

2016 Session in Review

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



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.....
On the cover: Original Solomon Layton architectural drawing of the Capitol dome. This year's publication features the ongoing Capitol restoration project.



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Agriculture, Environment & Wildlife

Oklahoma's natural resources are a vital part of the state's economy and quality of life. The Legislature streamlined administrative processes at the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) and addressed what the Oklahoma Climatological Survey calls the state's "moisture disparity."

Agriculture

HB 2646 modifies the notification procedures required by agricultural producers that use prescribed burns to manage lands during burn bans issued by county commissioners. The measure:

- requires that the prescribed burn plan be submitted to the local fire department;
- requires the plan to contain information for adjoining landowners, weather conditions, firebreaks, smoke-management, ignition plan, and other considerations;
- requires the local fire department to amend and/or approve the prescribed burn plan within 72 hours of submission; and
- reduces the length of a county commissioner-issued burn ban from 30 to 14 days.

HB 2351 requires ODAFF to keep confidential email addresses submitted in the online licensing system.

SB 1446 amends application procedures for several licenses issued by the ODAFF by removing the requirement that the applications be

submitted under oath. The affected applications are:

- farmed cervidae facilities;
- semiannual inspection fee and tonnage report for fertilizer distributors;
- poultry feeding operations;
- swine feeding operations;
- concentrated animal feeding operations; and
- licensed forester registration.

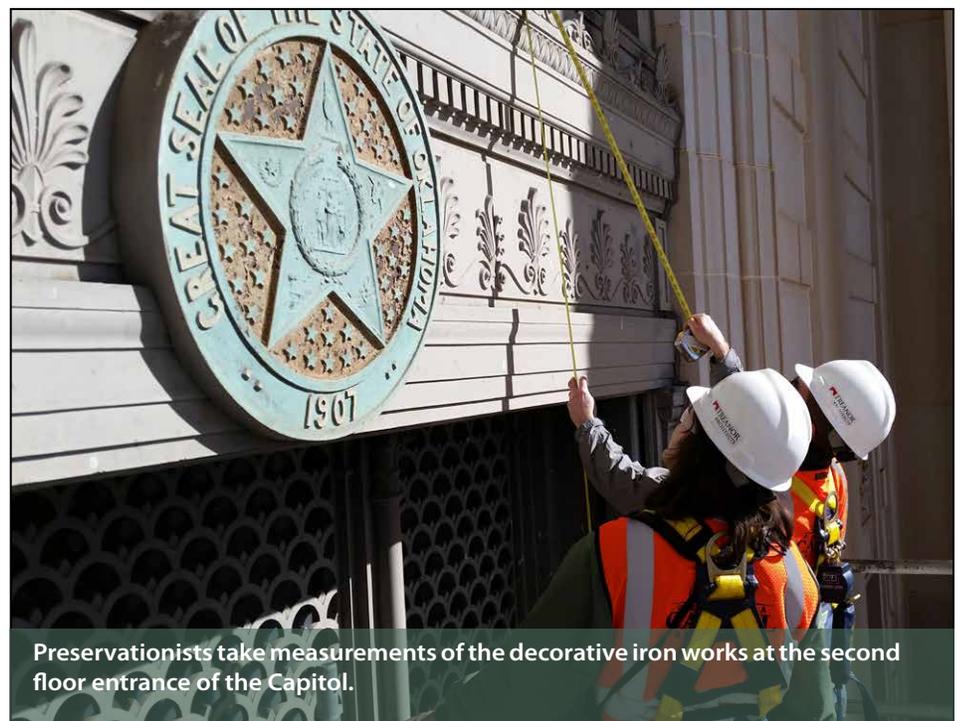
HB 2503 deletes obsolete language related to the Oklahoma Wheat Utilization, Research and Market Development Commission, which was privatized in 2014. The measure transfers a balance in the

commission's revolving fund to the state's general revenue fund and removes the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission from the list of entities to sunset in 2012.

Environment

HB 2446 declares the protection of state waters a compelling state interest. The measure complements State Question 777, which will be on the November ballot and proposes a constitutional amendment to protect the right to engage in farming and ranching.

SB 1388 repeals the Scenic Rivers Commission and transfers all authority, personnel, assets and



Preservationists take measurements of the decorative iron works at the second floor entrance of the Capitol.

obligations of the commission to the Grand River Dam Authority (GRDA) effective July 1, 2016. The measure also exempts state law enforcement officers serving under the authority of the Oklahoma Tourism and Recreation Department or GRDA from dual-office-holding. Finally, the measure authorizes the GRDA to collect fees for camping, facility use and use of off-road and all-terrain vehicles on its public lands. Fees may be used only for maintaining, policing, improving or expanding existing parks or public use areas, or for acquiring new lands for public use.

SB 1219 directs the Oklahoma Water Resources Board (OWRB) to promulgate rules that establish a permitting process for aquifer storage

and recovery (ASR). The Water for 2060 Advisory Council recommended ASR, which allows communities to capture floodwater, treat it, and store it underground for periods of drought. The OWRB has identified sites that might be ideal for ASR, as shown in the map below.

HB 2500 formalizes the ability of the Department of Environmental Quality to contract with the Oklahoma Rural Water Association or other nonprofit entities that provide technical assistance to rural water and wastewater system operators throughout the state.

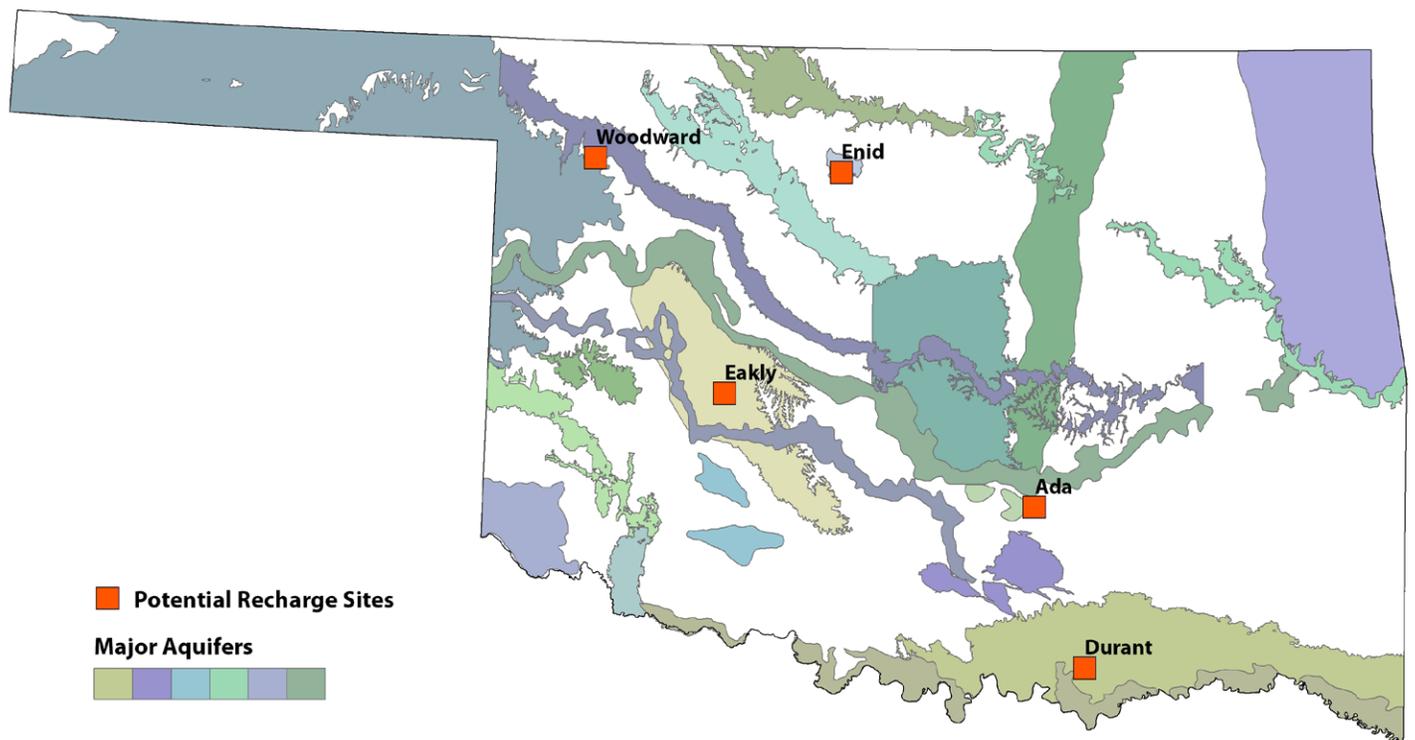
HB 3019 prohibits landfill disposal sites that receive ash generated by coal-fired power plants from being constructed or expanded when within a seismic impact zone,

unless the applicant installs certain containment mechanisms. The measure also exempts ash and dust generated by cement production from solid waste permitting requirements.

SB 16 gives the OWRB some flexibility in its meeting schedule by allowing a minimum of nine meetings per calendar year, rather than monthly meetings, with no more than two consecutive months between meetings.

SB 1122 requires the Corporation Commission to work with the Secretary of Energy and Environment, the OWRB, and the Department of Environmental Quality to encourage industrial use of produced water.

SB 1219 Aquifer Storage and Recovery



Source: Oklahoma Water Resources Board Comprehensive Water Plan

Wildlife

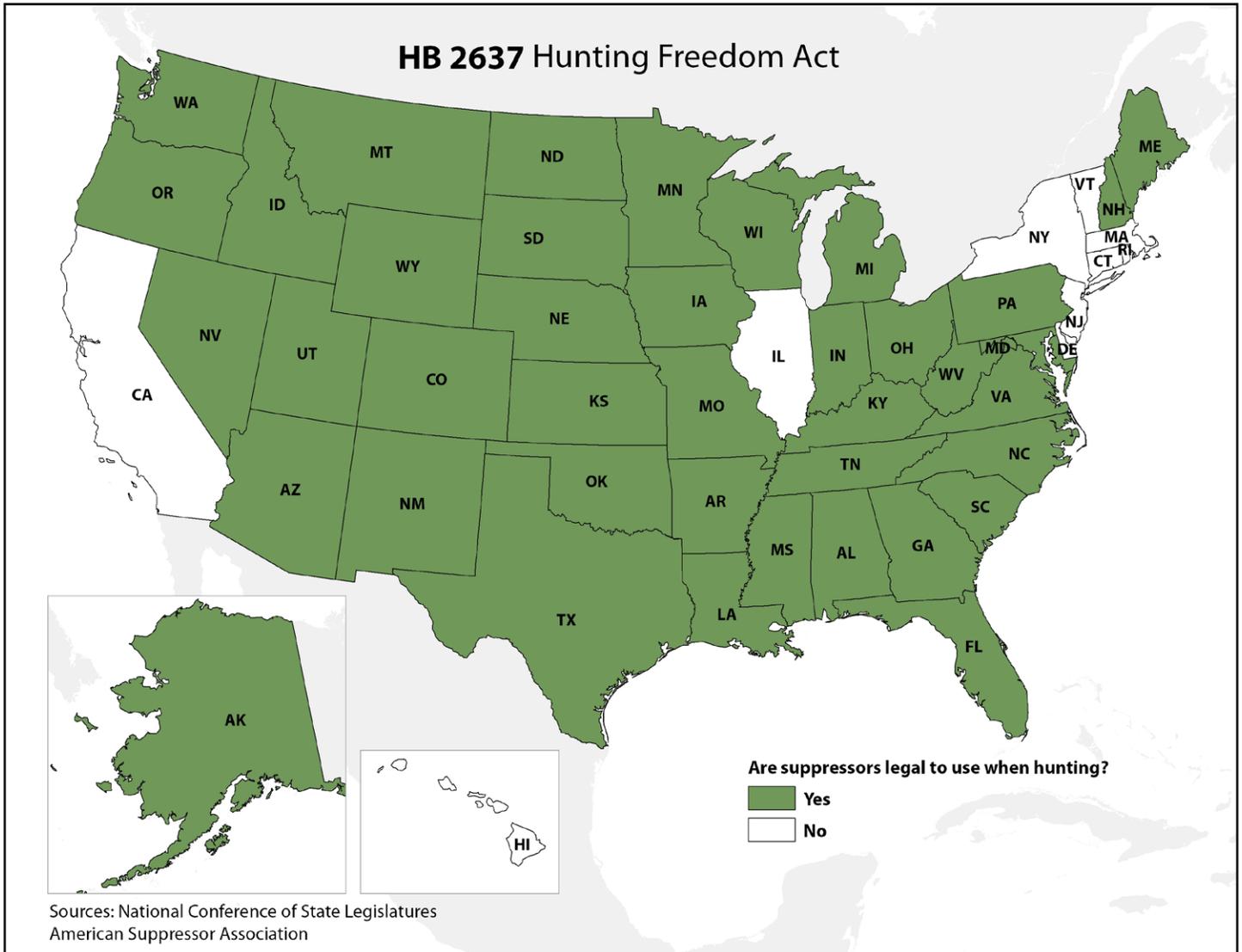
HB 2637 creates the Hunting Freedom Act, which removes the prohibition against suppressors and silencers when hunting on public land. Most states allow for the use of suppressors, as illustrated in the map below.

