



2015 Session in Review

Measures passed during the First Session of the 55th Oklahoma Legislature
Jeffrey W. Hickman, Speaker
Oklahoma House of Representatives



Prepared by

Research Division

Oklahoma House of Representatives

- Marcia L. Goff, Research Director
- Brad Wolgamott, Deputy Research Director
- Kyle Meade, Research Analyst
- Quyen Do, Research Analyst
- Scott Tohlen, Research Analyst
- Sean Webster, Research Analyst
- Tricia Dameron, GIS Coordinator/Research Analyst
- Lori Oldham, Staff Assistant

-
- Jeffrey W. Hickman, Speaker of the House
 - Jan Harrison, Clerk of the House
 - Joel Kintsel, Parliamentarian/Administrator

- Sue Ann Derr, Chief Counsel
- Mark Tygret, Fiscal Director

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On the cover: At 18 feet tall, the steel pocket doors at the main entrance of the Capitol were installed during construction as a defense mechanism for the building. This year's publication features the initial phase of the Capitol's restoration.



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Agriculture, Environment & Wildlife

The Legislature made numerous changes to ensure Oklahoma continues advancing agriculture-based segments of its economy. Efforts include a proposed constitutional amendment that aims to protect the industry, as well as the formulation of a plan to protect the insects responsible for pollinating at least one-third of food crops.

Agriculture

HJR 1012 puts to a vote of the people an amendment to the state constitution that, if approved, will protect citizens' rights to engage in farming and agriculture in all cases, unless prohibited because of a compelling state interest. All 50 states guarantee the right to farm and protect generally accepted agricultural practices, but this amendment would further protect activities in Oklahoma by making them a constitutional right.

HB 1103 exempts from the Oklahoma Open Records Act reports of infectious animal diseases. When disclosure is required due to court order or as deemed necessary by the State Veterinarian, the measure requires that the names of the owner of an infectious animal remain confidential.

HB 1403 creates the Care and Disposition of Disaster Animals Act, which requires that animal shelters hold animals brought to the shelter during a state or federally declared disaster for a minimum of 30 days.

HB 2208 modifies reporting

requirements for poultry feeding operators by changing the deadline from December 1 to September 1 and requiring additional detailed information about the transfer and land application of poultry waste. The measure deletes an archaic and redundant penalty system for offenders of the Registered Poultry Feeding Operations Act. In addition, the measure directs the Construction Industries Board to establish a license for electricians who solely perform wiring for environmentally controlled poultry house systems.

HB 1514 modifies the Oklahoma Concentrated Animal Feeding Operations (CAFO) Act by creating a deadline for the Department of

Agriculture, Food and Forestry to respond to applications for new CAFOs. The department cannot act on an application if an affected property owner requests a hearing and the request meets the requirements set forth in the bill. The measure provides deadlines and an administrative process for the hearing and places the burden of proof on the affected property owner. Finally, the bill revises the CAFO license requirements to match procedures approved several years ago by the Legislature for swine license hearings.

HB 1437 expands the Oklahoma Agriculture Enhancement and Diversification Program to include



Engineers rappel the Capitol to inspect the condition of the limestone veneer.

events that benefit and further the public's interest in agriculture.

HB 1462 exempts agricultural producers from burn bans, if the producer:

- submits his or her plan to the local fire department;
- notifies the sheriff prior to conducting the burn;
- conducts prescribed burns in accordance with rules set forth by the Department of Agriculture, Food and Forestry;
- does not burn debris; and
- has the local fire department on site when conducting the burn.

In response to 2014 legislation that privatized the Oklahoma Peanut Commission, **HB 1756** replaces

references to *member* with *peanut growers* in the Oklahoma Peanut Act and transfers any balance in the Peanut Commission Revolving Fund to the private successor organization.

SB 152 applies limitations currently placed on dog kennels to commercial pet breeders and replaces all instances of *dog kennel* with *commercial pet breeder* in this section of law.

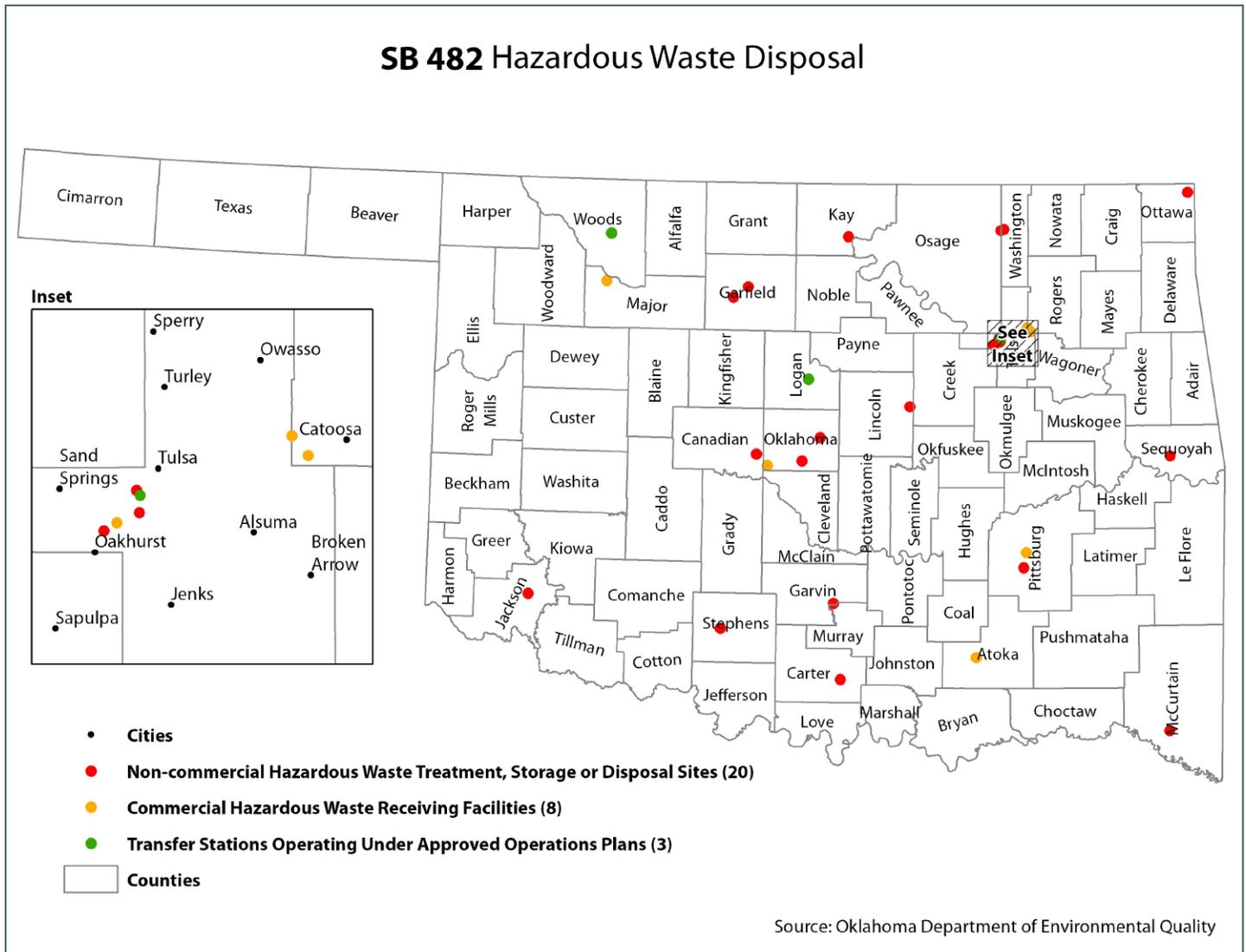
SB 256 transfers the Oklahoma Viticulture and Enology Center Development Revolving Fund from the state Department of Commerce to the state Department of Agriculture, Food and Forestry. Enology is the science of wine and wine making. Viticulture is the cultivation or culture of grapes.

SB 229 directs the State Board of Agriculture to develop a pollinator

protection plan to promote the health of, and mitigate the risks to, honeybees and other pollinators.

SB 417 creates a process for the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) to store, dispose of, or sell abandoned or stolen property. If the abandoned or stolen property is perishable, ODAFF can sell it immediately. Notice of the sale must be published in a local newspaper and the proceeds claimed by the owner within six months. In the case of nonperishable property, the department must hold it for at least six months before offering it at auction. The bill provides requirements for the auction announcement and proceedings. Unclaimed funds must be deposited in the Agriculture Evidence and Law Enforcement Fund.

SB 482 Hazardous Waste Disposal



Environment

HB 1420 repeals portions of the Oklahoma Weather Modification Act that apply to county governments. The Oklahoma Water Resources Board retains jurisdiction over weather modification projects.

HB 1450 allows the chief engineer of relevant departments within the Department of Environmental Quality (DEQ) to grant Tier I and Tier II environmental permits.

HB 1826 provides an exemption from the DEQ permitting process for municipalities that capture splash pad wastewater, if that municipality has a wastewater ordinance that includes statutory restrictions for gray water.

SB 208 creates a separate fee, ranging from \$2,000 to \$5,000, for the disposal of drinking water treatment residuals in underground injection wells.

SB 482 modifies the Hazardous Waste Management Act to ensure that hazardous waste that is temporarily staged at a disposal site during analysis is not considered disposed. The map on the previous page shows the locations of hazardous waste facilities in Oklahoma.

Wildlife

HB 1650 removes the mesh size restrictions in place for commercial turtle traps and nets.

HB 1651 extends a prohibition against traps, bait and computer-assisted remote control hunting that currently exists for game mammals and all birds to include exotic wildlife. The measure provides an exemption for the use of nonlethal, nonchemical traps and bait on commercial hunt areas for management, viewing or photographic purposes. The bill also allows certain physically disabled hunters to hunt exotic wildlife by computer-assisted remote control.

HB 1652 changes the expiration date for nonresident archery deer hunting licenses.

HB 1653 allows the Department of Wildlife to use all types of decoys for law enforcement purposes and authorizes the department to seize any item associated with a second or subsequent violation of headlighting prohibitions.

HB 1774 creates a three-day wildlife conservation passport for \$15 for use on lands owned by the Wildlife Conservation Commission and provides a substitute license in lieu of posting bond for a person who is arrested without such a passport. The substitute license fee is \$50 for residents and \$90 for nonresidents.

HB 1857 removes some of the signposting requirements on private land where smooth-jawed double-spring offset traps are used. ■



Criminal Justice

Several measures were enacted to assist in reducing prison overcrowding and improve re-entry services for those offenders who are returning to society.

In Oklahoma, many criminal penalties contain minimum mandatory sentences. **HB 1518** creates the Justice Safety Valve Act, which allows the court to depart from a minimum mandatory criminal sentence if the court finds substantial and compelling reasons that the imposition of the minimum mandatory sentence is not necessary for the protection of the public and would result in substantial injustice to the defendant or, based on a risk and needs assessment, the offender is eligible for an alternative court, a diversion program or community sentencing and the offender has been accepted into an alternative program.

The measure prevents the court from departing from the minimum mandatory sentence if the crime:

- is a violent crime;
 - is a sex offense;
 - involved the use of a firearm;
 - involved trafficking illegal drugs;
 - involved terrorism;
 - is listed as an 85 percent crime;
- or
- the defendant was the leader of others in a continuing criminal enterprise.

The bill also requires that any departure from minimum mandatory sentencing be reported to the Clerk of the Court of Criminal Appeals and be available on the Court of Criminal Appeals website.

Judges are given more discretion in sentencing with the passage of **HB 1574**. Under the current law, a person with two felony drug convictions who is then convicted of a third drug felony is automatically sentenced to life without parole. The measure changes the penalty for persons convicted of a third felony for a violation of the Uniform Controlled Dangerous Substances Act from life without parole, to not less than twenty years to life imprisonment or life without parole. A person who has been convicted of two or more trafficking convictions whose third conviction is for a drug crime is required to be sentenced to life without parole.

A related measure, **HB 1548**, allows a court to modify the sentence of any inmate who was originally sentenced for a drug charge and ordered to complete the Drug Offender Work Camp at the Bill Johnson Correctional Facility. The court is prohibited from granting a deferred sentence.

The Legislature focused efforts on the protection of victims of domestic violence and human trafficking by enhancing the tools available to law enforcement to investigate these crimes.

Human Trafficking

SB 721 establishes a definition

of *advertising* and *advertisement* as they relate to child trafficking. The terms are defined to mean any communication that originates within this state by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, television or any communication that is disseminated through the use of a computer or electronic device.

HB 1006 authorizes the use of wiretaps to investigate human trafficking for labor or commercial sex, the pandering of humans for sex and for the investigation of the prostitution of a child.

HB 1047 adds aggravated child pornography to the list of crimes that require the offender to serve 85 percent of the sentence imposed.

Domestic Violence

SB 460 directs the court to waive the fee for the mandatory educational program required for all parties involved in a divorce, guardianship and custody proceeding if domestic violence, stalking or harassment occurred during the marriage. The cost of participating in the program is lowered from \$15 to \$10 and a third party may pay the fee to the program provider on behalf of an attendee. The measure also requires the court expert, in a case involving domestic violence, stalking or harassment, to have completed 16 hours of domestic violence training.

SB 726 directs the Administrative Office of the Courts to administer a five-year pilot program in Tulsa and

Oklahoma counties to implement an integrated domestic violence docket to combine proceedings related to divorce, child custody, domestic violence, protective orders and juvenile delinquency. The measure also allows the counties to administer a family justice center to provide domestic violence program services in a single location to enhance victim safety and increase offender accountability.

HB 1350 provides that a person who has a prior conviction of stalking and, after being served a protective order that prohibits contact with an individual, knowingly makes unconsented contact with the same individual is guilty of a felony. The fine is increased from not more than \$2,500 to not less than \$2,500. The fine for a subsequent stalking conviction within a 10 year period is set at \$5,000.

HB 1083 creates the Criminal Justice Information Systems Center for Excellence to provide shared infrastructure services to support agencies within the Oklahoma safety and security cabinet. The center is to be under the administrative control of the Chief Information Officer.

In an effort to reduce delays in the treatment of persons who have been found by a court to not be competent to stand trial, **SB 715** allows the court to remand a person found incompetent to stand trial because of a need for mental health treatment to receive the treatment in a county detention facility. A person in need of treatment is to receive treatment in the legal custody of the Department of Mental Health or in the county detention facility with the department providing the treatment. The measure also allows the department to designate a qualified forensic examiner to perform competency examinations.

Miscellaneous Criminal Justice

HB 1318 provides that the crime of assault and battery upon a police officer includes when the officer is off duty and the nature of the assault

and battery is related to the official position of the officer. A similar measure, **SB 55**, provides that assault and battery upon law officers includes any attempt to reach for or gain control of the firearm of the officer.

SB 54 allows a probation and parole officer or internal affairs agent of the Department of Corrections and law enforcement officers employed by the Grand River Dam Authority to retain possession of their sidearm and badge upon retirement.

SB 62 provides that any person who knowingly aims a laser pointer at an aircraft in flight is guilty of a misdemeanor and can be punished by a fine of up to \$100. A second or subsequent violation is subject to a fine of up to \$500 and up to six months in the county jail or both fine and imprisonment.

SB 167 modifies the definition of *park* as used to determine the zone of safety by including parks that are operated or supported by an incorporated homeowners' association or a tribal government.

Although the phrase "zone of safety" is not defined in statute, Oklahoma law prohibits a person who is registered pursuant to the Sex Offenders Registration Act from loitering within 500 feet of any elementary, junior high or high school, child care center, playground or park.

SB 362 clarifies that a person can record the activity of law enforcement in a public area, as long as the recording activity does not delay or obstruct an officer in performing their duties.

SB 412 clarifies the use of the term *violent crime* and adds "85 percent" crimes to the list of violent crimes.

SB 637 modifies the definition of *rape* to include when the victim is 19 years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant.

The current legal environment and the inability to obtain the necessary

drugs to carry out death sentences led the Legislature to examine other methods of execution. **HB 1879** states that if the current method of execution by lethal drug is found unconstitutional or otherwise becomes unavailable, the sentence of death is to be carried out by nitrogen hypoxia.

SJR 31 submits a question to the voters on the issue of the death penalty. If approved, the measure will add a new section to the Oklahoma Constitution establishing mandates related to the death penalty and methods of execution. Provisions include that:

- the Legislature is expressly empowered to designate any method of execution not prohibited by the United States Constitution;
- death sentences shall not be reduced because a method of execution is ruled to be invalid;
- when an execution method is declared invalid, the death penalty imposed is to remain in force until it can be carried out using any valid execution method; and

- the imposition of a death penalty under Oklahoma law, as distinguished from a method of execution, shall not be deemed to be cruel or unusual punishment under the state's constitution, nor contravene any provision thereof.

Corrections

Two measures were enacted to assist in the monitoring of offenders as they transition back into society. **HB 2187** authorizes the Pardon and Parole Board to use electronic monitoring devices for any inmate granted parole as a condition for parole. **SB 38** provides that medical parole may be revoked due to changes in the medical

condition of the parolee.

HB 2179 improves job opportunities for offenders leaving prison by authorizing the Department of Public Safety to enter into agreements to allow persons whose license to operate a commercial motor vehicle has been suspended or revoked to receive a provisional driver license so that the person can operate a commercial vehicle during the scope and course of their employment.

SB 578 requires the Department of Corrections to promulgate rules necessary to allow the eligibility of felony offenders or offenders who are terminally ill or progressively debilitated to be considered for parole to a private stand-alone long-term care facility. The measure prohibits persons sentenced to death, life without the possibility of parole or persons sentenced for a violent offense from eligibility.

SB 97 prohibits a privately owned inmate halfway house or inmate transitional living center from being located in a residential neighborhood without approval from the local entity with authority over zoning requirements for that neighborhood.

HB 1855 allows a person who is under community supervision to be supervised beyond the current two-year limit on supervision if a petition alleging a violation of any condition of deferred judgment is filed during the period of supervision.

HB 1263 allows for reimbursement of fees associated with an expungement request if the applicant is proven innocent by use of DNA. The payment of the \$150 fee to the Oklahoma State Bureau of Investigation to alter the record as a result of an expungement order is also to be waived.

SB 116 provides that a private prison contractor with a direct contract with the Federal Bureau of Prisons to house inmates who are monitored by federal agency staff is exempt from certain provisions of law relating to the types of inmates and other reporting requirements that would

be in place if the facility were holding state inmates.

HB 1630 requires the Department of Corrections (DOC) to notify all county jails of the DOC's need for bed space prior to contracting with a private prison operator. After receiving notice, a county may enter into agreements with the DOC to house offenders with reimbursement for the cost of housing to be negotiated between the DOC and the county. The measure modifies how the DOC is to calculate their responsibility to pay the cost for inmates awaiting transfer to the department. The bill also requires the court clerk to transmit the judgment and sentence to the DOC within three business days after the court orders the judgment and sentence. The DOC is required to implement a policy for the determination of scheduled dates on which inmates are to be transferred from county jails. The policy must have no less than three alternative dates from which the sheriff may select. If an inmate is not transferred on the date scheduled, the DOC is not responsible for any costs incurred beyond the scheduled date. Finally, the measure establishes that if an inmate has one or more criminal charges pending in the same jurisdiction and the county jail refuses to transfer the inmate to the DOC, the department is not responsible for housing costs.

SB 525 allows Department of Corrections employees with a valid handgun license to keep a locked and secured firearm in a vehicle on any property set aside for parking if the employee has provided annual notification to the Department of Corrections of the brand name, model and serial number of the firearm. The firearm must be stored in a container secured by a lockable chain or cable or by utilizing hardware provided by the manufacturer.

SB 764 expands the definition of *local community sentencing system* by removing the requirement that a partnership exist between the state and one or more county governments. This change will allow public and

private entities to deliver services to the sentencing court for punishment of eligible felony offenders without the need for a partnering governmental entity. The measure allows community sentencing planning councils to employ a local director and other personnel, subject to the availability of funds. The council may contract with a county to provide benefits and payroll services to the personnel, and if so, the personnel are to be considered state employees. The measure also clarifies that all officers and employees of state and local government agencies and citizens serving as members of a community sentencing planning council are granted immunity from liability for the acts of any offender participating in a community sentencing system.

SB 70 modifies the Oklahoma Reward System by striking the requirement that information provided by an individual result in the arrest and conviction of a person accused of the commission of a crime and replaces it with valuable information materially assisting in the investigation of the commission of a crime. ■



A forgotten cast-iron eagle stands guard over the main interior entrance of the Capitol.



