it is revealed that the establishment no longer has any business operations in the state within three years from the first incentive payment. Applicants that do not meet the minimum payroll requirement within three years of the start date also will be required to wait at least 12 months before reapplying for the incentive payments. Lastly, the measure increases the net benefit rate from 5 percent to 6 percent for an establishment with at least 10 percent of the gross annual payroll going to military veterans.

Additionally, the Legislature voted to expand the types of events that qualify for

The Oklahoma Quality Jobs Program began in 1993 and allows qualifying businesses that create new quality jobs to receive a special incentive to locate or expand in Oklahoma. The program provides quarterly cash payments of up to 5 percent of new taxable payroll directly to a qualifying company, for up to 10 years. If 10 percent of new taxable payroll is attributed to the employment of military veterans, then the company is eligible for a rebate of up to 6 percent. Companies must also achieve \$2.5 million in new taxable payroll for any four consecutive quarters during the first three years in the program and have an average wage equal to or above the average county wage in which the company is located prior to receiving any incentive payments. The specific requirements of the program ensure that there is a clear cost-benefit to investing taxpayer dollars.

incentive payments under the Oklahoma Quality Event Incentive Act to include certain national, international or world championship events and events managed by Oklahoma-based national or international organizations. The measure also shortens several deadlines to give host communities more flexibility to recruit quality events.

HB 2000 combines the infrastructure pool and economic development pool administered by the Oklahoma Department of Commerce into one fund containing \$200 million. The measure allows proceeds from the infrastructure pool to be used for projects funded by the economic development pool and vice versa. Prior to the passage of HB 2000, each individual fund contained \$100 million to finance projects specific to each program.

Business, Industry and Labor

To give retailers equal opportunity to compete during retail sale seasons, **SB 550**, or the Black Friday law, revises the Unfair Sales Act to allow retailers to sell certain goods at below cost for up to 15 days and up to 10 times each year. The following merchandise is excluded from the exemption: gasoline, diesel fuel, prescription drugs, food and nonalcoholic beverages sold for off-premise use or consumption, household

soaps and detergents, health and beauty aids, over-the-counter medicines, vitamins, certain health products, pet food and supplies, paper and plastic goods, household cleaning agents and supplies, certain baby supplies and low-point beer. Outside of the sale season, the law requires a minimum 6 percent markup on the sale of all goods sold by a retailer.

HB 1911 requires unemployment claimants to sign an affidavit, created by the Oklahoma Employment Security Commission describing in plain language certain criteria that would disqualify a claimant from benefits. In the case of misconduct or a positive drug or alcohol test, the measure provides the claimant with the burden of proof and establishes circumstances where the employee may be terminated for misconduct. Misconduct includes, but is not limited to, the following:

- Unexplained absenteeism or tardiness;
- Willful or wanton indifference to or neglect of the duties required;
- Willful or wanton breach of any duty required by the employer;
- Mismanagement of a position of employment by action or inaction;
- Actions or omissions that place in jeopardy the health, life or property of oneself or others;
- Dishonesty;
- Wrongdoing;
- Violation of a law; and
- Violation of a policy or rule adopted to ensure orderly work or the safety of self or others.

Furthermore, an immediate cessation of benefits would ensue once an employer delivers evidence that suitable work was offered to the claimant, provided the commission will have the final determination regarding benefits.

HB 1023 requires the Oklahoma Employment Security Commission to conduct a fiscal impact study on any proposed legislation that expands unemployment benefits expended by the Oklahoma Unemployment Trust Fund. The commission must present the study to the Legislature and Governor before final passage can take place. Furthermore, the measure allows an employer, for good cause shown, to file an untimely appeal or written protest of the contribution rates determined by the commission and modifies the information required on a petition for review.

SB 5 provides that temporary employees of a

temporary help firm may be denied unemployment benefits if the employee:

- Voluntarily leaves the last assignment without good cause;
- Does not contact the temporary help firm for reassignment on completion of an assignment;
- Refuses a suitable job assignment without good cause;
- Communicates their decision to cease seeking an assignment;
- Becomes unavailable to accept a suitable job assignment without good cause; or
- Accepts employment with a client of the temporary help firm.

HB 1646 amends the state’s corporate governance laws by removing the requirement that corporations with publicly traded stock and more than 1,000 shareholders have staggered terms for boards of directors.

SB 1016 sets procedures for regulating consumer litigation funding agreements and licensing consumer litigation funders. The measure is applicable only to consumer litigation funding agreements processed after November 1, 2013, and contains the following provisions:

- Prohibits parties from entering into a litigation funding transaction with a consumer litigation fundee agreement;
- Provides that an attorney representing a consumer in the legal claim is not under a duty to assign payment from a settlement, judgment, award or verdict to the consumer litigation funding unless the attorney has agreed to do so in writing;
- Sets criteria for a consumer litigation funding agreement;
- Allows the consumer to cancel the agreement without penalty and sets the delivery

method for reimbursement of funds;

- Requires the consumer litigation funding agreement to contain various disclosures. The agreement must list an itemization of one time charges, the total amount to be assigned by the consumer to the funder, a payment schedule and a statement clarifying the consumer’s right to cancel the agreement;
- Requires the agreement amount to be paid to the funder in periodic intervals;
- Requires a consumer litigation funder be licensed by the administrator of the Department of Consumer Credit. The license fee will be \$200 for two years. The administrator will set a hearing to determine the applicant’s qualification for license. The administrator is directed to only issue a license to businesses that will be operated honestly and fairly;
- Requires an applicant and license holders to file a \$50,000 bond; and
- Sets penalties and outlines prohibited activities of a consumer litigation funder.

SB 107 modifies several provisions related to the licensure and regulation of precious metal and gem dealers by the Oklahoma Department of Consumer Credit. The department is required to collect documentation to verify the location where the business will be conducted. The measure establishes a \$5,000 administrative fine for violations of the Precious Metal and Gem Dealer Licensing Act and allows any person aggrieved by a final agency order to obtain judicial review in the Oklahoma County district court. The measure directs the department to set an inspection fee payable at the time of the license application or renewal.

All precious metal and gem dealers are required to keep a record of transactions and allow the department to inspect records during regular business hours. Dealers are allowed to designate additional locations for storage upon approval by the department. Furthermore, the measure requires all dealers to include the license number of the dealer in any advertisement distributed in Oklahoma.

SB 788 requires all contractors to have a current employer identification number and workers’ compensation policy. The measure also allows associations representing construction entities to offer benefits plans and insurance coverage. Furthermore, the measure requires all contractors to furnish proof of an executed bond to the agency or entity administering the contract prior to rendering services. Noncompliant contractors will be fined by the Oklahoma Tax Commission up to 10 percent of the contractor’s total bid, in addition to any other penalties authorized by law.

SB 374 establishes criteria for boat rental business operating in state parks. The measure requires boat rental businesses to have:

- A valid written contract with the Oklahoma Tourism and Recreation Department or the agency that owns the lake;
- A business license issued by the state;
- A visible, commercially accessible public location; and
- A tax permit and any other required local permit.

Failure to meet the minimum requirements is considered a misdemeanor punishable by a fine up to \$500 or 30 days of imprisonment.

HB 1355 requires continuing education for certain real estate licenses by requiring 90 clock hours of continuing education every three years for each of the following licensees: the provisional sales associate, the real estate broker or broker associate.

SB 1042 modifies various provisions related to the regulation of the alarm and locksmith industry. The measure provides that the Alarm and Locksmith Industry Act does not apply to persons acting on behalf of an Oklahoma licensed alarm company for the sale of an alarm system. The measure modifies the powers and duties of the Alarm and Locksmith Industry Committee by transferring the ability to prescribe and adopt license applications forms and charge and collect fees to the labor commissioner. The measure reduces the age for licensure from 21 to 18 and provides that all application fees are nonrefundable. The measure adds *theft*, *larceny* and *arson* to the list of conditions that would allow the commissioner to suspend, revoke or deny a licensee or applicant. Notice of the suspension or revocation of any license will be made public record.

HB 1639 excludes facilities that only offer month-to-month memberships without an application, processing, cancellation or other service fee from the definition of *health spa*. Facilities that are not considered a health spa are exempt from the Oklahoma Health Spa Act.

HB 1767 requires any agent of a real estate title business to maintain an office in the state and hold a valid license in order to countersign title insurance policies.

HB 1245 clarifies and updates

statutes regarding real estate brokers.

Banking

HB 1599 expands the authority of the banking commissioner and modifies the requirements to serve on the Oklahoma State Banking Board. The measure:

- Allows the banking board to set the salary of the banking commissioner up to the amount proposed in the annual compensation report prepared by the Office of Management and Enterprise Services;
- Eliminates the requirement that at least one member of the board be an officer or director of a national bank;
- Prohibits the impartial appointee of the board from being an officer or stockholder in any state-chartered bank prior to and during the term of their appointment;
- Authorizes the banking commissioner to contract with the Department of Consumer Credit to coordinate mutually beneficial information-sharing agreements;
- Authorizes the Banking Commission to contract with and accept bank examinations from a supervisory authority with the examination authority over the bank or trust; and
- Requires agents engaging in money transmitter services on behalf of a principal licensee to display a copy of the license certificate at the place of business.

HB 1828 creates a mortgage lender license within the Secure and Fair Enforcement Licensing Act. The measure defines a *mortgage lender* as an entity that takes an application for a residential mortgage loan, makes a residential mortgage loan or services a residential

mortgage loan, and is an approved mortgagee with direct endorsement underwriting authority granted by the U.S. Department of Housing and Urban Development, or an issuer for the Government National Mortgage Association, or a seller or servicer of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation. The measure authorizes the administrator of the Department of Consumer Credit to examine the financial condition and internal management policies and procedures of a licensed mortgage lender to determine that the entity is operating within the scope of the law.

HB 1829 updates the Uniform Consumer Credit Code to be in compliance with the Federal Consumer Credit Protection Act. The measure also creates the Oklahoma Private Student Loan Transparency and Improvement Act which prohibits a private education lender from the following acts:

- Offering or providing gifts to a covered education institution in exchange for any advantage or consideration for the lender;
- Engaging in revenue sharing with a covered educational institution;
- Using the name, emblem, mascot or logo associated with a covered education institution to market private education loans;
- Providing items of value to an employee of a covered education institution that serves on an advisory board, commission or group established by the private lender; and
- Imposing a fee for early repayment or prepayment.

Finally, the measure requires a private education lender to

disclose certain information to the borrower throughout the application process and establishes the timeline for accepting a loan and disbursement of funds.

HB 2164 provides that a trust company formed for holding, transferring or registering an aircraft registration title is not subject to the requirements of the Multistate Trust Institutions Act, provided the company maintains a minimum \$50,000 performance bond.

Insurance

The Legislature addressed a variety of insurance topics and updated the provisions of the Captive Insurance Act.

In an effort to reduce the number of vehicles without minimum liability insurance coverage, **HB 1792** creates the Oklahoma Temporary Motorist Liability Plan to provide minimum vehicle liability insurance coverage when law enforcement comes into contact with a vehicle that does not have liability coverage. The measure allows law enforcement to remove the tag from a vehicle and replace it with a temporary tag. The car automatically is covered with a statewide temporary insurance policy for \$10 per day, for a maximum of 10 working days. The sheriff's office will hold the tag until the owner of the vehicle provides proof of insurance. Finally, the measure adds an additional \$125 fee paid to the sheriff's office before the license plate will be returned.

HB 1108 brings Oklahoma's captive insurance laws closer to compliance with the National Association of Insurance Commission's model act for regulating captive companies. Captives are insurance com-

panies formed by their parent company to insure the risk of the parent company. Some provisions of the measure include:

- Requiring captive insurance companies to obtain approval from the insurance commissioner before taking certain actions related to the financial status of the company;
- Establishing criteria for businesses written by a sponsored captive insurance company and allows a sponsored captive insurance company to invest and combine the assets of two or more protected cells;
- Lifting certain exclusions that prohibited a captive insurance company from providing workers' compensation insurance; and
- Allowing the commissioner to issue provisional licenses to applicants.

HB 1512, the Insurance Department omnibus bill, amends the regulatory laws of several industries overseen by the Insurance Commission. The measure:

- Requires confidential treatment of information obtained by the insurance commissioner through an examination or investigation, unless authorized by the insurer. However, the commissioner is authorized to share and receive confidential information with a regulatory agency and the National Association of Insurance Commission, provided these entities agree to maintain the privileged status of the documents;
- Removes the bond requirement for an individual applying for a life, accident and health insurance broker's license;
- Incorporates fraternal benefit societies into various sections in statute, which would make them subject to the same laws governing insurers. Fraternal

benefit societies are 501 (c)(8) nonprofit organizations formed to provide social, insurance and other benefits to its members;

- Modifies the meaning of a company action level event by increasing the authorized risk-based credit multiplier from 2.5 to 3;

Replaces the term *insurance holding company system* with the term *enterprise risk*, defined as any event involving one or more affiliates of an insurer that is likely to have a material adverse effect upon the financial condition or insurer;

- Requires every insurer to file an annual enterprise risk report. A risk report must identify any material risks that could pose enterprise risk to the insurance company. The requirement may be waived for a licensed administrator who had no business or activity in the previous calendar year;
- Modifies the maturity dates of annuity contracts issued after November 1, 2013;
- Requires contracts, prices list and statements for prepaid funeral benefits to be retained for at least six years;
- Increases the minimum hours of continuing education required for an insurance adjuster from 20 to 24; and
- Provides that a small-employer carrier may include wellness programs, such as tobacco cessation, in the premium rate developments and allows employers to offer incentives to employees for participating the programs.

SB 692 requires insurers organized pursuant to the Interlocal Cooperation Act to file an audited financial report with the insurance commissioner within 180 days following the close of the insurer's fiscal year.

The audit must be conducted by an independent certified public accountant and conform to accounting principles generally accepted in the United States. The report must include a balance sheet reporting assets, liabilities and equity, a statement of operations, a statement of cash flows, a statement of changes in assets, liabilities and equity and footnotes to financial statements. Submitted reports are subject to the Open Records Act. The insurance commissioner is authorized to grant filing extensions and assess a fine up to \$500 per day for failure to file the annual audit.

Miscellaneous

HB 1343 clarifies that any federally recognized American Indian tribe is not considered a foreign insurance company and may apply for a license to transact insurance business in Oklahoma.

HB 1886 authorizes fair associations to exceed 20 days between race days with the consent of the respective horsemen's association and the approval of the Horse Racing Commission.

SB 196 designates a pavilion at Lake Wister as the

"Henry J. Heflin Pavilion."

SB 696 establishes procedures to allow insurance companies to post standard property and casualty insurance policies and endorsement forms on their website in lieu of mailing the information.

SB 697 allows the federal home loan bank to exercise their right to have first claim on insurance company assets that are used as collateral in a federal home loan bank security agreement.

SB 1000 allows employees of a car rental company to offer and sell insurance coverage to renters without being individually licensed by the Insurance Department, provided the employing company has a car rental limited lines license. The measure also establishes the following biennial license fees:

- Nonresident limited lines producer license: \$100;
- Resident or nonresident car rental limited lines license with one or two locations: \$40;
- Resident or nonresident car rental limited lines license with three or more locations: \$500. ■

During the 2013 session, members tweaked reforms from past sessions, focused on school security and addressed salaries for newly certified National Board teachers.



SB 426 instructs districts to phase in the full implementation of the Teacher and Leader Effectiveness Evaluation System (TLE) by the 2015-16 school year. The quantitative portion of the evaluation system will be phased-in by the 2015-16 school year. Beginning in the 2015-16 school year, districts must fully implement the TLE, including the qualitative and quantitative components.

Probationary teachers will be evaluated once each semester. For teachers in grades and of subjects for which there is no state-mandated testing to form the quantitative measure of the TLE, the State Board of Education may adopt alternative percentages. First-year teachers will be evaluated only on the qualitative measures in the evaluation system.

A related measure, **SB 207**, mirrors the evaluation procedures for probationary teachers in **SB 426** and provides that career teachers who received a superior or highly effective rating in the TLE may be evaluated once every two years rather than once a year.

HB 1658 modifies the A-F school ranking system. Fifty percent of school grades will be based upon whole school performance. Twenty-five percent will be based upon whole school growth by allocating one point for each student who improves proficiency levels or improves substantially within a proficiency level on tests, divided by the number of students taking tests. The remaining 25 percent will be based upon growth in the bottom quartile of students. The measure also sets number ranges for grades, with 97 percent to 100 being an A+ and so on.

HB 1071 also modifies the A-F system by prohibiting the use of state test scores of full-time online students who live outside the district when determining the ranking of a school. School districts and charter schools also must report separately the academic performance of those students when determining the

IN THIS SECTION

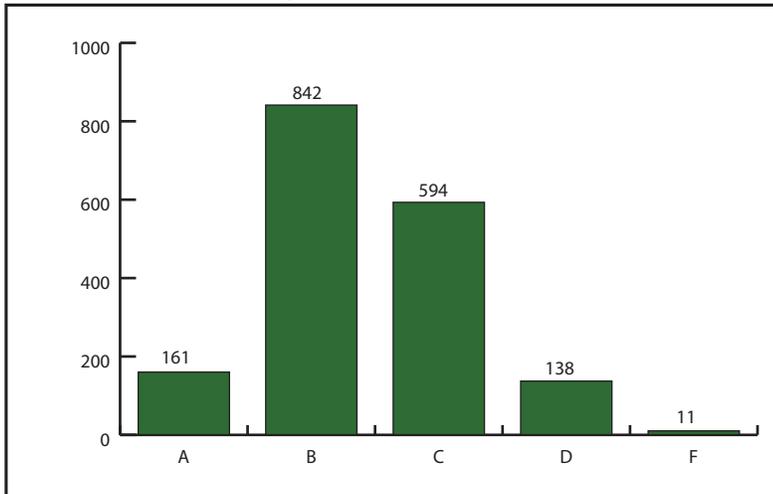
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2011-2012 Letter Grade Distribution
Among Oklahoma Public Schools



Academic Performance Index of the district or school and their performance on state-required tests.

A related measure, **HB 1385**, clarifies that school districts or school sites will be identified as in need of improvement rather than listed on the school improvement list. The measure also specifies that the State Board of Education will use academic performance data rather than Academic Performance Index scores for measurements for certain programs including the Academic Achievement Award program. The measure also repeals the section of law that establishes the Academic Performance Index program.

SB 169 provides that a virtual education provider that offers full-time virtual education to students who are not residents of the school district will be considered a site within each school district with which it contracts and will be subject to the state's A-F school ranking system. The provider and the contracting school district must identify full-time virtual students who do not live in the district and report their performance to the State Department of Education.

Members also addressed the issue of bonus payments for teachers certified through the National Board for Professional Teaching Standards with **HB 1660**. National Board certification bonuses will no longer be subject to the availability of funds and teachers with certification or who started the process prior to June 30, 2013, will be eligible for a bonus of \$5,000 annually for 10 years. Teachers who started the process after that date will be eligible for an additional salary increment created between the steps for bachelor's degrees and master's degrees. In addition, the Oklahoma Commission for Teacher Preparation will select up to 100 applicants each fiscal year and pay up to \$1,300 for fees associated with certification and provide a \$500 scholarship. Applicants who do not complete the process within three years must repay the fee.

In an effort to protect student data, **HB 1989** directs the State Board of Education to develop a detailed security plan and policies to comply with the Federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies. The board also must publish individual student-level data currently

in the student data system that is required to be reported by state and federal education mandates and any student data proposed for inclusion in the student data system.

Access to data must be restricted to the department, authorized contractors, school personnel, students and their parents and authorized staff from other state agencies. The department must use only aggregate data in public reports and must not provide individual student data to other organizations or agencies outside the state unless exceptions, such as a student transferring out of state, are met. The board must notify the Governor and Legislature annually of changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. Department of Education.

Members approved three measures related to student transfers.

SB 280 changes various dates for student transfer application deadlines; however, the provisions of **HB 2131** override those of SB 280 by requiring that parents file applications for transfer of students by the first Monday in June, rather than April 1, and the receiving school district must notify the resident school district by that date that an application has been filed. The board of education of the receiving school district must approve or deny applications within 30 days of receipt. Parents must notify the receiving school district within 10 days of receiving notice that the student will enroll.

The measure also allows school districts to request from the State Board of Education to be exempt from laws and regulations from which charter

schools are exempt. Requests must include a plan outlining goals, educational and fiscal benefits and anticipated outcomes. A plan must be for no longer than three years. Prior to the beginning of the third year, a school district may apply for renewal. Districts must submit annual reports and the board must annually assess the academic achievement and fiscal status of districts.

Districts may not be exempted from accepting students who reside in the district, meeting salary requirements, participating in the Oklahoma Teachers' Retirement System, providing health insurance, requiring background checks, evaluating teachers, hiring certified employees, testing students, meeting curriculum requirements and requiring that board members meet continuing education requirements.

Another bill related to transfers, **SB 759**, instructs school districts to adopt a policy regarding the transfer of students who are dependent children of a member of the active uniformed military services of the United States and members of the military reserve on full-time active duty status for whom Oklahoma is the home of re-

cord. Districts must approve of transfers if at least one parent has a Department of Defense-issued identification card, at least one parent can provide evidence that he or she will be on active duty and transferred for more than 30 days and a relative of the student lives in the receiving school district or can provide proof that he or she will be living in the school district within six months.

Three measures make adjustments to the authority of the Commissioners of the Land Office.

HB 1022 gives the Commissioners of the Land Office more flexibility to use money from the permanent school fund to purchase real property. Commissioners must not invest more than 3 percent of the total value of the assets of the permanent school fund in investments in real property and must not bid against private sector bidders above the appraised value of the property.