HB 1654 prohibits motorized boats, jet skis, and jet boats in

certain sections of the upper Illinois River, except when used for law enforcement, hazard removal, or search and rescue.

HB 2642 removes the acreage threshold required for the Wildlife Conservation Commission to issue special-use permits for private land leased by the Department of Wildlife Conservation.

HB 1116 exempts the Department of Wildlife Conservation and their lands from being controlled by the Director of the Office of Management and Enterprise Services regarding easements, rights-of-way, and the entering into of contracts relating to the use and benefit of any state agency, department or institution. ■





Criminal Justice

The limited budgetary forecast for Oklahoma lawmakers led to an increased examination of criminal justice policy. For several years, the Legislature has attempted to structure a system that balances the rights of victims and the opportunity for societal re-entry for offenders.

HB 2443 increases the amount of time, from 24 months to 60 months, during which the court may modify a sentence imposed on an offender.

HB 2472 gives district attorneys the discretion to file a charge as a misdemeanor rather than a felony

offense. The offense cannot be listed as an 85 percent crime and the district attorney must consider the nature of the criminal offense, the age, background and criminal history of the offender, the character and rehabilitation needs of the offender and whether it is in the best interests of justice to file the charge as a misdemeanor offense rather than a felony offense.

Two other measures give district attorneys more discretion when dealing with offenders. **HB 2902** authorizes district attorneys to create drug possession diversion programs within their offices, subject to the availability of funds. The district attorney may refer persons convicted of crimes related to drug possession and participants are required to enter into a deferred prosecution agreement for a term not to exceed 24 months. The offender must pay to the district attorney a fee equal to the amount that would have been assessed as court costs. Participants must have no prior criminal history in order to be referred to the program and must not have been in possession of large amounts of controlled substances.

HB 2934 allows a district attorney to dismiss an action or indictment by filing a notice of dismissal at any time prior to commencement of the preliminary hearing in a felony case. For misdemeanor cases, the district attorney may dismiss prior to the matter being set for trial. A defendant is required to pay the costs

of that action only if agreed upon by the parties.

HB 2474 authorizes Oklahoma courts to order the Department of Public Safety to waive any requirement that fines and costs be satisfied by a person prior to that person being eligible for a provisional driver license.

HB 2479 modifies the punishment for possession of most Schedule I or Schedule II controlled substances from a term of imprisonment of not less than two years nor more than 10 years to a term of imprisonment of not more than five years. Second convictions are punishable by imprisonment for not more than 10 years and a third or subsequent offense is punishable by imprisonment for not less than four nor more than 15 years and a fine of not more than \$10,000. The measure also modifies the punishment for a conviction of a second or subsequent possession of Schedule III, IV or V substances, marijuana and certain other substances from not less than two years nor more than 10 years to a term of not less than one year nor more than five years.

HB 2751 makes changes to numerous property related crimes by increasing the monetary threshold at which the certain offenses are to be considered a felony. The measure increases the monetary limit from \$500 to \$1,000 on the following crimes:

- embezzlement;
- payment for lease on rental of a motor vehicle by bogus check;



Senate staffers placed an impromptu time capsule behind the wall in their suite.

- providing one's own name or Social Security number to create false documents;
- obtaining property by trick or deception;
- obtaining signature or property by false pretense;
- false making of a credit card;
- receiving money, goods or services with a forged credit card;
- sale of forged notes or instruments in the third degree;
- possession of forged notes in the third degree;
- possession of forged instruments;
- publishing counterfeit instruments in the third degree;
- forgery in the third degree;
- grand larceny;
- receipt of stolen property;

HB 2753 modifies the eligibility requirements for participation in a drug court by allowing any offender who has had an assessment that recommends the drug court program to participate.

HB 3119 allows a drug court judge to waive all or part of the costs and fees of a person who has successfully completed drug court if continued payment of the costs and fees would create a financial hardship for the offender.

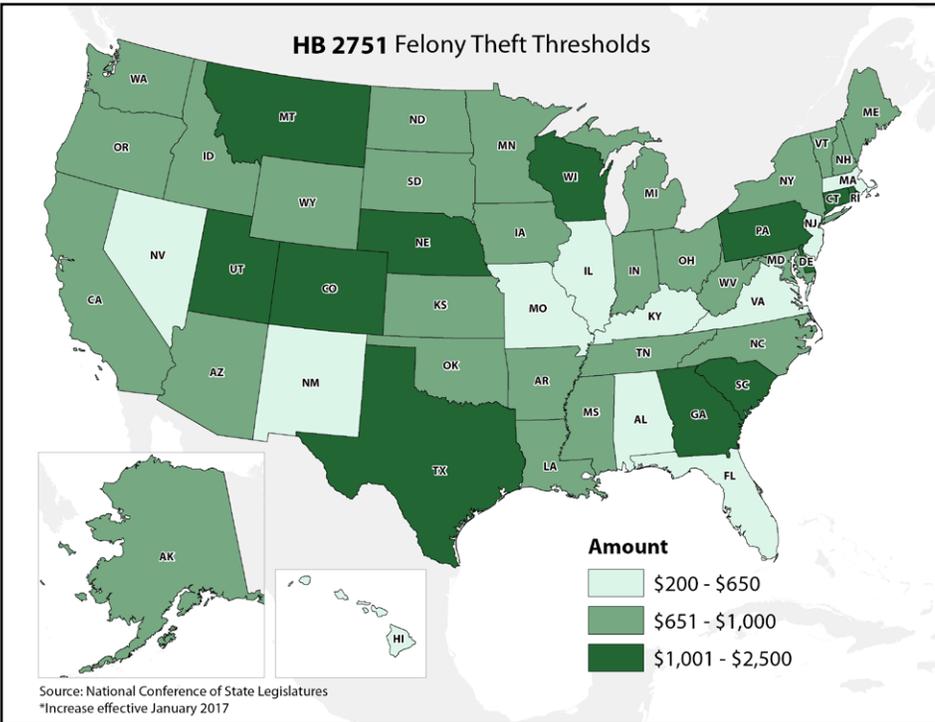
HB 3160, a similar measure, gives judges greater discretion to waive outstanding fines, court costs and fees in criminal cases for individuals who have completed their prison sentence, complied with all probation or supervision requirements since being released and have made timely

SB 1214 creates new defenses for individuals alleged to have committed a crime and suffering from a mental illness. The measure reclassifies the verdict associated with an insanity defense as either guilty with mental defect or not guilty by reason of mental illness. An individual who has an antisocial personality disorder and is found guilty with mental defect cannot use the not guilty by reason of insanity plea and must complete the same sentence that would be imposed on others for the same crime. Any individual found guilty with mental defect will be required to be examined by the State Department of Mental Health and Substance Abuse Services prior to release on probation. Within 45 days of the examination, the department must make recommendations for treatment, which will serve as a condition for probation. The recommended treatment will be paid for by the probationer and failure to continue the treatment will be grounds for revocation of probation. The probationer will also be required to file a psychiatric report with the probation officers and the sentencing court every six months during the probation period.

A related bill, **HB 2595**, allows the court to consider post-traumatic stress disorder (PTSD) as a mitigating factor when making sentencing decisions concerning a veteran who has been diagnosed as suffering from PTSD.

HB 2397 modifies the definition of *expungement* to include any public civil record involving actions brought by and against the state of Oklahoma arising from the same arrest, transaction or occurrence. The measure also expands who may seek to expunge criminal records for misdemeanor and felony convictions. Under the provisions of the bill, a person sentenced for a misdemeanor without jail time or suspended sentence may seek expungement if the person:

- was fined an amount less than \$501;



- shoplifting; and
- chattels encumbered by mortgage, conditional sales contract or security agreement.

Additionally, the monetary limit for a false or bogus check to be considered a felony is raised from \$1,000 to \$2,000. The map below shows the felony theft threshold limit for each state.

installment payments on outstanding fines, court costs, fees and restitution ordered by the court for 24 months following release. Following release, an offender must report to a court no later than 180 days after release to schedule a hearing to determine his or her ability to pay any outstanding fines, fees and costs.

- has paid or satisfied by time served any fine imposed; and
- has not been convicted of a felony and no felony charges are pending.

The measure allows a person to seek an expungement when sentenced to a term of imprisonment or a suspended sentence for a misdemeanor offense if:

- the person received a fine in an amount greater than \$500,000; and
- at least five years have passed since the end of the last misdemeanor sentence.

Lastly, the measure allows a person to seek an expungement for a felony conviction if:

- the person was convicted of not more than two nonviolent felony offenses;
- the person has received a full pardon for both offenses; and
- at least 20 years has passed since the last conviction.

HB 2275 requires every person 18 years of age or older who is arrested for a felony offense to submit to DNA testing. The DNA sample is not to be analyzed and is to be destroyed unless the arrest was made due to a valid felony arrest warrant, the person appeared before a judge who found probable cause for the arrest, or the person posted bond or was released prior to appearing before a judge and then failed to appear for a scheduled hearing.

HB 2398 closes a loophole in the existing rape statutes by creating the Justice for J.W. Act of 2016. The measure provides that the term *force* means any force necessary to accomplish the act of sexual assault without the consent of the victim. The Court of Criminal Appeals is to publish a uniform jury instruction for jury trials defining the term *force*. The measure provides that the crime of sodomy has occurred if the person is, at the time, unaware of the nature of the act or if the person is intoxicated by a narcotic or anesthetic agent administered by the accused.

HB 2399 creates the Alyssa D. Wiles Act and creates a definition of *member of the immediate family* for the purpose of seeking a victim protection order. The bill allows a member of the immediate family of a victim of first-degree murder to seek a victim protection order against the person charged and convicted as a principal or accessory in the crime. The measure also provides that, if a proceeding involving the custody or visitation of children is pending in a different county than the one in which an emergency ex parte protective order was issued, the hearing on the petition for a final protective order is to be transferred to the county in which the proceeding involving custody or visitation is pending.