Economic Development & Financial Services

Lawmakers expressed their dedication to the arts by approving several bond measures that would allow for the completion of the Native American Cultural Center and Museum in Oklahoma City and the Oklahoma Museum of Popular Culture in Tulsa. Other measures enacted would make it easier for business to file and remit taxes, fees and documents to state agencies.

Tourism

HB 2237 authorizes the sale of \$25 million in bonds to aid in the completion of the American Indian Cultural Center and Museum in Oklahoma City. The measure also anticipates \$10 million in private contributions as well as the \$9 million committed by the city of Oklahoma City. Following the opening of the museum, 50 percent of total revenues in excess of \$7 million each year would be returned to the state, up to \$25 million. Finally, the bill transfers ownership and authority of the completed Museum and surrounding property to a newly created American Indian Cultural Center Museum Trust Authority, which is then authorized to transfer all museum property to the city of Oklahoma City

within five years after all outstanding bonds have been retired.

SB 839 creates the Oklahoma Museum of Popular Culture, under the supervision of the Oklahoma Historical Society, to be located in Tulsa. The measure authorizes the Oklahoma Capitol Improvement Authority to issue \$25 million in bonds to finance construction.

HB 1824 transfers the Oklahoma Art in Public Places program from the Oklahoma Historical Society to the Oklahoma Arts Council.

SB 297 creates the Heritage Preservation Act for the purpose of establishing the Heritage Preservation Grant Program within the Oklahoma Historical Society. The program will provide financial assistance to cities, counties, nonprofit organizations and tribal governments to operate and improve the effectiveness of museums and historical organizations from monies accruing to the newly created Heritage Preservation Revolving Fund. The measure further creates the Oklahoma Heritage Preservation Grant Review Committee for the purpose of reviewing grant applications. The committee will consist of five to seven members appointed by the President of

the Oklahoma Historical Society Board of Directors.

Business and Labor

HB 1614 creates the Oklahoma Transportation Network Company Services Act, which establishes a regulatory framework to license companies that use a digital network or software application service to connect passengers to transportation network services (TNCs). The bill requires TNCs to be permitted by the Oklahoma Corporation Commission for an annual fee of \$5,000. Also, TNCs and participating drivers must carry certain automobile liability insurance. The measure establishes safety protocols regarding TNC drivers.

SB 463 allows for aggregate filing and remittance of taxes and fees for any business that meets the following criteria:

- is domiciled in Oklahoma or has a nexus in Oklahoma that requires the remittance of Oklahoma corporate income tax, franchise tax and the Secretary of State's registered agent fee;
- owns or uses part or all of its capital in Oklahoma;
- has property in Oklahoma with an aggregate value of at least \$50,000;
- has at least \$50,000 in payroll in Oklahoma during the calendar year;
- has at least \$500 million in sales in Oklahoma during the calendar year; or

The Legislature's plan for completion and transfer of the American Indian Cultural Center and Museum is contingent on the city of Oklahoma City accepting the deal. The city would be required to contribute \$9 million to the completion costs, and eventually, to take over operation and maintenance of the museum itself and its surrounding area. As we go to press, Oklahoma City has yet to make its final decision. If the city does not agree to this plan, most of HB 2237 never goes into effect and the state may need to seek alternatives.



Workers spray a cleaning solution on a limestone column in an effort to eradicate biological staining.

- has at least 25 percent of total property, payroll or sales in Oklahoma during the calendar year.

The aggregate filing and remittance forms will be developed by the Oklahoma Tax Commission and may be submitted in lieu of the individual returns, applications and annual filings required by the Oklahoma Income Tax Act, Oklahoma Franchise Tax Act and the Oklahoma General Corporation Act.

SB 499 creates the Facilitating Business Rapid Response to State Declared Disasters Act of 2015. The measure provides that out-of-state businesses that come to Oklahoma to perform work or services in response to a declared state disaster or emergency in Oklahoma are not considered to have established a level of presence that would require the business to register, file or remit state or local taxes. Furthermore, the employees of the out-of-state business would be exempt from any state licensing or registration requirements or filing and remitting Oklahoma personal income tax for work accrued during the disaster response period. However, fuel taxes, sales tax, hotel taxes and car rental taxes are not to be exempt.

SB 612 modifies the membership of the Governor’s Council for Workforce and Economic Development to comply

with the federal requirements of the state investment board. The measure also allows the Governor to appoint ex-officio members, which may include the:

- Secretary of Education;
- Secretary of Commerce;
- Secretary of Health and Human Services;
- Chancellor of the Oklahoma State Regents for Higher Education;
- Director of Career and Technology Education;
- State Superintendent of Public Instruction;
- Director of the State Department of Rehabilitation Services;
- Director of the Oklahoma Department of Corrections;
- Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services;
- Director of the Oklahoma Health Care Authority; and
- Native American Liaison.

Furthermore, the measure requires the council to form a subcommittee on health workforce for the purpose of facilitating statewide efforts to ensure a well-trained, distributed and flexible health care workforce. The subcommittee is tasked with the

following duties:

- conduct data analysis and prepare reports on health care workforce supply and demand;
- research and analysis of state health professional education and training capacity;
- recommend recruitment and retention strategies for areas of high need; and
- assessment of health care workforce policy and recommendations.

HB 1827 directs the Oklahoma Funeral Board to set fees for all licenses, registrations, examinations and renewals under the Funeral Services Licensing Act. The fee structure already outlined in statute will remain in effect until the board establishes new fees under their rulemaking authority. Additionally, the measure requires a \$3 fee for each death certificate filed by the funeral or embalming establishments. The fee is to be paid upon license renewal.

HB 2128 requires an applicant for roofing contractor registration to provide a certificate of good standing or a trade name report from the Secretary of State.

HB 1584 modifies the penalty associated with Oklahoma Employment Security Commission (OESC) notice requirements during the sale of a business. If a predecessor employer sells a business and fails to properly notify the successor employer of all contributions, interest, penalties or fees owed to OESC, or if the notice given is incorrect or fraudulent, the successor employer is entitled to damages and attorney fees.

SB 430 requires a pawnbroker to record a clear and accurate description of each item in a transaction that contains any precious metals or gems. Additionally, if law enforcement has reason to believe an item in a dealer’s possession was stolen or embezzled, they may place a written hold order on the property not to exceed 30 days.

HB 1807 prohibits anyone not

certified or licensed as a public accountant from performing an attest service or issuing a report in which that person is identified as a CPA or public accountant.

SB 370 allows an accountancy office to continue its practice during the office's sale or transfer. If the office is transferred to a grantor trust upon death of the accountant, all client documents must be reviewed by a CPA or public accountant. The measure also requires that, upon death of a sole owner or majority stockholder in an accountancy firm, notice be given to the Accountancy Board regarding intent to sell or transfer the office. Finally, the Accountancy Board must be notified of the name of the purchaser or new management as well as the name of the manager who reviewed documents and continued business during the transfer.

SB 394 allows the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma to contract with other state agencies or nonprofits to set up scholarship programs.

SB 429 modifies the appointment process for the Oklahoma Real Estate Commission. The list from which the Governor may select is shortened to include as few as two names and provides for the list to come from a statewide realtor organization rather than a specific organization.

HB 1001 makes numerous changes to the Employment Security Act of 1980 to assist the Oklahoma Employment Securities Commission (OESC) in complying with federal law. The measure:

- exempts services performed by persons working under an AmeriCorps grant from the Corporation for National Service from being considered employment under the act;
- provides that wages paid to members, relatives of the members and employees of a limited liability company will be taxed in the same manner as required by the Federal

Unemployment Tax Act;

- provides that a claim for unemployment benefits will be disqualified indefinitely until the claimant makes a physical appearance at a meeting called by the commission;
- requires the commission to identify claimants who are likely to exhaust unemployment benefits and who will need re-employment services;
- allows employers to file documentation of a voluntary quit or discharge for misconduct immediately upon separation of the employee via an employer portal on the OESC website. In doing this, the employer will be considered to have automatically protested the claim, if and when the former employee files for benefits;

• allows the commission to serve a notice of levy to any employer that fails or refuses to surrender money or rights to money belonging to its employee;

- authorizes the commission



98-year old cast-iron windows show the effects of age and weather.

to collect unemployment benefits overpayment indebtedness through the Tax Offset Program of the U.S. Department of the Treasury;

- reduces the new employer rate to 1.5 percent instead of a moving average of all employer rates. For 2015, the new employer rate is 2.2 percent;
- prevents employers from being relieved of a benefit wage charge if the employer was sent a notice of benefit claim and failed to protest the claim in a timely manner; and
- allows the commission to attach IRS income tax repayment to collect benefit overpayments and delinquent taxes.

Professions and Occupations

HB 2168 provides that, for a felony conviction to prevent licensure or registration in certain industries, the felony substantially relate to the practice or pose a reasonable threat to public safety. These industries include:

- architecture and interior design;
- cosmetology and barbering;
- engineers and land surveyors;
- athletic training;
- real estate appraisal;
- physical or occupational therapy;
- psychology;
- pawnshops;
- speech-language pathologists or audiologists;
- professional counselors;
- marital or family therapists; and
- behavioral practitioners.

HB 1969 creates the Oklahoma Employment First Act, which requires state agencies to collaborate to support competitive, integrated employment of individuals with disabilities.

SB 380 requires an alarm system retail sales agent to pass a criminal

background check. The Oklahoma Department of Labor may request the background check results from the employer, but those records will not be subject to the Open Records Act. Finally, a retail sales agent is not allowed access to a customer's alarm access codes or any confidential information other than that required to complete the sale.

HB 1067 renames the Alarm and Locksmith Act as the Alarm, Locksmith and Fire Sprinkler Industry Act and allows licensees under the act to install and service fire sprinkler systems.

HB 1375 repeals obsolete language related to the minimum wage on public works projects that was ruled unconstitutional in 1995.

HB 1903 excludes volunteer service for an IRS-recognized charitable organization from the definition of *child labor*.

HB 1003 permanently establishes the Oklahoma State Committee of Plumbing Examiners by removing its sunset provisions. The measure also requires the Construction Industries Board to accept relevant military training for journeyman plumber or plumbing contractor applicants.

SB 658 transfers primary authority for asbestos abatement from the Commissioner of Health to the Labor Commissioner, and requires

the commissioner to perform other duties as determined essential to the protection of health from hazards posed by friable asbestos.

Insurance

HB 1515 prohibits a health benefit plan from holding proton radiation therapy to a higher standard of evidence than other forms of therapy, for purposes of coverage decisions. The measure does not, however, require any plan to cover proton therapy.

SB 663 creates the Own Risk and Solvency Assessment Act, which requires insurers to maintain a risk management framework and to regularly conduct an "Own Risk and Solvency Assessment." Insurers may be exempt if certain premium amounts are low enough or if approved for a waiver by the Insurance Commissioner.

HB 1567 allows HealthChoice to base deductibles, copayments and co-insurance on cost as well as outcomes.

HB 2217 requires that a health provider be considered in-network for purposes of reimbursement within 31 days after credentialing by a health benefit plan.

HB 2021 authorizes the Insurance Commissioner to establish a supervisory college for any domestic insurer, which may assess the

business strategy, financial position, regulatory position, risk exposure, risk management and governance processes of an insurer. The commissioner is given authority over supervisory college membership, functions and activities and may share confidential and privileged documents with its members.

SB 455, the annual Insurance Department omnibus bill, includes provisions that:

- clarify the Insurance Commissioner's authority over insurance-related entities that are not covered under Title 36 of the Oklahoma Statutes;

- continue an ongoing effort to update and clarify captive insurance provisions, including a provision that allows a small business with limited assets to form a protected cell;

- eliminate the requirement that insurance companies deliver copies of examination reports to any state or jurisdiction in which they do business;

- delete the requirement that insurers provide certification of creditable coverage to an individual whose health insurance has ended;

- allow an insurer to make claims payments via electronic funds transfer or prepaid debit card; and

- remove the set filing window for closed claim reports, instead giving the commissioner discretion to request them.

SB 340 requires the annual audit report of an interlocal entity to include an unqualified opinion from the CPA conducting the audit that it represents a fair presentation of the entity's finances. The measure also requires an interlocal entity to submit an actuarial opinion within 180 days after the end of its fiscal year.

SB 439 allows for licensure as a nonresident insurance adjuster, based on an applicant's examination in a state that is not his or her home state if they are licensed and in good standing in that state. The measure also:



A construction worker grinds mortar out of a joint during the trial repair process.

- increases from \$10,000 to \$25,000 the surety bond required of a person applying for a public adjuster license;

- clarifies that it is the insured, and not the owner of the damaged property, who may cancel a compensation agreement with an adjuster, provided that anything of value given to the adjuster be returned within 15 business days of notice of that cancellation;

- updates the information required to be on a contract rendered by an adjuster;

- restricts emergency adjuster licenses to a single, particular emergency and limits compensation or reimbursement to a public adjuster in any settlement resulting from a disaster;

- establishes new conditions under which the Insurance Commissioner can censure an adjuster, or deny or revoke a license; and

- adds new ethics requirements for public adjusters including a prohibition from misrepresenting themselves to a claimant, soliciting during a loss-producing event, acquiring interest in salvage of property subject to the contract without permission of the insured or referring the insured to obtain repairs or service from another person or entity in which the adjuster has an interest.

SB 487 provides that the insurer, rather than the insured, may request that a surplus lines insurance contract not be voided if the contract is found to be in violation of the insurance code. The measure further exempts flood insurance from surplus line premium tax. Finally, a surplus lines licensee or broker is not required to determine whether flood insurance is obtainable through an admitted insurer before procuring through a nonadmitted insurer.

HB 1033 makes several changes to the bail bonds industry by:

- specifying that audits be conducted in accordance with the

Statements on Auditing Standards from the Auditing Standards Board of the American Institute of Certified Public Accountants;

- prohibiting a bondsman from refusing to return collateral because of failure to pay the bondsman premium;

- requiring a bondsman to notify the Insurance Commissioner of any changes in residence or business addresses;

- prohibiting a bondsman from posting bond without a written or oral agreement with the defendant or a cosigner;

- removing the 90-day limit under which a bondsman may operate with a suspended or revoked license, if under contract with a licensed bail enforcer;

- allowing, upon transfer of a multicounty agent bail bondsman license after the original licensee's death or incapacitation, for the transferee to apply for their own license after 180 days;

- stipulating that a person prohibited from becoming a bail bondsman is also prohibited from performing the acts of a bail bondsman;

- removing the requirement that, before a professional bondsman's

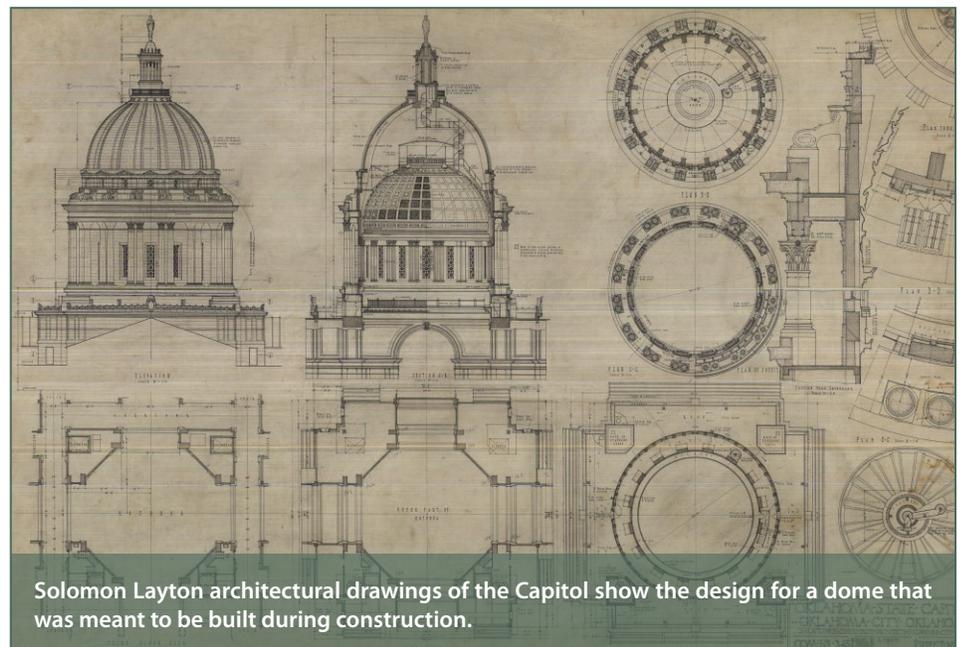
appointee may write bonds on behalf of the professional, the professional bondsman must submit the agreement between the professional and the appointed bondsman to the Insurance Commissioner; and

- authorizing the Insurance Commissioner to require filings and payments to be delivered electronically.

In other bail bondsman-related measures, **SB 101** allows an owner or operator of a restaurant in which less than 50 percent of gross sales come from alcohol to be a bail bondsman. The measure further requires that no licensed bondsman with an Alcoholic Beverage Laws Enforcement Commission license perform bail bond duties on the premises of such a restaurant. Finally, **SB 586** allows a bail bondsman to seek the assistance of another bail bondsman who is appointed by the same insurer.

Banking and Financial Services

After numerous attempts in previous sessions, the Legislature finally adopted the 2010 amendments to the Uniform Commercial Code as recommended by the Uniform Law Commission. Lawmakers also passed legislation that would increase the penalty for failure to file release documents in a timely manner after



Solomon Layton architectural drawings of the Capitol show the design for a dome that was meant to be built during construction.

a debt has been paid.

HB 1773 brings Oklahoma into compliance with the 2010 amendments to Uniform Commercial Code Article 9 (UCC9), which governs secured transactions in personal property. The 2010 amendments respond to commercial filing issues and address other matters that have arisen following a decade of experience with the 1998 version of UCC9. Notably, more detailed guidance is provided for the naming of a debtor on a financing statement when the debtor is a corporation, limited liability company or limited partnership and when the collateral is held in a statutory or common law trust or in a decedent's estate. The amendments also improve the system for filing financing statements. Oklahoma was the last state to adopt the amendments.

SB376 applies the Uniform Consumer Credit Code to sale, lease and loan transactions between a resident of Oklahoma while in Oklahoma and a seller, lessor, lender or their assignee via the Internet or any other electronic means. The measure also allows a person aggrieved by a final order of the Department of Consumer Credit to request judicial review in Oklahoma County. The bill further revises the role of the Consumer Credit Advisory Committee by removing the committee's authority to review licensee fees and adding the authority to advise and make recommendations to the Commission of Consumer Credit.

HB 1772 allows a financial institution to release funds directly to a minor who has reached the age for release if the custodian of the funds refuses to distribute them to the minor and does not respond to a written demand from

the financial institution to distribute the funds within 30 days.

SB 382 deletes the requirement that a supervised loan have a minimum term of 12 months.

SB 375 provides that licenses issued to supervised loan providers, credit service organizations and pawnshops will expire on December 31 of any year for which an annual fee has not been paid to the Department of Consumer Credit.

Real Estate and Commerce

HB 1120 allows a title insurance company to litigate on behalf of a mortgagor for recovery of penalties that a mortgagor is entitled to if the mortgage holder does not release the mortgage within the timeframe allowed by law. The penalty is equal to one percent of the principal debt, not to exceed \$100 per day each day the mortgage has not been released.

SB 443 allows a title insurance company to execute and record an affidavit in the real property records of each county regarding the full payment of a mortgage if a mortgagee fails to execute and deliver a release of mortgage within 60 days after the date of receipt of payment. The affidavit must state that:

- the affiant is an authorized officer or agent of a title insurance company and that the affidavit is made on behalf of the mortgagor;
- the mortgagee provided a payoff statement with respect to the loan secured by the mortgage;
- the mortgagee has received payment of the loan as evidenced by a check, wire transfer or any documentary evidence of payment;
- at least 60 days has elapsed since

the day of payment was received by the mortgagee; and

- the title company gave the mortgagee at least 15 days of written notice of its intention to execute and record an affidavit.

The measure also establishes a penalty of \$5,000 or actual damages, whichever is greater, for falsifying an affidavit.

A related measure, **HB 1123** decreases, from 50 days to 30 days, the time for filing release documents with the County Clerk's office after a mortgage has been paid off. The responsibility to file the release of a mortgage lies with the mortgage holder.

SB 377 adds references of *mortgage lenders* throughout the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act and removes the ability for licensed mortgage brokers, lenders and originators to request inactive licensure status. The measure also adds one hour of Oklahoma law and regulations to the pre-licensing education requirements while removing the biennial continuing education requirements for a mortgage loan originator.

HB 1577 increases the time allowed for returning a security deposit to a tenant from 30 days to 45 days.