HB 1883 allows the Commissioners of the Land Office to add to the Commissioners of the Land Office Revolving Fund any monies received within an annual period and expend those funds within the annual period in which they

were received. Commissioners may distribute funds to school districts and use them for the performance of the functions of the office. The measure also allows the secretary to void and return deposit checks of potential buyers or lessees of land or minerals when they fail to win the bid. Previously, the law required the office to deposit checks, thus delaying repayment. The secretary must return within three business days deposits for transactions that will not be finalized.

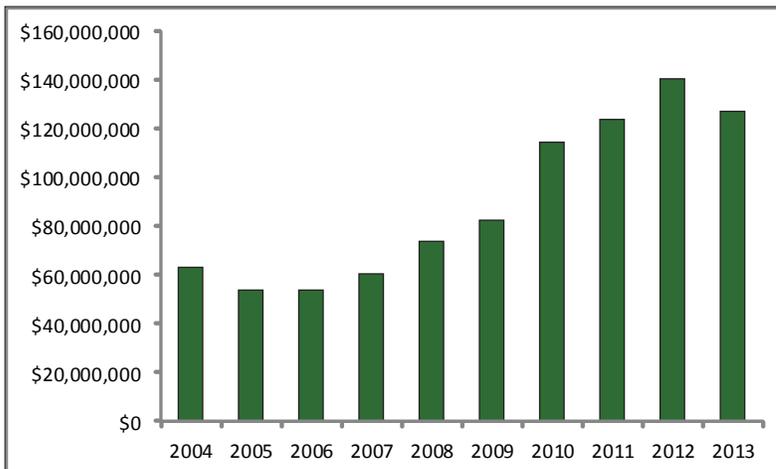
The measure also allows the Commissioners of the Land Office to distribute other income designated by the secretary of the land office to school districts and requires that the office submit a monthly statement of operational expenditures to commissioners.

HB 2048 removes language that requires funds, royalties, bonuses and rental income from mineral leases for land administered by the Commissioners of the Land Office be deposited into the State Public Common School Building Equalization Fund.

Furthermore, the measure allows charter schools to use funds from the State Public Common School Building Equalization Fund to purchase classroom buildings. Grants will be awarded only to school districts and charter schools in school districts that have a bonded indebtedness of 50 percent of the assessed value of the school district rather than 85 percent. Charter schools must have matching funds of at least 10 percent of the total grant amount. The total amount of each grant must not exceed \$4 million annually.

The State Board of Education must make available to eligible charter schools any unused

Commissioners of the Land Office Distributions to Public Education



grant funds that remain after the initial allocation to all eligible public school districts and charter schools.

Another measure makes adjustments to the Statewide Virtual Charter School Board. **SB 267** allows the board to directly sponsor statewide virtual charter schools and removes the State Board of Education as the sponsor when the applicant is the Statewide Virtual Charter School Board. The weighted average daily membership for funding of a full-time virtual charter school will be determined by multiplying enrollment as of August 1 by 1.333. At midyear, the allocation will be adjusted using the first quarter weighted average daily membership. The State Department of Education will provide staff support to the board until December 31, 2014, and then will provide office space.

The board will establish a procedure for approving or disapproving virtual charter school applications. Starting on July 1, 2014, no school district will offer full-time virtual education to students who are not residents of the school district.

The Legislature passed three measures related to high school graduation.

HB 1038 allows school districts to count sets of competencies toward high school graduation curriculum requirements, rather than only units. The measure clarifies that the definition of sets of competencies is instruction without regard to specified instructional time. This allows students to earn credits based upon mastery of content instead of seat time, which is time spent in a course.

SB 226 provides that students who do not meet high school graduation testing

requirements be allowed to re-enroll in the school district that denied the diploma. The district must then provide the student with remediation or intervention and the chance to retake the test until making at least a proficient score. Students will be exempt from the hourly instruction requirements elsewhere in statute. Funding for students will be calculated based upon the percentage of the school day in which the students are enrolled multiplied by the appropriate grade-level weight. Elective courses will not be included when calculating state aid.

Finally, **SB 559** provides that students who score 10 percent above cut scores approved by the State Board of Education on the ACT, SAT, ACT Plan or Preliminary SAT/National Merit Scholarship Qualifying tests will have demonstrated mastery for subjects in which alternative tests have been approved and will be exempt from taking the end-of-instruction tests in the subject areas of algebra II, English III, geometry or United States history. Students who score the cut scores for the advanced placement, ACT Workkeys job skills assessment, College-Level Examination Program or International Baccalaureate alternate tests also will have demonstrated mastery and be exempt from end-of-instruction tests in those subjects.

The State Board of Education must adopt rules providing for the designation of students as proficient or advanced, based upon scores obtained for the purposes of calculating the grade of a school as part of the A-F school ranking system and evaluating teachers and administrators.

Several measures made chang-

es to teacher certification, professional development, application and employment requirements.

SB 244 exempts any person who has been employed as a full-time teacher by a district in the state from a national criminal history record check when applying for a full-time teaching position in another school district in the state if the teacher provides a copy of a national criminal history record check completed within the preceding five years and a letter from the previous school district that states the teacher left in good standing. Any person employed as a substitute by a school district in the state for at least five years preceding an application for employment as a full-time teacher in a school district in the state may not be required to have a national criminal history record check if the teacher provides a copy of one from the preceding five years and a letter from the previous district stating the substitute left in good standing.

HB 1397 provides that school districts may not require off-contract teachers to attend professional meetings, unless the teacher is compensated for the additional time. Teachers may be paid additional compensation for attending professional meetings in excess of their contract term.

HB 1335 requires that testing companies reimburse teacher candidates for the cost of previously taken competency examinations if the company requires payment for a subsequent examination prior to the release of results of the previous examination.

HB 1528 prohibits school districts from hiring teachers on multiple temporary contracts

that add up to more than four semesters.

HB 1757 requires that school district employees and technology center school district employees be paid a minimum of once a month.

SB 170 provides that starting July 1, 2013, any teacher with certification at the secondary level may teach the subject area in which the teacher received certification in grades five and six.

Lastly, **SB 199** prohibits school district administrators from asking job applicants whether they have children and where they plan to enroll their children if hired.

School Safety

Legislators adopted several measures as a result of recent national events involving school shootings. **SB 256** requires that in addition to the two lockdown drills required in statute, school districts must conduct a minimum of eight safety drills per school year, which must include two fire drills, two intruder drills, two tornado drills and two drills to be determined by administrators. **SB 257** directs the Oklahoma Office of Homeland Security to designate a division as the Oklahoma School Security Institute, which will act as the central resource for information on enhancing school security and assessing risks and threats to school campuses. **SB 258** establishes the date of November 1 by which schools, administration buildings and institutions of higher learning must provide the annual updated plans for protecting students, faculty and visitors from disasters and emergencies required by law. The bill specifies that the plans must be submitted

in an acceptable format to the emergency agency, which may include police, fire, emergency medical services, sheriff and emergency management of the appropriate jurisdiction.

SB 259 requires school authorities to report to law enforcement the discovery of a firearm on any student or upon any other person not authorized by law to possess a firearm on school property. A final measure, **SB 283** requires local district courts to notify the State Board of Education when a school employee is charged with a felony or violent misdemeanor. Additionally, the bill requires schools to notify the board after the dismissal of an employee due to criminal sexual activity.

Another measure addresses student health safety, **HB 2101** instructs school districts that elect to stock epinephrine injectors to update policies on the self-administration of anaphylaxis medication by a student. The policy must require the school district to inform the parent or guardian of each student that a school nurse or employee trained by a health care professional may administer without a physician's order, an epinephrine injection to a student believed to be having an anaphylactic reaction. The school district must have parents' permission to administer the injector and must have a waiver of liability. The school district and its employees will incur no liability as a result of any injury. A licensed physician who has prescriptive authority may write a prescription for epinephrine injectors for school sites and will incur no liability as a result of injury.

Two measures relate to bullying in schools. **HB 1661**

defines *bullying* as any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students or about a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results. It also removes *school bus stops* from the definition of *at school* and expands the definition of *electronic communication* to include video content.

The measure also provides criteria that must be contained within a school district's discipline policy, including:

- Procedures for reporting an act of bullying, including a provision for reporting anonymously. No formal disciplinary action will be taken solely on the basis of an anonymous report;
- Procedures for reporting to law enforcement all acts that may constitute criminal activity or have the potential to endanger school safety;
- Requirements that any school employee who has reliable information of suspected bullying must report it immediately;
- Procedures for notifying parents of the students involved; and
- Consequences, remedial action and counseling.

The State Department of Education also must maintain a central repository for collection of information regarding documented and verified incidents of bullying and publish a report annually. The department must develop a model policy and deliver training materials to all school districts.

A related measure, **HB 1422**,

allows a student who has been the victim of harassment, intimidation and bullying to receive an emergency transfer to another school district. The receiving district must verify that the student has been a victim of harassment, intimidation or bullying and the sending school district must have been notified of the incident or incidents prior to the filing of the application for transfer.

Special Education

Legislators also passed several measures related to special education.

HB 1233 requires the State Board of Education to issue a one-year provisional certificate to teach in the area of mild-moderate or severe-profound disabilities. Candidates must have been recommended by a board of education or an accredited institution of higher education, completed a 150-hour special education program and have a national criminal history record check.

The teacher may renew the certificate two more times if the teacher has completed at least six credit hours in an alternative route to certification program for mild-moderate or severe-profound disabilities or toward a master's degree in special education. The board must issue a standard certificate to any individual who has:

- Been issued one or more provisional certificates;
- Completed coursework and required examinations for alternative certification or a master's degree within three years
- Completed the subject area competency exam.
- The board also must issue a standard certificate to any person who:

- Completed coursework and any examination required for a master's degree in special education;

- Completed the competency examination; and

- Has a national criminal history record check.

In addition, the measure removes the cutoff date of July 1, 2014, by which certain teachers seeking early childhood education, elementary education or special education alternative certification must complete subject area examinations. This allows teachers who already have certification in early elementary education, early childhood education, special education or those teaching through the Troops to Teachers program to continue to seek alternative certification in early childhood education, elementary education or special education.

Another measure, **HB 1756**, allows students with disabilities who are assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program and fail to meet graduation testing requirements to graduate with a standard diploma if the school district determines that they meet certain standards. Those students must obtain a written recommendation from their teacher in the subject areas where they failed to meet graduation testing requirements. The recommendation must include support from the principal and documentation demonstrating acquired knowledge through alternate measures. The student also must complete remediation required by the individualized education program, retake the exams failed if the IEP requires retakes, maintain a C average in subjects in which they failed

to meet graduation testing requirements and meet all other graduation requirements of the district.

HB 1264 extends until May 31, 2014, the Rethinking Special Education, Competency and Transition Task Force and makes its final report due January 1, 2014. The task force will study ways to improve educational services and outcomes and postsecondary transition plans. The measure also requires that the State Department of Education rather than the Oklahoma Commission on Youth and Children administer the Inter-agency Coordinating Council for Early Childhood Intervention.

Higher Education

Legislators passed three measures related to higher education.

SB 49 allows public universities that maintain Council on Law Enforcement Education and Training-certified campus police departments to be considered law-enforcement jurisdictions under the Oklahoma Intrastate Mutual Aid Compact. Public universities also will have the right to withdraw from the compact.

SB 495 removes language that prohibits the Oklahoma State Regents' Endowment Trust Fund from being diminished for any reason except to retire bond debt if the regents fail to make payments.

SB 682 provides that the Oklahoma State University Fire Service Training will provide training and professional certification programs for fire service in the state.

Miscellaneous

HB 1117 adds a public school nurse to the membership of

the advisory committee created by the State Department of Health to make recommendations regarding vision screenings in public schools.

HB 1294 requires that the State Board of Education provide dropout statistics to the Military Department of the State of Oklahoma for use in the youth educational programs.

HB 1303 allows students who previously passed reading proficiency tests in other states to submit those tests to meet the requirements for an Oklahoma driver license. The Oklahoma State Department of Education must verify that the reading proficiency requirements of that state are comparable to Oklahoma's requirements before the student can obtain a license.

HB 1418 creates the Josephine Meade Anti-Hunger Act and directs DHS to adopt rules that will allow patrons of senior nutrition project sites to take home leftover food and requires the State Department of Education to adopt rules to allow the redistribution of leftover food to needy students.

HB 1431 modifies the duties of the State Governmental Technology Applications Review Board to include approving a plan that would allow public elementary and secondary schools to recover the cost of instructional technology resources issued by the schools.

HB 2052 allows boards of education to include character education programs beginning in pre-kindergarten.

SB 91 requires that the education instruction provided to school district boards of education

members elected on or after January 1, 2014, include the topics: employment law, due process, new laws and the Open Records and Open Meeting acts, special education, school finance and ethics. The education requirement for incumbents filing for re-election also must include one hour each in school finance, Open Meeting and Open Records acts and ethics.

SB 251 provides that the Oklahoma School for the Blind and the Oklahoma School for the Deaf will be considered local education agencies for the purposes of purchasing and administering tests required for high school graduation.

SB 419 defines *educationally appropriate*, as it relates to supplemental online courses, as any instruction that is not substantially a repeat of a course or portion of a course that the student has successfully completed, regardless of the grade of the student and regardless of whether a course is similar to or identical to the instruction offered in the school district.

SB 1131 allows the Board of Trustees of the Oklahoma School of Science and Mathematics, if the school has unused capacity, to develop a policy to accept Oklahoma students and students who reside outside Oklahoma, who otherwise meet admissions requirements. The enrollment of these students must not exceed 10 percent of the school's total enrollment. The policy must include a method for calculating nonresident tuition and room and board rates that meet or exceed the cost of attendance and a provision that Oklahoma residents will be given priority for enrollment. ■

energy and utility regulation

The Legislature passed several bills this year that fine-tune the state's oil and gas regulations, including two measures that address the state's energy infrastructure.



HB 1718 authorizes the Oklahoma Corporation Commission to inspect public-access CNG stations. The measure also amends qualifications for the clean-burning motor vehicle fuel tax credit by requiring that retrofitted vehicles meet federal safety standards and be installed by a technician certified in accordance with the Alternative Fuels Technician Certification Act.

The second measure, **HB 1932**, grants to incumbent electricity transmission owners the right of first refusal to construct, own and maintain a transmission facility approved for construction. The owner must respond to the Southwest Power Pool's "direction to construct" within 90 days of its receipt. If the owner does not respond within 90 days, the owner surrenders the right to construct and maintain the facility.

In 1989 the Legislature created the Petroleum Storage Tank Indemnity Fund to meet a federal requirement for \$1 million of liability insurance for damage caused by leaking tanks. The account is funded by a one-cent assessment on each gallon of motor fuel purchased in the state. **HB 1525** requires that legislation modifying the distribution of the assessment receive approval from at least two-thirds of each chamber. The measure also modifies the annual reporting requirements of the Oklahoma Corporation Commission. In addition to previous requirements, the reports must include the amount of funds needed to complete the correction action plan and achieve closure of pending claims against storage tanks; and a detailed account of the distribution of the assessment.

SB 25 clarifies that a facility licensed to receive hazardous waste also must remit to the state a fee when accepting nonhazardous waste.

SB 33 deletes references to sections of law previously repealed and removes technical provisions related to hazardous waste incineration that have been

made obsolete by federal rules.

SB 191 allows oil and gas operators to employ a variety of methods that are provided in statute to notify surface owners of the intent to drill.

SB 478 provides an exception to statutory requirements for land transactions for property disposed of by the Lead-Impacted Communities Relocation Trust.

SB 489 amends the Open Records Act by making certain records of the Department of Environmental Quality related to sources of radiation confidential.

SB 621 repeals the Oklahoma Bioenergy Center Act and consolidates the Oklahoma Bioenergy Center into the Oklahoma Energy Initiative.

SB 767 transfers the duties, assets and obligations of the Commission on Marginally Producing Oil and Gas Wells to the Committee for Sustaining Oklahoma's Energy Resources, which is a function of the Oklahoma Energy Resources Board.

SB 926 declares that the cost-effective recycling of materials involved in energy-intensive industries is a priority of the state.

SB 779 allows the Department of Public Safety to issue an annual fleet oversized load permit to an electric utility or rural electric cooperative for the movement of poles. The annual fee for the permit is established at \$4,000.

HB 2003 relates to solid waste collections services. The measure simply deletes references to *collections* and changes the term to *services*. ■

general government

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The Legislature passed several measures affecting state, county and municipal governments, including taking action to begin addressing the repair needs of the State Capitol building.



HB 2032 appropriates \$120 million, split between fiscal year 2014 and fiscal year 2015, to the newly created Oklahoma State Capitol Building Repair and Restoration Fund to initiate repairs for the State Capitol.

In a continuing effort to reduce the state's outstanding debt, **HB 2195** limits the amount of state indebtedness to an amount not to exceed 5 percent of the average of the General Revenue Fund for the preceding five years. A provision is made for emergency issuance of obligations with a supermajority vote by each legislative house.

In order to ensure compliance and prevent fraud, **HB 2165** establishes certain requirements for consumers and telecommunication carriers that must be met for carriers to receive reimbursements from the Oklahoma Lifeline Fund. The measure requires carriers to collect and report to the Oklahoma Corporation Commission certain information, including the customer's name, date of birth, billing address and the last four digits of the customer's Social Security number or tribal number.

SB 1008 delegates previous duties of the Legislature to the Office of Enterprise Management and Services, with the creation of the Oklahoma Office of Privatization Act. The measure requires the agency to create a repository of the best privatization and surplus asset sales practices, have the ability to select projects for privatization, be capable of responding to privatization proposals, and have the ability to oversee privatization for contracting opportunities.

HB 2231 creates the Oklahoma Disaster Relief Price Stabilization Act to prohibit retailers and wholesal-

The Lifeline program originated in 1984 to provide affordable phone service to low-income households. In 2008 the federal program expanded to include cellphone service.

ers from increasing or decreasing prices during disasters and establishes a \$1,000 fine for each violation. The measure also requires the Office of Management and Enterprise Services to create and maintain a mobile phone application for assisting counties in applying for emergency assistance.

SB 979 requires the chair of the Oklahoma Compensation and Unclassified Positions Review Board to convene a meeting to study:

- Possible reforms to the classified and unclassified employee system;
- Improvements in the efficiency in the state employment hiring process;
- Improvements in accountability for state supervisors and employees; and
- Human resource management reform or consolidation.

The measure requires the board to report recommendations to the Governor and the Legislature by December 15, 2013.

HB 1107 authorizes state entities seeking to collect a debt to deduct the amount owed from the debtor's income tax return if the debt is for medical services obtained as a result of fraud. Additionally, the bill authorizes the Office of Management and Enterprise Services (OMES) to intercept monies from the state's health plan participants who have fraudulently or errantly received medical services. The measure authorizes participants who have opted out of basic health and dental plans to retain life and disability plan benefits.

SB 292 requires that county treasurers provide to the Oklahoma Health Care Authority (OHCA) a list of all properties that will be sold at tax resale within their respective coun-

ties. OHCA must produce a list for each county of properties with OHCA liens. The measure requires that the authority file a release of liens on blighted properties in the county records of the county where the property is located upon the county treasurer's request. Finally, the filing of the lien release does not extinguish the debt owed to the authority.

Previously, municipalities with fewer than 1,000 residents were allowed to opt in to the requirements of the Oklahoma Town Meeting Act, which outlines the procedures for conducting initiatives, meetings and elections. **HB 1402** allows municipalities with fewer than 2,000 residents to opt in to the requirements.

As a result of the voters' approval of State Question 759, which prohibited the use of affirmative action in state contracts, **HB 1414** removes the affirmative action sections from the Oklahoma Personnel Act.

In order to bring statutory language into compliance with the Interstate Compact for Juveniles, **SB 301** establishes the Governor as the appointing authority for the interstate commission. The compact is a joint agreement among states managing the transfer of juveniles under supervision, temporary travel, and the return of juveniles that have escaped, fled to avoid prosecution, or run away. Pursuant to the compact, the measure establishes the State Council for Interstate Juvenile Supervision. The council will advise and may exercise oversight and advocacy with regards to Oklahoma's participation in interstate commission activities and other duties.

HB 1990 renames the Public Building Construction and Planning Act as the Public Facilities Act. The measure creates

the Department of Real Estate Services and requires the new department to perform procurement actions for public agencies. The measure also creates the position of state facilities director and provides for the qualifications, responsibilities and authority of the position. The measure also increases the maximum amount a construction manager's or consultant's contract can be from \$15,000 to \$50,000.

The measure eliminates the requirement for the state construction administrator to file an annual report to the Legislature summarizing that year's cost information for each construction management project. The department is authorized to provide management and maintenance for public agencies and allows the director to authorize exemptions to the Oklahoma State Regents for Higher Education and its constituent institutions. The Construction and Properties Division Revolving Fund is modified by renaming it the Department of Real Estate Services Revolving Fund and providing allocations from an approved annual capital plan designed for assessment and planning services, as well as allocations from an approved annual capital plan for emergency response.

SB 1022 re-authorizes the Construction Industries Board until July 1, 2016, and adds roofing contractors to its list of regulated trades. The measure requires board members to be elected to staggered terms and allows the Governor to remove board members at any time.

The measure authorizes the board to establish and levy fines for violations of law or rule in the trades and industries it licenses or regulates and provides a list of those entities that

the board does not have authority over, including:

- Public utilities
- Public service corporations
- Intrastate gas pipeline companies
- Gas gathering pipeline companies
- Gas processing companies
- Rural electric associations
- Municipal utilities or their subsidiaries
- Chemical plants
- Gas processing plants or petroleum refineries where the entity uses their employees or contractors to work on their own facilities or equipment

The measure requires a certified report of receipts and expenditures to be delivered to the chairs of the Senate and House committees having authority over matters relating to business, labor and the construction industry licensing or regulation no later than February 1 each year.