HB 2425 increases from age 16 to 18 the age at which certain acts against a person are to be considered child pornography. The measure requires persons engaged in human trafficking to be subject to the Sex Offender Registry if the crime involved child prostitution. The measure also adds aggravated possession of child pornography to the list of crimes subject to Sex Offender Registry.

HB 2249 creates a crime for any person to tear down, damage or remove any traffic-control device or barricade in order to enter an area closed due to flooding. Punishment is a misdemeanor punishable by a fine of not less than \$100 nor more than \$1,000. The fine is increased to \$2,500 if the person was transporting a person 18 years of age or younger. The person is also subject to pay restitution and is liable for any damage to property or injury or death to persons caused by the violation.

HB 2320 modifies the definition of *terrorism* as used in the Oklahoma Antiterrorism Act to include kidnappings, or a series of acts of violence. The punishment for terrorism is to be in addition to any penalty imposed for any individual offense or offenses involved in the act or acts of terrorism.

HB 2599 prohibits the operation of unmanned aircraft over a critical infrastructure facility if the unmanned aircraft is less than 400 feet above ground level. The measure defines critical infrastructure facilities. The measure exempts the government, law enforcement, the owner of the critical infrastructure facility, and operators authorized by the Federal Aviation Administration to conduct operations over that airspace. Violation of the act is a misdemeanor punishable by imprisonment not to exceed one year, a fine of up to \$500 or both fine and imprisonment.

Examples of Critical Infrastructure

Refineries

Electrical Power Generating Facilities

Natural Gas Facilities

Chemical Manufacturing Facilities

Water Treatment Plants

Dams

SB 1491 modifies the definition of *prior pattern of physical abuse* as used in domestic violence law by lowering the number of incidents necessary to establish a pattern from three incidents to two. The measure also removes the requirement that the prior abuse all occurred within a 12-month period.

Miscellaneous Criminal Justice

HB 2042 provides that when an offender has successfully completed a drug court program, the judge is to maintain jurisdiction over the participant's driving privileges for one year after the offender graduates from the program if the judge has any written order staying a driver license suspension, revocation, cancellation or denial of driving privileges.

HB 2401 allows the Crime Victims Compensation Board to use the date the criminal incident was disclosed to a responsible adult to establish whether or not a claim was timely filed if the victim has a cognitive

disability or is a child under the age of 18.

HB 2403 removes the population requirement to allow all counties to establish and utilize pretrial services outlined in the Pretrial Release Act. The act allows a judge to utilize more services than are available under general bail conditions including the ability to set bail and other conditions for offenders prior to trial.

HB 2504 increases the fine for theft of livestock and implements of husbandry to an amount that is equal to three times the value of animals and machinery, not to exceed \$500,000.

SB 1113 provides that in forfeiture proceedings in which the defendant or claimant prevails, the court may order the plaintiff to pay reasonable attorney fees, post-judgment interest and actual interest on currency or other negotiable instruments.

SB 1159 removes *dagger*, *bowie knife*, *dirk knife* and *sword cane* from the list of items that are unlawful to carry.

SB 1257 makes it a misdemeanor to intentionally distribute an image of another person who is engaged in a sexual act or whose intimate parts are exposed with the intent to harass or humiliate the person. A violation is punishable by up to one year in the county jail, a fine of up to \$1,000 or

both. In addition, the court may order the defendant to remove the image if the court finds it is in the power of the defendant to do so.

Corrections

HB 3039 creates the Debt to Society Act of 2016. The measure authorizes counties to establish a “debt to society” work release or community service program for nonviolent misdemeanor offenders. The county sheriff, in conjunction with the district attorney, is to establish guidelines for the monitoring and enforcement of persons in the program and the guidelines must be approved by the district judge. Only defendants who enter a plea or are convicted of a nonviolent misdemeanor are eligible to participate in the program. The sentence of imprisonment may be reduced by earned early release time as promulgated by the sheriff and approved by the district attorney and limits the amount of earned early release time to not more than one-third of the total sentence. The sheriff may collect the earnings of a person participating in a work release program and certain costs related to incarceration and victim restitution may be deducted from the earnings. Finally, the measure provides civil immunity for county-approved work release programs.

SB 941 provides that, if the Oklahoma Department of Corrections (DOC) is seeking to revoke the suspended sentence of an offender for failure to make timely restitution as ordered by the court and the court orders a reduction in the amount of restitution owed, the court must equally apply the same percentage of reduction to any court-ordered monetary obligation owed by the defendant.

SB 1001 authorizes the Investigations Division of the DOC to issue arrest warrants for escaped prisoners.

HB 2545 authorizes the Director of DOC to declare an emergency due to shortage of staff when correctional officers at a facility are required to work more than two double shifts in a seven-day period.

HB 2801 provides that correctional officers reinstated within three years of separating from the DOC are not required to repeat preservice training.

SB 1218 transfers the Southern Oklahoma Resource Center in Pauls Valley to the DOC.

SB 1571 provides a supplemental appropriation of \$27,579,620 to the DOC. ■



Representatives of the Oklahoma Arts Council and the Western Center for the Conservation of Fine Art assess the condition of the Pro Patria painting.



Economic Development & Financial Services

The Legislature continued its focus on job creation and long-term financial stability, including new unemployment benefit rules, action to shield new businesses from excessive unemployment taxation, additional workers' compensation flexibility to roofing contractors, and a new framework for licensing the practice of massage therapy.

Labor

HB 2253 modifies numerous provisions relating to the Oklahoma Employment Security Commission (OESC). The measure modifies when and how a new employer will qualify for an earned tax rate based on their experience history. Employers will be assigned a tax rate of 1.5 percent until sufficient experience history exists in the employer's account to meet the "at-risk rule." The measure also allows certain employers that currently qualify for an earned tax rate to revert back to the assigned tax rate of 1.5 percent, if the employer's tax account is determined to lack sufficient experience history under the at-risk rule. An employer meets the statutory definition of *at-risk rule* if there was an individual who could have filed a claim for unemployment benefits in each quarter of the calendar year immediately preceding the year for which the employer's tax rate is being determined.

The measure also:

- requires OESC to create, maintain and publish a precedent manual to reflect statutory changes and

case law applicable to questions that may arise during a hearing or appeal;

- provides that a decision made by the Board of Review or a court of competent jurisdiction prior to legislative changes to the law is not binding in a subsequent proceeding after the passage of statutory changes;
- allows for repayment of an overpayment of benefits with private funds;
- clarifies that an employer transferring its trade or business is to be considered the predecessor employer and the employer or entity receiving the transferred trade or business is to be considered the successor employer for the purposes of determining the appropriate tax rate;
- requires professional employer organizations (PEO) that elect to file tax returns for its clients through separate accounts to produce certain documents required by the OESC within 60 days of its election. If the information is not provided within 60 days, the organization will be required to file the returns for all clients under one account;
- transfers any experience history accumulated by an employer prior to contracting with a PEO to the new client account managed by the PEO; and

- repeals two provisions relating to the computation of unemployment taxes and special rules on the transfer of rates and experience history for successor and predecessor employers.

HB 2338 appropriates \$12 million to the Employment Security Administration Fund to be equally split for the administration of the Employment Service Program and Unemployment Insurance Program managed by the OESC.

HB 3164 provides that a worker's unemployment benefits based on seasonal employment are payable only for weeks of unemployment occurring during the normal seasonal work period. The measure states that no benefits will be paid between two normal seasonal work periods, if reasonable assurance is given that the individual will return to work in the second season, but provides for retroactive benefits if the individual does not return to work in the second work period. An employer may apply for designation as a seasonal employer no less than 20 days before the start of a seasonal work period, and if that status is granted, the employer must notify each employee of that status and of the beginning and ending dates of the normal seasonal work periods. The employer is also required to give notice of reasonable assurance of employment for the next season on or before the last work day in a season.

SB 1083 amends workers' compensation insurance requirements under the Roofing Contractor



Plaster workers apply touch-ups during restoration work last summer.

Registration Act (RCRA). Residential construction projects may be exempted from having to carry workers' compensation insurance. All individuals performing work on any commercial project must be covered by workers' compensation insurance as employees of the person registered under RCRA. Day laborers are exempted upon proof of being covered by their temporary agency. Finally, the bill shields a homeowner from liability in the workers' compensation system for injury or death to any person who performs work under contract with someone required to be registered under RCRA.

SB 1198 allows the Department of Labor to use the Department of Labor Revolving Fund for its operations and expenses. The measure also authorizes the Commissioner of Labor to promulgate new penalties and fines for violations of the Oklahoma Occupational Health and Safety Standards Act and the Oklahoma Asbestos Control Act.

SB 1199 authorizes the Department of Labor to promulgate rules to adjust its fee schedule for the registration and inspection of amusement rides, as well as establish administrative penalties and fines for safety violations.

SB 1329 permits the use of church building space to house temporary

overnight visitors, subject to certain requirements relating to building codes and safety equipment. A church could house visitors for religious retreats and events, emergency or catastrophic occurrences, lock-in events, to shelter homeless persons or to accommodate those displaced due to hardship or weather.

SB 687 creates the Massage Therapy Practice Act and places the responsibility of licensing and regulating massage therapists on the State Board of Cosmetology and Barbering. The measure also authorizes the Oklahoma Board of Private Vocational Schools to license massage therapy schools and requires applicants for a massage therapy license to be at least 18 years of age, pass an examination, carry liability insurance and disclose past criminal proceedings or felony convictions. Anyone using a professional title related to massage therapy without authorization would be subject to disciplinary action by the board. Finally, the measure provides that the act supersedes any local ordinance regulating massage therapists.

SB 1395 removes the personal residential address from the publicly displayed license issued under the Oklahoma Cosmetology and Barbering Act. New licenses will not have the address appear on the face,

and it may be redacted from current licenses on display.

Banking and Financial Services

SB 1430 makes numerous changes to state banking statutes. The measure:

- eliminates the requirement that a bank conduct a full appraisal every 12 months on real estate purchased and held by the bank, provided that the record value is updated from time to time to reflect current market conditions and any other factors that may affect the fair market value;
- authorizes the Banking Commissioner to permit a bank's board of directors to meet every two months, instead of monthly as required by current law;
- eliminates the requirement that a copy of the minutes for each meeting of a bank's board of directors be submitted to the commissioner within 40 days of the meeting; and
- defines the term *licensee* as a person granted a license to engage in business as a money transmitter and establishes requirements to become a licensee.

HB 3120 authorizes the Department of Securities to contract with vendors for products and services associated with investor education events. The measure also exempts the department's investor education program from the requirements of the Central Purchasing Act and allows for direct payment to a contracting agency or business establishment. Provided that no appropriated state funds are used, the department also may pay stipends or awards to teachers and students participating in the program.

HB 2352 updates statutory citations and brings state securities law into compliance with federal law. The measure also clarifies that a notice filing may be required for a "federal covered security," provided it is allowed by applicable federal law.

HB 2423 clarifies language in the Oklahoma Savings and Loan Code, but makes no substantive changes to state banking laws.

General Business

SB 1017 creates a uniform set of reporting requirements for pawn transactions, allows electronic submission of these reports, and reduces the time frame for a pawnbroker to make the report available to law enforcement from three days to two.

SB 1496 clarifies that a franchisor is not to be considered the employer of a franchisee or its employees and that employees of a franchisor are not to be considered employees of a franchisee.