SB 423 repeals several provisions relating to the advertisement and sale of secondhand watches. The measure strikes the requirement that secondhand watches include a tag labeled secondhand and that advertisements include a disclosure about the secondhand nature of the watch. The bill also strikes the penalty for selling a secondhand watch without proper disclosure. ■



Education

Education continued to be a high priority for the Legislature this session. The Legislature continued to address concerns related to the Reading Sufficiency Act, the A-F report card and the Teacher and Leader Effectiveness evaluation system. Also addressed were issues related to child abuse and sexual abuse prevention and school safety. Within higher education, the Legislature clarified income requirements for participants in the Oklahoma's Promise program and continued to show support for individuals serving in the military.

Common Education

Several education topics were on the Legislature's radar for this session including the Reading Sufficiency Act, the Oklahoma Charter Schools Act, child abuse and sexual abuse prevention, and school safety.

SB 630 makes several changes to the Reading Sufficiency Act, including:

- students identified in the first or second grade as reading below grade level will be entitled to individualized remediation until performing at grade level. The Student Reading Proficiency team will develop the program of reading instruction;
- any first- through third-grade student who demonstrates third-grade reading proficiency will not be subject to retention;
- for the 2015-16 school year, students who are ineligible for automatic promotion and score at the unsatisfactory level on the reading

portion of the third-grade test may be evaluated for probationary promotion;

- for the 2016-17 and 2017-18 school years, students who are ineligible for automatic promotion and who score at unsatisfactory or limited knowledge levels on the reading portion of the third-grade test may be evaluated for probationary promotion by the Student Reading Proficiency Team;

- beginning with the 2016-17 school year, students who score below the proficient level are not subject to a good-cause exemption and who do not qualify for probationary promotion will be retained in the third grade;

- only the reading comprehension and vocabulary score portion of the third-grade test will be used to determine promotion and retention of third-grade students; and

- changes the proficiency level from unsatisfactory to below proficient in the Reading Enhancement and Acceleration Development Initiative.

By December 1, 2015, **HB 1330** directs the State Board of Education to adopt rules requiring school district boards of education to waive the Oklahoma history high school graduation requirements for children of military families who move from another state and who have satisfactorily completed a similar state history class in another state.

HB 1331 directs the State Department of Education to add a military student identifier to the

state's student data system by July 1, 2016.

SB 162 directs the State Department of Education to promulgate rules providing exemptions from mandated testing for students with the most significant cognitive disabilities who are on an individualized education program. The rules would provide for these students to be assessed with the alternate achievement standards through the Oklahoma Alternate Assessment Program.

HB 1268 specifies how students with the most significant cognitive disabilities who have an Individualized Education Plan may demonstrate satisfactory knowledge in financial literacy. The measure requires the State Department of Education to provide resources to assist in the teaching of financial literacy to English-language learners. School districts are encouraged to assign the teaching of financial literacy to the same teacher or teachers on a continuing basis.

HB 1823 directs the State Board of Education, in consultation with the Oklahoma Regents for Higher Education, to study and recommend revisions to the A-F grading system. The board must issue a report to the Governor and Legislature by December 31, 2015.

HB 1691 allows school districts located in Tulsa or Oklahoma County with an average daily membership of at least 30,000 to contract with a public or private entity to provide



Scaffolding is erected on the exterior of the Capitol for trial repairs.

educational and administrative services for the school district. The contract will be exempt from all statutes and rules relating to schools, boards of education and school districts in the same manner that charter schools are exempt. Students who are provided services by the contracting entity will be considered students of the school district.

HB 2069 provides that a child in foster care who is living in the home of a student who is granted a transfer may also seek a transfer to that school district with the approval of the district. Children in DHS custody may be permitted to transfer school districts more than once in any school year.

Teachers

In an effort to recruit more teachers to Oklahoma, **HB 1521** excludes one-

time incentive or retention pay from the total compensation for teachers returning a second year. Likewise, pay is excluded from teacher contract negotiations for teachers returning a second year.

SB 20 exempts a teacher from taking a competency exam in their subject area if the individual holds a valid out-of-state teaching certificate and has five years of prior experience.

SB 29 directs the State Department of Education, by October 1 of each year, to provide written notice to any individual who held any license or certificate that expired on June 30 of the same year. If an individual submits a renewal application and processing fee by December 31 of the same year, the license or certificate will be renewed with an effective date of July 1 of the same year. If an individual submits a renewal application and

processing fee after December 31 of the same year, then the effective date will be in accordance with State Department of Education rules. The measure provides for limitations on renewal processing fees.

SB 706 delays the full implementation of the Teacher and Leader Effectiveness Evaluation System (TLE) until the 2016-17 school year. The TLE will be used for the purposes of employment starting with the 2017-18 school year.

The measure modifies when a career teacher will be evaluated based on certain TLE component ratings. Following full implementation and subject to due process procedures, a principal or a career or probationary teacher who receives certain component ratings for a certain number of consecutive school years may be dismissed or not re-employed.

The measure stipulates that the quantitative components of the TLE must include performance measures for teachers in grades and subjects that do not have an accompanying state-mandated test. Local school boards must choose evaluation methods for these teachers from a list of State Board approved options. Furthermore, by December 1, 2015, the commission must recommend to the state board multiple measures for providing a quantitative evaluation component for this group of teachers. The state board must approve and publish a list of approved measures by February 1, 2016.

The measure provides school districts with the option of adopting an alternative percentage for teachers who have at least one tested grade or subject on the quantitative rating of the TLE. Lastly, school districts will have the option of evaluating teachers previously employed by a different school district, or a teacher who enters into post-retirement employment, based solely on the qualitative components of the TLE.

Charter Schools

SB 782 overhauls the Oklahoma Charter Schools Act by allowing any school district to sponsor a charter school. The State Board of Education may sponsor a limited number of charter schools if an application has first been denied by a local school district. Non-school district sponsors must give priority to opening charter schools that serve at-risk student populations or students from low-performing traditional public schools.

The sponsor must issue a performance report and application renewal guidance to a school prior to beginning its fourth year of operation. In the event that a revised application is rejected by a sponsor, applicants may proceed to binding arbitration. If a sponsor fails to close a low-performing charter school, then the sponsor must appear before the board to provide support for its decision and the board will have the power to overturn the decision. The measure provides a protocol for closure and winding down operations of a charter school and stipulates that neither the state nor the sponsor will be held responsible to repay the debt of a charter school.

A related measure, **HB 1034** authorizes the sponsorship of a charter school by a federally recognized Indian tribe on tribal property held in trust by the Bureau of Indian Affairs of the U.S. Department of the Interior.

SB 136 directs the Statewide Virtual Charter School Board to make publicly available a list of reviewed and certified supplemental online courses. In conjunction with the Office of Management and Enterprise Services, the board is to negotiate and enter into contracts with supplemental online course providers to offer a state rate price to school districts for courses that have been reviewed and certified.

SB 505 creates the Statewide Virtual Charter School Board Revolving Fund.

School Health and Safety

HB 1685, also known as the 24/7 Tobacco-Free Schools legislation, prohibits the use of tobacco products on school grounds and in school vehicles.

SB 239 creates the Chase Morris Sudden Cardiac Arrest Prevention Act, directing the State Department of Health and State Department of Education to develop and post on their websites information for students, parents and coaches about the nature and warning signs of sudden cardiac arrest. Prior to participating, a student and their guardian must sign and return an acknowledgement of receipt and review of this information. A student who collapses or faints without a concurrent head injury while participating in an athletic activity must be removed by the coach and cannot return until they have been evaluated and cleared in writing by a health care provider. Lastly, it requires that coaches must complete a sudden cardiac arrest training course once a year offered by a provider approved by the State Department of Health.

SB 711 requires a school district superintendent who has decided to dismiss or not reemploy a teacher due to sexual abuse or exploitation to send a copy of the recommendation to the State Board of Education and the teacher after the completion of due process procedures or after the teacher resigns. The teacher may

provide supplementary information to the board.

The bill stipulates that only school districts may request a copy of the recommendation if a teacher is being considered for employment or if a teacher is currently employed by the requesting school district. The board must notify the teacher if a request is made for a copy of the recommendation and records provided to a requesting school district will be kept confidential and are not accessible through an open records request. If the state board or a school district is served with a subpoena requesting disclosure of such documents, the teacher must be immediately notified and be provided the opportunity to object to the subpoena.

Current law directs local school boards to establish professional development programs for certified teachers and administrators in a district to be adopted based upon the recommendations of a professional development committee appointed by the board. **HB 1684** modifies the membership of these committees to include school counselors or licensed mental health providers and requires annual training on:

- recognition of child abuse and neglect;
- recognition of child sexual abuse;
- proper reporting of suspected abuse; and



Hidden above a drop-ceiling, the Capitol's original plaster ceilings are marred by past installation of ductwork.

- available resources.

Additionally, the measure:

- adds suicide prevention to the purview of the Safe School Committee and permits the committee to study and make recommendations to a school board regarding the development of a rape or sexual assault response program; and

- permits public schools to establish an optional abuse-prevention instructional program for students and gives discretion to the local school board regarding the content of the instruction.

HB 2014 permits the carrying of a handgun on school property by designated school personnel if a school district adopts a policy. Personnel will be designated by the board of education of the district and the personnel must have been issued a handgun license and either possess a valid armed security guard license or hold a valid reserve peace officer certification. The measure requires the designated personnel to carry the firearm on his or her person at all times or store the firearm in a locked and secure location. Designated school personnel who act in good faith will be immune from liability. The board of education of a school district or participating local law enforcement agency will be immune from liability for any injury resulting from any act committed by designated school personnel. Lastly, the measure authorizes local school boards to enter into a memorandum of understanding with local law enforcement entities to carry out the provisions of the measure.

SB 5 provides immunity from liability for education employees when necessary and reasonable force is used to control and discipline a student at school during transit to or from school or at an authorized school function.

HB 1154 exempts law enforcement officers who are currently employed by a political subdivision or law enforcement agency in the state from the background check required for

public school employment.

SB 262 directs the State Department of Education, in collaboration with the Department of Labor, to make information available to school districts regarding workplace safety training for grades 7 through 12.

Higher Education

SB 138 allows individuals in the uniformed services of the United States and their families to be eligible for in-state status and tuition. The measure also amends eligibility requirements for maintaining in-state status and repeals a section of law regarding the policy for resident tuition eligibility under the Oklahoma State Regents for Higher Education low-cost textbook rental system.

SB 137 directs the Oklahoma State Regents for Higher Education to review financial qualifications for the Oklahoma's Promise program, if the income reported includes nontaxable military benefits or income received from the Social Security Administration due to death or disability of a parent. Excluding the sources above, a student will meet financial qualifications if the income from taxable and nontaxable sources does not exceed \$50,000 per year.

SB 23 authorizes institutions within the Oklahoma State System of Higher Education to keep certain information confidential under the Open Records Act, including business plans and proprietary information submitted by a person or entity to an institution seeking economic advice, business development or customized training.

SB 405 increases the number of semester hours that may be taught per academic year by a retired employee for a part-time teaching and research position within the state system for higher education. Earnings may not exceed the limitation on earnings currently provided for in law.

SB 414 amends the Oklahoma Tuition Equalization Grant by requiring eligible institutions to adhere to complaint process policies

and procedures administered by the State Regents.

HB 1072 repeals an outdated section of law that refers to one-time studies conducted in the 1970s by the Oklahoma Regents of Higher Education.

SB 763 requires the Department of Human Services, in conjunction with the State Regents, to provide information about the Oklahoma Higher Learning Access Program to parents and guardians of foster youth.

Miscellaneous

HB 1423 deletes the term *all* from the transportation requirement related to agricultural education programs funded by the Oklahoma Department of Career and Technology Education.

HB 1687 deletes the acronym GED (general educational development) and replaces it with the words *high school equivalency diploma*.

HB 2130 repeals an obsolete section of law pertaining to instruction costs and total compensation for certified school personnel for the 2004-05 school year.

SB 50 provides flexibility in agricultural education programs by modifying language that limited the programs to grades 8 through 12.

SB 95 exempts technology center school districts from the Oklahoma State Facilities Energy Conservation Program, instead encouraging them to implement local conservation efforts.

SB 285 deletes references to the Parents as Teachers program and replaces with the words *parent education programs*, and directs the State Board of Education to ensure standards for early childhood education programs. ■



Energy & Utility Regulation

Energy policy remains a primary focus of the Legislature. New wind power facilities face tougher regulations, while city governments will no longer be able to prohibit oil and gas operations. Renewable energy and use of alternative fuels received attention as well.

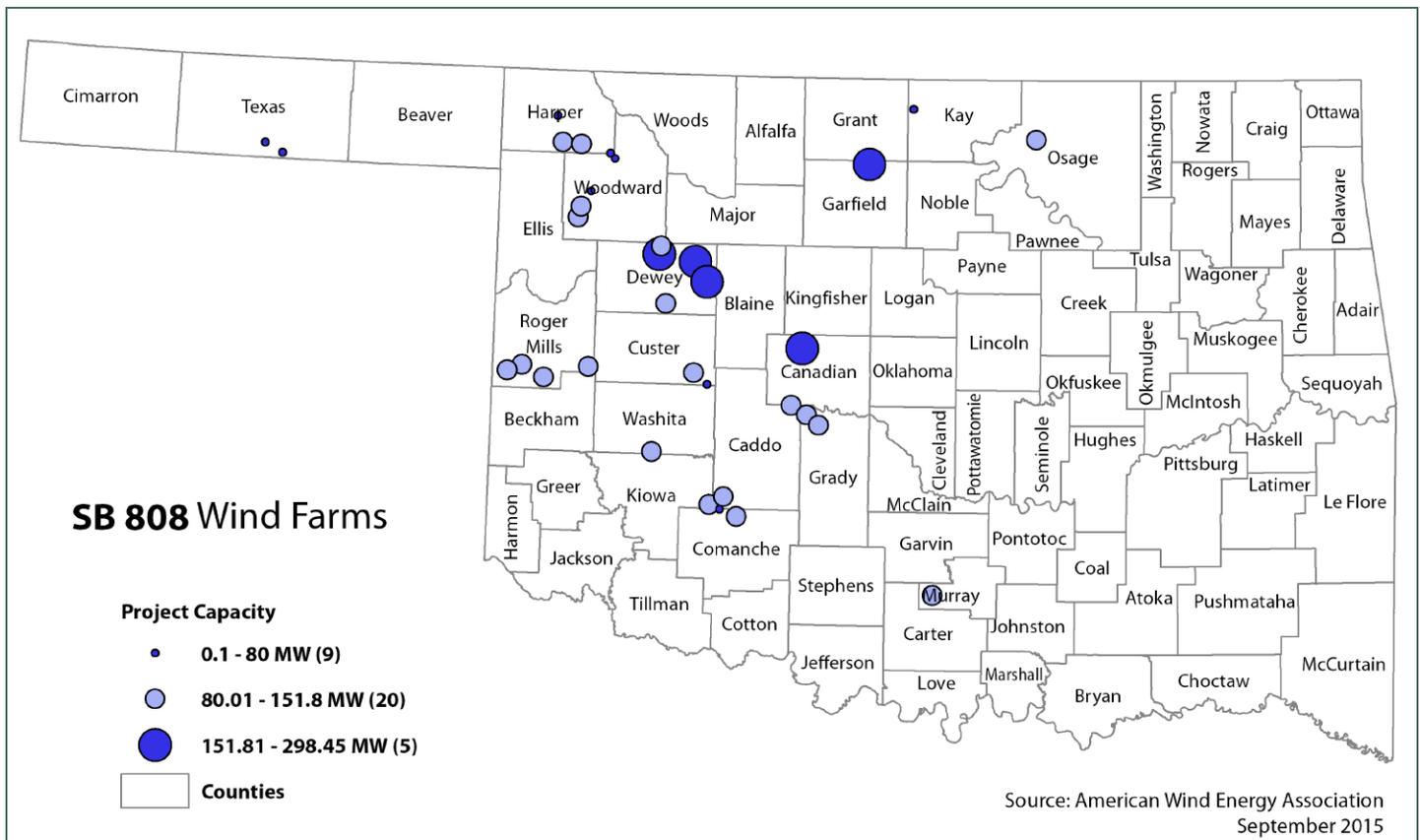
SB 808 requires the owner of a wind energy facility to give the Corporation Commission an estimate of the total cost of decommissioning the facility, as well as evidence of financial security totaling 125 percent of that estimate. For any facility reaching

its commercial generation date before December 31, 2016, this must be submitted once it has been in operation for 15 years; otherwise, it must be submitted by the fifth year of operation. The measure also includes setback requirements for new wind energy facilities by specifying that the base of any tower must be no closer than 1.5 miles from an airport, a public school or a hospital.

Finally, the bill includes notice requirements for new wind energy facility construction. Notification of intent to build must be submitted

to the Corporation Commission, published in a general circulation newspaper in the county or counties of construction and a public meeting must be held. No construction may begin until all of these notification requirements are met. The map below shows the location of wind farms in the state by project capacity.

SB 809 allows cities and counties to enact ordinances related to oil and gas operations as long as they are consistent with Corporation Commission rules and current state law. These include road-use



provisions, noise requirements, floodplain management and setback and fencing requirements. Cities and counties may not prohibit or ban any oil and gas operations and the Corporation Commission is given jurisdiction over all other oil and gas regulations.

HB 2234 directs that the Corporation Commission may spend no more than 8 percent of the yearly amount deposited into its plugging fund in response to seeping natural gas. The measure also amends the definition of *seeping natural gas*, removing a reference to leakage from distribution pipelines owned by smaller utilities. Finally, the bill eliminates the Corporation Commission Gas Seep Fund, which is no longer in use.

HB 1728 makes numerous changes to the Alternative Fuels Technician Certification Act, including:

- moving responsibility for enforcement of the act, including penalty authority and certification exam administration, to the Commissioner of Labor;
- removing the requirement to

conduct certification examinations twice yearly;

- shortening the waiting period to retake the test from 90 days to 30 days;

- removing liability insurance requirements as a condition for certification, except for a company that installs or services engine conversion equipment or alternative fuel stations;

- adopting the Oklahoma Uniform Building Code Commission standards for storage and handling of liquefied petroleum gases, for electric vehicle charge stations and for alternative fuel stations;

- creating a new certification for trainees;

- removing prorated certificate fees;

- requiring 30 days written notice and opportunity for a hearing before revocation or suspension of a certificate or license and written record of the action to be filed and a copy sent to the licensee;

- adding a schedule of fines for violations of the act; and

- creating new revolving funds for monies collected under the act for the purpose of promoting the alternative fuels industry.

SB 326 deletes references to the Office of State Fuel Inspector from statute and assigns fuel storage and measuring device inspections to Corporation Commission employees. The measure also modifies the penalties for noncompliance or a tampering conviction related to fuel storage and measurement and references existing penalties in law.

HB 1283 requires the Department of Labor to adopt new standard measurements for compressed natural gas (CNG) and liquefied natural gas (LNG). CNG will be sold in gasoline gallon equivalents, set at 5.66 pounds and LNG will be sold in diesel gallon equivalents, set at 6.06 pounds. These values may be updated

later through the department's rulemaking authority.

HB 1751 removes the Class VIII Appliance Dealers permit required under the Liquid Propane Gas Regulation Act.

SB 351 modifies the state's 2015 renewable energy goal to include steam export capacity.

SB 358 modifies compensation study requirements for the Grand River Dam Authority (GRDA) by including unclassified positions in the study.

SB 562 exempts the GRDA security plans and procedures from the Open Records Act and the Open Meeting Act. The measure also exempts meetings related to transportation contracts and power purchase agreements.

SB 635 removes requirements that the GRDA notify the attorney general of meetings and conferences that relate to issuance of bonds for one of their coal-fired production facilities and that the attorney general attend those meetings and report back to the Legislature. The measure also grants GRDA authority to enter into agreements to purchase letters of credit or other financial instruments. Finally, SB 635 repeals the requirement that the GRDA board to hire a director of investments.

SB 797 allows the GRDA Board of Directors to vote to sell electrical generating equipment it deems no longer needed. ■



The tunnel connecting the Capitol to a parking lot on the east side of Lincoln Boulevard routinely leaks during rain events.



General Government

The Legislature passed several measures affecting state, county and municipal governments. The most prominent measure provided relief to a longstanding stagnation of judges' salaries by untying them, statutorily, from state elected officers' salaries. Another significant measure bans state agencies from paying, on behalf of its employees, membership dues to associations involved in collective bargaining.

State Government

HB 1749 prohibits state agencies from making payroll deductions on behalf of state employees for membership in any public employee association or organization that collectively bargains on behalf of its membership.