Also, the measure requires that the board account for all fines, penalties and fees assessed and collected. All fines, penalties and fees assessed must be automatically reviewed by the entire board for consideration by no later than the last day of the monthly quarter in which it was imposed. The measure requires the construction industries administrator to present to the board a written recommendation and summary for each case after each administrative proceeding, which must be considered by the board by the end of the next meeting. The measure prohibits any case from being delayed once placed on an agenda unless consent by all parties is met. The licensee or person who has been charged with a fine, penalty or fee has all the rights of appeal afforded

within the Administrative Procedures Act.

The measure requires that temporary licensees be distinguishable from the regular licensee and prohibits the board from issuing a temporary license until the prospective licensee demonstrates compliance requirements set forth by statute.

HB 1113 authorizes county commissioners to establish wellness programs for their employees and allows for the establishment of a fund from which incentives may be awarded to encourage participation.

Government Modernization

Legislators continued to focus on streamlining state government and identifying ways to improve management of agencies. **HB 1455** creates the Streamlining and Savings Act of 2013. The measure eliminates the:

- Oklahoma Dairy Promotion Act;
- Savings and Loan Advisory Council;
- Healthcare Indemnity Fund Task Force;
- Buffalo Soldiers Heritage Corridor Advisory committee;
- State Board of Registration for Foresters;
- Oklahoma Integrated Justice Information Systems Steering Committee;
- Waterworks and Wastewater Works Advisory Council;
- Trusts for Water Pollution Control Projects;
- Eastern Flyer Passenger Rail Development Task Force;
- Legislative Oversight Committee on the Streamlined Sales Tax System;
- Safe Routes to Schools Program;

• State Facility Capital Needs Committee;

• Oklahoma Recreation and Development Act and transfers monies remaining in the Recreation and Development Revolving Fund to the Department of Commerce;

• International Trade Legislative Advisory Committee;

• Oklahoma State Data Center within the Department of Commerce;

• Spaceport Territory Advisory Council;

• War on Terror Memorial Design Committee;

• Small Business Regulatory Review Committee;

• Task Force on Dynamic Revenue Forecasting;

• Marginal-Quality Water Technical Work Group;

• State Water Quality Standards Implementation Advisory Committee;

• Laboratory Services Advisory Council within Department of Environmental Quality;

• Emergency Management Advisory Council;

• Oklahoma Film and Music Commission; and the

• Oklahoma Institute of Technology within the Center for the Advancement of Science and Technology.

Finally, the bill transfers duties of the Oklahoma Office of Volunteerism to the Department of Emergency Management and places the Oklahoma Film and Music Commission within the Department of Tourism and Recreation.

SB 596 requires each state agency to submit each year a program management and performance report to certain House and Senate members and to the director of the Office of Management and Enterprise

Services (OMES). The report must include detailed data for each agency program, cost avoidance and cost containment measures implemented, the methodology for determining the agency's fee structure and gauging customer satisfaction and a list of programs or operations not required as part of the core function of the agency. The bill also requires the director of OMES to make the reports available on the state's public access website.

Another measure intended to identify agencies with the least efficient administrative services, **HB 1002** requires the director of OMES to identify the ten state agencies with the lowest rankings in the financial services cost-performance assessment and requires those agencies to contract with OMES to provide shared financial services, if it will result in cost savings or efficiencies to the state. The bill allows a contracted agency to discontinue the shared services if the agency can document that it can provide the services at a lower cost and such documentation is approved by the director of OMES.

Additionally, **HB 1002** authorizes OMES to enter into contracts to carry out the functions of the State Employee Assistance Program; modifies who is eligible to participate in the Carl Albert Public Internship Program; and modifies how the cumulative total of full-time equivalent positions for state agencies is calculated.

HB 1910 requires the director of OMES to notify agencies out of compliance with the Asset Reduction and Cost Savings Program and exempts the Oklahoma Ordinance Works Authority and the Commissioners of the Land Office from requirements of the program. The Long-Range Capital Planning Commission

(LRCPC) is directed to submit a list of proposed projects to the Governor and Legislature within the first seven days of the legislative session. Some additional provisions of the bill include:

- Authorizing OMES to recommend the sale of state properties based on the value of the property and the potential for a net gain to the state;
- Requiring the appropriate county officials to file and record instruments vesting the state's right to, or interest in, lands or minerals or to adjust irregularities on those instruments at the request of OMES without filing or recording fees;
- Modifying the duties of the LRCPC to include preparing an annual capital plan budget for addressing state capital facility needs for the ensuing eight years and modifies the components of the capital plan; and
- Directing the LRCPC to decrease the amount of property owned by the state and to better maintain and utilize the state's real property assets.

HB 1464 creates the Innovation, Efficiency and Reform Act of 2013. The measure authorizes the state purchasing director to exempt a procurement of a pre-owned item from the requisition requirements of the Oklahoma Central Purchasing Act if the exemption is in the best interest of the state. Acquisitions made under this exemption must be publicly posted with a description of the cost savings realized. The bill makes optional the collection of a \$25 fee by OMES to register suppliers wishing to do business with the state and allows the director of OMES to authorize reimbursement for in-state overnight lodging while on state business at a rate of up to 150 percent of the usual state rate under certain conditions.

HB 2062 is an omnibus measure

relating to the duties of the state's Chief Information Officer. Some provisions include:

- Requiring the State Governmental Technology Applications Review Board (SGTARB) to establish a program to support and encourage state agencies to develop a telework model;
 - Directing the CIO to develop an online site that will allow the public access to security breaches for which notification to the CIO is required;
 - Allowing state agencies to request authority from the SGTARB to charge a convenience fee for electronic or online transactions;
 - Giving the SGTARB the authority to grant a temporary exemption to a state agency for the issuance of licenses or permits via an online process and to approve a plan by which elementary and secondary schools can recover the cost of instructional technology resources issued by the schools;
 - Authorizing the Information Services Division of OMES to request the processing of payments to the division against the funds of any delinquent agency to recover the cost of providing data processing and telecommunications services to that agency;
 - Requiring the CIO to report annually the amount of savings realized from implementing the provisions of the Information Technology Consolidation and Coordination Act; and
 - Requiring state agencies, except institutions of higher education, that issue state publications to file the publication electronically.
- HB 1987** permits a county purchasing agent to authorize county purchasing officers to make acquisitions through the state purchase card program.

The measure requires purchase cardholders to sign an agreement and attend purchase card procedure training. The bill also requires descriptions of purchases to be published using the state transparency portal.

Elections

Two measures deal with the voter identification requirement.

SB 282 establishes the following criteria for counting the provisional ballot of a voter who declines or is unable to produce proof of identity:

- The voter's name on the affidavit substantially conforms to the name in the voter registration database;
- The voter's address of residence on the affidavit conforms to the address in the voter registration database;
- The voter's date of birth matches the information in the voter registration database;
- The voter's Oklahoma driver license number or the last four digits of the voter's Social Security number on the affidavit matches the information in the database; and
- The provisional ballot meets the eligibility requirements set forth in statute.

The measure also allows a voter casting a provisional ballot who has legally changed his or her name, or address of residence, but has not updated that information in the voter registry to make note of this on the affidavit and to submit a form to update the name or address. **SB 752** allows an identification card issued by the military to serve as proof of identity for voting purposes.

SB 869 provides that the Secretary of the State Election Board may authorize the use of regular ballots as absentee ballots and specifies the procedure for the

rotation of candidate names on the ballots. The bill also:

- Allows registered voters to request absentee ballots electronically;
- Establishes procedures for certain first responders and emergency workers to request an absentee ballot within 10 days of an election;
- Authorizes the secretary of the county election board in counties with 100,000 or more registered voters to designate additional in-person absentee polling places; and
- Provides that a county election board, with approval from the Secretary of the State Election Board, may begin counting absentee ballots before election day and prohibits the results of the ballots from being printed, made known to any person or announced earlier than 7 p.m. on election day.

A related bill, **SB 276**, allows an application for an absentee ballot to be made in person at the county election board office by an agent of the voter who is at least 16 years of age and is not employed by or related to any person listed on the ballot and prohibits one person from being an agent for more than one voter at any election.

SB 233 requires that an additional deposit accompany a petition for a recount of ballots cast in an election when the margin between the first place candidate and second-place candidate is 10 percent or more and provides that the deposit is not refundable unless the recount changes the outcome of the election.

Two measures modify information contained on the Declaration of Candidacy form. **SB 287** requires certain information be provided on the form if a candidate for office has ever been

found guilty of a felony offense or is named in an outstanding arrest warrant and **HB 1741** adds the candidate's name, as it is to appear on the ballot, as well as the candidate's legal name.

SB 309 establishes that the refusal or failure of a presidential elector to vote for the party's nominee for President and Vice President constitutes a violation of the oath of office and will result in the forfeiture of the elector's office and a replacement being appointed.

SB 745 requires the secretary of the State Election Board and the adjutant general to develop a contingency plan for a major election emergency.

SB 277 authorizes a county election board to appoint volunteer inspectors, judges, clerks and counters.

Retirement

The Legislature passed several reform measures this year that are intended to further strengthen the state's public pension systems.

SB 847 creates the Oklahoma Pension Stabilization Fund to help improve the fiscal stability of the state's retirement system. The measure authorizes the Legislature to assess the needs of each system and determine how monies from the stabilization fund will be allocated. The stabilization fund will accrue general revenue monies that exceed both the Board of Equalization estimate and the allowable Rainy Day Deposit, traditionally referred to as *spillover funds*.

HB 1325 will help improve the fiscal health of the Oklahoma Public Employees Retirement System. The measure modifies the definition for *final average compensation*, currently the highest three of 10 years, to the highest five of the last 10 years

of participating service immediately preceding retirement or termination of employment. This measure affects members whose first participating service occurs on or after July 1, 2013.

SB 1115 modifies the Oklahoma Law Enforcement Retirement board by deleting the cost-of-living adjustment assumption. The measure also clarifies the retirement benefit calculation for the criminalist position within the Oklahoma State Bureau of Investigation.

A measure similar to the 2012 reform bill that made changes to the Oklahoma Police Pension and Retirement system, **HB 2078** modifies the Oklahoma Firefighters Pension and Retirement System. The measure:

- Modifies contribution rates to the system by increasing the employee rate from 8 percent to 9 percent and decreasing the employer rate from 13 percent to 14 percent;
- Increases the percentage of insurance premium tax that is allocated to the system from 34 percent to 36 percent;
- Changes the retirement age for new participants to at least 50 years of age and completion of 22 years of service to qualify for unreduced retirement benefits and makes participants eligible to vest after 11 years of service; and
- Establishes that the interest rate credited in the new Deferred Option Plan is an actual interest rate earned by the fund, less 1 percent for new hires.

A similar measure, **SB 1101**, clarifies statutory provisions relating to the Oklahoma Firefighters Pension and Retirement System to ensure compliance with the Internal Revenue Code. Also, for new members, the measure adjusts from 10 to 11 the years of service required for

volunteer firefighters to vest a retirement benefit.

Addressing discrepancies in the computations of retirement benefits for certain positions within the Oklahoma Law Enforcement Retirement System, **HB 1383** provides that new participants joining on or after February 12, 2013, will have their retirement benefit based on their final average earnings and years of service. This affects the following positions:

- Alcoholic Beverage Laws Enforcement Commission (ABLE Commission agent)
- Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (narcotics agent III)
- Oklahoma Tourism and Recreation Department (park ranger II)
- State Board of Pharmacy (pharmacy inspector)
- University of Oklahoma (police officer)
- Oklahoma State University (police officer)

SB 498 updates the statutes regarding the county retirement system to bring it into compliance with the Uniformed Services Employment and Re-employment Rights Act of 1994.

To be in compliance with changes to the Internal Revenue Code, **SB 1096** updates statutory references related to voluntary insurance premiums for retired members of the Oklahoma Law Enforcement Retirement System.

HB 2079 contains language to keep the Oklahoma Teachers Retirement System in compliance with Internal Revenue Service (IRS) regulations.

HB 1324 updates the IRS code references within Oklahoma Public Employees Retirement System existing law to reflect the changes in the IRS code.

Tax Administration

HB 1103 allows the Oklahoma Tax Commission (OTC) to require employees with access to sensitive law-enforcement data to be subjected to a national criminal history records check by the Oklahoma State Bureau of Investigation (OSBI). Commission employees are prohibited from enrolling in the Oklahoma Law Enforcement Telecommunications System training course until they are cleared by OSBI. OTC employees may only use the files of the National Crime Information Center to search and identify reported stolen vehicles.

HB 1104 provides penalties for individuals who purchased, transport, or possess more than 1,000 cigars or 216 ounces of chewing or smoking tobacco for which the tax has not been paid. Additionally, the measure removes the requirement for the OTC to mail to tax permit holders notices regarding statutory penalties for violations of the Oklahoma sales tax code.

SB 332 eliminates the requirement for gross production tax remitters to file a monthly report when there was zero production for that month. The measure also allows the Oklahoma Tax Commission to release certain information to any person or entity as it relates to oil and gas producing leases without a written request.

SB 864 gives taxpayers and the state an additional avenue to dispute tax assessments and refund amounts. The measure will allow any individual to file for a trial de novo in district court and provides that any judgment rendered in district court may also be appealed directly to the Oklahoma Supreme Court.

SB 619 requires the Oklahoma Tax Commission to cancel the license of any cigarette or to-

bacco dealer who has violated the provisions of the Unfair Cigarette and Tobacco Product Sales Act, or has been convicted of any law relating to the use, possession, manufacture or sale of any controlled substance, or has been found guilty of a violation of any rule promulgated or order issued to control a new product or noncontrolled product or substance.

HB 1399 allows hospitals, similar institutions and medical practitioners that purchase medicine, medical equipment and prosthetic devices, in which the cost is reimbursed by Medicare or Medicaid, to obtain a direct payment permit. Currently, only vendors purchasing over \$800,000 annually in taxable items for use in Oklahoma enterprises qualify for a direct payment permit. The measure also eliminates the fee for a direct payment permit and allows the permit holder to remit taxes quarterly if the sales tax owed averages less than \$500 per month.

HB 1874 allows municipalities to contract with the OTC to serve as the collecting agent for municipally imposed lodging taxes. The agreement is enforced by a resolution passed by the municipality and may be severed by passage of a resolution to end the agreement.

Revenue and Tax

The Legislature is on track to give individual taxpayers a tax cut while tackling an array of other tax topics related to property valuations, debt recovery and tax administration.

HB 2032 lowers the top marginal income tax from 5.25 percent to 5 percent beginning tax year 2015 and provides for further reduction to 4.85 percent beginning tax year 2016 contingent upon certain rev-

enue growth. The measure also appropriates \$120 million, split between fiscal year 2014 and fiscal year 2015, to the newly created Oklahoma State Capitol Building Repair and Restoration Fund to initiate repairs for the State Capitol.

Intending to spur the development of liquefied natural gas (LNG) distribution systems, **SB 519** temporarily lowers the motor fuel tax rate for LNG to 5 cents per diesel-gallons equivalent beginning January 1, 2014. The lower tax rate will be in effect until the tax credit for investments in qualified clean-burning motor vehicle fuel property expires.

SB 945 enables the state to recover debts owed for health care or medical services. The measure allows state agencies to file a claim to intercept income tax refunds to collect debt owed to the agency for health and medical related services.

HB 1039 exempts promoters or organizers of a registered farmers market from the requirement to apply for and remit fees for a special events permit with the Oklahoma Tax Commission.

SB 645 exempts rotary-winged aircrafts that are used exclusively for training U.S. military personnel or other training authorized by the government from the levy of aircraft excise tax.

HB 2310 extends the sales tax exemption on the sale of rolling stock when sold or leased by the manufacturer until July 1, 2019.

Foster parents are allowed an income tax deduction by **HB 1919**. The deduction is capped at \$2,500 for single persons and \$5,000 for married individuals filing a joint return.

Reacting to the multiple natural

disasters that impacted Oklahoma this year, **HB 1265** directs county assessors to reassess the value of properties damaged by natural events and present the reassessment to each county's board of tax roll collections.

SB 249 appropriates \$45 million or as much as necessary for matching federal disaster funds and for other disaster-related assistance from the Constitutional Reserve Fund to the State Emergency Fund.

A related measure, **SB 330**, creates a refundable income tax credit for any increased ad valorem tax that is a result of rebuilding or repairing a residential real property damaged or destroyed by a natural disaster occurring in 2012 or 2013 for which a Presidential Major Disaster Declaration was issued. The credit is the difference between the ad valorem taxes paid on the property in the year prior to the damage and the ad valorem taxes paid in the first year the property is completely or fully repaired or rebuilt. In years two through five of the credit, the credit is 80 percent of the previous year's credit. The property must be rebuilt or repaired by December 31, 2015.

SB 166 exempts from ad valorem taxation wellbore and non-recoverable down-hole materials used in the disposal of waste materials, as gross production taxes have already been paid on these items. The measure also amends a provision of the Oklahoma Income Tax Code which relates to an existing depletion allowance for major oil or gas companies. Under the law prior to the amendment, an oil or gas company could deduct up to 22 percent of the cost for having acquired an oil or gas deposit. The law also allowed an oil or gas company, as an alternative

to this 22 percent deduction, to deduct up to 50 percent of its total net income from the oil or gas deposit. This additional feature had a sunset date of December 31, 2011, and the measure recreates this income tax deduction for tax years beginning January 1, 2014.

HB 1248 repeals the tax credit for business enterprises engaged in raising specially trained dogs.

HB 2005 extends the tax credit for clean-burning motor vehicles until January 1, 2020.

SB 343 extends the coal credit until December 31, 2021 and the zero-emissions facility credit until January 1, 2021. The credits will no longer be transferable after December 31, 2013, and the carryover provision will only apply to those credits earned prior to January 1, 2014. Beginning January 1, 2014, the credits will be refundable for up to 85 percent of its value.

HB 2308 eliminates a host of underutilized or expired tax credits. (See table.)

Lastly, the measure eliminates the dividend/interest income exclusion available to individual and joint tax payers.

Miscellaneous

HB 1081 modifies the change order approval requirement within the Public Competitive Bidding Act of 1974 by increasing the minimum change unit computation amount from \$10,000 to \$20,000. The measure also adds that if the unit price change exceeds \$20,000, any unit price for a new for a new history for the new item can be used in place of cost itemization.

HB 1089 repeals obsolete language that makes certain railroad employees or owners ineligible to run for county com-

missioner.

By removing population requirements, **HB 1331** modifies membership appointment criteria to a multicounty board of trustees' library system. The measure requires the board of county commissioners to appoint a member from each city or town with a public library.

HB 1364 provides circumstances upon which the Oklahoma Athletic Commission may withhold combative sports' winnings. The measure modifies how the withholding amount on combative sporting events will be calculated, from a rate of less than or equal to 5 percent to a rate of 5 percent of gross

receipts. The measure places a cap of \$35,000 and a minimum of \$450 on any combative sports event or amateur mixed-martial arts event, and a minimum of \$80 on professional wrestling events. The measure extends the time period during which assessments must be paid from three days to five days.

HB 1431 modifies the duties of the State Governmental Technology Applications Review Board to include approving a plan that would allow public elementary and secondary schools to recover the cost of instructional technology resources issued by the schools.

HB 1469 reconstitutes the

Tax Credits Eliminated by HB 2308

Citation	Credit/Deduction/Exclusion
27A O.S. §2-11-303	Credit for Hazardous Waste Control
68 O.S. §2357	Credit for Gas Used in Manufacturing
68 O.S. §2357.6	Credit for Energy Assistance Fund Contribution
68 O.S. §2357.13	Commercial Space Industries Credit
68 O.S. §2357.26	Credit for Employers Providing Child Care Programs
68 O.S. §2357.30	Small Business Guaranty Fee Credit
68 O.S. §2357.33	Credit for Food Service Establishments that Pay for Hepatitis A Vaccination for Employees
68 O.S. §2357.34-40	Credit for Tourism Development or Qualified Media Production Facility
68 O.S. §2357.66	Credit for Qualified Ethanol Facilities
68 O.S. §2357.67	Credit for Eligible Biodiesel Facility
68 O.S. §2357.81	OK Local Development and Enterprise Zone Incentive Leverage Act Credit
68 O.S. §2357.102	Dry Fire Hydrant Credit
68 O.S. §2357.402	Credit for Manufacturers of Electric Vehicles
68 O.S. §2370.3	Credit for Stafford Loan Origination Fee
68 O.S. §54006	Research and Development New Jobs Credit
68 O.S. §2358	\$100 (\$200 for married filing joint returns) Interest Qualifying for Exclusion
68 O.S. §2358.3	\$100 (\$200 for married filing joint returns) Political Contribution Deduction
68 O.S. §2357.24	Historical Battle Site Deduction

membership of the Oklahoma Commission on Interstate Cooperation.

HB 1477 requires the director of the Office of Management and Enterprise Services to submit a proposal to the Legislature for merging sections of the Administrative Code of the agencies that were consolidated into the Office of State Finance last session. The bill also adds an additional member to the Oklahoma Public Employees Retirement System Board of Trustees.

HB 1481 repeals the Oklahoma Linked Deposit Review Board.

HB 1554 appropriates \$6.3 million to the Oklahoma Employment Security Administration Fund, out of the funds made available to the state by the federal Unemployment Compensation Modernization Transfer made on June 25, 2009. The appropriation must be used by the Oklahoma Employment Security Commission to pay the administrative expenses of the Employment Service Program.

HB 1830 modifies the resident requirement for county officers by requiring that, in addition to being a qualified registered elector, a candidate for county office maintain a current principal residence in the respective district for at least six months immediately preceding the first day of the filing period.