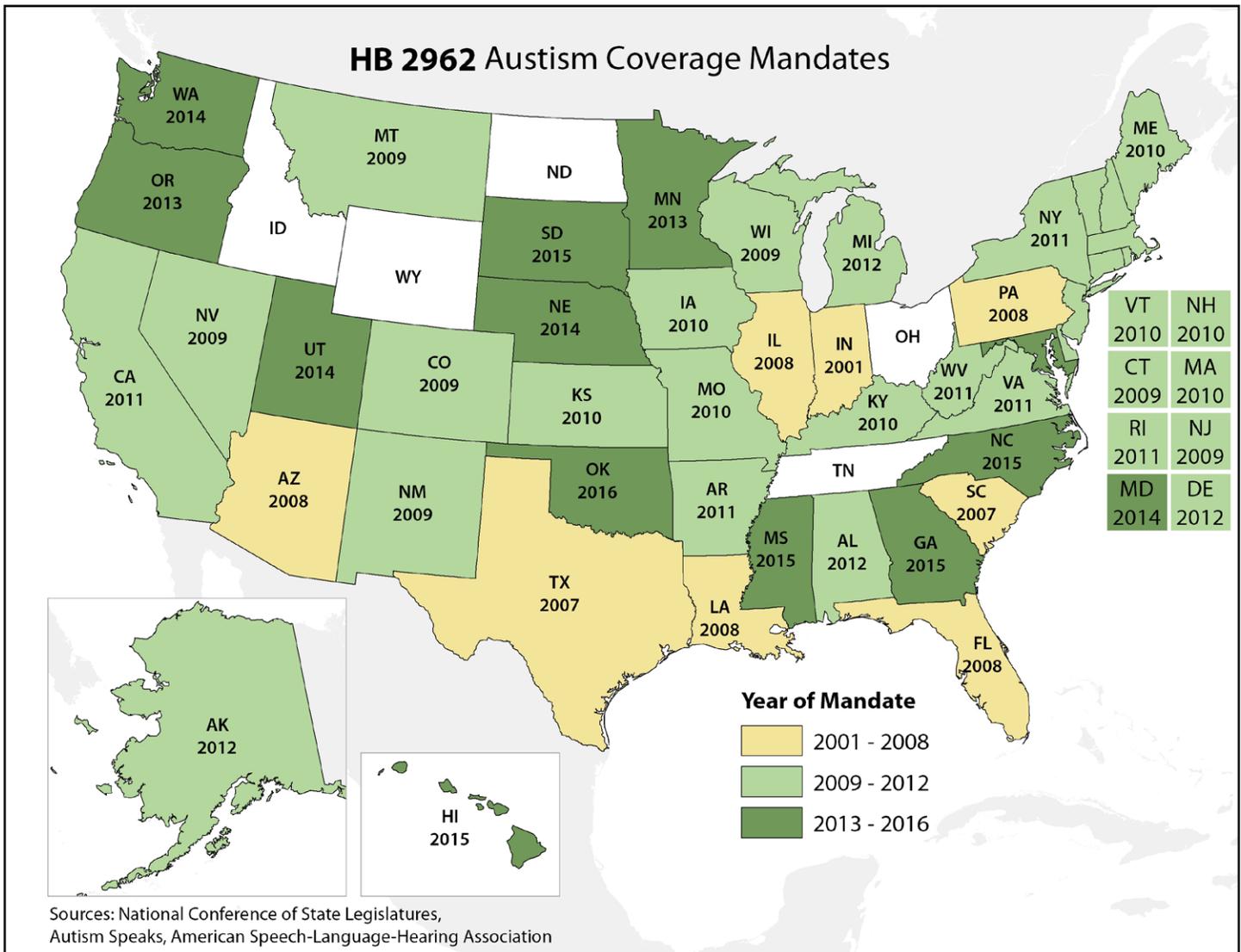
SB 200 allows for an individual or business to apply for a license to inspect elevators. Requirements for licensure are set by the Department of Labor. Any new elevator must be inspected by the department before operation, but periodic inspections may be performed by a licensed third-party inspector or an elevator inspector employed by the owner's insurance company. The bill also allows for inspection of water heating and water supply boilers by licensed boiler operators or plumbing contractors.

Additionally, the measure replaces fee schedules currently in statute by authorizing the department to promulgate new rules setting fees for the implementation of the Elevator Safety Act and new rules setting

fees for registration, inspection and operation of boilers, pressure vessels and steam lines.

Insurance

HB 2962 requires all new private health insurance plans and the Oklahoma Employees Health Insurance Plan to provide autism coverage up to age 9, or if the individual is diagnosed or treated at the age of 3 or later, for at least six years. The yearly maximum benefit allowed is \$25,000 and benefits may continue as long as the individual continually improves. If a health insurance plan experiences an increase in premium costs greater than 1 percent, it may be exempted from the requirement to provide coverage. Finally, the measure directs the Oklahoma Health Care Authority (OHCA), in



conjunction with the Department of Mental Health and Substance Abuse Service (ODMHSAS), the State Department of Health (OSDH) and the State Department of Education (SDE), to examine the feasibility of amending the state Medicaid program to include treatment of autism spectrum disorders and, if it is found to be feasible, to draft such an amendment beginning on July 1, 2017. The map on the previous page shows which states require autism coverage and when each state passed its requirement.

SB 1386 authorizes the creation and submission of a State Innovation Waiver, which may include multiple waiver submissions, including those provided under the Affordable Care Act to create more state flexibility within the health insurance market. Agencies including the OSDH, the OHCA, the ODMHSAS and the Oklahoma Insurance Department are charged with developing the waiver with input from private sector partners and subject matter experts. Finally, the bill authorizes the insurance department to conduct rate reviews for the individual and small group health insurance market upon implementation of the waiver.

HB 3071 requires any mandates placed on private health insurance plans to also apply to the Oklahoma Employees Health Insurance Plan.

SB 481 authorizes the Insurance Commissioner to intervene when a prepaid funeral benefit permit holder or a cemetery owner refuses to comply with requirements of the Prepaid Funeral Benefits Act. Funds collected pursuant to the provisions of prepaid funeral benefit contracts could be invested as provided for in the Oklahoma Trust Act. The bill also authorizes a cemetery regulated under the Perpetual Care Fund Act to choose the form of its distribution from the perpetual care fund, and excludes capital gains from the definition of *income* in the Perpetual Care Fund Act.

SB 1012 authorizes the Anti-Fraud Unit of the Oklahoma Insurance Department to investigate any licensee under regulation or authority of the Commissioner, and allows for administrative as well as civil penalties for violations.

SB 1186 provides that a member of the armed forces will not be considered a full-time government employee for purposes of application for an insurance license.

HB 2546 requires the controlling person designated by an Appraisal Management Company (AMC) as the main contact with the Oklahoma Real Estate Appraiser Board to notify the board of any discipline imposed by any other jurisdiction. The measure also requires an AMC to comply

with the appraisal independence requirements of the Truth in Lending Act.

Two measures amend the Service Warranty Act. **HB 2715** requires additional information to be present on service contracts, including the license number of the service warranty association. The Insurance Commissioner is authorized to exempt some forms from certain requirements if deemed unnecessary. The bill defines *Failure to Provide Terms and Conditions Prior to Sale* as an unfair method of competition and subjects the claim files of service warranty associations to examination by the Insurance Commissioner and requires an association to respond to examination requests within 30 days. The measure authorizes the Commissioner to issue a “cease and desist” order in certain cases involving violations of the Service Warranty Act.

A nearly identical measure, **SB 823**, additionally requires service contracts issued on or after July 1, 2016, to have the identity and license number of the service warranty association preprinted, but allows the Insurance Commissioner to waive some form requirements.

HB 2785 allows a local government to participate in the state Disability Insurance Program and updates language relating to the name of its board.

HB 2996 provides that any stop-loss insurance coverage that provides an aggregate retention benefit must provide aggregate retention of not less than 110 percent of the expected claim. The measure also directs the Insurance Commissioner to develop minimum disclosure standards that can be incorporated into a form to be used by insurers issuing stop-loss coverage to small employers.

SB 791 provides that, in the case of a liability insurance claim, the insurance contract may be annulled retroactively if notice of the claim is reported to the insurer. If there is no



Historic marble floors sustained damage due to an oil-based adhesive used to secure carpet.

notice, the retroactive annulment is prohibited.

SB 1377 prohibits access to the services of a dental care provider by a contracting entity unless expressly authorized by the contract. The measure also requires a contracting entity to identify outside parties which are granted access to the provider's dental services. Finally, the identification card of the insured must provide information identifying the insurance carrier to be used to reimburse the provider for covered dental services.

SB 1488 reduces the amount of collateral required to be held by companies that provide insurance to other insurance companies, also known as reinsurance. The measure authorizes the Insurance Commissioner to adopt regulations setting requirements related to valuation of assets or reserve credits, and to reduce the amount of required surplus funds.

HB 1293 sets the tax rate for certain life insurance policies at 2.25 percent of the policy year premium, up to \$100,000, and 0.10 percent for policy year premium exceeding \$100,000.

SB 804 changes how vision insurance plans are offered to state employees. No more than two Oklahoma-based companies, and no more than two out-of-state companies, will be offered as vendors during the enrollment period.

HB 2761 makes several changes to the Oklahoma Insurance Code, including:

- providing that no waiver of privilege or confidentiality occurs when documents relating to certain examination reports are provided to the Insurance Commissioner;
- clarifying that an Interlocal Entity which is fully insured by an insurance company is exempted from the requirement to file an actuarial opinion;

- requiring CPA review of annual reports submitted by licensed administrators only if the administrators' premiums collected or paid (whichever is greater) are \$50,000 or more;
- clarifying the method by which a licensed administrator may apply for waiver of the annual report requirement;
- eliminating an exemption from valuation requirements for insurance companies with less than \$300 million of premiums;
- setting a date for submission of annual insurer registration and risk reports;
- increasing the group life insurance age cap for dependents from 21 to 26;
- clarifying which health benefit plans are exempted from immunization coverage requirements;
- authorizing denial of a permit to provide prepaid funeral service under certain conditions; and
- authorizing the Insurance Commissioner to censure or to suspend, revoke, or deny a license to an insurance adjuster for adjusting losses or negotiating settlements on behalf of an

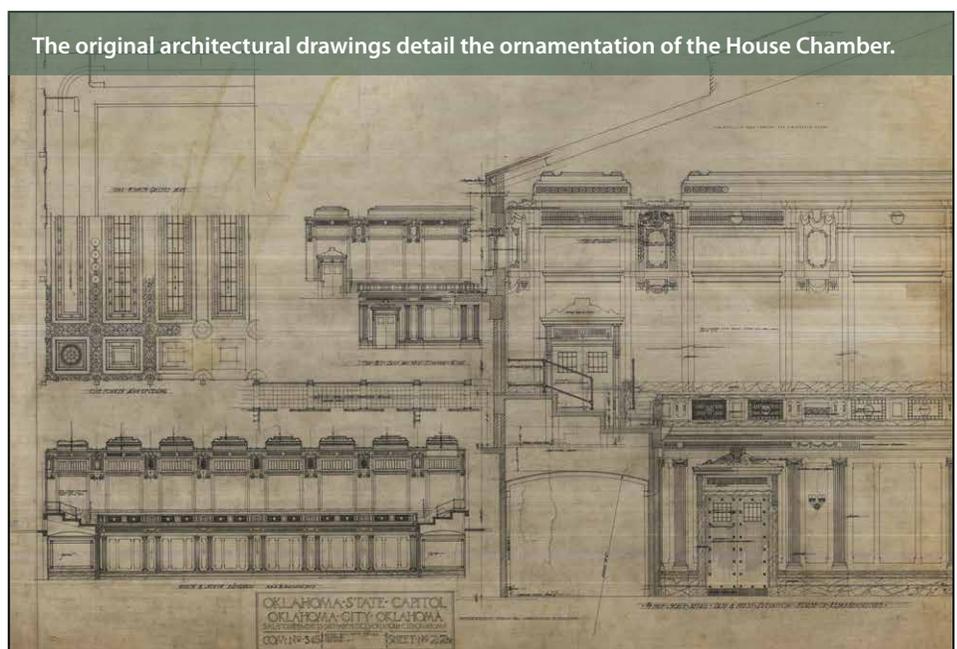
insured unless the adjuster has both a license and authority from either the insurer or the insured.