The Legislature overrode the Governor's veto of **SB 549**, which separates state officers' salaries from judges' salaries and codifies the salaries of state elected officials in statute.

HB 1044 modifies the Incentive Awards for State Employees Act by transferring administration of the program from the Committee for Incentive Awards for State Employees to the Office of Management and Enterprise Services (OMES).

Additionally, the measure authorizes the OMES to create rules to administer the program and prohibits an employee from receiving more than one award payment in any fiscal year.

Moreover, for an employee to be eligible to receive a financial reward the measure requires a minimum agency savings of \$5,000; it also prohibits an incentive award from exceeding 20 percent of the cost savings realized by the agency.

Finally, the measure prohibits the following suggestions from being eligible for reward:

- grievances;
- classification and pay;

to be used for the acquisition of information technology tools and resources and places a \$100,000 cap on those expenditures.

HB 1734 would allow any person or lawfully recognized entity making payment of a tax or other expense to a state or local governmental entity to make the instrument payable to the governmental office and prohibits the instrument from being made payable to the individual who holds the public office.

Under current law, the director of OMES creates a committee that is tasked with evaluating proposals about certain state-owned real property. The committee evaluates proposals for the disposition of certain state assets if there are special considerations regarding historic significance, location and advancement of the long-term capital asset plan or other factors. The committee must include at least one member of the Long Range Capital Planning Commission.

• matters already recommended for study, review or summary;

• matters which are the result of assigned or contracted audits, budget and fiscal preparations studies, surveys, reviews or research;

• matters requiring the enactment of legislation; or

• an individual who applies for patent rights to his or her suggestion.

HB 1399 limits the fee that is collected by the Secretary of State for documentation for international adoptions to \$100.

HB 1560 authorizes the Maintenance of State Buildings Revolving Fund

HB 1986 authorizes a member of the Long Range Capital Planning Commission to send a designee to the committee involved in the decision making process regarding state properties with historic significance, special locations or advancement of the long-term capital plan.

SB 92 requires that any state governmental entity proposing to enter into a performance-based efficiency contract must consult with the State Bond Advisor to determine the most cost-effective financing, including publicly offered or privately placed bonds, notes or other obligations secured by the efficiency contracts. The measure requires any state governmental entity entering

into financing secured by an efficiency contract to report the amount of outstanding leases or contracts each year for inclusion in the State Bond Advisor's annual report on state obligations.

HB 1567 allows HealthChoice to base deductibles, copayments and co-insurance on cost as well as outcomes.

SB 406 repeals various obsolete sections of law related to state officers and wartime provisions.

SB 189 requires state agencies to utilize performance-informed, rather than zero-based, budgeting techniques when submitting their budget requests for the upcoming fiscal year and provides that the duties of the Legislative Oversight Committee on State Budget Performance may be performed by the House and Senate appropriations committees.

SB 831 merges duplicate sections of law enacted during the 2014 legislative session.

County Government

HB 1148 authorizes county commissioners to enter into agreements with adjoining counties or other jurisdictions for the maintenance and construction of county line roads and bridges.

SB 477 modifies the county officer training program by requiring that appropriate training programs include those provided by the Cooperative Extension Service at Oklahoma State University.

HB 1032 permits a landowner, real estate salesperson, broker, developer or others who may profit from a proposed transaction concerning real property that is under consideration to participate in an executive session if that individual is operating under an existing agreement to represent the public body.

HB 1122 clarifies the process for the acceptance and filing of records and deeds by county clerks. Currently, all documents filed must provide an area free of printed information sufficient in size to accommodate the placement of documentary stamps. The measure clarifies that any part of a signature or any stray markings within the margin will not void the requirements for accepting and filing any document by any county, provided that there is sufficient space for the placement of stamps and recording information without covering language contained within the instrument.

HB 1612 amends the Interlocal Cooperation Act by modifying the definition of *public agency* to include any city-county health department.

SB 386 eliminates the population requirement required to allow for the installation and operation of county-owned parking lots.

Municipal Government

HB 1322 prohibits a municipality from adopting an ordinance that would restrict or expand the powers and duties, supervisory and management authority or the regulation of day-to-day activities of a duly elected law enforcement officer, unless the authority is granted by the municipality's charter.

HB 1008 modifies the urban renewal plan process by striking population overcrowding, inadequate parcel size and arrested economic development from the definition of *blighted area*.

Prior to adopting an urban renewal plan, the measure increases the number of public hearings from one to two and decreases the number of days from 15 to 14 that notice signs be posted prior to the hearing. The measure requires that the first meeting be largely informational, whereas the municipality presents the plan to the public, answers questions and announces the date of the second meeting, which must be at least seven days after the initial meeting. The second meeting must provide an opportunity to interested parties to express their views on the renewal plan.

The measure requires that notice of the first hearing be given by publication not less than 14 successive days prior, in a newspaper with general circulation or on a municipal website for those applicable.

HB 1456 states that the annexation of land by a connecting strip serving no municipal purpose other than to establish statutory contiguity or to capture territory within the area to be annexed, constitutes an impermissible exercise of state-delegated authority by a municipality and is prohibited.

Municipalities with a population of 12,000 or less may only annex up to 8 square miles in an area at a time



Members of the exterior construction team review the results of stone cleaning during trial repairs.

Cities with less than 12,000 people = 698

Cities with more than 12,000 people = 36

Source: U.S. Census Bureau (2010)

and must obtain the written consent of owners of at least 65 percent of the acres to be annexed and at least 25 percent of the population to be annexed.

HB 2119 adjusts the public bidding and contracts process by modifying the entities authorized to extend a contract award period.

Retirement

The Legislature passed several measures to ensure the financial health of the state's public pension systems, including expanding eligibility for the public employee retirement system's defined contribution plan and safeguarding the state's plans' IRS qualifications. The financial health of each state pension system is reflected in the graphics on this page.

HB 1376 modifies the Oklahoma Public Employees Retirement System (OPERS) defined contribution (DC) plan by opening eligibility to those employees of the Legislative Service Bureau, the State Senate and the State House of Representatives who are employed for the full duration of the regular session.

Likewise, the measure includes employees who are in a full-time equivalent position or who are in a position that is less than full-time but more than half-time and qualifies for employee benefits. The measure states that those employees are eligible to begin service in the DC plan on the first day of the month following employment.

Moreover, the measure states that an employee who begins participating in the defined benefit (DB) plan after November 15, 2015, in a position that is not included in the DC plan must continue to participate in the DB plan only as long as he or she continues to be employed in a position that is not

included in the DC plan.

Furthermore, the bill increases the minimum employee contribution rate to the DC plan from 3 percent to 4.5 percent and increases the maximum amount to the full amount allowed under the IRS code and strikes the employer matching schedule, setting the match at 6 percent with a maximum of 7 percent.

HB 2005 prohibits persons 45 years of age or older from participating in the Oklahoma Firefighters Pension and Retirement System. This measure has the effect of allowing persons 45 years of age or older to become volunteer firefighters.

SB 462 would allow benefits to be paid under a qualified domestic order to an alternate payee before the OPERS participant has started to receive benefits. The measure allows the benefits to continue to be paid to an alternate payee after the participant has died.

HB 1052 modifies required qualifications of gubernatorial appointees to the Oklahoma State Pension Commission by requiring that one member have at least 10 years of experience in the financial services industry and requiring that one member have at least 10 years of experience in retirement planning. Further, the measure provides that

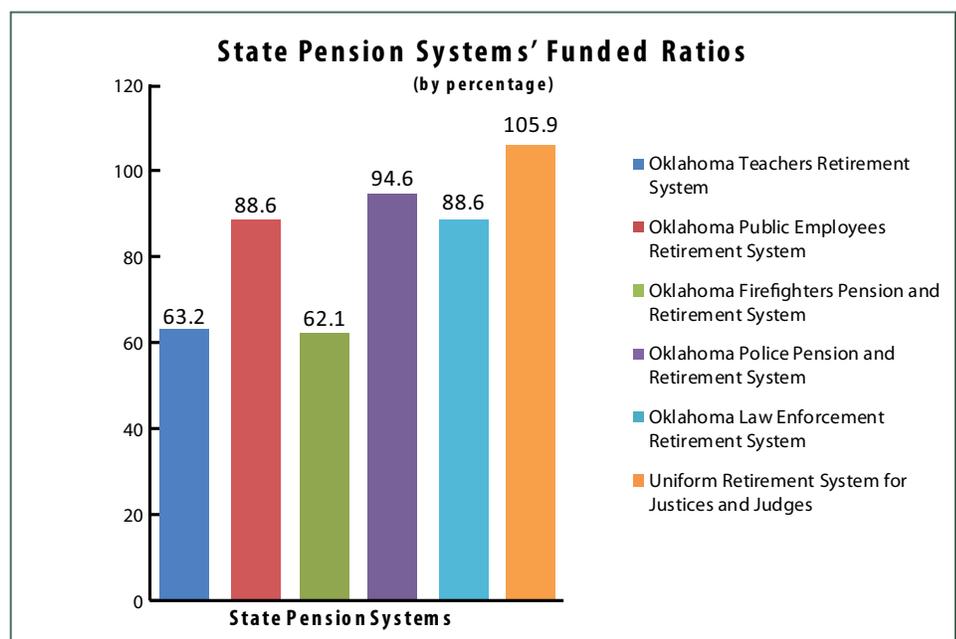
legislative appointees be nonvoting members.

In order to comply with federal tax regulations, **SB 345** directs the Oklahoma Police Pension and Retirement System to develop certain procedures that relate to rollover distributions. The measure directs the Board of Trustees to use IRS guidelines to determine the taxable portion of a distribution from the system.

HB 1002 directs the Firefighters Pension and Retirement System Board of Trustees to use IRS guidelines to determine if a potential rollover from another system may be rolled into the system and to determine the taxable portion of a distribution from the system.

HB 1005 modifies the Oklahoma Teachers' Retirement System by specifying that the "picked

System	Funded Ratio 2010	Funded Ratio 2014
OTRS	47.9	63.2
OPERS	66.0	88.6
OFPRS	53.4	62.1
OPPRS	74.9	94.6
OLERS	73.6	88.6
URSJJ	81.3	105.9



utilize the U.S. Postal Service National Change of Address dataset to share the records with the State Election Board to help determine if a voter has changed his or her address. The measure also requires the board to send an address confirmation mailing to those who have been identified as having changed addresses and to those identified as being deceased and authorizes the board to obtain official death records from the Social Security Administration and from other states. Finally, the bill requires a voter who appears in person to vote and who has been identified as having changed his or her address to complete an address confirmation form.

Miscellaneous Elections and Ethics

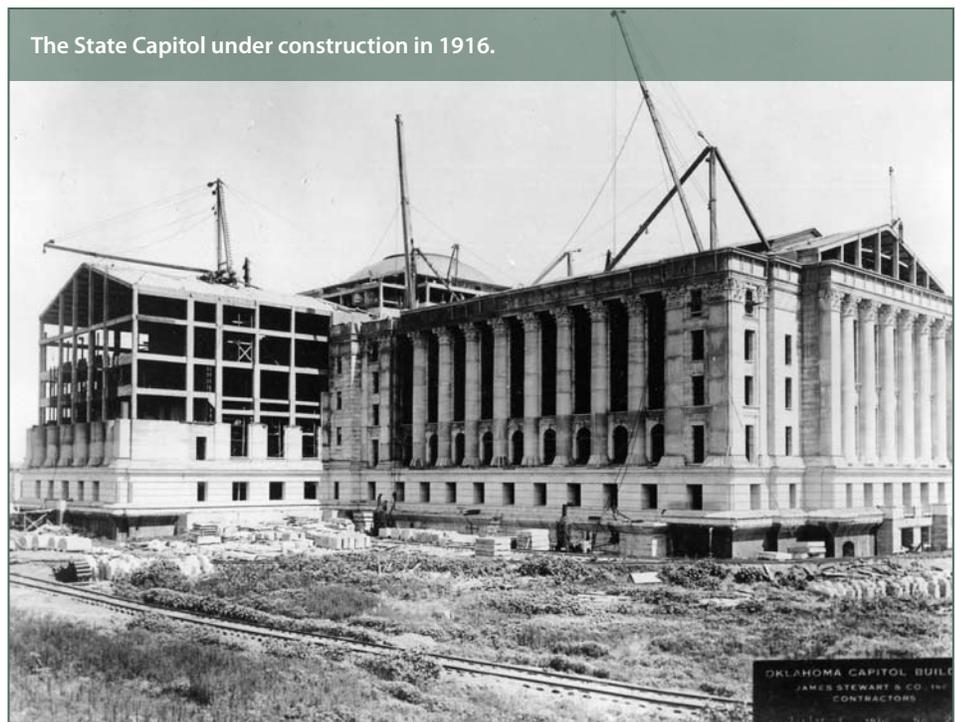
SB 173 increases, from 20 to 100, the maximum number of absentee ballot affidavits that a notary public can notarize without written approval of the county election board secretary.

SB 312 prohibits any regular or special election to fill an elective office to be held by any county, school district, technology school district, municipality or other political subdivision except for the following days:

- the second Tuesday of February in any year;
- the first Tuesday of April in any year;
- the date of any regularly scheduled statewide state or federal election in an even-numbered year;
- the second Tuesday of September in an odd-numbered year; and
- the second Tuesday of November in an odd-numbered year.

The measure establishes the filing period for a fire protection district board of directors to be held beginning at 8 a.m. on the first Monday after Independence Day until 5 p.m. on the following Wednesday.

The bill also modifies school board special elections by requiring that



a special filing period, if necessary, be scheduled for three days not to begin more than 20 days following the date the resolution is required to be submitted to the county election board.

Finally, the measure deletes obsolete language.

SB 347 removes reference to the types of fees charged by the Ethics Commission that make up its revolving fund.

SB 399 provides that no county election board be required to conduct a regular or special election for any elective office in a municipality governed by charter, unless the resolution calling for the election sets a candidate filing period of three days to begin not less than 20 days nor more than 20 days from the date that the resolution is required to be submitted to the county election board. The measure prohibits a resolution calling for a regular or special election from being submitted to the county election board less than 60 days preceding election date.

The measure provides that if any date of the candidate filing period falls on a Saturday, Sunday or official state holiday then that filing day will be

scheduled for the following business day.

The bill specifies that any election for the purpose of filling a vacancy to any school board, technology center district, municipality, rural fire protection district or any other entity schedule a candidate filing period of three days to begin not more than 20 days following the date of a resolution calling the special election and must be filed with the secretary of the county election board.

SB 438 authorizes a municipality with a population of at least 10,000 and a general fund of at least \$10 million to enact a comprehensive code of campaign finance and personal disclosure ordinance, in which case the Municipal Campaign Finance and Financial Disclosure Act will not apply to the municipality. The measure requires municipalities enacting these ordinances to file a notice of action with the Ethics Commission.

Miscellaneous General Government

HB 1406 repeals the section of law that requires the State Fire Marshal Commission to adopt rules relating to

the fire-resistant qualities of thermal insulating materials.

HB 1421 repeals the Self-Liquidating Facilities Revolving Loan Fund.

SB 24 abolishes the Employee Assistance Program Advisory Council and removes the requirement for a training program specific to the Employee Assistance Program.

SB 28 removes the requirement that the State Purchasing Director must be at least 28 years of age.

SB 215 requires that the application to become a notary public include a statement that the applicant is a citizen of the United States, has never been convicted of a felony and is able to read and write in English. The measure also prohibits the notary public from performing any notarial acts until the bond, official seal, oath of office and loyalty oath

has been received and approved by the Secretary of State. Lastly, the bill allows the Secretary of State to deny, refuse to renew or revoke the appointment of the notary public upon knowledge of a conviction of a felony, failure to meet or comply with qualification and application requirements or a notice from the court of a fraudulent notarial act.

SB 327 updates obsolete language relating to the disposal of unclaimed bodies at state facilities and repeals obsolete statutes relating to cemeteries.

Four bills address employee status.

SB 348 moves all positions within the Ethics Commission to the unclassified service.

SB 849 exempts all positions within the State Election Board from the Merit System of Personnel Administration.

SB 835 directs that all employees within the State Board of Agriculture, and seasonal employees of the Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma Conservation Commission, and the Water Resources Board who work less than nine hundred ninety-nine hours in a twelve month period are to be considered temporary, unclassified employees. The measure also requires the Department of Agriculture to include in its annual budget request a summary of the use of project labor, including the number of workers employed, and their wages.

SB 848 places employees of the Oklahoma Board of Dentistry in the classified service and allows a Board investigator employed on or after July 1, 2015, to be placed in the unclassified service. ■

Administrative Rules

Legislation	Entity	Extension Date
HB 1010	Capitol-Medical Center Improvement and Zoning Commission	2022
HB 1011	Oklahoma Athletic Commission	2019
HB 1012	Commission on County Government Personnel Education and Training	2019
HB 1014	Liquefied Petroleum Gas, Research, Marketing and Safety Commission	Nov. 1, 2015*
HB 1016	State Board of Examiners of Perfusionists	2019
HB 1017	Polygraph Examiners Board	2019
HB 1018	State Board of Osteopathic Examiners	2019
HB 1019	Board Podiatric Examiners	2019
HB 1020	Board of Examiners for Speech-Language Pathology and Audiology	2019
HB 1023	State Capitol Preservation Commission	2019
HB 1494	Board of Tests for Alcohol and Drug Influence	2022

* HB 1014 terminates the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission on November 1, 2015, and re-creates the entity as a private nonprofit organization to be known as the Oklahoma Propane Education and Safety Council.



Health & Human Services

The Legislature continued to strengthen abortion restrictions and passed legislation aimed at addressing mental health care needs and combating prescription drug abuse. Legislators provided funding for implementation of year four of the Pinnacle Plan, took steps to improve outcomes for children in the child welfare system and promoted the sharing of nonconfidential employment-related information between childcare facilities.

Health

HB 1409 increases the wait time for an abortion from 24 hours to 72 hours. Additionally, the measure requires abortion facilities that operate a website to add a web link to the state's *A Woman's Right to Know* website.

SB 642 broadens the grounds for violations related to an abortion performed upon an unemancipated minor to include a person who intentionally causes, aids, abets or assists the minor to obtain an abortion without parental consent. A court may grant an injunction upon a petition by the Attorney General, district attorney or any adversely affected persons who can show that such conduct may occur in the future or has occurred in the past.

The measure requires a physician to preserve fetal tissue extracted during an abortion performed on a minor who is less than 14 years of age and submit the tissue to the Oklahoma State Bureau of Investigation. Failure to

comply will constitute unprofessional conduct and be considered a felony.

The measure directs the State Board of Health to establish policies for conducting pre-licensure and relicensure inspections of abortion facilities and permits the State Commissioner of Health or any duly designated employee to enter into the premises of a licensee or licensed facility, during normal business hours, if the commissioner has reasonable cause to believe a licensee or licensed facility is not adhering to state law. If the inspection or investigation finds a violation of state law, then the commissioner may take action to deny, suspend, revoke or refuse to renew a license to operate an abortion facility.

HB 1721 prohibits the attempt or performance of an abortion by dismemberment, unless necessary to prevent a serious health risk to the mother. A physician accused of performing such an abortion may seek a hearing before the state medical board to review if the procedure was necessary to prevent a serious health risk and only the physician will be held liable for the attempt or performance of the abortion. Additionally, the measure provides for injunctive relief, civil damages and criminal penalty.