HB 1904 authorizes a municipality with a volunteer fire department that serves a 911 emergency area of at least 50 square miles to increase its volunteer force by up to five members. No department may exceed 30 volunteers.

HB 1921 requires municipalities to allow for the installation of an amateur radio antenna or support structure at a height reasonable to accommodate amateur radio services. The measure provides that a mu-

nicipality state the reasons for denying an application.

HB 1924 authorizes a board of county commissioners to solicit telephone bids for the removal of recyclable materials and allows counties to conduct internet auctions to dispose of equipment.

HB 1984 deletes the duty of the director of the Office of Management and Enterprise Services to provide alternative fueling infrastructure for use by state agencies and political subdivisions.

HB 2182 provides a ceiling on the fees that may be charged by county clerks for providing records in electronic formats. The measure provides consistency on the fees as charged by counties by limiting the fee to 15 cents per page on requests of more than 3,500 pages and 25 cents per page for fewer than 3,500 pages. News media and licensed abstractors are exempt from the fee rates.

SB 88 designates the fourth Saturday of July of each year as the National Day of the Cowboy.

SB 347 modifies the Fire Extinguisher Licensing Act by transferring responsibility for the licensure of fire extinguishers from the Department of Health to the Office of State Fire Marshal. All licenses remain in full force upon transfer to the fire marshal.

SB 396 updates statutory references and deletes obsolete language related to the transfer of the Oklahoma Human Rights Commission to the Attorney General's (AG) Office last session, and directs the AG to notify a state agency if an entity that the agency contracts with has engaged in a discriminatory practice in the course of performing under the contract.

SB 461 modifies the Public

Competitive Bidding Act by adding the term *purchasing cooperative* to the list of definitions used in the act. The measure prohibits a public agency from awarding a construction contract greater than \$50,000 to any contractor affiliated with a purchasing cooperative unless the cooperative and contractor have complied with the Competitive Bidding Act. Further, the measure prohibits a public agency from awarding a public construction contract that is between \$5,000 and \$50,000 to a contractor affiliated with a purchasing cooperative, unless the cooperative and contractor have complied with the Competitive Bidding Act, including submission of a written bid.

The measure also prohibits a purchasing cooperative and its affiliates from bidding on any public construction contract greater than \$50,000, unless the cooperative and its affiliates have complied with the Competitive Bidding Act after solicitation for sealed bids. The measure prohibits purchasing cooperatives and its affiliates from bidding on any public construction contract that exceeds \$2,500, unless the cooperative and its affiliates have complied with the Competitive Bidding Act, including submission of a written bid upon notice of open competitive bidding. Finally, the measure provides a specific 1 percent preference to resident bidders.

SB 557 requires the Ethics Commission to adopt rules regarding lobbyist registration and reporting in the same manner as all other rules of the commission are promulgated.

SB 630 allows an agency to substitute items of like quality and design when making sole source purchases. The measure prohibits sole source bid contracts from requiring materi-

als be from a specific geographic location. The measure adds conditions to prevent a bidder from colluding with public officials or others to create a sole brand acquisition.

SB 670 modifies the procedures for processing county purchase orders by allowing up to three days for a purchasing agent to process the orders presented to the board of county commissioners for payment.

SB 738 exempts an organization of municipalities from the statutory investment guidelines for political subdivisions.

Relating to free fair associations, **SB 838** modifies the board of directors' term from four to three years. The measure requires board members to be elected by written ballot and establishes qualifications for election.

SB 848 modifies the duties of the Commission on County Government Personnel Education and Training by adding excise board members to

the list of members for whose training the commission is responsible. Also, the measure allows counties to pay training expenses directly to the Cooperative Extension Service.

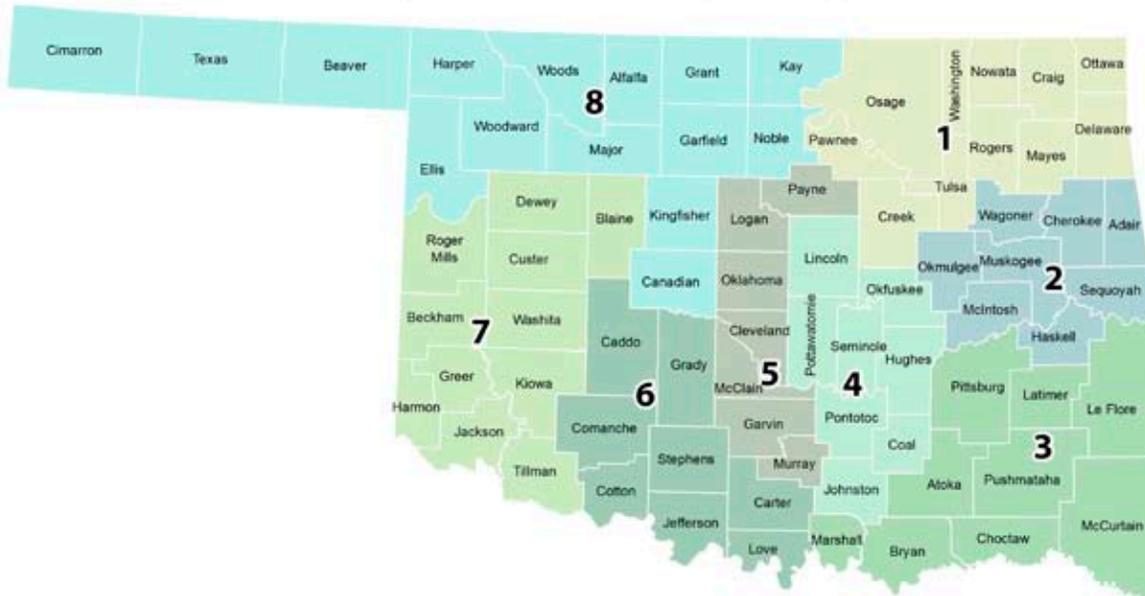
SB 899 grants the Office of Management and Enterprise Services the authority to manage and control the fitness center located in the basement of the Oklahoma State Capitol.

SB 908 authorizes the President Pro Tempore of the Senate, the Speaker of the House and the chief justice of the Supreme Court to accept, on behalf of the state, any gift of property presented to the Legislature or judiciary.

SB 977 merges duplicate sections of law enacted during the 2012 legislative session.

SB 1009 modifies the objectives of the state's circuit engineering districts. The measure authorizes circuit engineering districts to hire up to one registered professional engineer per three counties within each circuit engineering district. ■

Oklahoma Cooperative Circuit Engineering Districts



The Legislature addressed a wide range of health and human services issues, including increasing access to orally-administered cancer treatments, establishing standards for the regulation of private addiction recovery facilities, appropriating additional funds to the Department of Human Services for year two of the Pinnacle Plan and prohibiting the use of electronic benefit cards in certain establishments.



Health Care

The Legislature reaffirmed its position regarding the Patient Protection and Affordable Care Act with the passage of **SJR 8**. The measure requests that the President, Vice-President and Congress of the United States work to eliminate or reform taxes imposed as a result of the Affordable Care Act.

SB 900 prioritizes the expenditure of public funds related to family planning or counseling services by the Oklahoma State Department of Health or the Oklahoma Health Care Authority, subject to federal requirements:

1. To public entities;
2. To nonpublic hospitals, federally qualified health centers and rural health clinics; and
3. To nonpublic health care providers that have as the primary purpose the provision of health care services to certain medically underserved populations enumerated in federal law.

SB 684 creates the first oral maxillofacial surgery assistant permit in the nation. Additionally, the measure requires all dental assistants to have a permit. The permits are \$50 per year. The measure requires dentists to supervise hygienists and oral maxillofacial surgery assistants. The measure directs the Board of Dentistry to establish educational guidelines for oral maxillofacial surgery assistants. Additionally, the board is empowered to initiate administrative proceedings and impose penalties against oral maxillofacial surgery assistants who assist with surgery to treat problems in the head, neck, jaws and mouth.

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HB 1347 requires each licensed birthing facility to perform a pulse oximetry screening on every newborn prior to the newborn leaving the facility. A pulse oximetry screening is used to measure the percentage of hemoglobin in the blood that is saturated with oxygen, which may indicate a critical congenital heart defect.

HB 1782 amends the Good Samaritan Act to allow first responders to administer an opiate antagonist without a prescription to an individual exhibiting signs of an opiate overdose. Opiate antagonists are consumed by opioid dependent persons. Examples of opioids include oxycodone and morphine. Opiate antagonists bind to opiate receptors, effectively blocking the receptors. This may result in reduced cravings and prevent a relapse. Upon request, a provider may also prescribe an opiate antagonist to an individual for use on a family member exhibiting signs of an opiate overdose.

In an effort to combat fraud, waste and abuse, **SB 27** re-

quires Medicaid providers to provide information on how to report fraudulent Medicaid activity.

Individuals who are eligible for both Medicare and Medicaid services are considered dual-eligible beneficiaries, and they tend to be an expensive population to cover. In an effort to contain those costs, **SB 272** directs the Oklahoma Health Care Authority to conduct a feasibility study by December 31, 2013, concerning this dual-eligible population.

HB 1031 modifies certain definitions under the Supplemental Hospital Offset Payment Program Act and extends the length of membership for the Hospital Advisory Committee until December 31, 2017, for those serving as of December 31, 2014. Additionally, the measure stipulates the method by which net hospital patient revenue will be determined. Finally, the measure further specifies the manner in which monies can be spent from the Supplemental Hospital Offset Payment Program Fund.

SB 853 requires any facility that provides diagnostic or treatment services for cancerous diseases and precancerous diseases to report any or all data and information necessary to maintain the tumor registry. The measure does not apply to ambulatory service centers that use a sole-source pathology laboratory.

SB 422 removes the baccalaureate degree requirement for licensure under the Registered Electrologist Act. Additionally, the measure expands the list of countries in which applicants may receive postgraduate medical training under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act.

HB 1083 modifies several definitions in the Oklahoma Emergency Response Systems Development Act. The measure requires the state commissioner of health to maintain a registry of critical care paramedics. Only paramedic training programs accredited or under review by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions may enroll new paramedic students. Additionally, licensed specialty care ambulance providers can be used for interhospital transport only if the patient requires specialized enroute medical monitoring and advanced life support that exceeds the capabilities of paramedic life support. Finally, the measure repeals the commissioner's ability to issue a temporary emergency medical technician license without an examination.

SB 302 authorizes the Board of Podiatric Physicians to utilize the National Board of Podiatric Examiners' National Board Examination Part 3 as the written portion of the state licensing exam. The board is authorized to issue a training license if the applicant has completed all necessary requirements for full and unrestricted licensure, except graduate education and/or licensing examination or other related requirements. Podiatric medicine licenses must be renewed by June 30 of even-numbered years. Furthermore, the measure specifies new license renewal guidelines, including a new determination of renewal fees.

HB 2188 modifies the fees for paper and electronic copies of medical records requested by certain individuals. Paper records requested by doctors, hospitals and personal representatives will be produced

Dual eligible beneficiaries consist of two groups. The first group, full duals, have the ability to access full benefits in both Medicare and Medicaid. Partial duals, on the other hand, only have access to certain Medicaid benefits. Combined, these groups cost federal and state governments more than \$250 billion in 2009. Dual eligibles tend to be a high-cost population due to their numerous illnesses and disabilities.

for 50 cents per page. Paper records requested from attorneys and insurance companies will be produced at a base charge of \$10 and 50 cents per page. Electronic records will be produced for 30 cents per page and the total charges will be capped at \$200. Furthermore, the measure also establishes a flat fee of \$5 for each X-ray, photograph, image or pathology slide.

HB 1032 clarifies and updates the Respiratory Care Practice Act.

Health Insurance

SB 765 increases access to orally administered cancer treatments by requiring any health benefit plan that offers coverage and benefits for cancer treatment to cover orally administered anticancer medications. Coverage will not be subject to prior authorization, dollar limit, copayment, deductible or an out-of-pocket expense that does not apply to intravenously administered or injected cancer medications. The bill prohibits changes that will reclassify or increase cost-sharing for anticancer medications.

SB 250 modifies the criteria for workers' compensation provider reimbursement of MRI procedures. The measure requires the entity providing the MRI to meet Medicare requirements for the payment of the services or be accredited by the American College of Radiology, the Intersocietal Accreditation Commission or the Joint Commission on Accreditation of Healthcare Organizations.

In an effort to increase transparency in prescription drug coverage, **HB 1672** requires health benefit plans that provide prescription drug coverage or contracts for those

services, to notify enrollees of any deletions in drug formulary. The measure provides an exception for generic substitutions and does not apply to a drug subject to new safety warnings or safety recalls by the Federal Drug Administration.

HB 2226 requires health benefit plans to use a specific form for obtaining prior authorization for prescription drug benefits. The measure also requires women under the age of 17 to have a prescription for the morning after pill. Women 17 years of age and older do not need a prescription.

SB 975 directs health benefit plans or dental plans to provide an appeal procedure in the event that a claim made by a dentist or subscriber is denied based on a lack of medical necessity. The dentist whose claim is denied must hold a nonrestricted license in the United States.

HB 2191 provides that nothing in the Small Employer Health Insurance Reform Act prohibits a small employer carrier from including an employer's wellness program in premium rate development. Additionally, nothing prohibits an employer from offering incentives to an employee to participate in a wellness program.

Abortion

Three abortion-related measures passed through the Leg-

islature this session. **HB 1361** requires that a parent who is entitled to notice and consent provide documentation to the court verifying the relationship to the minor who is seeking an abortion. Additionally, the measure authorizes the court to require the unemancipated minor to receive a mental health evaluation and access to counseling services through the State Department of Health. The court also may consider factors that gauge the maturity level of the unemancipated minor.

A related measure, **HB 1588**, creates the Parental Notification for Abortion Act. The measure extends the time of delivery for a request of written informed consent from the next day of regular mail delivery to the third day for an unemancipated minor seeking an abortion. Additionally, the measure stipulates that 48 hours must pass after written notice has been delivered to a parent or guardian before an abortion can be performed. If a medical emergency exists and an abortion must be performed, the parent or guardian must be verbally informed and sent written notification within 24 hours after the procedure. The bill also provides that notice is not required if the parent has stated in notarized writing that he or she has been informed, or if the minor declares she is a victim of sexual or physical abuse by the parent or parents.

An Oklahoma County district judge issued a temporary injunction against HB 2226 after a lawsuit was filed by the New York-based Center for Reproductive Rights on behalf of an Oklahoma woman and the Oklahoma Coalition for Reproductive Justice. The center is attempting to overturn the law due to a recent Food and Drug Administration decision to remove restrictions on the purchase Plan B One-Step.

Finally, **HB 2015** adds questions to the Individual Abortion Form completed by the physician and adds reporting measures to the Annual Abortion Report issued by the State Department of Health. The bill also allows registered voters in Oklahoma to initiate legal proceedings against an abortion provider failing to submit any required report.

Health

The Legislature passed several health-related measures, with subjects ranging from home bakeries to employee wellness.

HB 1094 exempts a home food establishment from the licensing requirements of the State Department of Health and authorizes the department to request written documentation of the gross annual sales of the establishment. The measure requires establishments to affix a label with the producer's name and address, the name of the prepared food and that the food was made in an unlicensed establishment.

HB 1467, the Oklahoma Public Health Advisory Council Modernization Act, consolidates numerous boards and committees. Some provisions include:

- Combining the Child Abuse Training and Coordination Council, the Childhood Lead Poisoning Prevention Advisory Council, the Interagency Child Abuse Prevention Task Force and the Genetic Counseling Advisory Committee into the Infant and Children's Health Advisory Council;
- Consolidating the State Barber Advisory Board into the State Board of Cosmetology and Barbering; and
- Consolidating the Licensed Professional Counselors Advisory Board, the Licensed Marital

and Family Therapist Advisory Board and the Licensed Behavioral Practitioners Advisory Board into a State Board of Behavioral Health Licensure.

Additionally, the measure creates the Home Care and Hospice Advisory Council, which will have jurisdiction over all issues that relate to home care or hospice services and other areas as designated by the State Board of Health.

HB 1235 allows the State Board of Osteopathic Examiners to issue a military spouse license to osteopathic physicians and surgeons who are living in the state due to a spouse's military service. The measure also allows the issuance of a temporary license, a resident training license and a telemedicine license.

HB 1461 allows members of the Oklahoma Board of Nursing serving prior to September 1, 1991, to fulfill their terms and be eligible for reappointment. The measure directs the board to fix compensation for the executive director by utilizing the most recent Office of Management and Enterprise Services compensation report. Additionally, the measure requires any individual seeking licensure as an advanced practice registered nurse (APRN) to submit to a criminal background check. The measure allows the board to issue prescriptive authority to APRNs of another state, if they meet Oklahoma's requirements. Finally, the measure permits the board or a designated vendor to initiate criminal background checks.

HB 1641 requires the State Department of Health to promulgate rules and guidelines to ensure that any person who renders aid in accordance with the state's Good Samaritan Act will be notified of any possible

health risk exposures they may have incurred.

HB 1826 redefines a *funeral director in charge* as an individual dually licensed as a funeral director and embalmer. The measure provides an exemption for current funeral directors on the effective date of the act, but a funeral director cannot oversee a commercial embalming establishment without being dually licensed. Finally, the measure requires a crematory to be licensed in conjunction with and operated by a funeral service or commercial embalming establishment.

HB 1614 requires an application of disinterment to include proof of notice to the owner(s) of an internment lot or burial space, if other than the applicant. Furthermore, the measure requires an application for disinterment to include a proof of notice to all surviving children of the deceased, if other than the applicant.

SB 37 authorizes the chief medical examiner to issue burial transit permits for the transport of human remains.

SB 501 authorizes local governing authorities to enact laws restricting smoking on county and municipal property.

Mental Health

The issue of mental health and substance abuse treatment has become a top priority in many legislatures, including Oklahoma's.

In response to recent events at a private recovery and recovery support facility, **SB 295** requires such facilities be certified by the Department of Mental Health and Substance Abuse Services. The measure also modifies the definition of *community-based structured crisis center* to include compre-

hensive community addiction recovery centers under the Unified Community Mental Health Services Act. The measure specifies that such centers must comply with standards adopted by the Board of Mental Health and Substance Abuse Services. These standards must be in compliance with certain national accrediting organizations or approved medical and professional standards as determined by the board. The measure exempts faith-based nonresidential recovery programs, residential recovery-based programs with less than 12 residents, and residential recovery and recovery support programs that are not located with certified treatment programs.

HB 1069 permits the successful completion of a Department of Corrections-approved substance abuse treatment program to satisfy the recommendations made by an assessment agency for a 10- or 24-hour alcohol- and drug-abuse course or treatment program. Additionally, the measure allows an alcohol- and drug-abuse evaluation and assessment to be paid for by a third party on behalf of a defendant, provided no state-appropriated funds are used.

HB 1532 amends the distribution of unclaimed lottery prize money by increasing the allotment to the Department of Mental Health and Substance Abuse Services from \$500,000 to \$750,000 for the treatment of compulsive gambling disorder and educational programs related to the disorder.

SB 581 modifies who may initiate voluntary commitment proceedings by removing the executive director of a designated emergency detention facility and certain hospital administrators. The measure updates

statutory references accordingly and requires certain notices be made available to an individual's treatment advocate.

SB 369 requires that, if available, a copy of an individual's power of attorney and advance health care directive accompany the individual to a precommitment mental health evaluation related to an involuntary commitment. The measure also adds the individual's treatment advocate to the list of persons who have access to the individual's records of proceedings.

HB 1109 provides clarifying language under the Unified Community Mental Health Services Act concerning certification of peer recovery support specialists. Additionally, the measure requires behavioral services providers to be certified by the Department of Mental Health and Substance Abuse Services, and their employees must be limited to providing services within the employer's area of certification.

SB 725 modifies the definition

of *licensed mental health professional* to include licensed drug and alcohol counselor/mental health professionals.

SB 755 updates the definition of *treatment advocate* and authorizes the disclosure of information to the treatment advocate.

SB 181 extends the Oklahoma Suicide Prevention Council until 2020 and adds an additional six members to the council. The additional members will include representatives from the military, Native American tribes and medical communities.

Children and Families

This session, Legislators continued to take steps to protect children from abuse and neglect. **HB 2301** appropriates an additional \$32 million to the Department of Human Services to implement year two of the Pinnacle Plan, which is the result of the 2012 settlement of the class action lawsuit brought against the agency.

SB 460 requires DHS to elec-

Pinnacle Plan – Year 2

- Develop and implement a Continuous Quality Improvement System.
- Work to improve permanency outcomes for “permanency challenged” youth.
- Expand community and Tribal partnerships to better serve children.
- Continue efforts to:
 - Decrease shelter utilization for children younger than 6 years of age.
 - Recruit an adequate number of foster families statewide.
 - Certify all child welfare specialists and implement a field training program for new workers following completion of CORE training.

Source: Department of Human Services

tronically record all referrals received by the child abuse hotline and retain the recordings for 90 days. The records are confidential but subject to disclosure as provided for elsewhere in statute. The measure also makes it a felony for any person with prolonged knowledge of ongoing child abuse or neglect to knowingly and willfully fail to report the abuse or neglect. *Prolonged knowledge* is defined as knowing about the abuse or neglect for at least six months. Another measure, **SB 1034** adds Court Appointed Special Advocate records regarding child welfare cases to the list of records that are confidential.

SB 679 is the result of a two-year study by the Juvenile Justice Reform Committee. The measure provides that if a child is at risk of being the subject of a child-in-need-of-supervision petition, he or she must be offered diversion services. Prior to an initial filing for a petition alleging a child is either delinquent or in need of supervision, a child may be taken into custody without a court order if the child has run away without cause. Once in custody, a peace officer or court employee is authorized to take the child to a designated facility if it is determined it is unsafe for the child to return home or to the custody of a legal guardian. A child found to be in need of supervision will be temporarily detained under the custodial care of a peace officer, community intervention center, emergency shelter or emergency shelter host home, or may be released into the custody of a legal guardian or other responsible adult with a written promise that they will bring the child to court if a petition hearing is scheduled.