HB 2097 provides that a member of a health maintenance organization (HMO) may request a printed copy of their contract if they are unable to access the electronic version of the contract supplied by the HMO.

Tourism

SB 1570 places the Will Rogers Memorial under the authority of the Oklahoma Historical Society (OHS) and transfers all property, funds and personnel to OHS effective July 1, 2016. The measure also repeals the Will Rogers Memorial Commission and authorizes OHS to act on behalf of the memorial and in place of the repealed commission. Finally, the measure requires that one member of the OHS board of directors be a descendent or family member of Will Rogers.

HB 2261 protects the authenticity of Native American arts and crafts by modifying the definition of *American Indian tribe*, *American Indian* and *authentic American Indian arts and crafts* as it relates to the American Indian Arts and Crafts Act of 1974. The bill defines *American Indian tribe* as any Indian tribe federally recognized by the Bureau of Indian



Affairs and defines *American Indian* as a citizen or enrolled member of an American Indian tribe. The measure also adds performing arts and literature to the list of authentic art that is enforced by the act.

SB 1206 authorizes creation of a special district within a municipality, which may provide marketing services for public or private events,

if those events can be reasonably expected to increase occupancy and room rates at a hotel or motel within the district.

Miscellaneous Economic Development

HB 2288 repeals the world trade/export insurance program

administered by the Oklahoma Department of Commerce.

HB 2711 provides that community action agencies are to be considered public agencies for the purpose of the Prisoners Public Works Act.

SB 1245 prohibits a lake area planning commission from applying fees to the sale or transfer of real property. ■



Education

Education remained a top priority for the Legislature. With the recent passage of the federal Every Student Succeeds Act, changes were made to the state's testing regimen and Teacher and Leader Effectiveness evaluation system. Due to the downturn in energy prices and its effect on the state's budget, the Legislature tapped the rainy day fund to address the loss of funding for common education. Within higher education, the Legislature focused on transparency with regards to tuition and fees and proposed projects.

Common Education

HB 3218 repeals the end-of-instruction tests, ends high-stakes testing for high school graduation and authorizes the State Department of Education to create new graduation requirements. The measure also limits standardized testing in grades three through 12 to only those federally required under the Every Student Succeeds Act, plus U.S. history. This change would reduce the number of required tests to 18, including:

- 12 English and math tests between grades three through eight;
- two science tests, one in grades three through five and one in grades six through nine; and
- four high school tests in English, math, science and U.S. history.

Tests that were removed include an art, geography and a social studies

test. For the 2016-17 school year, the current testing requirements will apply. For the 2017-18 school year, the department is authorized to look for new assessments to fulfill state and federal requirements.

The bill establishes a process for the board to study and develop assessment requirements that will be implemented in conjunction with the statewide assessment system and will include an opportunity for public comment and requires legislative review. The board must make a report of the study by October 31, 2016, and adopt the assessment requirements by January 1, 2017.

Unless otherwise exempt, all students entering the ninth grade in the 2017-18 school year must take the newly adopted assessments prior to graduation and meet any other high school graduation requirements adopted by the board. Student transcripts will include the highest-

achieved score on the assessments and any business- and industry-recognized endorsements attained. School districts must adopt a plan for students who have started the ninth grade prior to or during the 2016-17 school year that states which assessments students must take in order to graduate. Preliminary results for assessments must be reported to districts no later than June 1 of each year. A-F report cards for the 2016-17 and 2017-18 school years will include an explanation of the changes made in the statewide assessment system and how the transition may impact school performance grades. Finally, the measure also modifies the definition of *teacher* to exclude principals, superintendents, school nurses or anyone else that serves in a supervisory or administrative capacity.

HB 2957 amends the Teacher and Leader Effectiveness (TLE)



A construction worker attempts to properly place a piece of angle iron during work in Room 109.



An historic preservationist records paint colors during an assessment of the Capitol.

evaluation system by adding a professional development component to the evaluation system. The measure establishes a schedule for the development of individualized programs of professional development during the 2016-17 school year, implementation of the programs on a pilot basis during the 2017-18 school year and full implementation of the programs during the 2018-19 school year. Districts will be required to monitor compliance of the plans with the assistance of the State Department of Education (SDE) to ensure the components of the TLE are

incorporated into district evaluation plans by the 2017-18 school year.

Under the measure, teacher evaluations for those in grades and subjects that do not have a mandated testing measure will no longer be required. Districts may continue to use quantitative measures as part of their evaluations plans, provided they are paid for by the district and approval is given by the board. Student performance, including performance on the statewide tests, if available, will be discussed with teachers and may be taken

into consideration on the teacher's evaluation.

SB 1572 appropriated \$51 million from the Constitutional Reserve Fund to the State Board of Education to make up for the mid-year budget cuts caused by the two revenue failures declared for FY 2016.

A related measure, **SB 1584**, provides an appropriation of \$65,865,088 from the Constitutional Reserve Fund to the State Board of Education for the financial support of public schools.

HB 2969 stipulates that standards for school accreditation adopted by the SDE must include standards relating to the provision of educational services provided in partial hospitalization, day treatment, day hospital, residential treatment and emergency shelter programs for persons between the ages of 3 and 21. The accreditation standards will apply to onsite and offsite educational services provided by public school districts or state-accredited private schools. The SDE will actively monitor schools providing educational services for students placed in such a program. If a school fails to comply with the accreditation standards, the department will make a recommendation to the board within 60 days that could include a warning, probation or revocation of the accreditation status. If a school fails to take action to comply with accreditation standards within 90 days, the board will withdraw accreditation.

SB 1431 allows schools that have been identified as in need of improvement by the SDE to implement their own evidence-based intervention model. If a school is still in need of improvement after four years, the local school board must seek assistance from the department, which will assist in the creation of a state support plan. The State Board of Education may assume control of the school if it is still in need of improvement after two years.

HB 3103 allows a local school board to fill a vacancy via appointment if

no candidate has filed to fill an open seat, and may provide a residency exemption for the individual, if necessary. The measure also requires the SDE to maintain a permanent record of the instructional and continuing education (CE) hours earned for each district board member and requires the state board to send a notice to those members who have not completed the CE requirement by March 1 of each year. In the event that a board member does not complete their CE requirements, the local school board must declare the seat vacant within 30 days, upon notice from the SDE.

SB 1105 permits students who have not met curricular requirements for graduation to re-enroll and be offered remediation or intervention. These students would have the opportunity to complete curriculum units or sets of competencies necessary to meet graduation requirements and would be exempt from the hourly instructional requirements and six-period enrollment requirements.

SB 929 allows school districts, beginning with the 2020-21 school year, to implement graduation recognitions, which may be included on a diploma or high school transcript, for students who have met curricular requirements and have participated in an approved program of study leading to a recognized career or postsecondary education pathway.

HB 2535 authorizes schools to enter into agreements with organizations to create mentorship, apprenticeship and internship programs beginning with the 2017-18 school year. The programs must be approved by the SDE and participation may fill the requirements of elective courses as the student's schedule permits.

SB 933 lifts numerous exemptions that schools and school districts currently receive from the State Board of Education for any fiscal year immediately following a fiscal year in which the state financial support of public schools is equal to or greater than \$3,291.60 per weighted average

daily membership (ADM). In the event that the ADM is reduced by 1 percent or more for the upcoming fiscal year, the exemptions would be reinstated. These exemptions relate to:

- accreditation standards relating to media materials and equipment and media program expenditures;
- financial penalties for a deficiency in accreditation status;
- rules or laws which require school districts to participate in any advisory council or committee, including those relating to school improvement plans; and
- requirements to appoint a textbook committee, submit a textbook plan and expend money for textbooks.

SB 1380 modifies the competencies and unit requirements for high school graduation by:

- specifying that the three units or sets of competencies required for laboratory sciences must include one unit of life sciences, physical sciences and earth and space sciences;
- expanding the courses eligible to fulfill the additional unit requirement to include concurrently enrolled courses, advanced placement courses and international baccalaureate

courses approved for college admission;

- reducing the number of required arts units from two to one; and
- adding one unit of computer education, which may be taught at a high school or a technology center school.

SB 911 allows school boards to adopt a procedure that would require students to perform community service for violating the district's discipline policy.

Teachers

HB 2967 gives local school boards the authority to hire a student teacher for the following fiscal year, provided that a valid teaching certificate is obtained by the first day of school. School boards are authorized to provide a stipend or signing bonus, which will be conditional upon completing the first year, to a student teacher if they have an employment contract in place.

HB 3025 expands the criteria used by the State Board of Education to grant an alternative teaching certificate. A qualified applicant must have:

- completed a terminal degree from an institution accredited by an approved national or regional accrediting agency; or
- a bachelor's degree from an accredited institution recognized by the state regents who has

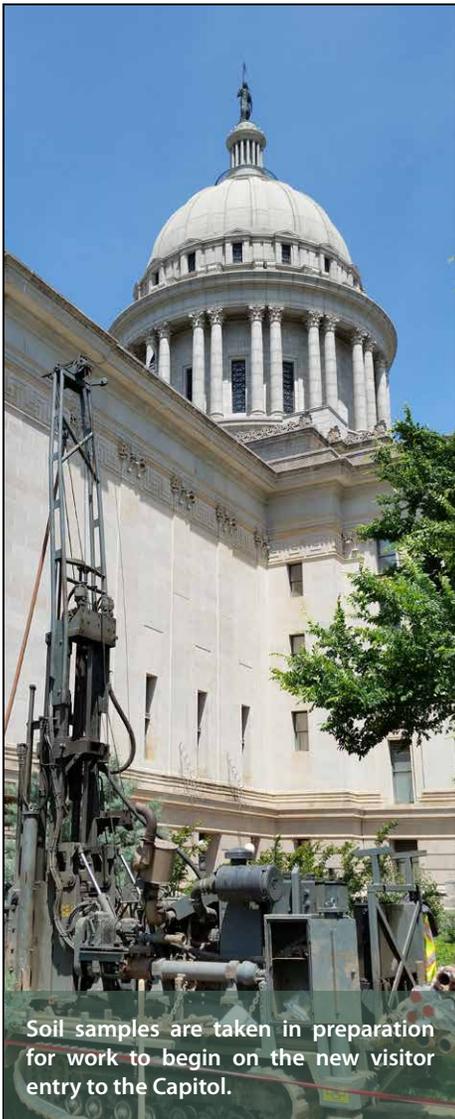


This corridor was restored to its original look during construction in the summer of 2015.

qualified work experience that corresponds to an area of certification; and

- demonstrated competency or completed a major in a field that corresponds to an area of specialization as determined by the board or a career tech school.

HB 2946 requires the State Board of Education to issue a teaching certificate to an individual who holds an out-of-country certificate, meets all requirements established by the board, and successfully completes a competency exam that is used in a majority of states or a comparable customized exam. The measure also removes the five-year teaching experience requirement for individuals holding an out-of-state or out-of-country certificate and provides



that teaching experience from out-of-country schools that are accredited or otherwise endorsed nationally or regionally, and from primary and secondary schools that are operated by the Department of Defense or are affiliated with the U.S. Department of State, will be accepted.