SB 781 overhauls the State Dental Act and Dental Mediation Act by:

- removing the dental board's ability to appoint an individual to be the principal administrative officer of

the board;

- permitting dentists and hygienists currently licensed in another state to apply for a license by credentials if they meet certain criteria;

- requiring a dentist, if previously licensed for a specialty in another state, to provide a letter of good standing to the board before issuance of a specialty license;

- permitting the issuance of a temporary license to practice dental hygiene;

- changing the special volunteer license from one fiscal year to one calendar year and requiring special volunteers to list all dates and locations where they will be completing their volunteer work;

- stipulating that dental assistants may be issued a volunteer permit at the request of an entity that provides dental services to the needy;

- providing for the issuance of a retired volunteer dentist, dental hygienist or dental assistant license if certain conditions are met;

- providing application, training, educational and other requirements for dental assistants or oral maxillofacial surgery assistants, as well as expanded duty permits;

- requiring, beginning July 1, 2016, all advertisements for dentistry to include the name of the dentist or dentists that will be providing treatment and listing the type of dental or specialty license on the

advertisement; and

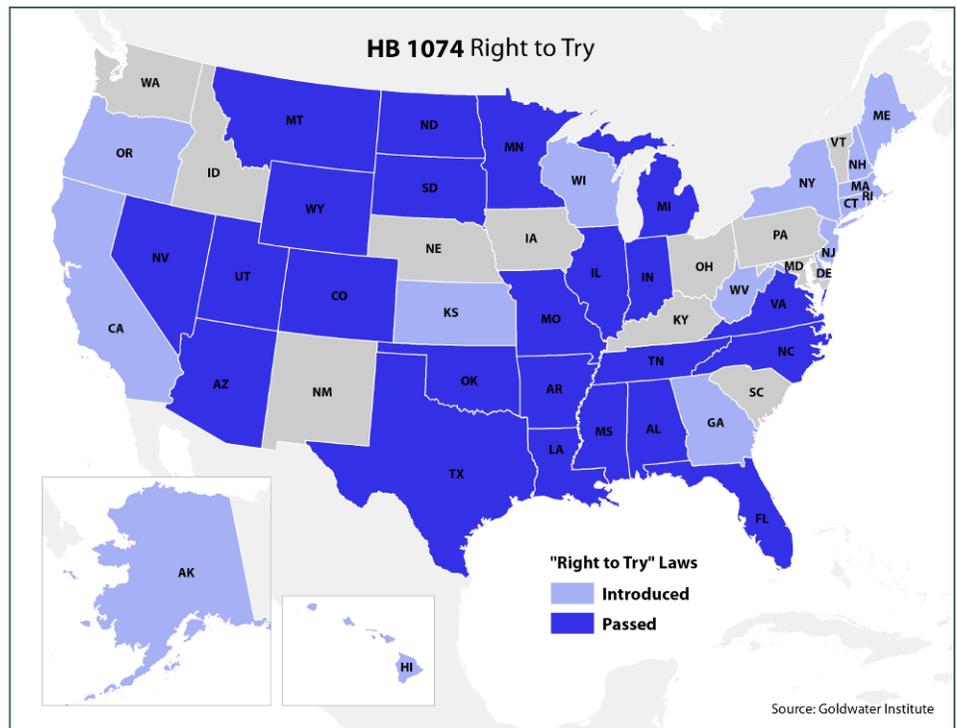
- requiring the death of a dental patient within 48 hours of receiving anesthesia or that is required to be reported to the Board to be investigated by the Adverse Outcomes Review and Investigation Panel.

HB 1074, also known as “the right to try” legislation, permits an eligible patient to try an investigational drug, biological product or device that has successfully completed phase 1 of an FDA clinical trial and remains under an approved investigation. The measure does not require a manufacturer to make such products available to an eligible patient and an insurer may provide coverage for such products. A licensing board may not take action against a provider based solely on their recommendations to an eligible patient regarding access to or treatment with such products. Additionally, the bill does not create a private cause of action against a manufacturer or against any other person or entity involved in the care of an eligible patient using such products. The map to the right indicates “right to try” states.

HB 2154 creates Katie’s Law that allows for the use of cannabidiol for the treatment of severe forms of epilepsy in a clinical trial or in an expanded-access program.

SB 249 directs the State Board of Behavioral Licensure to promulgate rules to allow licensed out-of-state counselors to provide services as specified by law during a declaration of emergency issued by the Governor or the Legislature, or during a declaration of a catastrophic health emergency issued by the Governor. The rules may only authorize services that are pro bono or reimbursed by nongovernmental entities.

SB 713 directs the Department of Mental Health and Substance Abuse services to facilitate the development of seven peer-supported drop-in centers to serve Oklahoma’s veterans. The development of the centers is subject to the availability of funds.



SB 434 amends the complaint procedure for the Board of Chiropractic Examiners. The executive director and the chair of the advisory committee or designee will determine whether a complaint merits further investigation and will assign the complaint to an investigator if necessary. Complaints and findings will be presented to the advisory committee for review, and in consultation with the board’s prosecuting attorney, will make an informal recommendation for disposition of the complaint to the board.

The complaint and information obtained during an investigation will be kept confidential, except for information introduced by the state in administrative proceedings before the board. Information not introduced in an administrative proceeding will not be subject to subpoena or discovery in any civil or criminal proceedings; however, the board may provide such information to law enforcement and other state agencies as necessary and appropriate to carry out the duties of the agency. The complaint respondent may acquire certain information obtained during the investigation if a protective order is signed that stipulates the information is solely for

the purpose of defense in a proceeding or appeal.

Additionally, the measure requires applicants for chiropractic licensure to be a graduate of a chiropractic school or program accredited by an accrediting agency either recognized by the U.S. Secretary of Education or a board-approved chiropractic school or program. The bill directs that foreign applicants must:

- have a degree in chiropractic from an institution authorized to operate by the government having jurisdiction in which it is located;
- present all credentials, diplomas and other required documentation to the board accompanied by notarized English translations; and
- provide satisfactory evidence of meeting the requirements for permanent residence or temporary nonimmigrant status as set forth by the U.S. Citizenship and Immigration Services.

SB 787 requires the executive director of the State Board of Pharmacy be a licensed pharmacist in Oklahoma and removes language regarding the determination of salary for the director.

The measure reprioritizes and amends the power and duties of the board, including:

- regulating the distribution of drugs, medicines, chemicals and poisons;
- issuing licenses to manufacturers, repackagers, outsourcing facilities, wholesale distributors, third-party logistics providers, pharmacies and other dispensers, and medical gas suppliers and distributors;
- issuing sterile compounding and drug supplier permits for pharmacies at a fee set by the board; and
- issuing pharmacy technician permits and intern licenses.

The measure requires a pharmacist to complete 15 hours of continuing education to renew their license. A pharmacist who fails to renew their license must pay all fees and provide proof of having satisfied all continuing education requirements plus an additional 15 hours. The board may require evidence of competency through examination or impose other requirements for reinstatement.

Other significant provisions of the bill include:

- requiring every pharmacy board registrant to keep their license or permit conspicuously displayed;
- clarifying that the licensure requirement for the sale of drugs and chemicals applies to out-of-state sales;
- requiring nonresident pharmacy licensure applicants to reimburse the board for any actual expenses incurred for inspections;
- requiring pharmacists to promptly record in writing a prescription received that is not by written communication; and
- stipulating the information that must be displayed on a prescription label.

Additionally, the measure amends unlawful violations of the act and permits the board to permanently revoke a certificate, license or permit.

An order of the board will constitute a judgment and may be entered on the judgment docket of the district court. The measure clarifies that the act does not prevent veterinary prescription drugs from being shipped directly from an Oklahoma licensed wholesaler or distributor to a client under certain circumstances. The bill authorizes pharmacists to fill prescriptions for dangerous drugs and controlled dangerous substances written by optometrists for the treatment of ocular abnormalities. Finally, the measure prohibits a pharmacist from refusing to transfer a prescription to another pharmacy or to transmit their prescription to another licensed pharmacist or licensed pharmacy.

SB 753 amends several definitions within the Physician Assistant Act, and removes the licensed pharmacist from the physician assistant committee, to be replaced by an additional physician assistant (PA). The measure permits the use of telemedicine by the supervising physician and requires the physician to review a sample of outpatient records at the practice site with approval of the State Board of Medical Licensure and Supervision.

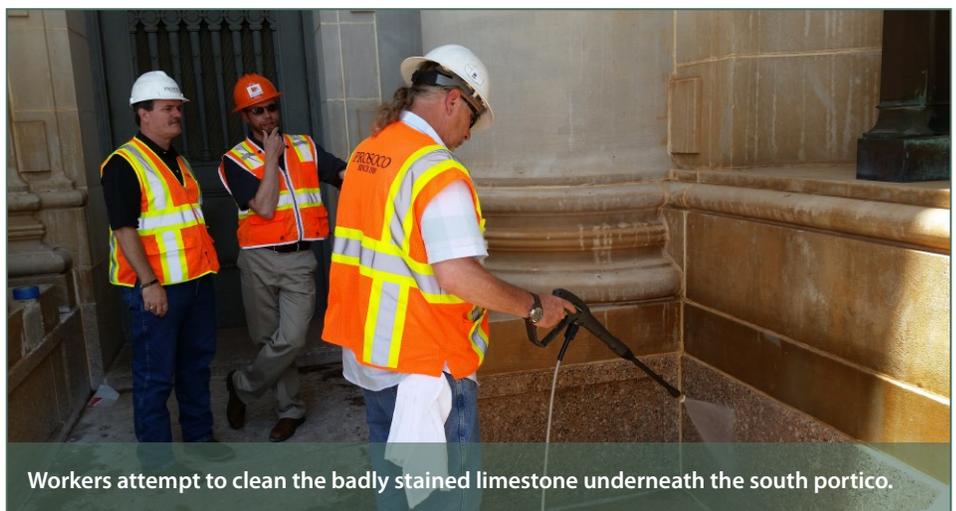
In the case of a newly diagnosed complex illness, the supervising physician will determine which conditions the PA is qualified to treat. The measure removes the requirement for a PA to obtain board approval prior to practicing in remote

patient care settings and modifies the violations and penalties concerning the unlicensed practice of medicine by PAs. The measure clarifies that nothing in the act may be construed to require licensure of a PA student enrolled in an accredited educational program.

SB 236 stipulates that health exchange navigators and navigator entities must allow for on-site inspections of operations and records related to enrollment. The Insurance Commissioner may request summary reports, which cannot contain personally identifiable information. However, the commissioner may request verification of a name, contact information and the date of contact for an individual or group assisted in enrolling in the exchange.

SB 516 ends the Oklahoma Health Information Exchange Trust on January 1, 2016. Upon ceasing operations, the Oklahoma Health Care Authority will serve as Oklahoma's Qualified State-Designated Entity with respect to grants awarded prior November 1, 2015.

SB 542 permits physicians to prescribe epinephrine auto-injectors to any entity or organization for storage in an Emergency Public Access Station (EPAS), and permits pharmacists in this state to fill such prescriptions. Employees of an authorized organization must complete an anaphylaxis training program prior to providing or



Workers attempt to clean the badly stained limestone underneath the south portico.

administering an epinephrine auto-injector. The measure provides immunity from liability for authorized entities, physicians, pharmacists and any other user of an EPAS while complying with applicable law.

SB 560 stipulates that a direct primary care membership agreement is not to be considered insurance under Oklahoma law and will not be subject to regulation under the insurance code. Nothing in state law may be construed as prohibiting a patient or their legal representative from seeking care outside of an insurance plan, Medicaid or Medicare Program and paying for such care nor prohibiting a physician or other medical professional or medical facility from accepting such payment. A patient does not forfeit their insurance, Medicaid or Medicare benefits by purchasing medical services or medical products outside of a system.

SB 494 directs the Oklahoma Health Care Authority (OHCA) to coordinate with certain domestic violence sexual assault programs to ensure that mailings containing certain information are not sent to the actual physical address of an individual receiving services. Additionally, the OHCA must establish regulations and policies for complex rehabilitation technology products and services.

SB 704 provides that the OHCA is entitled to receive any funds remaining in an irrevocable trust that was established to pay the funeral expenses of a long-term care Medicaid recipient.

Miscellaneous Health

HB 1081 defines the duties of the executive director of the Board of Nursing and permits the board to take corrective action on a person licensed or regulated under the Nursing Practice Act.

HB 1150 removes the prohibition of locating a private treatment facility within 1,000 feet of a private or public school.



Ornate cast iron decorative features adorn the exterior of the Capitol.

HB 1408 exempts certain establishments from having to possess a food service establishment license. Food establishment licenses will expire one year following the date of their issuance and the State Board of Health may establish a fee-exempt license that does not expire for certain establishments.

HB 1435 allows the State Department of Health to suspend or revoke a nurse aide certification under certain circumstances including abusing, neglecting or exploiting a nursing facility resident. Nurse aides and trainees must provide current contact information to the state nurse aide registry. Correspondence will be considered legally served once sent to the address on file.

HB 1463 ensures that the statewide coordinated system of care for stroke focuses on evidence-based treatment. Treatment must include protocols for pre-hospital and inter-facility assessment, treatment and transport of stroke patients by licensed emergency medical responders and agencies.

HB 1562 specifies which licensed

health care providers may determine if mechanical restraints are required under law. A provider that restrains a person receiving mental health services must receive restraint management training in accordance with standards promulgated by the United States Department of Health and Human Services and authorized by hospital policy.

HB 1566 directs the Oklahoma Health Care Authority (OHCA) to initiate requests for proposals for care coordination models for aged, blind and disabled persons. Care coordination models for members receiving institutional care will be phased in two years after the initial enrollment period of a care coordination program.

HB 1628 stipulates that if a new drug does not fall into a class that is already placed under prior authorization, the drug must be reviewed by the OHCA Drug Utilization Review Board within 100 days of approval by the FDA to determine whether to continue the prior authorization criteria.

HB 1729 modifies the definition of *fetal death* by establishing the uterogestation period as at least 12 weeks.

HB 1948 requires prescription monitoring program registrants to check the registry prior to filling a prescription for opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisoprodol for new patients or if 180 days has passed since the last check. The mandatory check will sunset on October 31, 2020.

HB 2185 subjects unsolicited proposals made to the Tobacco Settlement Endowment Trust Fund to the Open Records Act and Open Meeting Act.

SB 7 clarifies that the state employee exemption within the Social Worker's Licensing Act does not apply to individuals licensed by the Board of Licensed Social Workers.

SB 46 specifies that applicants seeking to practice the sale and fitting

of hearing aids will be responsible for the cost of examinations, re-examinations and background checks for licensing and certification.

SB 126 permits the State Department of Health to contract with private vendors to fulfill the requirements of the Oklahoma Advance Directive Act. The measure also removes language related to the collection of fees for the operation of the advance directives registry database.

SB 128 stipulates that all requests for medical records will be subject to related fees, regardless of where the copies or electronic versions of the records are actually produced.

SB 150 updates language related to the Board of Medicolegal Investigations.

SB 250 directs the Oklahoma Health Care Authority and the State Department of Health to collaborate to identify benchmarks and develop goals to address diabetes. The authority and department will submit a report to the Legislature by January 10 of odd-numbered years.

SB 701 modifies the definition of *licensed mental health professional* by removing specialization criteria for advanced practice nurses and

physician assistants.

Children and Families

HB 2242 appropriates \$678.9 million to the Department of Human Services (DHS) for State Fiscal Year 2016, of which, **SB 843** specifies that \$108.8 million is to fund phases one, two, three and four of the Pinnacle Plan, which was designed to improve outcomes for children and families in the child welfare system. Funding history for the Pinnacle Plan is displayed in the graph below.

HB 1078 makes several modifications to improve the outcomes for children impacted by the child welfare system. These changes include:

- requiring DHS to notify additional adult relatives upon the removal of a child from the home;
- lowering, from 16 to 14, the age at which planning for the transition of a child in the custody of the department to successful adulthood will begin;
- requiring the court to determine at each review hearing whether the department is ensuring that the foster family is giving a child in its care the opportunity to take part in age-appropriate activities;

- providing that, when the permanency plan for a child who is 16 years of age is continued placement in the custody of the department, the court inquire what permanency outcome the child desires and provide compelling reasons why it is not in the child’s best interest to return home or be placed for adoption;

- requiring that the permanency plan for the child in transition to successful adulthood be developed in consultation with the child and allows the child to choose two members of his or her permanency planning team;

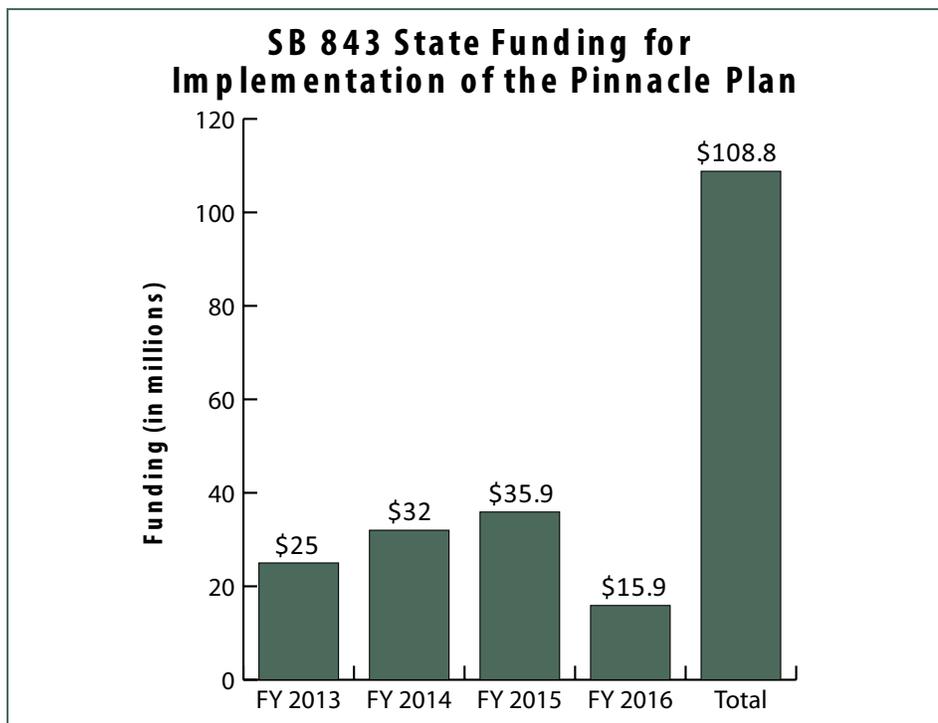
- requiring that custody children who are 14 be given a written notice describing their rights; and

- directing DHS to establish policies and training for identifying children and youth in its care who are at risk of sex trafficking and to determine the appropriate services.

HB 1079 gives foster parents the right to submit a report to the court for presentation at a review hearing of the child in their care.

SB 541 establishes that a substantiated finding of abuse or neglect against an adult in a child care home, whose presence is incidental to the operation of the home, is grounds for placing that person on the Child Care Restricted Registry. The bill also provides that an operator of a child care facility may only be placed on the registry if the operator is the subject of a substantiated finding of abuse or neglect, has been subject to revocation or denial of a child care facility license or has a specified criminal history.

HB 1274 authorizes a child care facility to release relevant information regarding the ability of an individual to perform tasks that require direct contact with children to another facility that is considering employing the individual, unless deemed confidential by law. The measure also requires the facility receiving the information to maintain it in a confidential manner as required by law.



HB 1320 modifies one of the findings upon which parental rights to a child under the age of four can be terminated by the court. The bill changes the provision to age of the child at the time of placement in foster care rather than age of the child at the time of filing the petition for termination.

HB 1273 modifies the definition of *sexual exploitation* as used in the Children and Juvenile Code to include forcing a child to engage in prostitution by anyone 18 years of age or older.

HB 1066 adds reports of child sexual exploitation to the central registry for child abuse reports maintained by the Department of Human Services.

SB 534 establishes a Child Abuse Multidisciplinary Team Account (CAMTA) Fund within the Oklahoma Commission on Children and Youth (OCCY) for purposes of contracting with one free standing multidisciplinary child abuse team in each county. The measure provides for the transfer of funds for the freestanding multidisciplinary teams from the Child Abuse Multidisciplinary Account (CAMA) to CAMTA and requires OCCY to submit a report to the Legislature outlining performance measures for all multidisciplinary teams and recommended changes to the CAMA funding formula.

HB 2157 creates the Family Support Accountability Act. The measure requires state agencies that provide home-visiting services to develop a framework for service delivery and accountability across all programs and to promote a continuum of care for families at high risk for experiencing adverse childhood outcomes. The bill also directs the programs to work with the Early Childhood Advisory Council to develop an outcomes measurement plan and submit that plan to the Governor, Legislature, Oklahoma Commission on Children and Youth and the Early Childhood Advisory Council by January 1, 2016. Beginning December 1, 2017,

the State Department of Health will be required to collaborate with the council to submit an annual outcomes report to the Governor and Legislature.