In the event that an informal adjustment is sought, whereby a child agrees to fulfill certain conditions to prevent a petition from being filed, a preliminary inquiry will be conducted by an intake worker. If a petition is filed, the court will have jurisdiction over any parent, guardian or adult living in the home of the child who appears in court or has been properly served with a summons.

Furthermore, the measure provides that the Oklahoma Indigent Defense System will represent the child if indigency is established. The bill also provides for the appointment of a guardian ad litem for the child who is not a district attorney, employee of the juvenile bureau, or an employee of any public agency having duties or responsibilities toward the child. Additional provisions of the measure include:

- Requiring that a disposition hearing take place no later than 40 days after making an order of adjudication. The disposition will be prepared based upon recommendations from a comprehensive assessment and evaluation process completed within 30 days. If a recommendation has been made for probation or custody with the Office of Juvenile Affairs (OJA) or other court-ordered residential treatment, an individualized treatment and service plan is required;
- Specifying the rights of a child involved in a revocation or modification dispositional hearing. The court may order a parent, legal guardian or adult living in the home of a child to be present at any court proceeding, and if it is determined to be in the best interest of the child the adult must participate in the rehabilitation process. Additionally, the measure

amends the conditions by which a child can be placed in secure detention to include when a warrant has been issued based on absence from a required placement, concern the child will not remain at the placement, or being subject to an administrative transfer or parole revocation proceeding;

- Authorizes counties to fund their juvenile bureau through a special sales tax dedicated to the bureau and its programs; and

- Providing for the prosecution of a minor engaged in transmitting or causing a transmission to originate within the state containing obscene material or child pornography, and gives discretion to the district attorney, where the transmission is sent or caused to be sent, to charge the minor as a juvenile or as an adult.

A measure dealing with licensed child care facilities, **SB 917**, adds the following types of child care programs that are exempt from the Oklahoma Child Care Facilities Licensing Act:

- Programs that limit children from enrolling in multiple sessions because of the type of activity or ages accepted;
- Facilities that operate less than eight weeks annually;
- Facilities that operate in the summer for less than eight hours per day;
- Programs in which children are not enrolled by the parents and are free to come and go;
- Programs on tribal land; and
- Programs on a military base or on federal property.

The bill also provides additional criteria to be met prior to DHS issuing a license to an individual to operate a child care facility, prior to a facil-

ity employing an individual or allowing a contractor or volunteer unsupervised access to children and prior to an individual moving into a facility or upon the 18th birthday of a child who resides in the facility. These criteria include:

- A criminal history records search conducted by an authorized source when an individual has lived outside the U.S. within the last three years; and
- A search of the Department of Corrections' Sex Offenders Registration website conducted by DHS.

In addition, specialized service professionals who provide services to a child in a child care facility are exempted from the criminal history records check if the person is not employed by the facility and a release is signed by the parent or guardian of the child.

Four measures address public assistance. **HB 1909** directs DHS to not renew a request for a waiver from the federal requirement that limits able-bodied adults with dependents to three months of food stamp benefits during a three-year period unless the recipients are employed for at least 20 hours per week. **SB 667** prohibits the use of an electronic benefit transfer card in liquor stores, casinos and gaming establishment, adult-oriented entertainment establishment and smoke shops. **SB 887** prohibits persons from transferring any food stamp benefit to another who is not authorized to participate in the program and requires a district attorney who enters into a deferred adjudication or sentence with a defendant charged with violating these provisions to include a disqualification consent agreement. Finally, **SB 456** requires each DHS office to post a sign that

provides information on how to report public assistance fraud.

HB 1418 creates the Josephine Meade Anti-Hunger Act and directs DHS to adopt rules that will allow patrons of senior nutrition project sites to take home leftover food and requires the State Department of Education to adopt rules to allow the redistribution of leftover food to needy students.

Foster parents are allowed an income tax deduction by **HB 1919**. The deduction is capped at \$2,500 for single persons and \$5,000 for married individuals filing a joint return.

SB 200 reinstates the statutory authority of the Office of Juvenile Affairs to operate a foster care program which was inadvertently lost during the Title 10 reorganization that occurred in 2009.

HB 2099 creates a revolving fund on behalf of the University of Oklahoma Child Study Center for Sooner Success. Monies accruing to the fund will be used by Sooner Success to coordinate a statewide system of health, social and educational services for children and youth with special needs. The bill also authorizes the establishment of a not-for-profit foundation to raise private funds to match with any state dollars appropriated.

A final measure, **HB 1908**, creates a statewide public service announcement (PSA) campaign, under the auspices of the Oklahoma Marriage Initiative, to promote marriage as a tool against poverty. The bill also prohibits any appointed or elected official from appearing in the PSA and prohibits the PSA contract from being awarded to any person involved in political consulting or campaigning.

Elderly and Long-Term Care

Two measures address the safety of residents in nursing facilities. In response to the high-profile case of an elderly man being scalded in a veteran's center whirlpool tub, Legislators enacted **SB 629**, which makes nursing facilities operated by the Oklahoma Department of Veterans Affairs (ODVA) subject to the requirements of the Nursing Home Care Act. The Oklahoma State Department of Health (OSDH) is required to conduct at least one annual unannounced inspection of the facilities operated by ODVA. The bill also gives OSDH the authority to approve employer-based nurse aide training programs provided by ODVA and prohibits those facilities from employing a nurse aide who is not certified and who is not eligible for placement on the State Health Department's nurse aide registry. Another bill, **SB 587**, allows for the voluntary authorized electronic monitoring of a resident's room and prohibits a facility from refusing to admit an individual or remove a resident because of the electronic monitoring of a resident's room. The bill also prohibits the obstruction of, or tampering with, an electronic monitoring device installed in a facility.

SB 237 exempts facilities operated by the ODVA from the nursing Facilities Quality of Care Fee assessed by the Oklahoma Health Care Authority and the facility licensure fees imposed by the OSDH.

SB 228 creates the Quality Workforce for Oklahoma's Heroes Act, which authorizes the Oklahoma Department of Veterans Affairs to establish education and training programs for its employees to improve the

quality of care in the agency's nursing facilities.

HB 1745 requires the resident of an assisted living facility or legal representative of the resident to disclose any third-party provider of medical services or supplies prior to delivery and requires the third-party provider to monitor and ensure delivery of the service and that they are in accordance with the written orders of the resident's physician.

SB 592 allows assisted living centers to participate in an informal dispute resolution panel to be offered by the OSDH as an alternative to the informal dispute resolution process provided for in statute and specifies the composition of the panel.

SB 578 creates the Oklahoma Department of

Health Civil Monetary Penalty Revolving Fund to be supported through fines and assessments collected by the OSDH from nursing homes and other long-term and non-long-term care facilities that are noncompliant with federal conditions of participation. Expenditures from the fund must be made in compliance with the Centers for Medicare and Medicaid Services requirements.

HB 1403 requires health care providers to deliver life-preserving health care services as directed by the patient, or their legally authorized person, regardless if they are elderly, disabled or terminally ill. Under the law, health care providers have the right to defend their actions by pleading a legitimate, nondiscriminatory reason or reasons for the basis of denying treatment. ■

Legislators amended Oklahoma's legal code to reduce litigation, modernize the court process and provide more transparency in civil proceedings while addressing various other topics related to the courts.



Workers' Compensation

The Legislature moved to change Oklahoma's distinction as one of the remaining two states to have a court-based system to determine workers' compensation claims. **SB 1062** repeals Title 85 in its entirety and creates Title 85A, a new workers' compensation statute to govern how claims from injured workers are handled and computed. The measure establishes an administrative workers' compensation system, allows employers to opt out of the states' workers' compensation laws by creating their own defined benefits plans and allows for agreements to arbitrate claims for injuries beginning February 1, 2014. Effective February 1, 2014, the Workers' Compensation Court will be renamed the Workers' Compensation Court of Existing Claims and be responsible for hearing claims for injuries or death that occurred prior to February 1, 2014, under the current workers' compensation laws defined in Title 85. SB 1062 is comprised of three acts, the Administrative Workers' Compensation Act, the Oklahoma Employee Injury Benefit Act and the Workers' Compensation Arbitration Act. (See page 53 for a comparison of benefits under current and new law.)

The measure:

- Creates a three-person commission, appointed by the Governor to serve six-year terms. The Senate will have the authority to confirm commissioners and the Governor will have the ability to remove them for cause;
- Creates the position of administrative law judges (ALJs), who are appointed by the commission, to conduct hearings and determine claims for compensation under the rules and regulations established by the commission;
- Allows an employer to voluntarily opt out of the Administrative Workers' Com-

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pensation Act by becoming a qualified employer. To obtain the qualified-employer status, an employer must complete certain notice requirements, establish a written benefit plan that is comparable to the benefits provided under the Administrative Workers' Compensation Act, pay an annual \$1,500 filing fee and furnish proof to the insurance commissioner of the employer's financial ability to pay for compensation. Employers also may self-insure or contract with an insurer to supply benefits;

- Provides that agreements to arbitrate claims for injuries covered by the Administrative Workers' Compensation Act are valid and enforceable, provided the employer gave notice of an agreement to both the employee and the employer's workers' compensation insurance provider, an alternate dispute resolution program is filed with the commission and the agreement contained a provision that allows any party to arbitration the opportunity to appeal any decision to the commission; and
- Establishes new compensation rates for temporary total disability (TTD), temporary partial disability (TPD), permanent partial disability (PPD), permanent total disability (PTD) and Disfigurement.

Following the trend of other states, legislators voted to create a more competitive environment for private workers' compensation insurers.

HB 2201 converts CompSource Oklahoma into a domestic mutual insurer beginning January 1, 2015. The measure renames CompSource Oklahoma to CompSource Mutual Insurance Company which will be organized under state law, but independent of the State

of Oklahoma. The company will be subject to current law governing private insurers and be required to pay state premium taxes; however, the measure exempts the company from the Oklahoma Insurance Rating Act and the Property Casualty Competitive Loss Cost Rating Act until three years after the company begins operations. The company is governed by a 10-member board of directors, which is authorized to employ a chief executive officer to serve as an ex-officio, nonvoting member of the board and oversee the privatization of CompSource. Effective January 1, 2015, the company will be considered a continuation of CompSource Oklahoma and absorb all remaining properties, debts, claim and other assets or liabilities held by CompSource Oklahoma.

SB 1090 gives the Workers' Compensation Commission (WCC) and the administrative law judges of the WCC exclusive jurisdiction over all workers' compensation actions filed against a state county, city, town, board of education, school district or other municipal subdivision. The measure requires the WCC and administrative law judges to provide a certified copy of the judgment or decision to the judgment creditor.

Tort Reform

SB 404 creates the Personal Injury Trust Transparency Act. The measure requires plaintiffs to disclose information about all current and anticipated personal injury claims filed against a personal injury trust and attest to their completeness and accuracy. The measure also allows a defendant to identify other personal injury trusts that the defendant in good faith believes the plaintiff can file a

successful claim against within 90 days before trial. For each additional or alternative personal injury trust identified, the plaintiff is required to either file a claim with the personal injury trust identified, or file a written response with the court stating reasons why there is insufficient evidence to permit the plaintiff to file a claim.

The Legislature continued to examine agritourism by enacting measures to restrict liabilities and promote tourism development. **HB 1638** exempt agritourism professionals from being liable for injuries incurred by a participant in agritourism activities sponsored by the agritourism professional as long as a warning is posted. The professionals' liability will not be limited if they are negligent or disregard safety or have knowledge of or should have known about a dangerous condition. Agritourism professionals must post warning signs in conspicuous locations warning people of the risks they assume by participating in the activities.

Similarly, **HB 1009** provides limited liability to landowners that offer their land as an aviation site for fly-ins at nonpublic use airports. A nonpublic use airport is defined as an airport that is primarily used by the owner with access to the public as permitted by the owner.

HB 1882 creates the Space Flight Liability and Immunity Act to limit the liability of a space flight entity if a participant of a space flight activity is injured. The measure requires the space flight entity to post a warning statement, inform participant of the risks associated with the activity as required by state and federal law and receive informed consent from the participant.

SB 1062 — Comparison of Compensation Rates

Type of Injury	Current Law	New Law (effective February 1, 2014)
Medical Costs	100 percent, no limit on time or cost.	100 percent, no limit on time or cost.
Temporary total disability (TTD). A temporary injury where the injured worker is temporarily unable to perform his or her job or any alternative worker offered by the employer.	70 percent of the employee's average weekly wage (EAWW) up to 100 percent of the state average weekly wage (SAWW) for 156 weeks. Benefits may be extended for an additional 52 weeks if the court makes a finding of a consequential injury.	70 percent of the EAWW up to 70 percent of the SAWW for 104 weeks. Benefits may be extended for an additional 52 weeks if allowed by an administrative law judge.
Temporary partial disability (TPD). A temporary injury where the injured employee is temporarily unable to perform his or her job, but may perform alternative work offered by the employer.	70 percent of the difference between the EAWW before the injury and his or her wage earning capacity thereafter for 156 weeks.	70 percent of the difference between the EAWW before the injury and his or her weekly wage for performing the alternative work after the injury, but only if that wage is less than the TTD rate. Compensation may not exceed 52 weeks.
Permanent partial disability (PPD). A permanent disability or loss of use after maximum medical improvement has been reached which prevents the injured employee, who has been released to return to work by the treating physician, from returning to his or her pre-injury equivalent job.	70 percent of the EAWW or \$323, whichever is less, for 500 weeks. PPD benefits may not be less than \$150 per week.	70 percent of the employee's average weekly wage, not to exceed \$323 for 350 weeks for the body as a whole. Vocational rehabilitation services are allowed for up to 52 weeks.
Permanent total disability (PTD). Incapacity, based upon accidental injury or occupational disease, to earn wages in any employment for which the employee may become physically suited and reasonably fitted by education, training, experience or vocational rehabilitation provided to the injured employee. Loss of both hands, both feet, both legs or any two, both eyes or any thereof, will constitute PTD.	70 percent of the EAWW or the SAWW, whichever is less, for 15 years or until the employee reaches the age of maximum Social Security retirement benefits, whichever is longer.	70 percent of the EAWW or the SAWW, whichever is less, for 15 years or until the employee reaches the age of maximum Social Security retirement benefits, whichever is longer.
Disfigurement. Serious and permanent disfigurement to any part of the body.	Up to \$50,000.	Up to \$50,000. No award will be entered until 12 months after the injury.

During a state of emergency in which the state's number of available licensed architects and professional engineers becomes insufficient, and at the request of the Governor, **SB 294** exempts out-of-state licensed architects or professional engineers from certain requirements. The exemptions include:

- Liability for any personal injury;
- Liability for wrongful death;
- Liability for property damage or other loss related to the licensed architect's or professional engineer's acts; and
- In placarding and inspecting structures for safety and habitability that occurs during an emergency.

Special Session

On June 7, 2013, the Oklahoma Supreme Court declared HB 1603, the Comprehensive Lawsuit Reform Act of 2009, to be unconstitutional and void in its entirety because it violated the single-subject rule outlined in Article 5, Section 57 of the Oklahoma Constitution. HB 1603 was designed to reduce the number of frivolous lawsuits and medical malpractice claims filed in Oklahoma. The timing of the 7-2 decision meant there would be a long period of uncertainty for businesses affected by the ruling until the legislators could address the issue during the next regular session. In response, the Governor called the Legislature to convene for a Special Session of the 54th Legislature on September 3, 2013. In the span of five legislative days, lawmakers were able to re-institute most of the components of HB 1603, through the passage of 23 individual measures, as summarized in the table on page 59.

HB 1003X allows a court to transfer a claim or action to another venue in the interest of justice and for the convenience of the parties. The court must consider the following factors when determining whether to issue a motion to stay, transfer or dismiss the action:

- Whether an alternate forum exists in which the action may be tried;
- Whether the alternate forum provides an adequate remedy;
- Whether keeping the action in the court in which the case is filed would be a substantial injustice to the moving party;
- Whether the alternate forum can exercise jurisdiction over all the defendants properly joined in the action of the plaintiff;
- Whether the balance of the private interests of the parties and the public interest of the state predominates in favor of the action being pursued in an alternate forum; and
- Whether the stay, transfer or dismissal would prevent unreasonable duplication or proliferation of litigation.

HB 1004X exempts gun manufacturers, distributors and sellers who lawfully manufacture, distribute or sell firearms from liability for injuries suffered, including wrongful death or property damage, because of the use of such firearms by another individual. The exemption does not apply to lawsuits arising from the unlawful sale or transfer of firearms or failure of the firearm to operate in a normal manner due to manufacturing defects.

HB 1005X creates the Uniform Emergency Volunteer Health Practitioners Act to enable registered volunteer health practitioners to perform needed medical services in the state during a declared state of

emergency. The State Department of Health (OSDH) may limit, restrict or regulate the duration of practice by volunteer health practitioners, the areas in which they may practice, the types of practitioners who may practice and any other matters necessary to coordinate needed health services during the state of emergency. Host entities that use volunteer health practitioners will be required to consult and coordinate their activities with OSDH to ensure efficient use of the volunteers and compliance with the Oklahoma Emergency Management Act of 2003 and the Catastrophic Health Emergency Powers Act.

The measure also provides guidelines to qualify as a volunteer health practitioner and states that once registered and an emergency is in effect, the volunteers may practice as if they were licensed in the state. Furthermore, the measure allows a licensing board or other disciplinary authority in the state to impose administrative sanctions upon an Oklahoma licensed practitioner for conduct during in-state or out-of-state emergencies. The disciplinary authority must consider the circumstances in which the conduct took place, the scope of practice, education, training, experience and specialized skill of the practitioner when considering sanctions.

HB 1006X redefines the term *frivolous* to mean an action or pleading knowingly asserted in bad faith or without any rational argument based in law or facts to support the position of the litigant or to change existing law and applies the new definition to other areas in statute where the term *frivolous* is referenced.

In any civil action where a patient is claiming injuries as a

result of negligence by a care health professional, **HB 1007X** prohibits the use of factual statements made during any peer review process from being subject to discovery. In cases where a patient has alleged that a health care facility was independently negligent as a result of permitting the health care professional to provide services to the patient, the measure allows the use of credentialing and recredentialing data to be used as evidence only if a judge or jury first finds the professional to have been negligent in providing health care services to the patient in the health care facility.

HB 1008X amends the Oklahoma Livestock Activities Liability Limitations Act to include any agritourism activity involving livestock or on a location where livestock are displayed and raised. An *agritourism activity* may include any activity, carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities or natural activities and attractions.

HB 1009X creates the School Protection Act to provide teachers, principals and other school professionals the tools they need to maintain order, discipline and an appropriate educational environment. The measure provides that it is a misdemeanor crime for any person over 18 to purposely make a false accusation of a criminal activity against an education employee to law enforcement authorities or school district officials. Students between ages 7-17 committing the same crime may be subjected

to community service or other sanctions the court deems appropriate. Furthermore, the measure provides out of school suspension for students who assault education employees or school volunteers. Disciplinary actions taken by the school does not bar criminal prosecution of the student who caused the injuries. Lastly, the measure ensures that education employees injured as a result of an assault or battery while in performance of their school duties are entitled to leave without a loss of leave benefits.

HB 1010X prohibits an attorney who has represented or represents a school district at a personnel hearing to consider the termination of an administrator, teacher or support employee from being the hearing officer or judge at a related due process hearing. Accordingly, a school district attorney also is prohibited from influencing, in any way, an executive session of the school district board of education convened in conjunction with a due process hearing dealing with the related subject matter.

HB 1011X changes the amount of damages that must be plead in a general claim for relief from \$10,000 to a fixed amount required for diversity jurisdiction pursuant to federal law and also applies the requirement to special damages. If a plaintiff seeks less than the amount required for diversity jurisdiction, the defendant may file, for purposes of establishing diversity jurisdiction only, a motion to clarify damages prior to the pretrial order to require the plaintiff to show by a preponderance of the evidence that the amount of damages will not exceed the amount required for diversity. If the court finds that damages will likely exceed the

amount required for diversity, the plaintiff must amend the pleadings.

HB 1013X makes numerous changes to statutes governing class action lawsuits. The measure adds the following orders to the list of interlocutory orders that may be appealed without awaiting a final determination in the case:

- An order that denies a motion in a class action asserting lack of jurisdiction because a state agency has exclusive or primary jurisdiction of the action or part of the action; and
- An order that asserts that a party has failed to exhaust administrative remedies, but only if the class is subsequently certified and only as part of the appeal of the order certifying the class action.

Furthermore, for orders entered on or after the effective date of the act, the measure:

- Requires the order to define the class and the class claims, issues and defenses, and appoint class counsel. These orders will be subject to a de novo standard of review by any appellate court. While the appeal of the order on class certification is pending, the trial court will retain jurisdiction over the case and will implement a settlement of the action should one be reached between the parties;
- Limits class membership, unless agreed to by the defendant, to individuals who are residents of the state. Nonresidents must own property in the state, provided the property is relevant to the class action, or have a significant portion of the nonresident's cause of action arising from conduct occurring within the state;
- Requires court approval to settle, voluntarily dismiss or

compromise on the claims, issues or defenses of a certified class and outlines the procedure to do so;

- Outlines considerations that must be taken by the court when appointing a class counsel; and
- Outlines the factors that will determine the attorney fees for class counsel.