HB 3114 establishes teacher career paths that include an initial, career, model, mentor and lead teacher. School districts may apply to the State Department of Education to implement the framework or a comparable system of career paths and compensation. Subject to appropriation or availability of funds, school districts may also apply to the department for a planning grant to design and implement a framework.

HB 3109 requires school districts, beginning with the 2016-17 school year, to annually present to each teacher and administrator a copy of their employment contract prior to the first payroll in September. Districts will also be required to designate one or more persons to review the contract with any teacher or administrator upon request.

A companion bill, **HB 1065**, modifies when the employment contract must be presented to teachers and administrators from prior to the first payroll in September to prior to the first payroll in November.

HB 3102 increases the limit on classroom teaching hours for adjunct teachers from 90 to 270 hours.

HB 2371 modifies the definition of *mentor teacher* by clarifying that the term includes current or former classroom teachers.

Charter Schools

HB 2720 outlines the process for converting a traditional school to a conversion school. The measure:

- modifies the definition of *charter school* to exclude a conversion charter school;
- reclassifies a *conversion charter school* as a *conversion school*, which is defined as a school

created by converting all or any part of a traditional public school in order to access any or all flexibilities afforded to a charter school;

- requires the board of education of a school district to prepare a plan prior to converting any part of a traditional school into a conversion school;
- makes the plans and documents associated with the plan subject to the Oklahoma Open Records Act;
- requires the vote to approve a plan to be held in an open public session and requires the local board to notify the State Board of Education within 60 days of an affirmative vote to convert;
- requires conversion schools to comply with the accountability measures used to evaluate charter schools and the student enrollment laws that apply to traditional public schools;
- provides that funding for a conversion school is to be unaffected by the conversion;
- allows the local board to vote to revert back to a traditional school at any time, provided that the change only occur during a break between school years; and
- requires conversion schools to retain the characteristics of a traditional public school.

SB 1069 directs the Office of Management and Enterprise Services to assist the Office of Juvenile Affairs in operation of its charter school. The measure authorizes actions including, but not limited to, establishing a special agency account and authorizing a surety bond.

SB 1268 corrects a scrivener's error in statute that relates to charter school contracts.

School Health and Safety

SB 1164 directs the Oklahoma State Department of Health to create a concussion management section on

its website to provide guidelines for school districts and youth sports organizations to develop policies and procedures pertaining to concussions and head injuries.

Youth sports organizations and associations must develop policies and procedures for concussions and head injuries and the information must be given annually to the athlete and their parent or guardian, who must acknowledge an understanding of the information provided. This acknowledgment must be maintained by each school, youth sports organization and association prior to the athlete's participation in practice or competition.

The bill also requires game and team officials to annually undergo concussion training provided by the Centers for Disease Control and Prevention, the National Federation of State High School Associations or a comparable program or resource. It requires an athlete to be removed from practice or competition by any game official or team official if the athlete exhibits signs of a concussion or head injury. Lastly, it provides for penalties by governing boards for noncompliance with these directives.

HB 2432 requires public schools to post the Oklahoma Department of Human Services child abuse and neglect hotline in both English and Spanish in a conspicuous location accessible to students.

HB 2931 increases the number of mandatory school security drills from two to four and requires one to be conducted within the first 15 days of each semester. The measure also lowers the number of safety drills from eight to six by removing language relating to intruder drills.

Higher Education

HB 2615 prohibits the giving of money or a thing of value to a student-athlete or family member for the purpose of recruitment and prohibits any transaction that would likely cause the student-athlete to permanently or temporarily lose

athletic scholarship and participation eligibility. The measure also outlines several exemptions and establishes penalties for violations. Public and private high schools must advise student-athletes in writing of the provisions of the bill. Lastly, the measure grants public and private postsecondary institutions a right of action against persons engaged in illegal activity with student-athletes.

HB 3166 requires additional information to be included in the tuition and fees report prepared by the Oklahoma State Regents for Higher Education. By January 1 of each year, each institution of the Oklahoma State System of Higher Education must submit a report to the Governor and Legislature that contains a copy of reports submitted to the State Regents that itemizes the tuition and fees for each institution by campus or location and the total budget of each institution for the previous fiscal year, including the amount of revenue received from tuition and fees and other sources and expenses for each campus or location.

SB 1157 is a consumer protection bill that requires all private and out-of-state public degree granting institutions to be authorized according to policies and procedures established by the Oklahoma State Regents for Higher Education. These policies and procedures will include a complaint process, standards for operation, reporting requirements and stipulations for a written enrollment agreement between the institution and the student. The

bill provides exemptions for private institutions participating in the Oklahoma Tuition Equalization Grant Program and out-of-state public and private institutions participating in a state authorization reciprocity agreement.

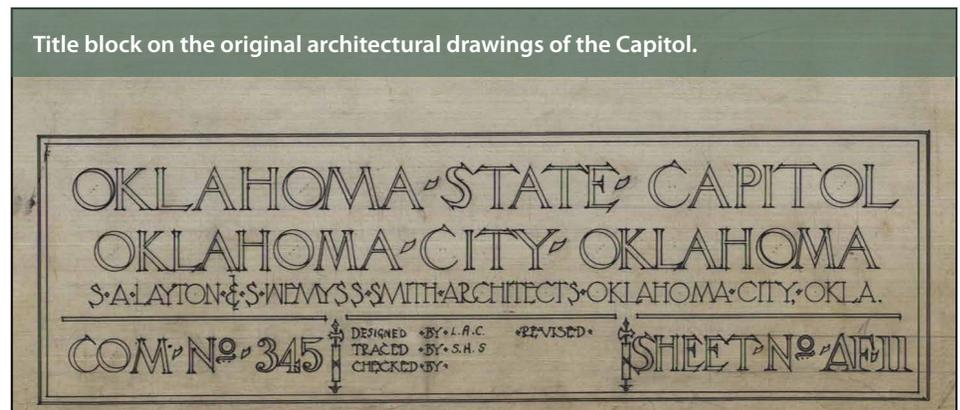
SB 1038 creates the Teaching Certification Scholarship Program with the purpose of providing quality teacher candidates, who are seeking certification, with a scholarship toward the cost of competency exams. The Commission for Educational Quality and Accountability will establish criteria for the program and manage the newly created Teaching Certification Scholarship Revolving Fund.

SB 1269 directs the State Board of Education to collaborate with the State Board of Career and Technology Education and the Oklahoma State Regents for Higher Education to develop college and career endorsements that will provide students with career pathways. Participating students may earn a college and career endorsement in the following pathways: STEM, business and industry, public services, arts and humanities and multidisciplinary studies. The State Board of Education will have the discretion to accept applicable courses taken at a technology center school to qualify for any of the courses required for an endorsement.

Miscellaneous Education

HB 2315 provides that education requirements for school district treasurers or encumbrance clerks

Title block on the original architectural drawings of the Capitol.



will be considered met if completed within the previous three years, prior to employment with a school district.

HB 2404 directs the State Board of Education to promulgate rules that create exemptions for the maximum age children may attend half- or full-day early childhood programs.

HB 2544 modifies when school districts must notify the State Board of Education about a change in their school-hours policy, removes the authorization and reporting requirement for school districts implementing an extended-day schedule and deletes the grade restriction for implementation of an extended-day schedule.

HB 2614 allows a public school to decline or refuse educational services in the regular school setting to a student who has been removed from another school for using electronic communication with intent to terrify, intimidate, harass or threaten faculty or other students.

HB 2649 stipulates that two school days may be counted for teacher attendance purposes in any twenty-four-hour period if one of the school days is used for parent-teacher conferences.

HB 2694 exempts the Commissioners of the Land Office from using the forms developed by the Office of Management and Enterprise Services to secure construction manager, consultant and construction contract services and exempts the commissioners from the Public Facilities Act. The measure also directs the commissioners to hire investment managers to manage the investment of real property within the Land Office Trust.

HB 2784 requires student transcripts to be maintained for 80 years. Except for transcript records, school districts must dispose of information in a student record at a time selected by the district that is between five and seven years following graduation,

transfer, or withdraw. Districts must maintain student records in a manner consistent with state and federal law.

HB 3115 modifies the definition of *textbooks* to include the use of equipment required to make use of technology-based materials, such as tablets and other electronic devices.

SB 1004 requires dropout reports from accredited public and private schools to be submitted annually rather than quarterly to the State Department of Education.

SB 1036 stipulates that the names of school district personnel designated to carry a firearm may be exempt from disclosure under the Oklahoma Open Records Act.

SB 1353 directs the Oklahoma State Regents for Higher Education to submit a list of proposed projects and the terms of financing to the Legislature, as well as the current recipients already specified in law. ■



Energy & Utility Regulation

The Legislature reaffirmed the ability of the Corporation Commission to respond to emergency situations and toughened penalties for safety violations.

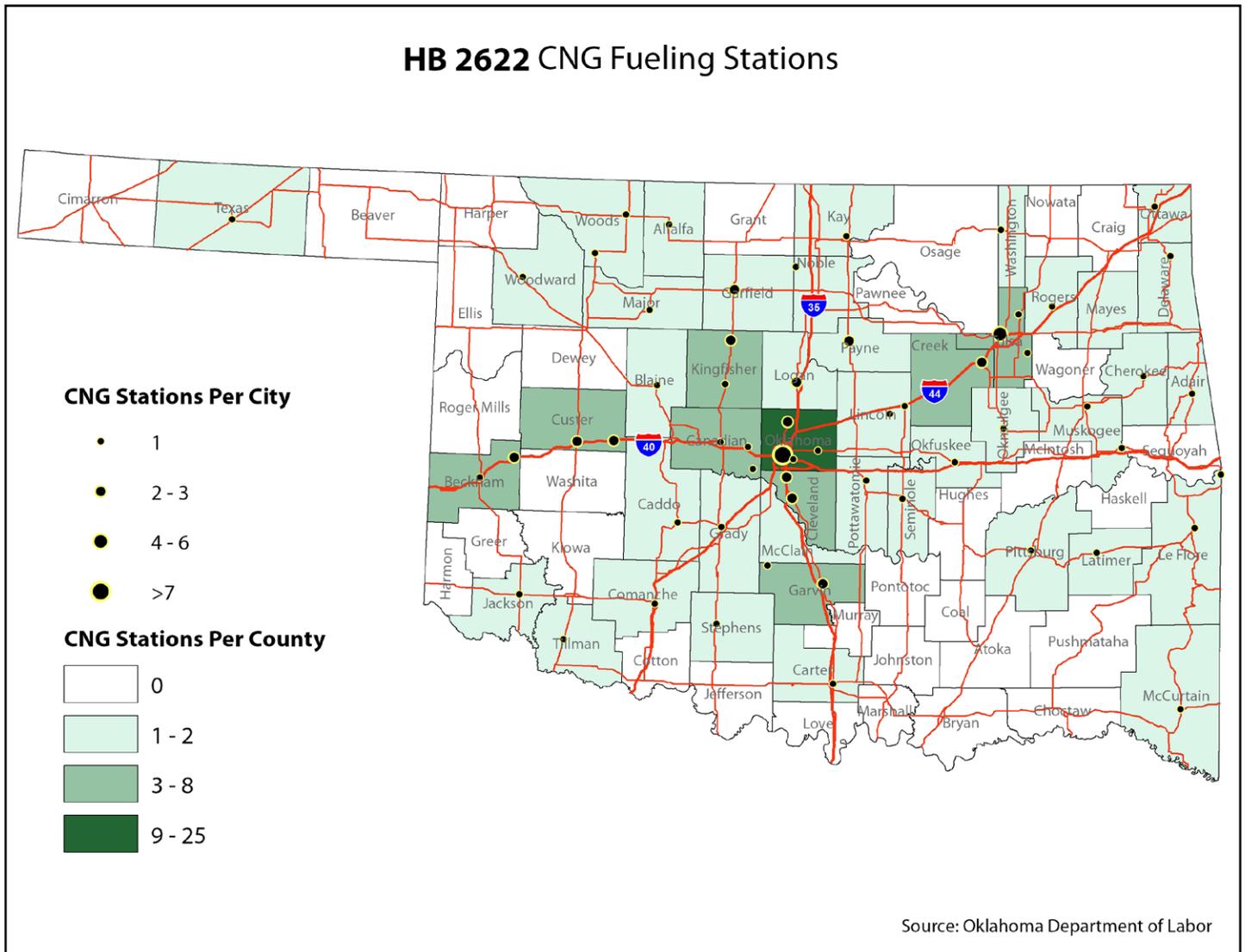
HB 3158 clarifies the Oklahoma Corporation Commission's authority

when responding to emergency situations. The measure authorizes the commission to take whatever action necessary to promptly respond to a situation with potential environmental or public safety

impact, which results from activities within its jurisdiction.