SB 486 makes numerous changes to the Uniform Interstate Family Support Act (UIFSA), which provides guidance on the enforcement of interstate and international child support orders. In 2014, Congress enacted the Preventing Sex Trafficking and Strengthening Families Act requiring all states to enact the 2008 UIFSA amendments in order to continue to receive federal funds for state child support programs. In Oklahoma, this represents approximately \$50 million. The measure brings the state into compliance with the 2008 UIFSA amendments by:

- modifying numerous definitions;

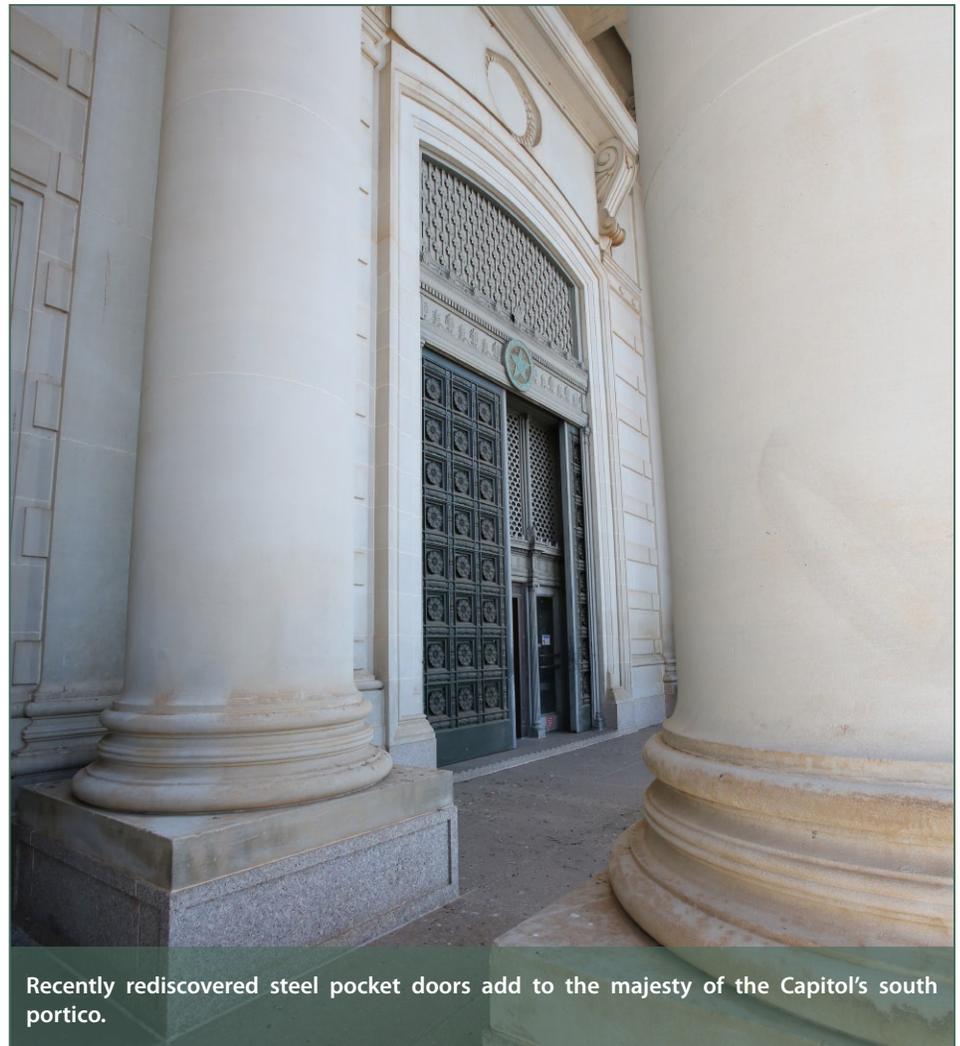
- establishing that the Child Support Services division of the Department of Human Services (OKDHS) is the support enforcement agency for Oklahoma;

- adding an exclusive remedies clause and prohibiting application of the act to affect the outcome of a child custody or visitation proceeding;

- requiring OKDHS, as applicable, to support a proceeding involving a foreign support order, a foreign tribunal or an obligee, obligor or child residing in a foreign county;

- authorizing the department to serve as a responding tribunal in a proceeding to determine parentage of a child brought under UIFSA;

- providing that the department retains jurisdiction to modify an order if one party resides in another state and the other party resides outside



Recently rediscovered steel pocket doors add to the majesty of the Capitol's south portico.

agency clearing account and used, beginning with the third month after closure of the facility, to establish and maintain community households for people with intellectual disabilities that are served by the Developmental Disabilities Services Division at DHS.

HB 1438 requires hospice program administrators to complete eight hours of continuing education each year.

HB 1918 authorizes the court, in a paternity action prior to genetic testing, to award custody of a child to the presumed father if it is in the best interest of the child.

HB 2166 allows the Oklahoma Commission on Children and Youth to keep confidential certain information presented to the commission during service planning activities and authorizes the commission to request that cases involving children within its jurisdiction be transferred to the Oklahoma State Bureau of Investigation.

SB 153 increases, from 14 to 21, the

maximum number of unclassified positions within the Department of Rehabilitation Services.

SB 180 clarifies that it is the responsibility of a guardian ad litem to observe the child in the child's current placement.

SB 292 adds the definition of *failure to protect* to the Oklahoma Children's Code and removes the obsolete definition of *Commission [for Human Services.]*

SB 293 directs that if a member of the armed forces makes application for assistance with either Department of Human Services or the Oklahoma Health Care Authority and has a pending application for the same type of assistance in another state, the agency will consider the pending application as if it had been made in this state.

SB 511 directs the Office of Planning and Coordination within the Oklahoma Commission on Children and Youth to determine the availability and quality of existing services for homeless children and

youth. The measure also directs the office to make policy recommendations to the Legislature regarding the state's role in providing services for homeless children and youth.

SB 535 requires Department of Human Services to track the number of callers to the child abuse hotline who refuse to give basic personal information about themselves and increases, from 90 days to 12 months, the length of time the department is required to retain hotline recordings.

SB 762 stipulates that the requirement to provide a copy of a credit report to youth in the custody of DHS is for those youth 16 years of age and older.

SB 763 requires DHS, in conjunction with the State Regents, to provide information about the Oklahoma Higher Learning Access Program to parents and guardians of foster youth.

SB 853 increases the percentage, from five to ten, of DHS employees that can be assigned to the unclassified service. ■



Judiciary

In anticipation of the United States Supreme Court decision on same-sex marriage, the Legislature created legal protections for religious entities that choose to exercise their freedom of religion rights as provided under the First Amendment of the U.S. Constitution. Other measures give the Oklahoma judiciary more flexibility and autonomy over how court funds are spent.

- Presiding Judge of the Court of Civil Appeals (from \$109,731 to \$140,795)
- Judges of the Court of Civil Appeals (\$108,336 to \$138,235)
- Presiding Judge of the Court of Criminal Appeals (\$117,571 to \$151,034)
- Judges of the Court of the Criminal Appeals (\$113,571 to \$145,914)

funding for state, municipal and administrative judges to attend and participate in professional and education programs, schools or conferences for the purpose of improving the quality of the Oklahoma Judiciary. The council expects to provide an average of \$55,000 per year to fund these activities for judges.

SB 459 modifies the apportionment of civil court filing fees. Currently, \$2 is collected for each civil case filed and credited to the Council on Judicial Complaints Revolving Fund. The measure reduces the amount credited to the council to \$1.55 and credits \$0.45 to the State Judicial Revolving Fund to be used to reimburse district courts for expenses incurred for the use of interpreters and translators.

SB 456 authorizes a board of county commissioners to vote to assess a new civil case filing fee, up to \$10, for the purpose of improving courthouse security.

HB 1477 provides guidance on jury selection and administration for courts that are utilizing an approved electronic jury management system (JMS). The measure allows the electronic JMS to be used to select and summon jurors and for the general administration of the jury process. The measure also requires the Director of the Administrative Office of the Courts to develop a standard juror summons form and allows a court to provide electronic resources for persons summoned for jury duty to obtain information about their jury service.

*On June 26, 2015, the United States Supreme Court ruled 5-4 in **Obergefell v. Hodges**, that the Constitution guarantees a nationwide right to same-sex marriage. The ruling was linked to three other cases that also challenged the marriage bans in Ohio, Michigan, Kentucky and Tennessee, which were the only other states with bans that had been sustained by a federal appeals court.*

Prior to the ruling, same sex-marriage was allowed in 37 states by either legislative action, voter action or by federal courts that overturned state bans.

Judicial Administration

Lawmakers successfully overrode a veto on **SB 549**, which modifies the salaries of statewide elected officials by untying their salaries from judicial salaries.

A complementary measure, **SB 548**, increases the salaries of the following judicial officers, provided the raises are paid from existing available funds:

- Chief Justice of the Supreme Court (from \$117,571 to \$155,820)
- Associate Justices of the Supreme Court (from \$113,571 to \$145,914)

HB 2233 allows certain funds to be transferred to the Supreme Court Administrative Revolving Fund or the Interagency Reimbursement Fund for the purpose of funding duties imposed upon the Supreme Court, Court of Civil Appeals and district courts at the request of the Administrative Director of the Courts. Monies from the following funds may be utilized:

- Law Library Revolving Fund
- Supreme Court Revolving Fund
- State Judicial Revolving Fund
- Lengthy Trial Fund

SB 98 authorizes the Council on Judicial Complaints to provide

Civil Law and Procedure

HB 1007 provides civil immunity to any religious official that refuses to solemnize, recognize or provide services for a marriage that violates the official's religious beliefs. Religious-based services that may be refused include counseling programs, courses, retreats or workshops directly related to solemnizing, celebrating, strengthening or promoting marriage. The map below reflects states that have religious freedom laws.

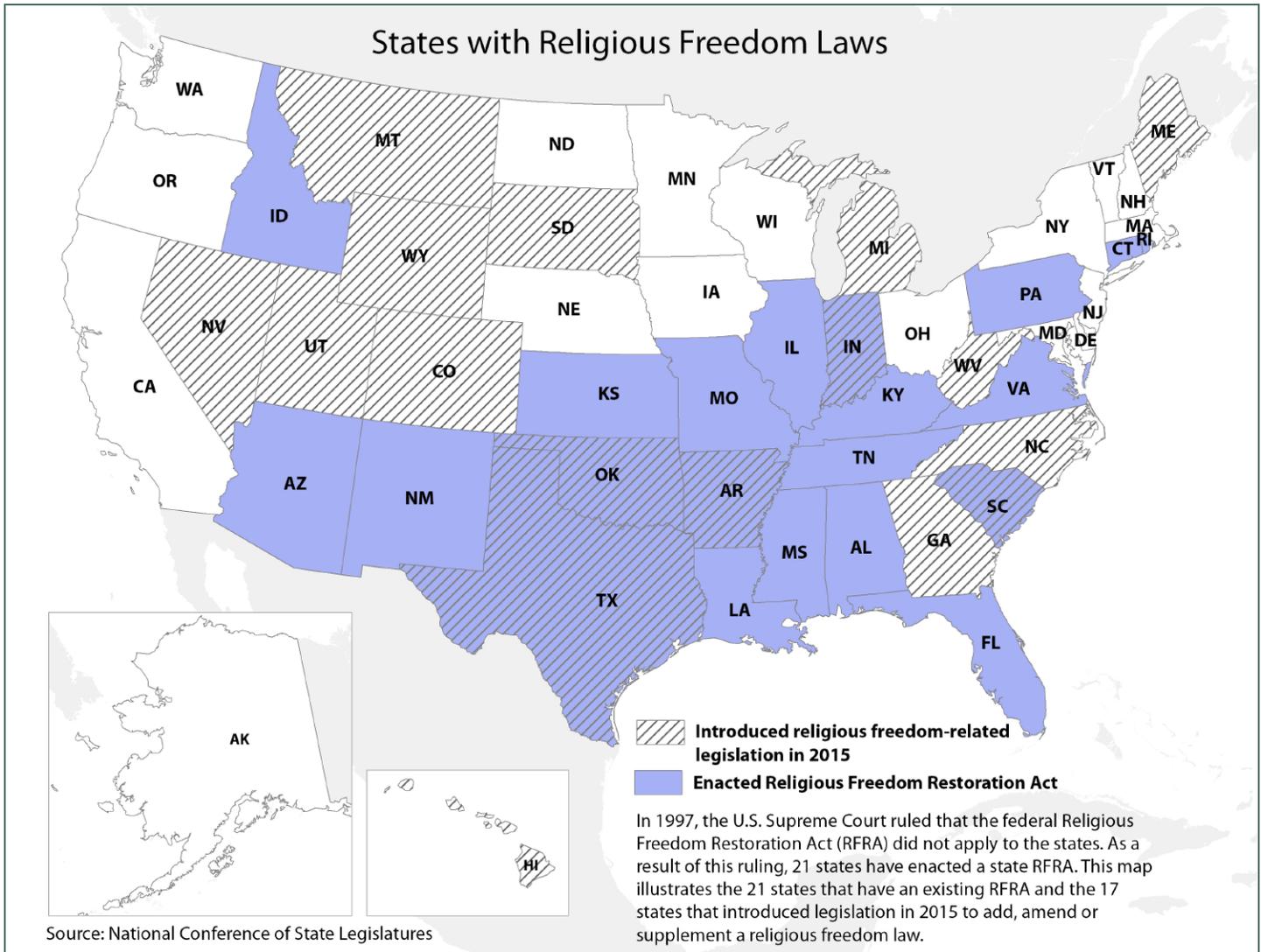
SB 725 prohibits persons convicted of abuse, neglect or exploitation of a vulnerable adult from receiving any interest in the estate of the victim of the offense.

SB 789 requires the actual amounts paid for medical services to treat an injured party in a personal injury

action to be admissible at trial rather than the amounts billed for such expenses. If there is a signed statement or sworn testimony from a medical provider stating that the provider accepts the amount paid as full payment for the medical services provided, then this evidence must also be admitted. If no payment has been made, the Medicare reimbursement rates in effect when the personal injury occurred will be the amount admissible in a personal injury action if a signed statement or sworn testimony from the medical provider stating that the provider will accept payment at the Medicare reimbursement rate is also admitted. Finally, if no bills have been paid or there is no statement from the medical provider, then the amount billed will be the amount admissible

at trial.

SB 109 clarifies the relationship between a court-appointed fiduciary and attorney-in-fact to determine who holds powers of attorney for a principal. The measure provides that an attorney-in-fact is accountable to the fiduciary as well as to the principal when charged with the management of properties owned by the principal. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if the principal were not disabled or incapacitated. Any actions of the attorney-in-fact will be binding on the principal or the principal's successors in interest unless a notice to revoke power of attorney is filed in each county where the durable power of attorney was recorded.



HB 1920 allows a discovery master to be appointed by the court or by motion of either party in a civil proceeding. The purpose of the discovery master is to perform duties related to discovery, consented to by the parties or address pre-trial and post-trial discovery matters to facilitate effective and timely resolution. The measure also requires the party answering a written interrogatory to restate the question asked prior to answering each question.

SB 774 provides that certain statutory provisions related to suspension of alienation, absolute power of alienation or the rule against perpetuities are not applicable to real property held in trust. A trust may exist in perpetuity if the terms of the trust do not suspend the absolute power of alienation of the trust property beyond the term permitted by current law.

HB 1681 requires the state or a political subdivision to be named as the defendant in any action alleging tort liability on the part of the defendant based on a provision of the Oklahoma Constitution or state law other than the Governmental Tort Claims Act. The measure prohibits the action from naming as a defendant an employee who is acting within the scope of employment. However, an employee may be named as a defendant under alternative allegations if the employee acted outside the scope of employment.

SB 745 provides an exemption to the nine-month time limitation for recording an affidavit and related documents by a beneficiary if the record owner's death occurred before November 1, 2011.

SB 111 increases the minimum threshold to request a jury trial to appeal the final judgment of

a municipal court from \$200 to \$500. The sentence imposed for the offense must have been a fine of more than \$500, plus costs, fees and assessments.

Workers' Compensation

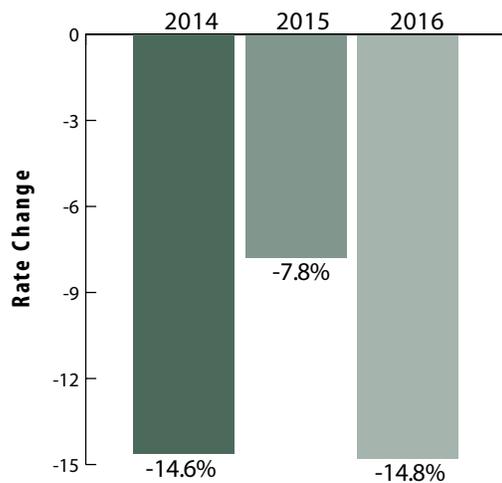
SB 767 allows medical records and opinions obtained during a workers' compensation fraud investigation to be admissible at a preliminary hearing without the appearance of the medical professionals who created the records or opinions. The measure also provides civil or criminal immunity to any person or entity that allows access to medical records or information that is relevant to suspected workers' compensation fraud or insurance fraud. The measure also:

- adds chiropractors to the list of treating physicians that may offer medical findings for a permanent partial disability;
- strikes language that prohibited compensation for any contagious or infectious disease contracted in connection with a hospital where the injured employee was cared for or treated;
- requires information submitted to the Insurance Commissioner as part of an application to become a qualified employer to be kept confidential and provides exceptions; and
- allows the Workers' Compensation Commission to appoint an administrative law judge (ALJ) to hear an appeal of an adverse benefit determination as a trial de novo.

Any party aggrieved by the judgment, decision or award made by the ALJ may appeal the decision to the commission within 10 days of issuance. The commission may reverse or modify a decision only if they determine that the decision is against the clear weight of evidence or contrary to law. The judgment, decision or award of the commission is final unless an appeal is made to the Supreme Court within 20 days. ■

Workers' compensation rates in Oklahoma are expected to drop in 2016 by 14.8 percent according to the National Council on Compensation Insurance (NCCI), as shown in the graph below. Since the enactment of comprehensive workers' compensation reforms in 2013, the Oklahoma Insurance Department has reported rate decreases for three straight years totaling a cumulative 37.2 percent. NCCI credits Oklahoma's premium level decrease to declines in market experience and market trends, as well as the recent legal reforms.

Workers' Compensation Rate Trends*



*Rate decreases go into effect on January 1 and are determined by the overall loss cost figures from the previous calendar year.

Source: Oklahoma Insurance Department



Public Safety

Improving consumer services and increasing safety for the motoring public was a major focus of the Legislature this session.

After years of attempts, Oklahoma joined the ranks of 44 other states to ban texting while driving. **HB 1965** prohibits a person from operating a motor vehicle while texting, emailing or using instant messaging while the vehicle is in motion. The measure establishes a fine of \$100 for those ticketed for texting. The measure provides that the prohibition on the use of a device does not apply if the person is communicating with an emergency response operator, hospital or physician's office, an ambulance service, firefighting service or a law enforcement agency. Municipalities are allowed to adopt ordinances and enforce texting bans with the same penalties as created in the measure.

SB 183 modifies the definition *serious traffic offense* to include violations for operating a commercial vehicle while using a hand-held mobile telephone, as used by the Department of Public Safety, to disqualify a person from operating a commercial motor vehicle. The measure clarifies that it is not an offense if the person is communicating with law enforcement officials or other emergency services. The measure also increases the disqualification period for a first conviction for violating an out-of-service order from 90 days to 180 days. The disqualification period for a second conviction within 10 years of a previous conviction is increased from one year to two years.

Oklahoma improved efficiency by requiring greater online access to driver license and Self Defense Act applications. **SB 34** directs the Department of Public Safety to develop an alternate online procedure for a person applying for a renewal or replacement Class D license or identification card.

Two measures were designed to make it easier to obtain a handgun carry license. **HB 1396** requires persons paying application fees for a Self Defense Act permit to the Oklahoma State Bureau of Investigation by means of a credit card or by electronic funds transfer to complete and submit their application for the permit through the online application process. **HB 1391** modifies the Oklahoma Self Defense Act to allow applicants for a handgun carry license to complete firearms safety and training courses online.

Another handgun measure, **SB 164**, modifies the prohibitions on the ability to apply for a handgun carry license. The bill provides that a person who had a misdemeanor conviction related to illegal drug use or possession may apply for a handgun carry license when 10 years has passed since the date of completion of the sentence for the conviction.

HB 1460 provides that the Legislature pre-empts the entire field of legislation relating to knives and that no municipality or political subdivision may enact any ordinance or regulation regarding knives. The measure allows public or private schools to create policies regulating

the possession of knives on school property or in a vehicle used by the school for transportation. A related measure, **HB 1911**, removes switchblade knives and knives having a blade that opens automatically by hand pressure applied to a button, spring or other device from the list of weapons that are unlawful to carry.

SB 56 deletes the requirement that an applicant for a handgun license provide their Social Security number.

SB 64 allows the Council on Law Enforcement Education and Training (CLEET) to subpoena records from a licensed mental health professional to conduct background checks on applicants for certification as a peace officer. The measure also clarifies that any medical or other confidential records obtained by subpoena are not to be included in any report submitted by CLEET.

HB 1494 extends the Board of Tests for Alcohol and Drug Influence to 2022. The measure adds the dean of the Oklahoma State University College of Osteopathic Medicine to the board and directs that the chair and vice-chair be elected every two years. The board is directed to promulgate uniform standards and rules approving devices and equipment for determining the presence of alcohol or other intoxicating substances.