Lastly, the measure requires the court to give direct notice to members of the class. The notice must clearly and concisely state in plain, easily understood language, the following, in addition to other information already required by current law:

- Nature of the action;
- Definition of the class certified;
- The class claims, issues or defenses; and
- That a class member may enter an appearance through an attorney if the member so desires.

HB 1015X provides that failure to properly secure a child while transporting the child in a motor vehicle is admissible as evidence in a civil action case unless the plaintiff is a child under the age of 16.

To be able to proceed in court in any civil action alleging negligence, **SB 1X** requires the plaintiff to attach to the petition an affidavit attesting that the plaintiff has:

- Consulted and reviewed the facts of the claim with a qualified expert;
- Obtained a written opinion from a qualified expert that clearly identifies the plaintiff, includes a determination of the expert that the acts or omissions of the defendant constituted negligence with reasons explaining why the acts constituted negligence. The written

opinion is not admissible at trial and cannot be questioned in discovery or at trial; and

- Concluded that the claim is meritorious and based on good cause.

Any civil action for negligence that is not filed with the affidavit being attached to the petition will be dismissed without prejudice, upon motion of the defendant, by the court. With good cause shown, a court may grant an extension, up to 90 days, upon request by the plaintiff. The plaintiff may upon good cause shown request a subsequent extension of up to 60 days. If the plaintiff cannot afford to pay for the required written testimony by an expert witness, the plaintiff may request for an indigency exemption.

Lastly, upon written request of any defendant, the plaintiff must provide to the defendant, within 10 days of receiving the request, a copy of the written opinion by the qualified expert or an authorization form for the release of any and all related

records from five years prior to the incident that is at issue in the lawsuit.

SB 2X allows a plaintiff to dismiss an action without an order of the court at any time before the pretrial hearing. After the pretrial hearing, an action only may be dismissed, without prejudice unless otherwise stated in the notice of dismissal, by agreement of both parties or by the court. Furthermore, the measure requires the court to dismiss the action without prejudice if service of process is not made upon a defendant within 180 days after filing the petition. Previously, it was at the discretion of the court to dismiss the action.

SB 3X caps appeal bonds at \$25 million and requires no bond for appeals of punitive damages. If it is proven by a preponderance of the evidence that the appellant for whom the bond is required will or is intentionally diverting assets to avoid payment of the judgment, the court will require that a bond be posted equal

SB 4X — Recovering Medicaid Payments

If the payments were less than the judgment or settlement amount, then the recovery is computed as follows:

Step 1	\$ _____ Medicaid payment	/	\$ _____ Judgment/ settlement	=	_____ Ratio (carry out six digits)
Step 2	Ratio from Step 1	x	\$ _____ Procurement costs	=	\$ _____ Medicaid share of procurement costs
Step 3	\$ _____ Medicaid payment	-	\$ _____ Medicaid share of procurement costs	=	\$ _____ Refund to Medicare

If the Medicaid payments equaled or exceeded the amount of judgment or settlement, the recovery is computed as follows:

Step 4	\$ _____ Judgment/ settlement	-	\$ _____ Procurement costs	=	\$ _____ Refund
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to the full amount of security required, even if the bond amount exceeds \$25 million or creates a significant risk of insolvency for the appellant.

SB 4X establishes formulas to determine the amount that the Oklahoma Health Care Authority is entitled to seek to recover medical payments paid for the care of a Medicaid recipient when the beneficiary receives a related liability settlement or judgment. (See inset on previous page.)

SB 6X sets requirements for expert witness testimony. The testimony must:

- Be based upon sufficient fact or data;
- Be the product of reliable principles and methods; and
- Use principles and methods are reliably applied to the facts of the case.

Facts or data that are otherwise inadmissible will not be disclosed to the jury unless the court determines their probative value in assisting the jury substantially outweighs their prejudicial effect.

SB 7X provides that a breach of the obligation of good faith inherent in every contract of duty within the Uniform Commercial Code will not give rise to a separate tort cause of action.

SB 8X provides that joint and several liability laws do not apply to lawsuits brought on behalf of the state.

Current law allows the Governor to assume regulatory control over essential resources of the state during a declared state of emergency.

SB 10X amends the definition of *resources*, as it relates to the emergency operations plan used in a declared state of emergency, to exclude *health manpower*. The measure also

excludes *volunteer health practitioners* from the definition of *emergency management worker*. The use of volunteer health practitioners during a state of emergency will be governed by the Uniform Emergency Volunteer Health Practitioners Act.

SB 11X amends the definition of *volunteer*, as it relates to the immunity from civil liability provided to volunteers of charitable and non-profit organizations. The term *volunteer* is modified to mean a person who enters into services or undertaking of the person's free will without compensation or expectation of compensation in money or other things of value in order to provide a service, care, assistance, advice or other benefit, even if the volunteer is legally entitled to receive compensation for the services performed. The immunity is applicable only if the services were agreed upon in advance by all involved persons and that there is understanding that the services are provided on a volunteer basis.

SB 12X creates the Common Sense Consumption Act to prevent frivolous lawsuits against manufacturers, packers, distributors, carriers, holders, sellers, marketers or advertisers of food products for any claim of weight gain, obesity or other conditions associated with weight gain or obesity. Exceptions are allowed if the plaintiff has evidence that the disease was caused by the entity's material violation of a state or federal law related to the marketing, manufacturing, distribution, labeling, misbranding or sale of the food product.

SB 13X protects manufacturers or sellers of inherently unsafe products from a product liability action if the product sold is known to be unsafe by the

common consumer. In order for the defense to apply, all of the following must be shown:

- The product was a common consumer product intended for personal consumption;
- The risk posed by the product was known by the common consumer;
- The product was properly prepared and reached the consumer without substantial change in its condition; and
- Adequate warning of the risk posed by the product was given by the manufacturer or seller.

The defense does not apply to any product liability lawsuit based on manufacturing defects or breach of warranty.

SB 14X creates the Asbestos and Silica Claims Priorities Act to give priority to claimants with a demonstrable physical impairment in cases involving asbestos and silica litigation. To proceed in court, the claim must have a report from a physician concluding the following:

- The claimant has been diagnosed with mesothelioma or other asbestos-related malignancy;
- The exposure to asbestos was a proximate cause of the diagnosed disease(s); and
- If the malignant asbestos-related condition was something other than mesothelioma, the claimant has had an underlying nonmalignant asbestos-related condition and at least 15 years have passed between the time of first exposure to the date of diagnosis.

For claimants with a nonmalignant asbestos-related condition, there are similar reporting requirements for the diagnosing physician. The measure also sets the procedure by which the courts must manage trial settings for all asbestos and silica

related claims. A claim cannot be placed on an active trial docket until 90 days after the required report has been served to each defendant. A defendant also is afforded the opportunity to challenge the adequacy of the prima facie evidence provided. If the claimant has been diagnosed with mesothelioma and meets the reporting requirements, the claimant may petition the court to request an expedited trial date.

Lastly, the measure prohibits insurers from rejecting, denying, limiting, canceling, refusing to renew or increasing the premium for any existing health or life insurance coverage because the claimant met the procedural requirements of the act. The measure applies to all asbestos and silica claims filed after the effective date of the act and to any pending claims that have not gone to trial after the effective date of the act.

SB 15X creates the Innocent Successor Asbestos-Related Liability Fairness Act to protect successor companies that have purchased companies with an earlier asbestos exposure. The cumulative successor asbestos-related liabilities of an innocent successor corporation are limited to the fair market value of the total gross assets of the transferor at the time of the merger or consolidation. Furthermore, if the transferor had assumed or incurred successor asbestos-related liabilities in connection with a prior merger with a prior transferor, then the fair market value of total assets of the prior transferor will be used to determine innocent successor's liability. Fair market value may be calculated using the going concern value of the assets, the purchase price paid for the assets in an arm's length transaction or the value of the assets recorded on a balance

sheet.

SB 16X adds the following types of orders to the list of interlocutory orders that may be appealed without awaiting a final determination in the case:

- An order that denies a motion in a class action asserting lack of jurisdiction because a state agency has exclusive or primary jurisdiction of the action or part of the action.
- An order that asserts that a party has failed to exhaust administrative remedies, but only if the class is subsequently certified and only as part of the appeal of the order certifying the class action.

Civil Procedure

To protect officers, directors and shareholders of corporations and members and managers of limited liability companies (LLC) from claims brought against the LLC or corporation of which they are a part, **SB 1083** requires a judgment to be rendered against the corporation or LLC before any claims or suits may be brought against these individuals.

SB 1031 authorizes the inclusion of a contractual provision that would prohibit an employee or independent contractor of a person or business from soliciting, whether directly or indirectly, the employees or independent contractors of that person or business.

If a rate of interest is specified in a contract, **SB 1080** clarifies that the postjudgment interest will be calculated at the contractual rate.

In a civil action that involves a school district suing parents and students, **HB 2160** requires the local school district to pay court costs and attorney fees to a prevailing student or parent of a student if the civil action was

initiated by the school district. The court has the discretion to include expert witness fees in the award.

SB 440 clarifies the process for vacating or modifying a judgment, decree or appealable order. Unless approved by all parties who have entered an appearance in the lawsuit, the default procedure for vacating or modifying a judgment, decree or appealable order is done by petition if more than 30 days have passed since the filing date. For the purpose of clarifying the award of cost, which includes reasonable attorney fees, the party that prevails in the action to vacate any judgment, decree or appealable order is only considered the prevailing party if they prevail on the merits in the underlying action.

SB 450 and **HB 1449** allow a defendant to enter a plea for a violation of the state wildlife code or a state or municipal traffic law through an electronic method provided by the court. The measures also allow jurors to electronically sign the oath of affirmation required for jury duty.

HB 1547 streamlines the probate procedure for handling the settlement of small estates defined as \$200,000 or less. The measure consolidates several notice requirements into a combined notice and requires the notice be filed when the petition for summary administration is filed. The measure directs the court to set a final hearing 45 days following the submission of both documents. A combined notice must include the following information:

- Name, address and date of death of the decedent;
- Name and address of the petitioner, personal representative and heirs;
- Whether a will exists;

Special Session Overview

Bill	Corresponding Section in HB1603 (2009)	Description
HB 1003X	Section 3	Allows a court to decline jurisdiction and transfer a civil action to another legal venue.
HB 1004X	Section 48-51	Exempts firearms manufacturers, distributors and sellers from liability for injuries caused by the use of such firearms.
HB 1005X	Section 31-41	Offers volunteer health practitioners limited liability for medical services provided during a declared state of emergency.
HB 1006X	Section 14-15	Modifies the definition of <i>frivolous</i> , as it relates to civil lawsuits.
HB 1007X	Section 28	Prohibits the use of peer review information as evidence in a professional malpractice liability case.
HB 1008X	Section 47	Adds <i>agritourism activities</i> to the list of activities exempt from liability through the Oklahoma Live-stock Activities Liability Limitations Act.
HB 1009X	Section 75-83	Creates penalties for assaulting or making a false accusation of a criminal activity against an education employee.
HB 1010X	Section 74	Prohibits any attorney who represents a school district at a personnel hearing from also being the hearing officer or judge at a related due process hearing or school board meeting.
HB 1011X	Section 12-13	Modifies the pleading requirements in a general claim for relief or claim for special damages.
HB 1013X	Section 9 and 16	Sets procedures for class action lawsuits and limits the participation of nonresidents in state class action lawsuits.
HB 1015X	Section 26-27	Provides that failure to properly secure a child with a seat belt may be admissible as evidence in a civil action.
SB 1X	Section 2	Requires a plaintiff to acquire a certificate of merit by an expert before being able to proceed in court for any claim of negligence.
SB 2X	Section 5 and 11	Modifies the procedures for dismissing an action prior to the pretrial hearing and after the pretrial hearing.
SB 4X	Section 10	Sets procedures for the Oklahoma Health Care Authority to recover Medicaid payments from a settlement or judgment awarded to a Medicaid recipient through a medical liability lawsuit.
SB 6X	Section 18-19	Modifies the requirements for expert testimony.
SB 7X	Section 21	Prohibits a claim asserting breach of good faith from giving rise to another lawsuit.
SB 10X	Section 29	Transfers the power of the Governor to assume regulatory control over health care practitioners during a declared state of emergency to the State Department of Health.
SB 11X	Section 42	Modifies the definition of <i>volunteer</i> as it relates to the limited liability provided to a volunteer of a charitable or nonprofit organization.
SB 12X	Section 43-46	Prevents lawsuits against food manufacturers for claims of weight gain or obesity.
SB 13X	Section 52-53	Offers limited liability for manufacturers of inherently unsafe products.
SB 14X	Section 54-65	Gives priority to silica and asbestos lawsuits where the claimant has a demonstrable physical impairment.
SB 15X	Section 63-73	Sets procedures for determining the asbestos-related liabilities of a successor company that purchased a company with an earlier asbestos exposure.
SB 16X	Section 9	Amends the list of interlocutory orders that may be appealed without awaiting a final determination in the case.

- The total value of the estate;
- Date, time and place of the final hearing;
- Notice that any interested party may file an objection to the petition any time prior to the final hearing; and
- Notice that any claim by a creditor is barred unless the claim is presented 30 days following the filing of the petition and combined notice.

HB 1060 prohibits the recognition of foreign laws in state courts if the constitutional rights of the affected parties are violated. The measure makes void and unenforceable any court, arbitration, or administrative decision that does not grant the parties affected by the ruling the same fundamental liberties, rights and privileges granted under the U.S and state constitutions. Likewise, **HB 2072** prohibits the recognition or enforcement of foreign defamation judgments.

HB 1087 authorizes the inclusion of applicable profits and overhead costs, in addition to the costs for materials, equipment and labor, on a mechanics' lien. A mechanics' lien is a legal claim placed on real estate by someone who is owed money for labor, services or supplies for contributing to the improvement of the property.

SB 177 provides that when a person offers an insufficient check or order to a merchant for payment on an open account, the merchant may debit the account of the person or impose other charges permitted by law.

Family Law

SB 928 requires the court clerk to reissue marriage certificates issued prior to June 8, 2006, upon request by the certificate holder.

HB 2166 authorizes a court to require individuals who owe child support and are willingly unemployed to work two eight-hour days per week in a community service program administered by the county commissioners.

Criminal Procedure

SB 580 allows reports from the Oklahoma State Bureau of Narcotics or the electronic methamphetamine precursor tracking service provider to be admissible as evidence, if the court deems the report applicable and admissible.

HB 1509 allows statements describing physical abuse or sexual contact expressed by a child, 13 years or older, with a disability to be admissible in criminal and juvenile proceedings. The measure defines *disability* as a physical or mental impairment that substantially limits one or more of the life activities of the child, or if a medical professional determines the child has such an impairment.

SB 708 makes it unlawful to knowingly cut or damage a fence that contains animals or domesticated game. The first offense is a misdemeanor and a second offense is a felony punishable by a fine up to \$1,000 and two years in prison, or a combination of both.

Judicial Districts

SB 820 increases the number of judges in District No. 21 (Garvin, McClain and Cleveland counties) from four to five and decreases the number of judges in District No. 22 (Seminole, Hughes and Pontotoc counties) from three to two. Elections to select judges for District No. 21 and 22 will take place in 2014 and 2013, respectively. The measure also modifies the boundaries of the electorate

divisions within District Court Judicial District No. 7 (Oklahoma County) and No. 14 (Tulsa and Pawnee counties) to align with current state precinct lines. The new electorate divisions will take effect January 12, 2015, and be applicable to elections starting in 2014. The measure does not affect terms currently served by any judge of district court judicial district No. 7 or No. 14. The maps on the following pages illustrate the new districts.

SB 988 removes the requirement that a retained attorney complete six hours of education and training related to juvenile law annually.

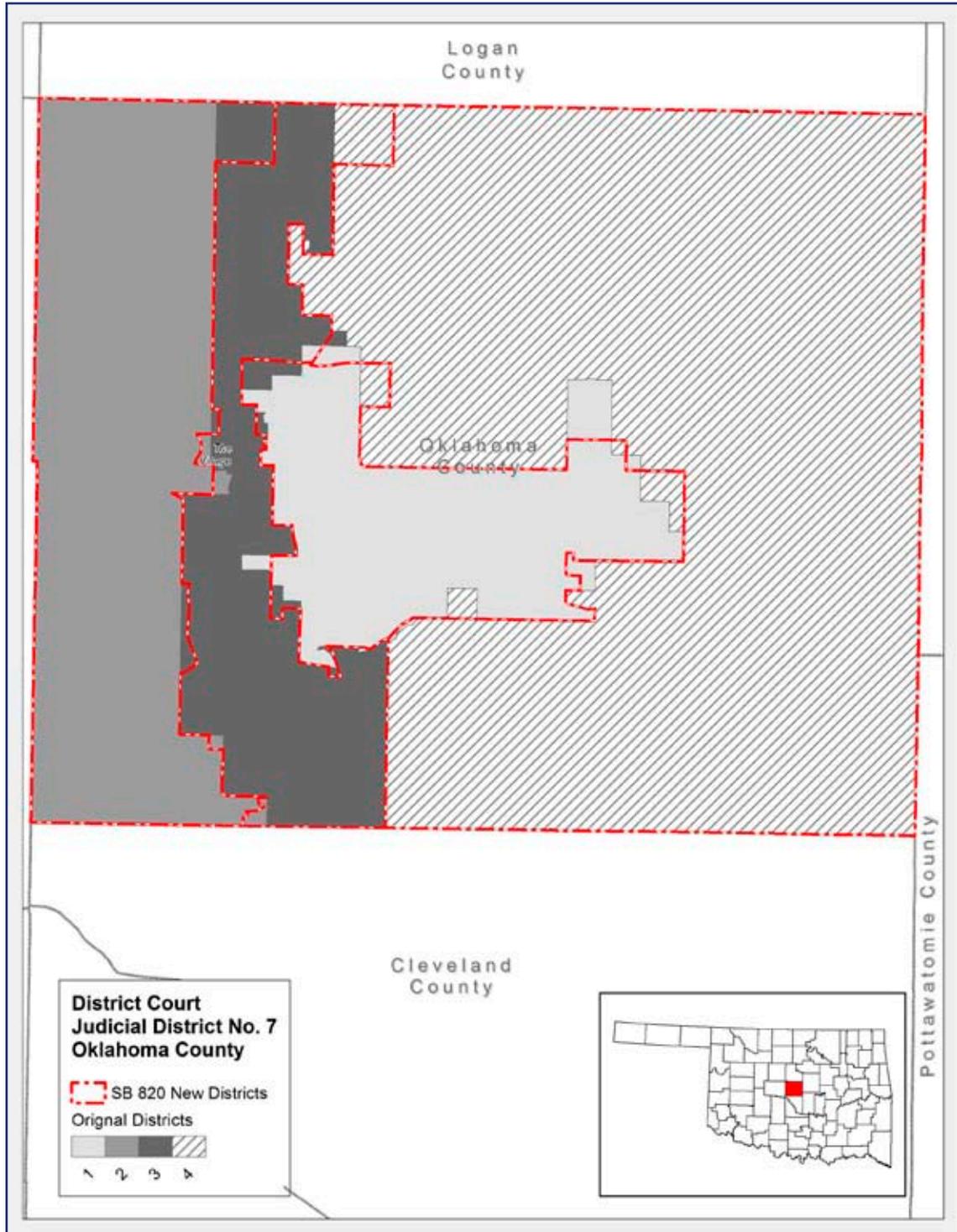
Currently, individuals are required to serve as a juror every two years if selected by the court. **SB 484** extends the minimum time period between jury duty from two years to five years.

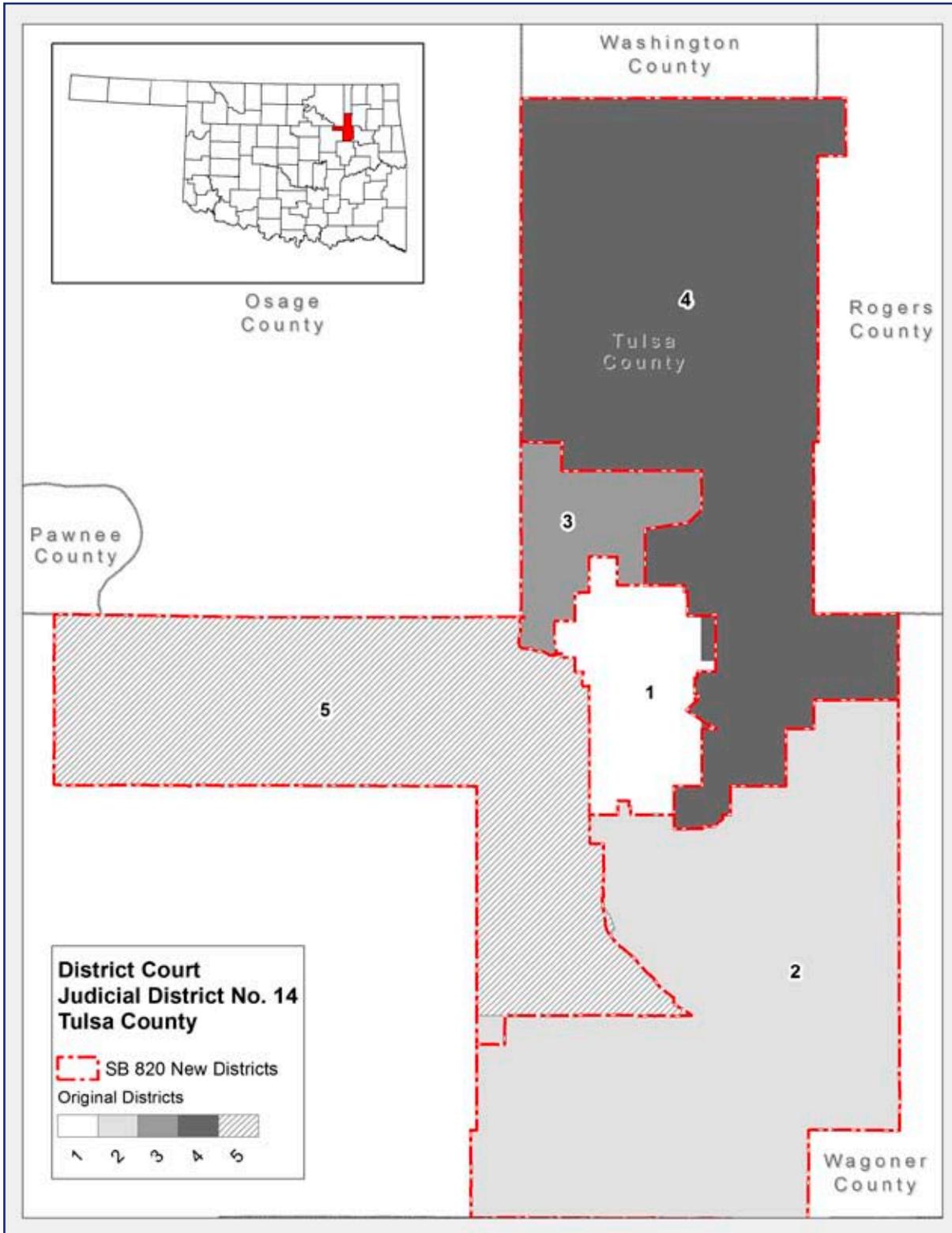
SB 951 modifies the definition of a *representative of the client*, as it relates to attorney-client privilege, to include persons who make or receive confidential communication when acting in the scope of employment for the client to facilitate legal representation for the client.