HB 2616 changes the administration of the Oklahoma Universal Service Fund from a litigation-based system to an administrative process to create certainty and clarity for service bids

HB 2622 CNG Fueling Stations



sought by schools and hospitals in part by creating a pre-approval process. Established in 1997, the fund makes Internet access affordable for schools, libraries and health care providers.

HB 2303 extends the Corporation Commission Plugging Fund and certain oil and gas related excise taxes from the current termination date on July 1, 2016, to July 1, 2021.

HB 2357 removes obsolete language related to *hazardous substances* from the Oklahoma Storage Tank Regulation Act and clarifies definitions.

HB 2444 increases from \$10,000 to \$100,000 the maximum daily penalty for a violation of rules or regulations relating to pipeline safety or the Hazardous Liquid

Transportation System Safety Act. The measure also increases from \$500,000 to \$1 million, the maximum total penalty for a series of violations.

HB 2622 amends the Alternative Fuels Technician Certification Act by authorizing the Department of Labor to issue a trainee certificate. The measure changes criteria for appointment to the Committee of Alternative Fuels Technician Examiners and modifies the renewal fee for a fueling station from a flat fee of \$1,000 to \$250 per dispenser, with a cap of \$1,000. The map on the previous page shows locations of compressed natural gas (CNG) filling stations in Oklahoma.

SB 955 removes a requirement that certain Grand River Dam Authority (GRDA) personnel be unclassified and authorizes

GRDA to employ unclassified personnel as deemed necessary by its board of directors. The measure also clarifies the unclassified status of certain engineering employees.

HB 3116 deletes obsolete language related to the State Facilities Energy Conservation Program by removing agency oversight responsibilities from the director of the Office of State Finance.

SB 993 allows mail-in ballots to count toward the quorum for a meeting of a rural electric cooperative, if allowed by that cooperative's bylaws.

HB 1951 requires municipalities operating underground facilities to participate in the one-call notification center, and to mark or provide the location of those facilities in the same manner as required of non-municipal operators. ■



General Government

The Legislature passed several measures concerning federal, state, and local government. Included among the most prominent measures were those that secured additional funding for the continued renovation of the State Capitol Building, made changes to strengthen the electronic voter registration process, ensured funding for highway and bridge projects over the next eight years, and applied to Congress under Article V of the U.S. Constitution calling for a convention of the states to propose several amendments to the Constitution.

State Government

SJR 72 sends to a vote of the people a proposal to repeal Section 5 of Article II of the Oklahoma Constitution, which relates to the use of public monies or property for sectarian or religious purposes.

SB 14 creates the Bill of Rights Monument Display Act. The measure authorizes the State Capitol Preservation Commission to arrange for placement on the Capitol grounds a monument displaying the Bill of Rights. This monument would be designed, constructed and placed by private entities at no expense to the state.

HB 1581 directs state agencies that are statutorily required to provide an itemized budget request to include a report listing the amount and source of any federal funds received by the agency and a description of any actions required or prohibited on the

part of the agency as a condition for receiving the funds.

HB 3231 authorizes the Oklahoma Capitol Improvement Authority to issue a \$200 million bond to be used to fund highway and bridge projects through FY 2016-23. The graph below represents the aging rate of the state's bridges; many of which will be repaired in future bridge projects.

HB 2435 amends the State Travel Reimbursement Act by increasing the limitation period on reimbursement of travel claims and vouchers from 31 days to up to one year.

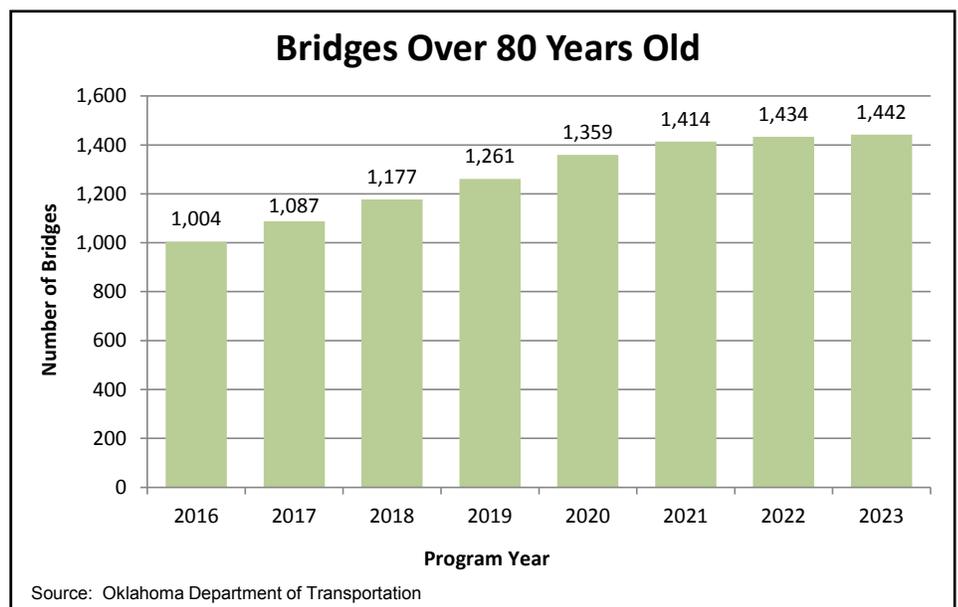
HB 2510 amends the Open Records Act by permitting Social Security numbers to be redacted or deleted prior to release of a record by a public body, regardless of the person's

status as a public employee or private individual.

HB 2407 modifies the Oklahoma State Recycling and Recycled Materials Procurement Act by removing the requirement for the Director of Central Services to provide an annual report to the Governor and legislative leaders.

HB 2704 modifies the State Travel Reimbursement Act by including rideshare as an authorized mode of transportation. The measure also states that distances for which reimbursement for use of privately owned motor vehicles is claimed must be actual business miles based on a recognized global positioning system.

HB 2710 modifies the Oklahoma Personnel Act by adding to the duties of the Director of the Office



of Management and Enterprise Services (OMES) to include providing job-related assessments in the recruitment of employees.

SB 154 modifies the Public Competitive Bidding Act of 1974 by increasing the threshold for emergency contracts from \$50,000 to \$75,000.

SB 946 adds the Department of Corrections (DOC) to the entities that can declare an emergency in order to be exempt from certain bidding requirements in the Competitive Bidding Act. The emergency status is for situations relating to the conditions of confinement, health and safety of inmates in the custody of the DOC and may not exceed \$250,000.

SB 172 authorizes OMES to approve an alternative process for certain business operations, including accounts payable and travel expense controls, when unnecessary duplication or redundancies are found. The measure requires OMES to establish appropriate reporting as deemed necessary.

SB 1182 requires official acts of the Governor to be recorded and maintained by the Secretary of State and made available to the public as prescribed by law. The measure also repeals sections of law made obsolete by this bill.

SB 1227 increases the fee, from \$1 to \$5, for handling and processing rejected warrant items processed by the State Treasurer.

SB 1573 authorizes the Oklahoma Historical Society to transfer property declared as surplus or beyond the means of the society to maintain. Property may be offered at fair market value to the original donor, or if a donor cannot be found or identified, to an appropriate not-for-profit organization or Indian tribe. The measure also exempts these property sales or transfers from the Oklahoma Surplus Property Act.

SB 1602 modifies requirements for the position of Executive Director of the Office of Juvenile Affairs by

deleting the requirements for work experience in corrections or juvenile justice and a master's degree. The bill also modifies requirements for the position of Director of Corrections by removing requirements for work experience in the corrections field and a master's degree.

State Employees

HB 2471 allows all state agencies to participate in the State Employee Suggestion Program. Previously, the program was available only to agencies employing more than 10 full-time employees.

HB 1711 modifies the Oklahoma Employees Benefits Act by authorizing the Oklahoma Employees Insurance and Benefits Board to offer an alternative insurance plan to retirees who are under 65 years of age.

HB 2997 authorizes agencies to establish education and training programs for positions critical to the mission of the agency. The measure authorizes agencies to contract with accredited institutions to provide this education and training and requires employees who participate in the program to execute a promissory note, for expenses payable to the agency, promising to repay the note by remaining employed by the agency. The duration of the loan repayment will correspond with the rules promulgated by OMES.

HB 2452 re-creates the Oversight Committee for State Employee Charitable Contributions until July 1, 2022.

HB 2619 directs OMES to publish a schedule of reimbursement rates for state employee travel.

State Capitol

HB 3168 authorizes the Oklahoma Capitol Improvement Authority to issue obligations not to exceed \$125 million for the renovation, repair and remodeling of the State Capitol Building.



Various poultices were used in an attempt to remove stains from the original historic marble floors after an oil-based adhesive was used to secure carpet.

SB 1583 designates areas of the Capitol building that are under the control of the Senate and the House of Representatives. The measure also requires OMES to create a set of architectural drawings that reflect the layout of the Capitol spaces allocated to the Legislature and modifies the duties of the State Capitol Repair Expenditure Oversight Committee.

HB 3023 exempts the State Capitol Building from the requirement that priority be given to vending facilities operated by licensed blind operators and established by the State Department of Rehabilitation Services.

State-Federal Relations

The Legislature responded to concerns about fiscal irresponsibility at the federal level by enacting **SJR 4**. The resolution makes two separate applications to Congress under Article V of the U.S. Constitution. One is for the purpose of calling a convention of the states to propose a balanced budget amendment to the Constitution and one for the purpose of proposing amendments to the Constitution to impose fiscal restraints, limit the power and jurisdiction of the federal government and to limit terms of office for federal officials and members of Congress.

County Government

HB 2360 authorizes county commissioners to designate two individuals, who are not county employees, for each of the following entities within the county to act as receiving and requisitioning officers:

- fire protection districts;
- fire protection services;
- volunteer or full-time fire departments; and
- municipal fire departments.

Finally, the bill requires evidence of blanket bond coverage or employee dishonesty liability insurance for each designee.

HB 2519 authorizes expenditures from the county highway fund to remove and dispose of storm debris and animal remains from county roads and rights-of-way.

HB 3130 modifies the process by which a county purchasing agent can make certain purchases. The measure increases the dollar amount for purchases of materials for road and bridge improvements that are exempt from certain bidding procedures from \$3 per yard or ton to \$7 per yard or ton.