HB 1806 allows for the issuance of a search warrant for the collection of blood, breath, saliva or urine to determine alcohol concentration of

a person who is under arrest and refuses to submit to testing.

Drug Control

HB 1616 requires the State Medical Examiner to report all deaths related to the abuse of a controlled substance to the Board of Medical Licensure and Supervision and to the State Board of Osteopathic Examiners and modifies the definition of certain chemical compounds. The bill allows group homes and residential care homes to submit out-of-date or leftover prescription drugs to registered retail pharmacies, hospitals or clinics with on-site pharmacies for destruction. Finally, in an attempt to further reduce “doctor shopping,” the measure establishes that it is a crime for a patient to knowingly fail to disclose the receipt of a controlled dangerous substance from another practitioner within the previous 30 days.

SB 178 makes the punishments given to persons under 21 years of age for consuming or attempting to purchase any low-point beer also applicable to the possession, sale or consumption of alcohol.

Law Enforcement Administration

Numerous measures were enacted to address administrative functions within various law enforcement agencies.

SB 11 authorizes the Oklahoma State Bureau of Investigation (OSBI) to enter into local cooperative agreements with law enforcement agencies for the purpose of appointing affiliate task force agents to assist the bureau in the investigation of major crimes under its jurisdiction.

SB 47 modifies the distribution of officers within the Size and Weight Enforcement Section of the Department of Public Safety and provides that the salaries for employees of this section are to be established by the commissioner based on the Oklahoma Total Remuneration Study of 2013.



An inspection opening is made in the Capitol's architrave to determine the cause of cracking.

SB 90 allows agencies that are authorized to conduct national criminal history background checks to participate in the Federal Rap Back Program administered by the OSBI. The program enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals holding positions of trust. The measure will allow law enforcement agencies, probation and parole offices, and other criminal justice entities to improve their effectiveness by being advised of subsequent criminal activity of persons under investigation or supervision. The OSBI is authorized to collect all program fees from eligible agencies wishing to participate and remit the fees to the Federal Bureau of Investigation to cover the cost of the program.

SB 131 provides that the State Fire Marshal's office is to serve as a code variance and appeals board for trades and industries regulated by the office when those trades and industries do not have statutorily created code variance and appeals boards.

SB 132 removes the pay band schedule for the OSBI from statute and provides that the salaries for the agency are to be established and conform with the State of Oklahoma Total Remuneration Study of 2013.

SB 134 allows officers with the Department of Public Safety to purchase their duty weapons upon retirement at the price the department paid at the time of purchase.

SB 135 is an omnibus bill for the Council on Law Enforcement Education and Training (CLEET). The measure:

- provides that a certified copy of the information or indictment charging a crime is to be considered clear and convincing evidence of the charge and can be used to suspend the certification of a peace officer;
- requires an employing entity to determine if the applicant for a peace officer position has criminal charges pending in any court;
- requires CLEET to revoke the certification of any person who has entered into an “Alford” plea or any other plea other than a not guilty plea;
- prohibits employees of CLEET from being involved in the training or testing of canine teams;
- prohibits CLEET from being a party to any court action based on a law enforcement agency seeking reimbursement for providing training to a person who resigns and is hired by another law enforcement agency;
- specifies that all CLEET records of bail enforcers be released only in compliance with the Oklahoma Bail Enforcement and Licensing Act;
- specifies that all records in CLEET possession concerning other persons or entities be released only in compliance with the Oklahoma Open Records Act; and
- requires any person who applies

SB 331 directs that the license fees for an intercity or intracity motor bus are to be paid to the Oklahoma Tax Commission unless the intercity motor bus is registered pursuant to the International Registration Plan, in which case the license fee will remain with the Corporation Commission.

SB 339 stipulates that a transfer of the ownership of a vehicle to an insurer resulting from the settlement of a total loss claim does not require a notarized signature on the certificate of title.

SB 322 authorizes the Department of Transportation and the Turnpike Authority to post a temporary reduced speed limit using a changeable message sign, or other appropriate sign, for maintenance operations or when hazardous highway conditions exist.

SB 451 clarifies that a retail implement dealer selling off-road vehicles is to provide the assigned certificate of title to the purchaser upon delivery of the off-road vehicle.

SB 592 moves all licenses issued by the Oklahoma Used Motor Vehicle and Parts Commission from a one-year to a two-year term and deletes the maximum amount of the fine that can be assessed against a person installing a mobile or manufactured home in violation of Used Motor Vehicle and Parts Dealers statutes.

SB 465 establishes a \$100 penalty per day for each additional day beyond seven business days that a lienholder fails to mail a notice of lien release to the Oklahoma Tax Commission

and debtor after receiving written communication from the debtor demanding the release of the lien. Any penalty accrued would be credited to the debtor and capped at \$1,500 or the value of the vehicle, whichever is less.

Alcoholic Beverages

SB 420 creates the Small Farm Winery license to allow small local wineries to manufacture and sell wines produced by the winery. In order to obtain the \$1 license from the Alcoholic Beverage Laws Enforcement Commission (ABLE), the winery must produce no more than 10,000 gallons of wine each year utilizing 75 percent or more of Oklahoma-grown grapes, berries, honey, vegetables or other fruits.

SB 425 allows a mixed beverage licensee hosting live performance art presentations to utilize the services of a licensed caterer for its alcoholic beverage service as long as it is not open to the public more than 120 days per year. A licensed caterer is authorized to sell mixed beverages for on-premises consumption at temporary private functions and at temporary public events approved by ABLE. The measure requires an applicant for an annual public event license who does not already hold a license issued by ABLE to make application at least 60 days prior to its first event.

SB 690 outlines the conditions that allow a brewer to terminate a distribution sales agreement with a nonresident seller. The measure requires a brewer not licensed

in Oklahoma selling beer to a nonresident seller to have a written distribution sales agreement with the nonresident seller.

HB 1037 updates the public release process of recordings from law enforcement cameras. Body camera recordings are required to be made available to the public in a manner similar to dash cameras and the measure clarifies that audio-only recordings are included. Under certain conditions, law enforcement may redact or obscure portions of the recording before making them available to the public, including depictions of:

- death, severe violence or great bodily injury (unless caused or effected by an officer);
- nudity;
- a minor;
- personal medical information or personal identifying information;
- identity of an alleged victim of a sex crime or domestic violence;
- anything that violates certain privileges protected in statute;
- anything that would compromise an ongoing criminal investigation or prosecution; or
- anything revealing the identity of a law enforcement officer subject to internal investigation as a result of an event in the recording, but only until the investigation is concluded.

Finally, the measure exempts state licensure examinations, including test forms and answers, from the Oklahoma Open Records Act. ■



Revenue & Taxation

To address a budget shortfall that exceeded \$600 million, the Legislature authorized a short-term tax amnesty to encourage delinquent taxpayers to pay any overdue tax bills without penalty and approved of other measures to strengthen tax collections. Lawmakers also continued to focus their efforts on ensuring that business tax incentives are accountable to taxpayers by enacting measures that would mandate the evaluation of all tax incentives to determine their effectiveness. Additionally, the Legislature scaled back the incentives provided to the wind power industry, which had been the subject of much debate in previous sessions.

Credits and Incentives

HB 2182 establishes the Incentive Evaluation Act by creating the Incentive Evaluation Committee which is tasked with developing evaluation criteria for each state incentive and a schedule for evaluating the incentives. The measure further creates the Incentive Approval Committee as a subcommittee of the Incentive Evaluation Committee. The committee may contract with a private company, nonprofit or academic institution to assist with evaluating each incentive at the expense of the Office of Management and Enterprise Services.

The bill also establishes several deadlines for the committee to conduct their evaluations beginning in 2016. By January 1, the committee must develop a four-year schedule for evaluating incentives and present

the schedule to the Governor and Legislature. By November 1, the committee or its chosen contractor is required to begin evaluation of the incentives scheduled for review in consultation with the Research and Economic Analysis Services division of the Oklahoma Department of Commerce. The evaluation must include:

- an estimate of the economic and fiscal impact of the incentive;
- an assessment of whether adequate protections are in place to ensure the fiscal impact does not increase substantially beyond the state's expectation in future years;
- an assessment of whether the incentive is being administered effectively;
- an assessment of whether the incentive is achieving its goals;
- recommendations for how the state can effectively achieve the incentive goals, with recommendations on whether to retain, amend or repeal the incentive; and
- recommendations for any changes to state policy, rules or statutes to allow incentives to be better evaluated in the future.

The measure requires the committee to hold at least one public meeting between November 1 and November 20 to vote to approve or disapprove an evaluated incentive and allow for public comment.

By December 15, the committee is

required to provide a report on the results of each incentive evaluated to the Governor and Legislature and publish on documents.ok.gov.

SB 806 requires all economic incentive provisions enacted after January 1, 2016, to include a statement of measurable goals.

SB 502 prohibits companies engaged in wind power production from claiming the investment/new jobs tax credit.

SB 498 ends a property tax exemption for wind power developers that have assets placed in commercial operation after January 1, 2017. Currently, the five-year exemption allows wind developers to avoid paying property taxes for the first five years that a wind farm is in operation and accounts for over half of the total exemptions claimed by all eligible manufacturers. Please note, **SB 85** modified the effective date of enrolled SB 498 from January 1, 2016, to January 1, 2017.

SB 71 modifies the definition of *basic industry*, as it relates to the Oklahoma Quality Jobs Program Act, to include agricultural activities relating to chicken egg production.

HB 1693 modifies the Oklahoma Equal Opportunity Education Scholarship Act, which provides a tax credit for contributions to a scholarship granting organization. Currently, the credit is 75 percent of the amount contributed if the taxpayer makes a written commitment to contribute the same amount for two consecutive years. Instead, the bill allows those

who make contributions during two independent tax years to be eligible to receive the 75 percent credit.

The measure also modifies several definitions to include early childhood schools, including those with special educational programs for 3-year-olds, as a qualified school under the program. The definition of *eligible special needs student* is amended to include a child who has been provided services through the SoonerStart program and those who have a significant disability that will affect their learning as determined by the board of a scholarship granting organization. Finally, the measure allows scholarships granted to an eligible student to cover the education costs of a qualified school that does not charge tuition, but enrolls special needs students. The scholarship amount is up to \$5,000 or 80 percent of the statewide average annual per-pupil expenditure, whichever is greater.

Tax Administration

HB 2236 allows the Oklahoma Tax Commission (OTC) to offer a tax amnesty to delinquent taxpayers for a period beginning September 14, 2015, to November 13, 2015. Any taxpayer that participates during this period is entitled to a waiver of penalty, interest and other collection fees or costs due on eligible taxes if the taxpayer voluntarily files delinquent tax returns and pays the taxes due during the compliance initiative period. The voluntary compliance initiative is expected to bring in \$35 million in revenue and would include: gasoline and diesel taxes, gross production and petroleum excise taxes, corporate income tax, bank “in lieu” taxes, individual income tax, withholding taxes, sales and use taxes and mixed beverage taxes.

HB 2235 requires the OTC to contract with a service provider to authenticate income tax returns and

identify fraudulent refund claims. The commission is authorized to spend agency funds to acquire the necessary technology and services and would be exempt from adhering to the competitive bidding procedures. As a result of these efforts, the commission anticipates that the identification of potentially fraudulent income tax refund claims will result in increased income tax collections of \$9.5 million.

SB 463 allows for aggregate filing and remittance of taxes and fees for any business that meets the following criteria:

- is domiciled in Oklahoma or has a nexus in Oklahoma that requires the remittance of Oklahoma corporate income tax, franchise tax and the Secretary of State’s registered agent fee;

- owns or uses part or all of its capital in Oklahoma;

- has property in Oklahoma with an aggregate value of at least \$50,000;

- has at least \$50,000 in payroll in Oklahoma during the calendar year;

- has at least \$500 million in sales in Oklahoma during the calendar year; or

- has at least 25 percent of total property, payroll or sales in Oklahoma during the calendar year.

The aggregate filing and remittance forms will be developed by the OTC and may be submitted in lieu of the individual returns, applications and annual filings required by the Oklahoma Income Tax Act, Oklahoma Franchise Tax Act and the Oklahoma General Corporation Act.

SB 499 creates the Facilitating Business Rapid Response to State Declared Disasters Act of 2015. The measure provides that out-of-state businesses that come to Oklahoma to perform work or services in response to a declared state disaster or emergency in Oklahoma are not considered to have established a level of presence that would require the business to register, file or remit state or local taxes. In addition, employees of the



The State Capitol, finished in 1917, has never had a complete restoration in its 98-year history.

out-of-state business would be exempt from any state licensing or registration requirements or filing and remitting Oklahoma personal income tax for work accrued during the disaster response period. However, fuel, sales, hotel and car rental taxes will not be exempt.

SB 214 deletes from law provisions relating to the designation, qualifications and duties of a director for the Ad Valorem Division of the OTC. The measure also modifies the powers of the division by removing its ability to adopt regulations on the procedures and standards used by county assessors to appraise real property. Instead, the division may recommend rules to the commission on the matter of uniform procedures and standards for appraising real property.

HB 1825 relates to the ability of a qualifying entity to intercept a taxpayer's income tax refund to repay the entity for services incurred by the taxpayer. A qualified entity includes a state agency, municipal court, district court, public housing authority or district attorney seeking to collect unpaid court-ordered obligations.

SB 338 allows the OTC to release information to the Oklahoma Health Care Authority for the purpose of identifying current or potential participants of the Oklahoma Medicaid program.

SB 248 deletes from the tax code a provision that allows the exchange of damaged cigarette stamps through the OTC. The measure also clarifies the procedure under which a wholesaler may request a credit for stamps affixed to cigarettes that have either been returned to the manufacturer or unsold and destroyed in the presence of an employee of the OTC.

SB 247 deletes obsolete language related to adjustments to an Oklahoma income tax return because of the recapture or restoration of credits under the Internal Revenue Code.

SB 575 reauthorizes an income tax check-off for the benefit of

the Oklahoma YMCA Youth and Government program. The measure also provides that all income tax check-offs provided for in state statute will expire four years after enactment unless reauthorized by the Legislature.

SB 474 requires every state individual income tax return to include a provision to allow a taxpayer to donate part of their tax refund to an Oklahoma 529 College Savings Plan beginning tax year 2016. The measure also requires the OTC to disclose information to the Oklahoma State Treasurer to allow for donations to be made to a 529 College Savings Plan.

Tax Apportionment

HB 2243 caps the apportionment of sales and use tax revenue to the Oklahoma Tourism Promotion Revolving Fund and the Oklahoma Tourism Capital Improvement Revolving Fund at \$5 million and \$9 million, respectively. Beginning FY 2016, any excess will be credited to the General Revenue Fund.

The measure also caps the following funds at FY 2015 amounts:

- Oklahoma Historical Society

Capital Improvement and Operations Revolving Fund;

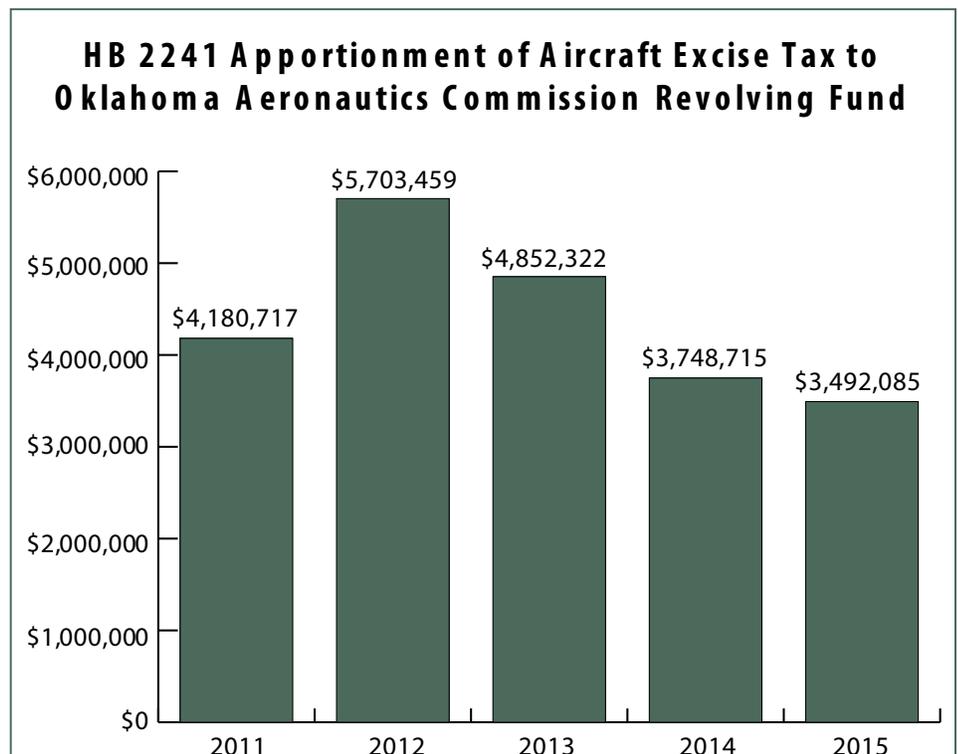
- Oklahoma Tourism Promotion Revolving Fund; and

- Oklahoma Tourism Capital Improvement Revolving Fund.

HB 2241 modifies the distribution of revenue derived from the collection of aircraft excise tax. Beginning FY 2016, the first \$4.5 million of revenue will be credited to the Oklahoma Aeronautics Commission Revolving Fund and the remainder will be credited to the General Revenue Fund. Currently, 100 percent of revenue goes directly to the Oklahoma Aeronautics Commission Revolving Fund. The graph below reflects the distribution of aircraft excise tax to the state aeronautics commission over the last five years.

Ad Valorem Tax

SB 387 modifies how payroll is determined for the purpose of establishing eligibility for the five-year ad valorem exemption for qualifying manufacturers. The measure creates the following terms and makes them applicable to all initial applications for the exemption on or after January 1, 2016:





Members of the historic preservation team investigate conditions around the Capitol's main entrance.

- base payroll is defined as total payroll adjusted for any nonrecurring bonuses, exercise of stock options or stock rights and other nonrecurring, extraordinary items included in total payroll; and

- initial payroll is defined as base payroll for the year immediately preceding the initial construction, acquisition or expansion.

For the purpose of determining payroll, the measure allows the manufacturing facility to exclude any nonrecurring bonuses, exercise of stock options or stock rights or other nonrecurring, extraordinary items included in the total payroll numbers reported to the Oklahoma Employment Security Commission. Beginning January 1, 2016, applications for the exemption may only be granted if there is a net increase in annualized base payroll over the initial payroll in the amounts currently required by law.

The measure also allows any applicant engaged in petroleum refining that has previously applied for or been granted the exemption during calendar year 2012 to 2016, but was subsequently deemed ineligible for the exemption because of nonrecurring bonuses, exercise of stock options or stock rights or other nonrecurring extraordinary items being included in the total payroll figure, to be allowed to receive the exemption beginning calendar year 2016 for the remaining

number of years in the entity's five-year exemption period.

HB 1962 modifies the definition of *personal property*, as it relates to ad valorem taxation, to include all goods, wares and merchandise including oil, gas and petroleum products that have been severed from the ground or are currently in storage.

SB 335 requires the Oklahoma Tax Commission to provide county assessors with information relating to property owned by a pipeline company to allow the assessor to audit the information and ensure that any corresponding tax revenue from these properties are attributed to the correct city, school district and county.

HB 1963 prohibits the amount of taxes payable or the value upon which taxes are assessed to be increased as a result of a final judgment in any tax appeal. Additionally, the amount of taxes payable cannot exceed the amount based on the value originally submitted by the assessor to the county board of equalization if an appeal is timely filed by either a taxpayer or a county assessor.

HB 1743 clarifies the proper role of the parties named in any litigation appealing a determination made by the county board of equalization on the matter of ad valorem taxation. When an appeal is brought by a taxpayer, the county assessor is the proper party defendant and vice versa. In no case

will the members of the county board of equalization be named as a party in such litigation.

HB 1407 requires a county assessor to provide written notice of intent to decrease the assessment ratio used to compute taxable value of real or personal property at least 90 days before the decrease takes effect. The notice must be sent by certified mail to the affected local governments. The measure also requires the assessor to publish notice in a newspaper at least one time for three consecutive weeks. Finally, the assessor must hold at least three public meetings, at least 30 days prior to the effective date of a scheduled decrease, to answer questions about the proposed decrease and its effect on the budgets of any affected ad valorem taxing jurisdictions.