SB 372 removes the requirement that a copy of Form 990 be filed by a charitable organization with the Secretary of State. Form 990 is an annual reporting return required by the Internal Revenue Service for tax-exempt organizations to provide information on the organization's mission, programs and finances.

SB 285 allows district attorneys to destroy office records and files related to a juvenile or civil case 10 years following the last official action. The district attorney may preserve the records through microfilm or computer storage. Any district attorney

also may destroy records involving a felony case, provided the files are preserved by microfilm or computer storage. ■





military and veteran affairs

During the 2013 session, the Legislature enacted a number of measures demonstrating its continued support of the military and veterans.



HB 1235 allows the State Board of Osteopathic Examiners to issue a military spouse license to osteopathic physicians and surgeons who are living in the state due to a spouse's military service.

HB 1526 enacts the Aerospace and Defense Development Act of 2013. The measure renames the Center for Aerospace Supplier Quality (CASQ) as the Center for Aerospace and Defense Supplier Quality (CADSQ). The measure directs the center to serve as an intermediary between the aviation, aerospace and defense industries in Oklahoma, as well as commercial and military aviation. Finally, the measure requires the Oklahoma Aerospace Institute to gather information on aviation, aerospace, and defense industries and to match training providers and consulting services with industry professionals.

SB 228 creates the Quality Workforce for Oklahoma's Heroes Act, which authorizes the Oklahoma Department of Veterans Affairs to establish education and training programs for its employees to improve the quality of care in the agency's nursing facilities. An employee who successfully completes a program will be eligible for additional education and training expenses. In an effort to maintain accreditation, the department may cover fees for employees to maintain their licenses and certifications. Finally, the department may seek repayment if the individual leaves before fulfilling the commitment outlined in a promissory note.

SB 235 updates statutory language regarding the operation of Oklahoma Veterans centers. ■

Legislators tackled a variety of subjects relating to public safety this session, ranging from firearms and driver license requirements to law enforcement education and training.



Firearms

Numerous measures were adopted relating to the carrying of firearms, including authorizing the carrying of weapons on private school property. **HB 1622** allows the carrying of a firearm on private elementary or private secondary school property if a policy has been adopted by the governing entity of the private school. A governing entity of a private school that has adopted a policy is immune from liability relating to the firearm, except for acts of gross negligence or willful or wanton misconduct.

Four additional measures grant peace officers, judges and other licensed professionals greater latitude on the carrying of weapons.

HB 1242 authorizes district and municipal judges, including retired district or municipal judges to carry a firearm anywhere in the state to use for personal protection if the judge has completed an approved firearms training course.

SB 173 allows a peace officer to carry a weapon unconcealed when off-duty. The measure allows a person who has been granted a permanent victim's protective order to be issued a temporary handgun license. The person must have passed the required weapons course for the Self-Defense Act (SDA) and preliminary background checks by the sheriff and court clerk. The bill provides that a property owner, tenant, employer, place of worship or business entity may prohibit any person from carrying a concealed or unconcealed firearm on the property if signs are properly posted. A person in violation may be given a citation for an amount not to exceed \$250. Additionally, the measure grants immunity from liability to a person, corporation, place of worship or any other business entity that does not prohibit the carrying of a weapon on property.

HB 1413 allows those licensed as armed private investigators to carry a firearm unconcealed when on and off duty. Finally, **SB 259** requires a school authority to immediately report to law enforcement the discovery of a firearm upon a student who is not a minor or upon any other person not authorized to possess a firearm on school property. The firearm is required to be delivered to law enforcement.

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Course and fee requirements related to the SDA were also addressed. **HB 1314** eliminates the \$60 statutorily established maximum fee that can be charged for firearms training courses, allowing the course instructor to determine the cost. The measure also increases the instructor-to-student ratio for SDA classes from 10 students per instructor to 20 students per instructor. Another measure, **HB 1462** allows a firearm instructor approved by Council on Law Enforcement Education and Training (CLEET) to obtain a five-year or ten-year registration certificate. The fee for a ten-year certificate is established at \$200. The measure removes a requirement that a firearm instructor resubmit fingerprints when renewing a firearm instructor's certificate. **HB 1243** provides that a person who has been subject to a deferred sentence is not eligible to obtain a permit pursuant to the SDA for a period of three years from the final determination of the matter. A final measure related to the carrying of weapons, **HB 2170** deletes *spring type knife* from the list of weapons that are unlawful to carry.

Driver License

Several measures were enacted to improve the safety of the motoring public. **HB 1441** requires that any person whose license has been revoked due to an alcohol-related offense who seeks a driver license modification to be required to have an ignition interlock device installed and requires that the device remain on the vehicle for the entire period of modification. The bill prohibits the reinstatement of a person seeking to have an ignition interlock device placed on vehicles owned by their employer if the person has had a prior revocation. The measure

establishes that it is unlawful to operate a vehicle with any amount of Schedule I chemical or controlled substance in the person's bodily fluid at the time of a test administered within two hours of arrest.

SB 406 removes *reckless driving* from the list of offenses that result in an immediate revocation of driving privileges and provides that a first license revocation for failure to stop or to remain stopped for a school bus loading or unloading children is to be for one year and may be modified.

Several measures were adopted relating to the issuance of driver licenses. **SB 652** increases the fees, as described below, for all driver licenses to increase funding for the Department of Public Safety, specifically for its understaffed driver examiners. The measure also establishes a commercial learner permit for those persons making application for a commercial driver license. The bill allows the department to revoke driving privileges of a person convicted of fraud related to examination or issuance of a commercial learner permit and for failure to submit to skills re-examination. The permit is valid for 180 days, which may be renewed one additional time for 180 days. The bill allows the department to accept skills test results from another state and requires the department to conduct an annual criminal

history background check on designated examiners.

HB 1082 would allow an Oklahoma driver license not more than one year expired to be used as a primary form of identification when renewing a driver license. The measure states that no person has a property interest in a driver license and requires a person who has had their driving privileges suspended or revoked to surrender the driver license upon request. A related measure, **SB 966** allows a person under the age of 18 who is applying for an identification card to provide a notarized affidavit signed by a legal parent or guardian with the application, in lieu of having the application signed by the parent or legal guardian.

HB 2198 authorizes a person possessing an agricultural exemption permit to operate a Class A, B or C commercial motor vehicle while in the course of an agricultural or ranching operation owned by the person, if the person has a valid Oklahoma driver license.

The Department of Public Safety is authorized to issue a provisional driver license by **SB 97** to any person whose license has been suspended or revoked that would allow the person to drive between the place of residence and the place of employment, a college, university or technology center, day care provider and any court-ordered treatment

SB 652 — Driver License Fees

Type	Old Fee	New Fee
Class A Commercial Learner Permit	N/A	\$51.50
Class A Commercial License	\$41.50	\$51.50
Class B Commercial Learner Permit	N/A	\$51.50
Class B Commercial License	\$41.50	\$51.50
Class C Commercial License	\$31.50	\$41.50
Class D License	\$21.50	\$33.50

program. Any person issued a provisional license would be required to pay \$25 per month toward the satisfaction of all outstanding driver license reinstatement fees.

Law Enforcement

Improving the training of law enforcement personnel also received attention this session. **SB 197** provides that the Council on Law Enforcement Education and Training (CLEET) approved training course for police chief administration be developed by the Oklahoma Chiefs of Police Association. The measure provides that a chief of police who fails to complete the training course will have their CLEET certification revoked. The training qualifications course requirements do not apply to a chief of police who assumed duties prior to November 1, 2006. All municipal police departments must adopt and publish policies that address safety and liability issues, and a municipality not in compliance may seek additional time to come into compliance. CLEET is also directed by **SB 315** to include instruction in the basic training courses for law enforcement certification a minimum of two hours of training related to recognizing and managing a person affected by dementia or Alzheimer's disease.

In an effort to increase the number of law enforcement officers in the state, **SB 398** allows any reserve peace officer who has completed the 240-hour reserve peace officer certification program and has maintained active service in the past two years to be eligible to attend a 360-hour basic training academy to become a full-time peace officer. The measure requires:

- Law enforcement agencies employing police or peace

officers to submit to CLEET on or before October 1 of each calendar year a complete list of all commissioned employees with a current mailing address and phone number for each officer;

- Peace officers, reserve peace officers and tribal peace officers to maintain a current residential address with CLEET and to notify CLEET of any change of name or address within 10 days of the change.

Two related measures, **SB 408** allows the director of CLEET to waive the training requirements of a certified officer who is re-entering full-time active status. The measure also allows the attorney general and any assistant attorney general to carry a firearm after completion of an approved course of firearm training. **HB 1871** modifies the definition of *peace officer* to include tribal law enforcement officers. The measure also establishes that a Bureau of Indian Affairs officer or tribal law enforcement officer commissioned by the Federal Bureau of Indian Affairs and who has been certified by the CLEET will have state police powers on tribally owned land.

In an effort to reduce the number of vehicles without minimum liability insurance coverage, **HB 1792** creates the Oklahoma Temporary Motorist Liability Plan to provide minimum vehicle liability insurance coverage when law enforcement comes into contact with a vehicle that does not have liability coverage. The measure allows law enforcement to remove the tag from a vehicle and replace it with a temporary tag. The car automatically is covered with a statewide temporary insurance policy for \$10 per day, for a maximum of 10 working days. The sheriff's office will hold the tag until the owner of

the vehicle provides proof of insurance. Finally, the measure adds an additional \$125 fee paid to the sheriff's office before the license plate will be returned.

HB 1247 limits the towing of abandoned vehicles to Class AA wreckers, which are licensed wreckers that meet all the requirements for towing for law enforcement agencies.

HB 1751 creates several new definitions to be used by the Used Motor Vehicle and Parts Commission. The bill establishes a licensing process and definition for *restricted manufactured home park dealer* as those persons who operate a mobile home park and sell for commission manufactured homes within the park. A related measure, **HB 1078** prevents a manufacturer from selling, exchanging or lease-purchasing a manufactured home to a person who is not a licensed manufactured home dealer.

SB 925 creates definitions related to the issuance of licenses for powersports vehicle dealers. A license is \$300 per manufacturer with an annual renewal fee of \$100 and only allows the sale of the specific types of powersports vehicles authorized by the manufacturer and agreed to by the powersports vehicle dealer.

HB 2068 increases the bond amount for each applicant for a used motor vehicle salesperson's license from \$15,000 to \$25,000.

SB 633 requires that persons applying for low-point beer permits must attest on the application that they have never been convicted of any violation of the Uniform Controlled Dangerous Substances Act. Any person who holds a license to sell low-point beer may have his or her permit revoked for violating any law relating to the Uniform Con-

trolled Dangerous Substances Act or any rule or order issued to control a new product.

A related measure, **HB 1341**, allows the holder of a brewer license to serve free samples of beer produced by the licensee to visitors 21 years of age or older. Samples are limited to no more than 12 fluid ounces per person per day and sampling must occur in a designated sampling area.

SB 789 prohibits a state agency or political subdivision from altering or modifying low-point beer packaging on the premises of a retail dealer. The bill allows a wholesaler receiving a lot or parcel of alcoholic beverages to sell it in one or more lot or parcels to a licensed package store or mixed beverage licensee at an agreed upon price, without regard to current posted prices, provided the total of the lots sold by the wholesaler does not exceed four lots in total.

SB 321 removes the requirement that the advertised price of a mixed beverage be the sum of the total retail sales price and gross receipts tax levied. The measure also prohibits class action lawsuits on any claim arising from the collection of gross receipts tax on mixed beverages, sales tax or use tax that has been already been remitted to the Tax Commission or any other governmental taxing authority.

Miscellaneous

HB 1092 allows for the operation of a golf cart or utility vehicle on city streets, provided the municipality has an ordinance allowing the operation and the vehicle meets lighting and safety requirements.

HB 1098 allows all-terrain vehicles to operate on roadways within unincorporated areas of

a county if the board of county commissioners adopts a resolution approving such and if the vehicle is used only as an implement of husbandry.

HB 1511 prohibits a public library from disclosing registration information that relates to minors, except to persons acting within the legitimate scope of their duties, persons authorized to inspect such records, and requests by order of court of law. In addition, the measure requires a library to report suspicious information requests for records of minors that may be indicative of criminal intent to the appropriate law enforcement authorities.

HB 1762 modifies the definition of *extreme fire danger* to include exceptional drought conditions and where data is available, more than 20 percent of the wildfires in the county have been caused by escaped debris or controlled burning.

SB 66 provides that the state fire marshal is not required to inspect portable retail fireworks stands prior to opening; however, a local governing authority may inspect the stands prior to opening.

SB 89 increases the maximum penalty for littering from \$200 to \$400.

SB 162 allows the director of the Department of Corrections to award the badge of an employee who dies while employed by the department to the spouse or next of kin of the employee.

SB 659 provides that any service or transaction with a motor license agent authorized by law that is administered through any state agency on an online system must include a step where the individual must select between a motor license agent and the agency for processing

the service or transaction.

SB 678 provides that a certificate of title is to be issued without the payment of excise tax for any vehicle on which ownership is transferred by a repossessor directly back to the owner.

SB 772 adds to the list of documents that may be presented to the Department of Public Safety to determine if a person is eligible for a veteran emblem on their driver license by allowing a person to present an Oklahoma Army or Air National Guard NGB Form 22.

SB 779 allows the Department of Public Safety to issue an annual fleet oversized load permit to an electric utility or rural electric cooperative for the movement of poles. The annual fee for the permit is established at \$4,000.

SB 886 authorizes any law enforcement officer to tow a vehicle when the vehicle is involved in a fatal collision and is needed for evidentiary purposes. No vehicle is to be released from impoundment unless the owner provides proof of insurance.

SB 924 adds a definition of *construction machinery* and subjects it to registration requirements.

SB 164 modifies the Gold Star Survivor license plate to become the Gold Star/Surviving Spouse license plate and reauthorizes the Sigma Gamma Rho license plate and BMW Car Club plate.

Additionally, the measure creates the following specialty plates:

Booker T. Washington
Chiefs of Police
Crossings Christian School
Legion of Merit Medal Recipient
Millwood School District
Oklahoma City Barons
Oklahoma City Redhawks
Oklahoma Current State Flag

Oklahoma Original Flag
Oklahomans for the Arts
Tulsa 66ers
Tulsa Drillers
Tulsa Oilers
Tulsa Shock

A related measure, **HB 1351**, creates the Deer Creek Schools Foundation license plate and the Lupus Awareness and Education license plate. Twenty dollars of the fee for these plates benefits each organization. ■

The Oklahoma Tax Commission offers more than 200 specialty license plate designs. There are four main categories of specialty license plates: military, school, special interest and civil servant. Most plates cost an additional \$8, while those that provide philanthropic support usually cost an additional \$25.

Legislators focused on ways to increase the safety of motorists on the state's roadways and preserve the integrity of the public highway system.



HB 2186 diverts \$300,000 of the apportionment derived from fines and penalties collected by the Corporation Commission to the Department of Public Safety to staff the port of entry weigh stations for safety inspections.

SB 584 requires that before issuing a request for proposal (RFP) for the sale or transfer of any railroad currently owned by the State of Oklahoma or the Department of Transportation, the Office of Management and Enterprise Services (OMES) must conduct a review evaluation of the economic impact of the sale on the businesses that use the railroad. The measure requires that certain procedures be performed during review. The measure directs OMES to present findings to the Governor and the Legislature while the Legislature is in session.

SB 655 authorizes the Oklahoma Turnpike Authority to change the location of a planned toll bridge, previously authorized for construction, maintenance, repair, and operation by the Oklahoma Turnpike Authority, which crosses the Arkansas River, to be constructed between South Delaware Avenue and Memorial Drive in Tulsa County.

HB 1759 and **SB 418** served as omnibus road and bridge dedication bills. In addition to repealing the Teddy Lehman Expressway, the measures provided for the dedication of the following bridges and portions of Oklahoma highways:

- Maestro Kenneth Kilgore Memorial Bridge;
- LCpl Hatak-Yuka-Keyu Martin Yearby USMC Memorial Bridge;
- Wayne Crusoe Memorial Highway;
- Director Steven Stokes Memorial Highway;
- Milton Irwin Memorial Bridge;
- Senator Ed Berrong Memorial Highway;
- Great Western Cattle Trail;
- Sergeant Bret Daniel Isenhower Memorial Highway;
- Larry Tomlinson Memorial Bridge;
- Phil Tomlinson Bridge;

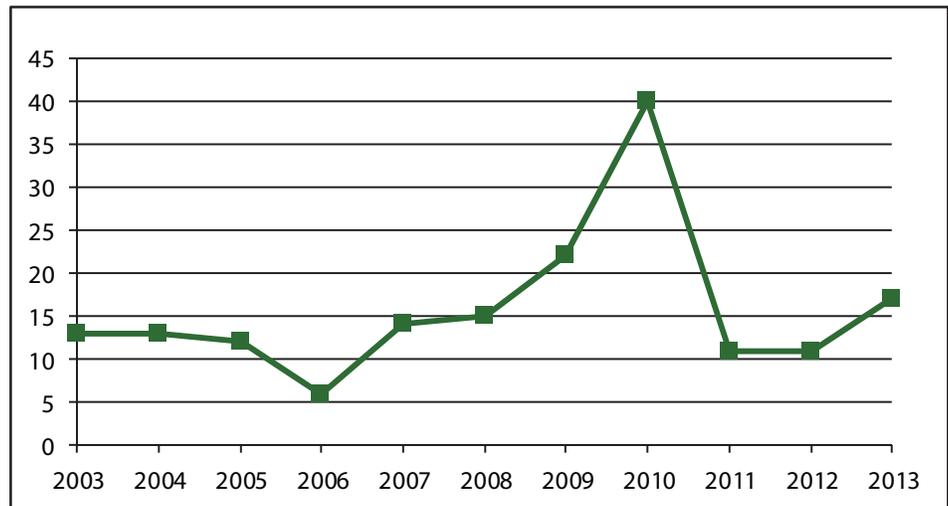
- WWI Choctaw Code Talkers Highway;
- Specialist Joshua M. "Bubba" Seals Memorial Bridge;
- PFC Albert E. Schwab, Medal of Honor Memorial Highway;
- Rev. W.T. "Tommy" Roberts Memorial Bridge;
- Mayor Jon Gumerson Memorial Bridge;
- Bobby D. "Dirt Dobber" Smith Memorial Bridge;
- Ret. Air Force Major General Albert Lee Logan Highway;
- Veteran's Memorial Highway;
- Cost of Freedom Memorial Bridge;
- Coach Rick Gandy Memorial Highway;
- Tribal Officer Defford Thomas Oyebi, Jr. Memorial Highway;
- Edna Hennessee Memorial Highway;
- "Burley" Burleson Memorial Highway;

- Bill Swisher Memorial Highway;
- Specialist Dylan Johnson Memorial Bridge;
- SGT First Class David Clinton Fisher Memorial Highway;
- "Pikey's" Crossing Memorial Highway;
- Petty Officer Tony Randolph Memorial Highway;
- Specialist Howard Lee Jones Memorial Bridge;
- OHP Captain Pete Norwood Memorial Highway.

HB 1257 designates State Highway 81 from the Kansas border to the Texas border as the Historic Chisholm Trail Bike Trail. Signage, both construction and replacement of, will be paid for by private sources. The Department of Transportation is required to place suitable permanent markers along Highway 81 and, contingent upon the availability of funds, provide a shoulder lane designated for use by bicycle traffic on the Historic Chisholm Trail Bike Route. ■

appendix I: summary of vetoes

Vetoes



HB 1701 would have removed the Domestic Violence and Sexual Assault Advisory Council within the Office of the Attorney General from the provisions of the Oklahoma Sunset Act. The Governor vetoed the bill and stated, "The bill is duplicative and is not consistent with my commitment to reducing the size of government."

HB 1742 would have allowed school districts with general funds of between \$0 and \$5,999,999 have fund balances of up to 40 percent of the general funds of those districts. Districts with \$6 million or more in the general funds would have been able to keep fund balances of up to 20 percent. The Governor vetoed the bill and stated, "There has been no demonstrated need that the amount of monies the school districts can currently 'carryover' are insufficient to meet the school districts' needs. This appropriated, tax-payer money should be used to enhance instruction for our students and to place more money into our classrooms to improve the state's common education system."

HB 1763 would have reclassified employees in the Military Department as classified personnel, thus making the employee subject to the provisions of the Oklahoma Personnel Act. The Governor vetoed the measure and stated, "This legislation may negatively impact the Military Department because approximately 80 percent of the employees at the Oklahoma Military Department are federally funded through cooperative agreements with the federal government. As a result of HB 1763, these employees would become 'classified' employees, so any loss or reduction in federal funding would require the Oklahoma Military Department to pay additional expenses for reduction-in-force such as severance packages, retirement packages, longevity pay, and insurance premiums that it would not have been required to pay otherwise."

HB 1881 would have created the School Transportation Task Force to study school transportation issues and recommend ways to make transportation systems more efficient and reduce costs. The Governor vetoed the measure and stated, "One of my focuses since taking office has been to streamline government, reduce the number of entities, and to create a more efficient and accountable state government. While school transportation is an important issue worthy of review, this issue can be addressed by establishing the School Transportation Task Force through executive order, rather than passing legislation and adding statutory provisions to our already lengthy legal code."

HB 1917 would have required each agency to develop a contingency plan and

corresponding budget to be prepared for a reduction in federal monies of up to 25 percent. The Governor vetoed the measure and stated, "The state's current budget process allows for ample review of federal programs and funding by both the executive and legislative branches ... [the bill] is duplicative, burdensome to state agencies and unnecessarily creates more bureaucratic red-tape."

HB 1922 would have allowed the Oklahoma Scenic Rivers Commission to assess administrative fines from \$50 to \$500 and allowed the commission to initiate and prosecute administrative, civil or criminal actions against those who violate the Scenic Rivers Act. The Governor vetoed the measure and stated that the preservation of scenic rivers is "currently being accomplished through criminal and civil enforcement ... [the bill] is duplicative, unnecessarily expands government and creates more bureaucratic red tape."

HB 1941 would have allowed a bondsman to write surety bonds in all 77 counties of the state. In her veto message, the Governor stated, "There is current pending litigation on this subject in the Oklahoma Supreme Court ... [and] the Oklahoma Constitution prohibits the Legislature from passing legislation to remove the issue from the court's consideration."

HB 1985 would have created the nine-member Oklahoma Port Task Force to study and developed a comprehensive plan to accommodate the added burden on Oklahoma ports, roads and bridges resulting from the reopening of the expanded Panama Canal. The Governor vetoed the bill and stated, "The state has hundreds of agencies, boards and commissions . . . this issue can be addressed by estab-

lishing the Oklahoma Port Task Force through executive order, rather than passing legislation and adding statutory provisions to our already lengthy legal code."

HB 2077 would have modified the Oklahoma Public Retirement System (OPERS) by creating an optional defined contribution plan for new employees hired after July 1, 2014. New employees would choose between the new defined contribution plan and OPERS. The measure requires elected officials first elected after July 1, 2014, to be members of the defined contribution plan. The new defined contribution plan will be available for new hires beginning July 1, 2014. The Governor vetoed the bill and stated, "While HB 2077 is well-intended, it lacks any measureable impact on the unfunded status of the state's pension plans and fails to reduce the state's significant pension debts since participation is only voluntary for state employees and required for a small group of first-time elected officials."

HJR 1023 would have reestablished the 21-member Oklahoma Juvenile Justice Reform Committee to conduct a review and study of Oklahoma's juvenile justice system. The Governor vetoed the measure and stated, "This issue can be addressed by establishing the Oklahoma Juvenile Justice Reform Committee through executive order, rather than passing legislation and adding statutory provisions to our already length legal code."

SB 101 would have created the Task Force on State Services for Adults with Asperger's Syndrome and Autism. The Governor vetoed the measure and stated, "This issue is currently being addressed through Executive Order 2013-08 establishing the Governor's Blue

Ribbon Panel for Developmental Disabilities. Creation of this task force through executive order will ensure the task force is productive, fully serves its purpose, and has a final end date."

SB 817 would have modified the amount that a supervised lender may charge, in lieu of loan finance charges, on "B" loans with a principal balance of \$1,500 or less. "B" loans are characterized as high interest, unsecured, short loans acquired with a personal check. The Governor vetoed the measure and stated, "The legislation may inadvertently expand predatory lending practice, which takes advantage of financially vulnerable Oklahomans."

SB 854 would have prohibited the application of collection bargaining agreements for any police officer that is terminated for using excessive force in the performance of their duties. An officer would have had to petition the district court to appeal his or her termination. Currently, there are administrative remedies governed by a collective bargaining agreement for all contested police terminations. The Governor vetoed the measure and stated, "The legislation may create more costly litigation for municipalities and eliminate due process protections currently in place for law enforcement officers."

SB 907 would have established the Joint Legislative Committee on Accountability to undertake a review of executive branch entities and directed the State Auditor and Inspector to conduct a performance audit of any executive entity as recommended by the committee. The Governor vetoed the measure and stated "[The bill] creates a duplication of efforts because the Legislature currently has the ability to request executive

agency audits.”

SB 954 would have transferred the Computer-Assistance Mass Appraisal computer software program (CAMA), as well as the support and maintenance of the system from the Oklahoma Tax Commission to the Oklahoma State University Center for Local Government Technologies (OSU-CLGT). The bill would have transferred the responsibility of training county assessors to use CAMA to the OSU-CLGT. Finally, the measure would have directed \$8 million from the General Revenue Fund to a new fund established to fund the new CAMA program. The Governor vetoed the bill and stated, “While this legislation attempts to provide . . . upgrades, it diverts more than half of the \$8 million it allocates to unrelated projects. While I

support investments in software upgrades, this bill spends too little on those upgrades and too much on other areas of government.”

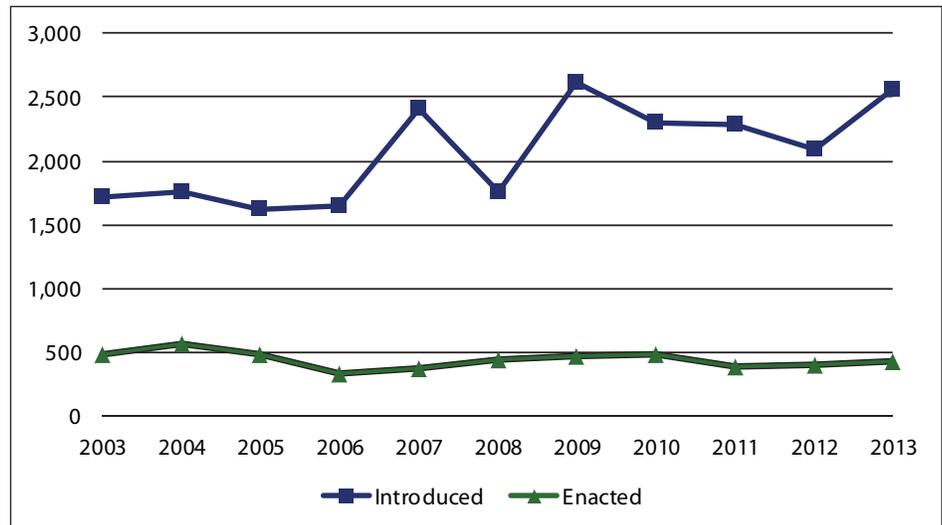
SB 1111 would have created the Oklahoma Pension Improvement Revolving Fund. The fund is a continuing fund, not subject to fiscal limitations, and the monies would have been used for the betterment of retired members and beneficiaries of the state’s retirement systems. All expenditures must be made by legislative appropriation to pay for the cost of legislatively authorized COLAs and to reduce the unfunded liabilities of any of the state’s retirement systems. The Governor vetoed the bill and stated, “Senate Bill 1111 does not provide for a funding mechanism and will not truly impact the state’s unfunded pension liability.” ■

appendix II: legislative production

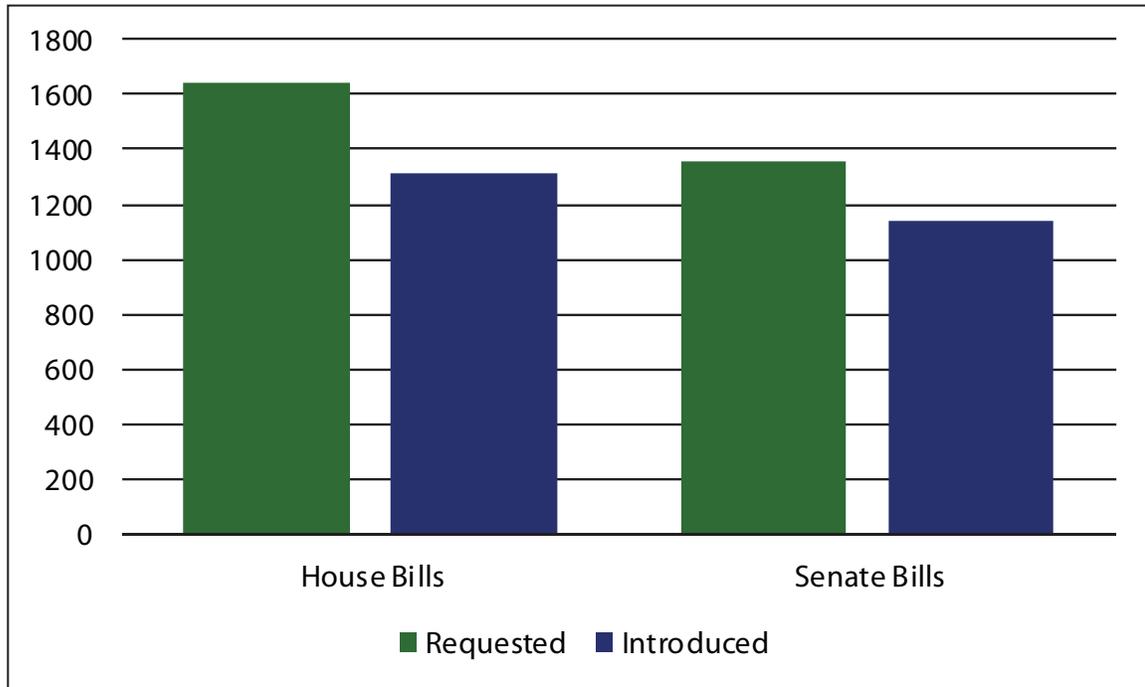
2013 Regular Session Statistics of Measures

	House Bills	House Joint Resolutions	Senate Bills	Senate Joint Resolutions
Requested	1,645	99	1,357	62
Introduced	1,311	72	1,139	35
Sent to Opposite Chamber	337	21	385	12
Conference Granted	49	0	67	0
Will Carry Over	1,056	54	913	31
Sent to Governor	228	18	198	4
Approved by Governor	219	16	192	4
Filed with Secretary of State	0	0	0	0
Vetoed	9	2	6	0

House and Senate Measures and Joint Resolutions Introduced and Enacted



Measures Requested and Introduced During the 2013 Legislative Session



ABUSE**Substance:**

Substance abuse treatment programs and certain courses; modifying manner they may be paid. **HB 1069**

ADMINISTRATIVE PROCEDURES ACT

Omnibus legislation to approve proposed state agency permanent rules. **HB 2055**

AGRICULTURE

Oklahoma Livestock Activities Liability Limitation Act. **HB 1008X**
Agritourism Activities Liability Limitations Act. **HB 1638**

Boards and commissions; repealing and amending. **SB 1011**

Limitation of Liability for Farming and Ranching Land Act; modifying definitions. **SB 931**

Animal Feeding Operations:

Notice and hearing requirements. **HB 1640**

Burn Bans:

Burn bans; emergency drought conditions; modifying definition. **HB 1762**

Dept. of Agriculture, Food and Forestry:

Rural fire protection; modifying composition of certain rural fire protection coordination districts. **SB 79**

Scrap metal dealers; licensure. **HB 1740**

Food:

Beekeepers; exempting certain beekeepers from regulation and inspection by Health Department. **SB 716**

AIRCRAFTS AND AIRPORTS

Aerospace and Defense Development Act of 2013; renaming Center for Aerospace Supplier Quality. **HB 1526**
Space Flight Liability and Immunity Act. **HB 1882**

ALCOHOLIC BEVERAGES

Intoxicating liquors; providing immunity from prosecution for certain persons if person needs

medical assistance due to alcohol consumption. **SB 1**

Beer/Low-Point Beer:

Intoxicating liquors; allowing wholesalers to sell certain quantities of alcoholic beverages at agreed upon prices in certain circumstances. **SB 789**

Intoxicating liquors; allowing holders of brewer licenses to provide samples. **HB 1341**

Low-point beer; application for permits; providing revocation of license for certain cause. **SB 633**

Licenses:

Intoxicating liquors; allowing wholesalers to sell certain quantities of alcoholic beverages at agreed upon prices in certain circumstances. **SB 789**

Low-point beer; application for permits; providing revocation of license for certain cause. **SB 633**

Retailers:

Low-point beer; application for permits; providing revocation of license for certain cause. **SB 633**

Wholesaler:

Intoxicating liquors; allowing wholesalers to sell certain quantities of alcoholic beverages at agreed upon prices in certain circumstances. **SB 789**

AMUSEMENTS AND SPORTS

Race meetings; authorizing fair associations to exceed certain race-days limitation under certain circumstances. **HB 1886**

Lotteries:

Unclaimed prize monies; modifying distribution to Department of Mental Health and Substance Abuse Services. **HB 1532**

Sports:

Winnings withheld; calculation of assessment of gross receipts; ticket procedure; State Athletic Commission; updating mission statement. **HB 1364**

ANIMALS**Dogs/Cats:**

Animals running at large; prohibiting dogs and cats attacking

livestock; allowing seizure; providing penalty. **SB 402**

Animal shelters requiring licensed and inspected. **HB 1359**

Horses:

Meat inspection; modifying regulation. **HB 1999**

Licenses:

Animal shelters; requiring licensed and inspected. **HB 1359**

APPROPRIATIONS

Employment Security Administration Fund; appropriation. **HB 1554**

General appropriations, **HB 2301**

ATTORNEYS

Attorney training; modifying persons required to have certain training. **SB 988**

Attorney General:

Civil rights enforcement; transferring duties to the Attorney General's Office of Civil Rights Enforcement. **SB 396**

District Attorneys:

Authority; authorizing destruction or storage of certain records. **SB 285**

BOARDS AND COMMISSIONS

Commission on Interstate Cooperation; clarifying composition; repealing committee. **HB 1469**

Construction Industries Board; modifying provisions relating to membership, duties and administrator. **SB 1022**

BONDS

General Obligation:

Obligations in excess of specified amount; prohibiting State of Oklahoma from incurring. **HB 2195**

BUSINESS AND LABOR

Alarm and Locksmith Industry Act; reducing age for licensure; making revocations public. **SB 1042**

Employees:

Contractors; proof of identification numbers and workers' compensation policy. **SB 788**
Solicitation of employees; authorizing certain contractual provisions. **SB 1031**

Temporary help firms; allowing denial of unemployment benefits under certain conditions. **SB 5**

Employers:

Contractors; proof of identification numbers and workers' compensation policy. **SB 788**

Employment Security Act of 1980; modifying various provisions. **HB 1911**

Employment Security Commission:

Employment Security Act of 1980; modifying various provisions. **HB 1023, HB 1911**

Unemployment:

Contractors; proof of identification numbers and workers' compensation policy. **SB 788**

Employment Security Act of 1980; modifying various provisions. **HB 1023**

Employment Security Act of 1980; modifying various provisions. **HB 1911**

CEMETERIES

Public health and safety; application for disinterment. **HB 1614**

CHILDREN

Children with Disabilities Comprehensive Systems of Services Revolving Fund. **HB 2099**

Child Care Facilities:

Child care; modifying various provisions. **SB 917**

Child Support:

Contempt; permitting judge to order willfully unemployed obligor complete certain community service program, if available. **HB 2166**

Child Welfare:

Children and Juvenile Code; modifying provisions. **SB 679**

Court-appointed Special Advocate (CASA):

Child welfare case records; confidentiality. **SB 1034**

Foster:

Children and Juvenile Code; modifying provisions. **SB 679**

Foster care program; directing the Office of Juvenile Affairs to develop. **SB 200**

Juvenile Affairs Office (OJA):

Foster care; directing the Office of Juvenile Affairs to develop a foster care program for children. **SB 200**

State Council for Juvenile Supervision; defining membership; stating powers and duties. **SB 301**

Neglect:

Children and Juvenile Code; modifying provisions. **SB 679**

CITIES AND TOWNS

Municipal ordinances regulating amateur radio antenna or support structures; modifying requirements. **HB 1921**

Private company providing solid waste collection service; changing certain references

and definition. **HB 2003**

Fire Departments/Volunteer Firefighters:

Volunteer Firefighters Act; allowing volunteer fire department to increase membership if serving certain area. **HB 1904**

CIVIL PROCEDURE

Evidence Code:

Attorney-client privilege; modifying term. **SB 951**

Expert testimony. **SB 6X**

Hearsay; modifying certain age limitation; defining term. **HB 1509**

Modifying pleading requirements. **HB 1011X**

Passenger restraint systems; providing for admissibility of certain evidence in civil actions. **HB 1015X**

Foreign Law:

Declaring rulings based on foreign law, decisions, contracts and contract provisions to be in violation of public policy, void and unenforceable. **HB 1060**

Judgments:

Declaring rulings based on foreign law, decisions, contracts and contract provisions to be in violation of public policy, void and unenforceable. **HB 1060**

Establishing procedures for recovery of Medicaid payments. **SB 4X**

Judgments; requiring certain approval; clarifying party eligible for award of certain costs and fees. **SB 440**

Lawsuit:

Affidavits of merit. **SB 1X**

Class action procedure. **HB 1013X**

Corporate liability; providing certain protections to members and managers of limited liability companies. **SB 1083**

Modifying definition of frivolous. **HB 1006X**

Modifying peer review information subject to discovery. **HB 1007X**

Prohibiting breach of certain obligation from giving rise to certain cause of action. **SB 7X**

Rachel's Law; prohibiting recognition or enforcement of foreign defamation judgments. **HB 2072**

Liability:

Common Sense Consumption Act. **SB 12X**

Corporate liability; providing certain protections to members and managers of limited liability companies. **SB 1083**

Enacting the Uniform Emergency Volunteer Health Practitioners Act. **HB 1005X**

Innocent Successor Asbestos-Related Liability Act. **SB 15X**

Firearms. **HB 1004X**

Oklahoma Livestock Activities Liability Limitation Act. **HB 1008X**

Products liability. **SB 13X**

Volunteer liability. **SB 11X**

Process Servers:

Private process servers; directing applicant to give notice of license hearing in certain publication. **HB 1084**

Torts:

Corporate liability; providing certain protections to members and managers of limited liability companies. **SB 1083**

COMMITTEES, COUNCILS AND TASK FORCES

Suicide Prevention Council; extending until 2020; increasing membership to include military personnel. **SB 181**

CONSUMER CREDIT

Consumer lawsuit loans; modifying procedures for certain loans. **SB 1016**

Uniform Consumer Credit Code; modifying various provisions; Private Student Loan Transparency and Improvement Act. **HB 1829**

CONTRACTS

Unfair Sales Act; limiting unfair sales provisions of covered merchandise. **SB 550**

CORPORATIONS

General Corporation Act:

General Corporation Act; deleting mandate of dividing board of directors into classes for certain type of corporation. **HB 1646**

COUNTIES AND COUNTY OFFICERS

Circuit Engineering Districts; modifying certain objectives of districts. **SB 1009**

Commission on County Government Personnel Education and Training; modifying duties. **SB 848**

Purchase card program; authorizing use of state program. **HB 1987**

Rural fire protection; modifying composition of certain rural fire protection coordination districts. **SB 79**

Commissioner:

County commissioners' account requirement. **HB 1089**

Board of county commissioners; authorizing to solicit telephone bids for removal of recyclable material. **HB 1924**

Fair board; modifying fair board election procedure. **SB 838**

Wellness Council for county employees. **HB 1113**

County Clerk:

County clerks; modifying fees for copies of electronic format records. **HB 2182**

Elections:

Fair board; modifying fair board election procedure. **SB 838**

Town Meeting Act; modifying population requirements for certain elections. **HB 1402**

Property:

Tax resales; providing for release of certain liens. **SB 292**

Purchasing:

Purchase orders; modifying procedures for processing. **SB 670**

COURTS

Asbestos and Silica Claims Priorities Act. **SB 14X**

Authorizing court to decline jurisdiction. **HB 1003X**

Class action procedure. **SB 16X**

Electronic court filings; authorizing entering of certain pleas by electronic method. **SB 450**

Postjudgment interest; modifying requirement for calculation of under certain agreements. **SB 1080**

Court Records:

Electronic court records; providing for defendant to enter plea using an electronic method in certain proceedings; providing for juror oath to be taken electronically. **HB 1449**

District:

Electoral districts; modifying. **SB 820**

Proceedings for persons requiring treatment; requiring certain notice to treatment advocate. **SB 581**

Judges:

Electoral districts; modifying. **SB 820**

Firearms; authorizing district court judges to carry under certain circumstances. **HB 1242**

Juries and Jurors:

Electronic court records; providing for defendant to enter plea using an electronic method in certain proceedings; providing for juror oath to be taken electronically. **HB 1449**

Jury duty; increasing time between service. **SB 484**

Petitions:

Dismissal of actions. **SB 2X**

Proceedings for persons requiring treatment; requiring certain notice to treatment advocate. **SB 581**

CRIMES AND PUNISHMENTS

Racketeer-Influenced and Corrupt Organizations Act; adding to definition of

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