HB 2131 repeals the Business Activity Tax Code, which is no longer in effect as of December 31, 2012, through the passage of State Question 766. The business activity tax was originally enacted as a temporary solution to address the Oklahoma Supreme Court's 2009 ruling that all intangible personal property was subject to ad valorem taxation unless explicitly exempt under the state constitution.

Sales Tax

HB 1400 requires every sales tax levy submitted to county voters for approval after January 1, 2016, to embrace a single subject that is clearly expressed on the ballot. *One subject* is defined as a ballot with only one sales tax levy for the specified purpose but may include multiple projects for that purpose.

SB 336 provides a sales tax exemption on admission tickets to, or donated auction items sold at, a fundraising event that does not exceed five consecutive days and is sponsored by a qualified nonprofit organization.

SB 574 exempts from charity games tax and sales tax any charity game equipment sold to a charitable health care organization. ■



Transportation

SB 638 changes certain vehicle weight limit calculations from a schedule to a formula, requiring the total gross weight to be calculated using the Federal Bridge Formula. The measure provides for an annual special overload permit, which may be purchased for \$350 for vehicles transporting certain materials under certain conditions.

HB 1113 requires the driver of a vehicle to yield the right-of-way to a Department of Transportation or Turnpike Authority maintenance vehicle.

SB 656 modifies the authorized use of revenues from the Emergency and Transportation Revolving Fund by directing that up to 50 percent of the funds can be used by counties to borrow money for the purchase of natural gas vehicles. The Statewide Circuit Engineering Board is to establish a loan process.

SB 852 directs that employees of the Oklahoma Department of Transportation (ODOT) be in classified service and subject to the merit system. The measure provides exceptions, authorizing the ODOT to place any employee initially employed in the following positions, after July 1, 2015, in the unclassified service:

- five executive assistant positions, assigned to an assistant director;
- five project manager positions;
- five transportation coordinator positions; and
- five administration coordinator positions.

HB 1568 modifies definitions used in the Oklahoma Electronic Toll Collection Act to provide for a video toll collection system. A video toll collection system is defined as a photo-monitoring system used to charge and collect tolls from owners of vehicles imaged using the turnpike system. The measure prohibits the Oklahoma Turnpike Authority from making available the names and addresses of video toll collection system account holders without their consent.

SB 165 modifies the Highway Advertising Control Act of 1968 by changing the definition of *unzoned commercial or industrial areas*. The measure also states that the spacing of signs must not violate federal spacing regulations.

SB 147 allows funds from the Patriot License Plate Revolving Fund to be spent to produce documents, videos and books that show the Oklahoma National Guard's history.

SB 144 creates the Oklahoma Educational Television Authority and the Remembering Fallen Heroes specialty license plates and directs fees be directed to certain funds. The measure also reauthorizes the Chiefs of Police, the Lupus Awareness and Education and the Star Spencer High School license plates. Finally, the bill directs that the Firefighter Association license plate be designed in consultation with the Oklahoma Firefighters Association and adds the Oklahoma Firefighters Museum to the list of fee beneficiaries.

HB 1269 creates the following special license plates:

- Childhood Cancer Awareness License Plate
- 911 Dispatcher License Plate
- Oklahoma Sports Hall of Fame License Plate

The measure also modifies the Ducks Unlimited License plates to allow any person wishing to demonstrate support for Ducks Unlimited to purchase these plates that were previously only available to official members of Ducks Unlimited. Finally, the bill reauthorizes the Oklahoma Original Flag license plate.

Two measures, **HB 1354** and **SB 42**, created the following highway and bridge memorial designations:

- Fire Chief Nolan Schmidt Memorial Highway
- Weatherford Veterans Memorial Drive
- President George H.W. Bush Highway
- President George W. Bush Highway
- 49 Waiters Club Memorial Bridge
- SSG Travis Tompkins Memorial Highway
- SPC Charles Jirtle Memorial Highway
- 1st Lt. Brandon Landrum Memorial Highway

- PFC Ernest Ray Taylor Memorial Bridge
- PFC Jon Ross Townsend Memorial Highway
- SSG James "Bevo" Olivo Memorial Bridge
- Bill Milroy Memorial Bridge
- Trooper Nicholas Dees Memorial Highway
- Cpl. Mickey R. Alexander Memorial Bridge
- Ret. Army MSGT Woodrow T. Cox – WWII POW – Memorial Highway
- Representative W.D. "Bill" Bradley Memorial Highway
- Sgt. Daniel M. Eshbaugh

Memorial Highway

- Command Sergeant Major Benny G. Adkins Highway
- Captain George Green Memorial Highway

Additionally, **SB 42** provides an exemption for Medal of Honor recipients, both living and deceased, from the requirements for consideration of designation proposals.

SB 322 authorizes the ODOT and the OTA to post a temporary reduced speed limit using a changeable message sign or other appropriate sign during maintenance operations or when hazardous highway conditions exist.

The measure also implements a gross vehicle weight limit of 90,000 pounds for vehicles traveling on interstate highways, with an exemption to those vehicles that have received a special overweight permit issued by the commissioner of public safety.

SB 841 requires the ODOT to spend up to \$5 million for the construction and maintenance of industrial and lake access roads. The measure also requires the director of the Office of Management and Enterprise Services to transfer \$1.9 million from the State Highway Construction and Maintenance Fund to the Public Transit Revolving Fund of the State Treasury. ■



The Capitol's interior construction team reviews a 3-D model of the building.



Veterans & Military Affairs

The Legislature continued to ensure that Oklahoma's veterans receive the services they have earned. Notable measures this year include a new preference program for veteran-owned businesses and a housing grant program to assist disabled veterans.

HB 1353 creates the Disabled Veteran Business Enterprise Act. In awarding contracts for any job or service, a state agency or department must grant a bonus of 3 points to a business owned or controlled by service-disabled veterans. The measure also sets a goal of 3 percent of all such contracts to be awarded to service-disabled veterans and their businesses.

HB 1040 changes Oklahoma's Purple Heart Week, formerly the last week of May, to Purple Heart Day, on August 7. This moves Oklahoma in line with national Purple Heart Day recognition.

SB 366 creates the Oklahoma Veteran Housing Program. The Oklahoma Department of Veterans Affairs is directed to develop a housing grant to assist with costs of homes specifically designed for disabled veterans, if the United States Department of



A beautifully carved eagle is perched atop one of the Capitol's columns.

Veterans Affairs' Specially Adapted Housing program does not cover the full cost.

SB 195 allows private employers to institute a voluntary veterans preference program, as long as the policy is in writing and applied uniformly. An employer may require the veteran's DD 214 for proof of eligibility and the Department of Veterans Affairs is to assist in determining whether applicants are veterans.

SB 206 restricts the Oklahoma

National Guard Relief Program from providing morale, welfare and recreation support, only allowing financial support.

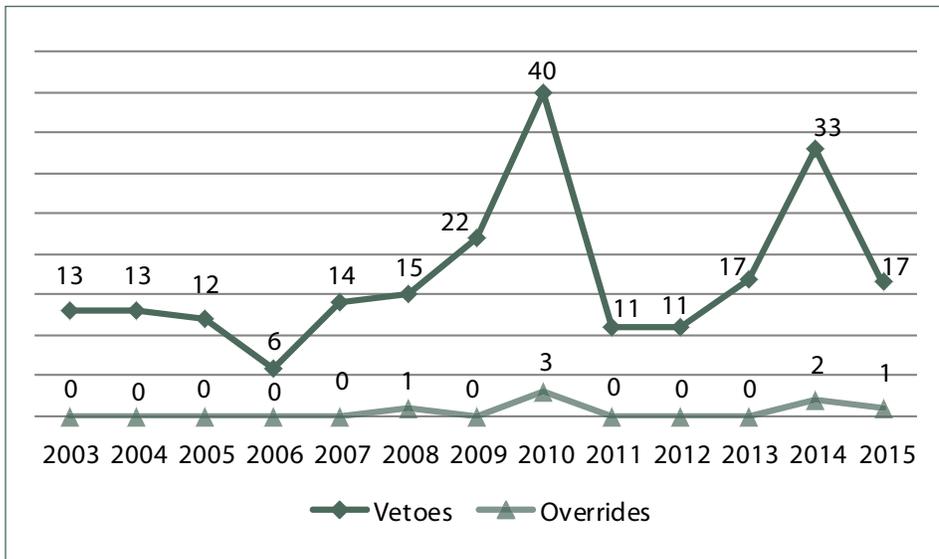
SB 223 clarifies the Adjutant General's spending authority, from facility improvements, repairs, alterations and maintenance, to sustainment, restoration and modernization.

SB 207 repeals obsolete provisions related to the Oklahoma Soldiers' Memorial Hospital and the Union Soldiers' Home. ■



Appendix I

Summary of Vetoes



HB 1046 would have required a court to equally apply the same percentage of reduction to any court-ordered monetary obligation owed by a defendant when a court reduces any amount of restitution, fines, and other costs ordered paid by the defendant.

Governor’s Veto Message:

“... I cannot allow for artificial and inflexible constraints to tie the hands of judges, especially where the end result could be less equitable.”

HB 1149 relates to probate of wills that contain an *in terrorem* clause, which restricts or prohibits the contest of a will. The measure would have required the courts to strictly apply the *in terrorem* clause if the party contesting does not prevail and would have barred the contesting party from asserting that the action was brought in good faith or with probable cause.

Governor’s Veto Message:

“This Bill would create a strong disincentive for beneficiaries to contest wills, even when they had good reason to believe their loved ones had been inappropriately coerced to distribute the property as established in the will.”

HB 1748 would have required state agencies to report the amount of federal funds received and to rank the funds according to the agency’s reliance on them.

Governor’s Veto Message:

“... [T]his Bill will likely cause agencies to re-direct staff from essential duties or even to hire additional staff in order to meet these new and onerous reporting obligations ... [a]nd ... this important information is already publically available ...”

HB 1890 would have directed the

Uniform Building Code Commission to establish a code academy which would instruct individuals seeking to become qualified building inspectors. The measure also authorized the commission to provide continuing education to qualified construction industry professionals.

Governor’s Veto Message:

“... [N]umerous public and private entities – including, for example, career technology centers and Oklahoma State University – already provide this kind of continuing education...I cannot support this measure, which seemingly serves to grow State government without any urgent or compelling justification.”

HB 1964 would have allowed court-appointed receivers to be dismissed for any reason, subject to discipline under the Oklahoma Rules of Professional Conduct and held liable for actual or punitive damages for any acts that constitute willful misconduct or gross negligence while serving as a receiver.

Governor’s Veto Message:

“Receivers are appointed by the judiciary to safeguard and manage property when that property is currently or is likely to become the subject of dispute...This Bill...seeks to hold receivers responsible for any harm they might cause to the property they are entrusted with.”

SB 41 was passed by the Legislature after a festival utilizing public property attempted to prohibit the carrying



as 13, as well as for those charged with accessory to youthful offender crimes.

Governor's Veto Message:

"... [T]he state would seem to be treating juvenile accessories considerably harsher than their adult counterparts... SB 410 would dramatically increase the offenses punishable under the Youthful Offender Act, and have the likely effect of imprisoning more youth than ever before."

SB 453 would have required the Department of Public Safety to consider a vehicle that can be repossessed the same as a stolen vehicle, if the person last known to be in possession of the vehicle fails, refuses or neglects to return the vehicle to the owner or lienholder in violation of any lawful court order.

Governor's Veto Message:

"This Bill would result in state and local police officers routinely acting as repossession agents on behalf of independent car dealers. The repossession of a vehicle is strictly a civil matter, unrelated to public safety, and state and local police officers should not participate in that process."

SB 479 would have required state agency directors to disclose the federal and/or state authority for any part of the agency operations as requested via resolution authored by a member of the Legislature.

Governor's Veto Message:

"... [T]his Bill is unnecessary because it merely restates what is already a clear and inviolable tenet of constitutional law: namely, agencies have only those powers that have been delegated to them by the Oklahoma Constitution and Statute."

SB 563 would have modified the definition of *public utility* to include tribally owned or operated utility.

Governor's Veto Message:

"... [I]f tribal businesses are to have the same opportunities as other

of firearms during the festival. The measure would have prevented a property owner, tenant, employer, place of worship or business entity from prohibiting a person licensed to carrying a firearm on property if that property is designated by a governmental authority as a park, recreational area or fairgrounds.

Governor's Veto Message:

"Our constitution clearly prohibits the Legislature from passing legislation that would 'take away (a) cause of action, or destroy any existing defense' to a suit that has already commenced ... any approval of it at this time is likely unconstitutional."

SB 141 would have lowered the cost of motor vehicle reports issued for commercial driver licenses, and require the Department of Public Safety to establish a bulk rate discount for all types of reports distributed by the department.

Governor's Veto Message:

"This Bill was not part of and, if approved, would violate the budget agreements arrived at by the Legislature and signed into law by me."

SB 346 would have created the Governor's Transparency Act of 2015, which would have required that any agency that enters into a memorandum of understating (MOU)

with another agency publish a report on its website and documents.ok.gov.

Governor's Veto Message:

"Consistent with my continued support of government transparency, I encourage all state agencies ... to post all significant MOU's on their websites and to make them available to the public upon request, but I will not impose cumbersome reporting mandates. Such a requirement is not consistent with the principles of efficient and better government."

SB 352 would have authorized certain public trusts and agencies to provide local bid preferences of not more than 5 percent of the bid price if the governing body determines there is an economic benefit to the local area.

Governor's Veto Message:

"... the Bill fails to define what makes a bidder or contractor 'local', how 'economic benefit' should be substantiated and quantified, and what minimum amount of 'economic benefit', if any, would be needed to qualify a potential bidder for the preference. As good fiscal stewards of our citizens' tax monies, we should not enact ambiguous laws governing the award of public contracts."

SB 410 would have allowed prosecution under the Youthful Offender Act for those as young

businesses, it is only just that they also have equal responsibilities and assume similar potential liabilities as their private counterparts. Without such parity, nontribal businesses would be at a distinct disadvantage relative to tribal businesses.”

SB 591 would have prohibited anyone from acting as a plumber’s apprentice, electrical apprentice or mechanical apprentice without being properly registered. The measure also would have prohibited employment of any person as a plumber’s, electrical or mechanical apprentice unless they are properly registered and certified as an apprentice.

Governor’s Veto Message:

“This Bill is unnecessary and – if enacted – would bring about many of the detrimental consequences characteristic of regulatory overreach... Oklahoma law already

has in place a strong regulatory framework that seeks to balance consumer protection with encouraging individuals, especially youth, in becoming skilled tradesmen.”

SB 676 would have created a list of criteria for the state Department of Environmental Quality to include or consider when creating a proposed state implementation plan (SIP) to meet the standards in the federal Clean Air Act. The legality of the plan was to be determined by the state Office of the Attorney General and the plan could not be submitted to the U.S. Environmental Protection Agency (EPA) unless it complied with state and federal law.

Governor’s Veto Message:

“[Executive Order 2015-22] clearly states that the state of Oklahoma will not develop a SIP with the EPA ... I believe our policy goals have already

been accomplished via executive order without the additional expenditure of taxpayer resources required by this bill.”

SB 788 would have provided an exemption to persons authorized by law to perform or solemnize a marriage from being compelled to perform or solemnize a marriage that is in violation of their religious beliefs.

Governor’s Veto Message:

“Freedom of religion is an essential right and no religious figure should ever be compelled to violate their religious convictions by the government. Today I signed HB 1007 into law in support of that important principle. To prevent duplicative and overlapping statutes, I hereby veto SB 788.” ■

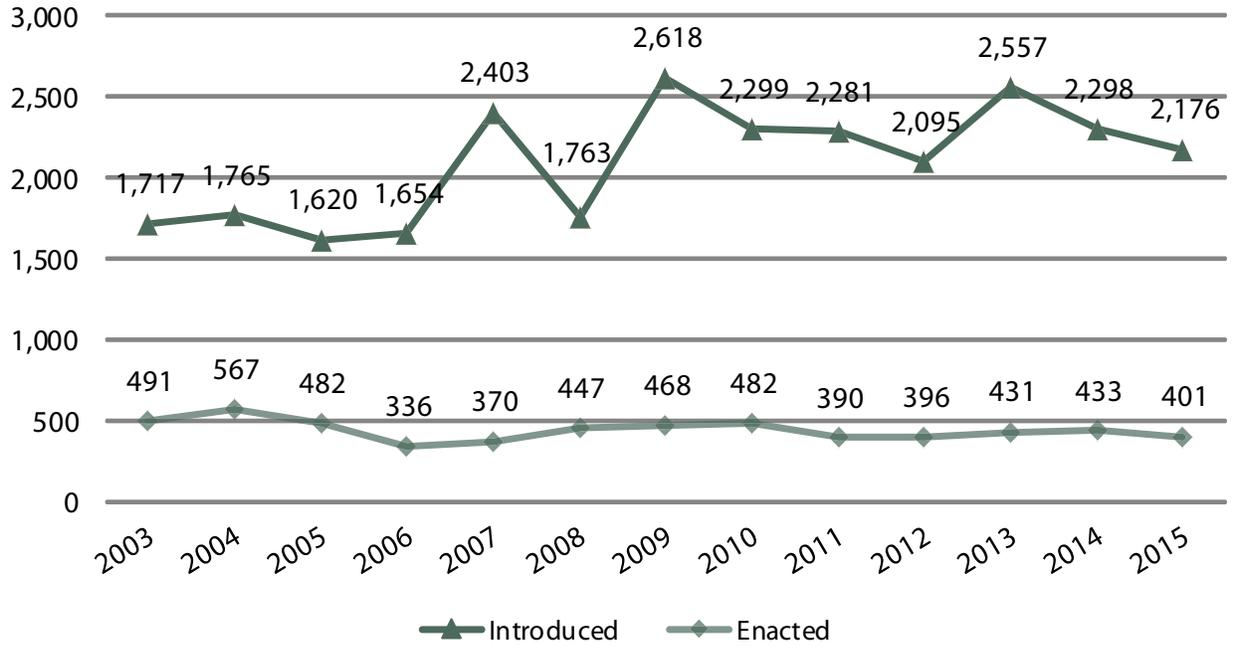


Appendix II

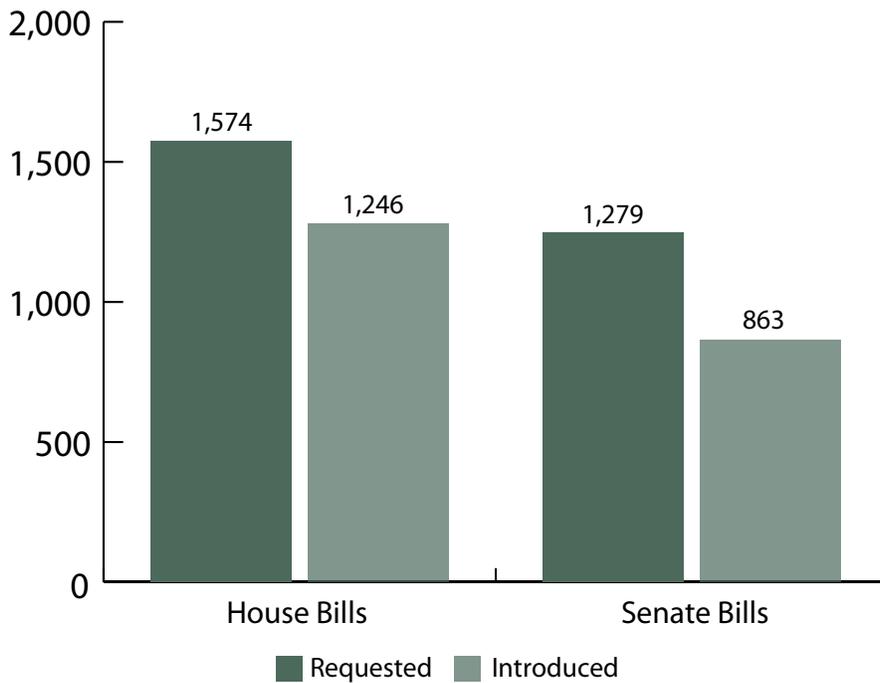
Legislative Production

2015 Regular Session Statistics of Measures				
	House Bills	House Joint Resolutions	Senate Bills	Senate Joint Resolutions
Requested	1,574	49	1,279	45
Introduced	1,246	35	863	32
Sent to Opposite Chamber	296	10	381	4
Conference Granted	38	2	35	0
Sent to Governor	189	0	226	0
Approved by Governor	184	0	214	0
Filed with Secretary of State	0	1	1	1
Vetoed	5	0	12	0

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