SB 1097 repeals obsolete statutes related to the responsibility of the Chief Clerk of the House of Representatives to provide hard copies of statutes and court decisions to county clerks.

Municipal Government

HB 2248 clarifies that sales tax levy election ballots may include multiple one-subject propositions.

SB 1029 authorizes a public provider of wastewater and sewage services, if a customer receives water services from a separate public provider, to request that the water services be terminated if the property becomes delinquent for nonpayment. The measure requires that public entities using this authority create a notice and hearing procedure.

HB 2358 modifies the process by which a municipality awards licenses or permits for the operation of cable television services by changing the scope of a license from cable television services to video services. The measure limits the amount of the rental payment to the municipality to not exceed 5 percent of the annual gross revenues derived from the provision of video services.

SB 1102 removes a reference to financial assistance that was available to qualifying municipalities for the purpose of hiring part-time city managers or part-time city planners.

SB 1172 increases the time period, from 30 days to 60 days, for submitting signed copies of petitions invoking a referendum on ordinances or resolutions. The measure modifies the penalty for signing a false affidavit relating to the qualification for municipal office by removing the felony and replacing it with a maximum fine of \$1,000. Finally, the bill removes the penalty of 30 days imprisonment for illegal voting.

SB 1493 authorizes a municipality to enter into agreements with a volunteer fire department for used equipment that has been tested and certified as safe. The measure exempts the municipality from liability for any damage caused by the use of such equipment.

SB 888 modifies certain audit requirements for municipal income by providing an exception for any grant monies received from a federal, state or other governmental entity.

SB 1011 requires a municipality with a governing body consisting of less than seven members to approve an indebtedness or obligation by a three-fifths vote.

Retirement

SB 1128 creates the Oklahoma Pension Improvement Revolving Fund, which will consist of funds received for the benefit of retired members and beneficiaries of the state's retirement systems. Expenditures from the fund can be made only by legislative appropriation to pay for the cost of any authorized cost-of-living adjustment for retirees and beneficiaries.

HB 2264 amends the Retirement Freedom Act by authorizing members of the Oklahoma Public Employees Retirement System's defined contribution plan to modify their contribution rate each month.

HB 2258 modifies the Oklahoma State Pension Commission by amending certain provisions related to reports and analysis of financial performance.

HB 2263 provides rule changes to make the Oklahoma Teacher's Retirement System easier to



Scaffolding is erected on the north side of the Capitol.



The decorative state seal is slated for restoration above the second floor entrance to the Capitol.

administrate by requiring employers to make available certain information concerning compensation and service to the retirement system. The measure also requires the system to cooperate with the internal auditor.

HB 2273 makes changes to the Oklahoma Police Pension and Retirement System that are required by the IRS to retain qualified status.

SB 1040 prevents the use of Roth funds to purchase eligible service in the Oklahoma Law Enforcement Retirement System.

SB 1022 clarifies that non-Roth IRA funds can be used to restore service credit for firefighters returning to covered employment after they withdrew their contributions.

SB 1021 terminates the local firefighter pension and retirement boards, effective December 31, 2016, unless a majority of the active firefighters of an affected fire department elect to continue the local board.

Elections and Ethics

SB 1016 directs the Secretary of the State Election Board to submit information entered by an applicant into the electronic voter registration application to the Department of Public Safety for comparison to information on the applicant's driver license or ID card. If the department finds that the information in the application matches the information on the applicant's driver license or

ID card, the department is required to provide a digital image of the signature on the license or ID card to the secretary and the application may proceed. If the information does not match, the application will not proceed and the applicant will be notified and given instructions for updating the license or ID card. The measure also extends statutory provisions regarding confidentiality of personal information within driver records to the information obtained by the State Election Board and requires the Board to keep a full or partial Social Security number or driver license number confidential.

SB 1108 modifies the authority of the Secretary of the State Election Board to obtain additional precinct election board members as needed; directs the secretary of the county election board to transmit the official results of the precinct to the State Election Board; provides that the secretary has the authority to print only the names of candidates for President and Vice President on the ballot and print a separate list of the nominees for Presidential Electors; and provides that the secretary may delay, until no later than December 31, 2017, sending an address confirmation mailing to inactive voters if there are insufficient funds for doing so in FY 2017.

HB 1302 requires that ballots hand delivered to the county election board be done so no later than regular business hours on the day before the

election and that the voter provide proof of identity.

HB 2271 adds military service members to the list of persons who can request that the Secretary of the State Election Board keep confidential their residence and mailing address.

SB 896 provides that a political party ceases to be recognized if that party's nominee for Governor or nominees for electors for President and Vice President fail to receive at least 2.5 percent of the votes cast for those offices in a General Election.

Miscellaneous General Government

HB 2281 provides that a public entity that makes requested records available on the Internet is considered to be meeting its obligation to provide prompt, reasonable access to its records under the Oklahoma Open Records Act.

HB 3201 merges duplicate sections of law enacted during the 2015 legislative session.

SB 912 requires an agency filing an administrative rule to include a statement of the gist of the rule.

SB 936 authorizes the Department of Transportation to place in unclassified service seasonal employees who work less than 1,600 hours in any 12-month period. The measure states that seasonal employees are not entitled to paid leave, paid holidays, retirement, health, dental or life insurance and are exempt from laws or rules providing for benefits. Additionally, the bill directs the department to include in its initial budget request a summary of the use of seasonal employees.

SB 1342 requires the Office of Management and Enterprise Services to modify the Taxpayer Transparency Act website to give users the ability to track state agencies' expenditures of federal funds.

There were several bills that reclassified job positions within

the merit system into unclassified service:

SB 1596 provides that certain Oklahoma Department of Labor positions, including one Administrative Programs Officer, one Industrial Hygienist Supervisor, and one Public Information Officer, be unclassified positions.

SB 1597 modifies the list of unclassified employment positions at the Oklahoma Department of Agriculture, Food, and Forestry.

SB 1598 places the positions of Director of Oil and Gas Division and Financial Manager/ Comptroller within the Commissioners of the Land Office into the unclassified service.

SB 1599 places the following positions within the Office of the Secretary of State into unclassified service: the Secretary of State; Assistant Secretary of State; Chief Financial Officer; Deputy Assistant

| Administrative Rules | | |
|----------------------|---|----------------|
| Legislation | Entity | Extension Date |
| HB 2410 | Board of Chiropractic Examiners | 2020 |
| HB 2411 | Construction Industries Board | 2020 |
| HB 2412 | Board of Examiners Optometry | 2020 |
| HB 2413 | State Anatomical Board | 2020 |
| SB 963 | State Board of Examiners of Certified Shorthand Reporters | 2020 |

of Native American Affairs; and one Executive Secretary.

SB 1600 provides that certain Oklahoma Historical Society positions, including the Director of Museums and Historic Sites, the Director of Research, the Deputy State Historic Preservation Officer, and the Director of the Oklahoma Museum of Popular Culture, be unclassified positions.

Administrative Rules

One of the functions of the Administrative Rules Committee is overseeing the periodic review of governmental boards or other entities. These “sunset” reviews allow the Legislature to determine if the board is performing its assigned duties. Entities that have an ongoing purpose and have a compelling reason to continue are extended by the Legislature. The boards in the above chart had their sunset dates extended. ■

information is shared between compact states);

- addresses how a licensee may obtain information about oneself that is in the coordinated licensure information system;
- provides for the exchange of information with other party states;
- allows the commission to adopt administrative rules directly and limits it to the procedural implementation of the compact; and
- ensures compliance with the compact by member states.

The compact will not become effective until either 26 states adopt the compact or December 31, 2018. The map on the previous page shows those states that enacted the original NLC in 2000, the enhanced NLC in 2016 and those states where legislation is pending to adopt the enhanced NLC.

HB 3017 directs the Office of the Attorney General to establish a standardized physician orders for life-sustaining treatment form and directs the State Board of Medical Licensure and Supervision to post the form online.

SB 1091 applies a five-year statute of limitations to Medicaid fraud.

A related measure, **SB 1515**, raises the civil penalty for a violation of the Oklahoma Medicaid False Claims Act from between \$5,000 and \$10,000 to \$5,500 and \$11,000. The measure provides that an employee who was retaliated against by an employer for cooperating in an investigation regarding Medicaid fraud has three years to bring an action for relief.

HB 2703 directs the State Department of Health to provide a public birth and death data index on its website at no cost to users by July 1, 2017. Birth data will not be added to the index until 20 years after the birth and death data will not be added until five years after the death. Death certificates will be considered public record 50 years after death.

Private entities may request assistance from the department in receiving digital files in full or part, and a fee may be assessed but it cannot be more than the cost of creating and transmitting the file. The department may grant applications for electronic verification of the existence of birth and death certificates for legal and administrative purposes at any time when an application is made by: a government agency conducting official business, a benefit-paying party, a physician licensed to practice in the U.S. to determine if a patient has been lost to care, or other entities for fraud protection as determined by the department.

The department may charge a fee for electronic birth or death verification, but a fee may be waived when a request is received from an Oklahoma state or local government agency. The recipient of the verification may also be subject to fees levied by a contractor retained by the State Board of Health to provide such services.

HB 2547 repeals the informed consent provision from the Oklahoma Telemedicine Act to expand access to health care services by eliminating the need for a patient's primary care physician to approve the patient's use of telemedicine services.

HB 2601 requires health care facilities to include in the summary of a mammography report information that identifies the patient's individual breast density classification based

on the Breast Imaging Reporting and Data System established by the American College of Radiology. If it is determined that the patient has heterogeneously or extremely dense breast tissue then the report will include a specific notice. It does not create a duty of care or other legal obligation beyond the duty to provide notice.

HB 2518 adds illness as an exception to the written consent that is required prior to a physician providing medical treatment to a minor, and permits another adult who is authorized by law to give consent on behalf of a minor.

SB 1196 allows minors to consent to having a forensic medical examination performed by a qualified licensed health care professional if they are a victim of sexual assault.

HB 2742 defines the terms *community paramedic services* and *community paramedic*. These services must be a part of a care plan ordered by a primary health care provider and could include health assessment, chronic disease monitoring and education, medication compliance, immunizations and vaccinations, laboratory specimen collection, hospital discharge follow-up care and minor medical procedures compliant with the community paramedic's scope of practice as approved by the ambulance medical director. Any hospital or health care facility operating within the state may utilize



The scaffolding allows workers to get close to the building in order to complete window and stone restoration activities.

community paramedic personnel for the delivery of community paramedic services for patients who come to the hospital or facility.

HB 1036 modifies the definition of *stretcher van passenger* and limits stretcher van services to counties with populations of at least 500,000 people. Stretcher van passengers must be approved as qualified for transport through a screening protocol prior to transport. The measure also requires Licensed Emergency Medical Services to conduct quality assurance reviews of operations and medical care.

SB 1150 prohibits any person or business from offering their services as a “pick-up station” or intermediary for the purpose of having prescriptions filled or delivered. However, the measure allows the owner of a pharmacy to authorize a person or business to act for them in such a capacity under certain conditions.

HB 2627 modifies eligibility requirements for a retired volunteer dentist license to include 30 years of consecutive practice. The board of dentistry may deny a license or permit to any applicant who fails to disclose a criminal history, guilty plea, or has been convicted of a felony or misdemeanor involving moral turpitude, Medicaid fraud or a violation of federal or state controlled dangerous substances laws. The board’s review panel is authorized to take emergency action to temporarily suspend the permit of a dental assistant or oral maxillofacial surgery assistant if the panel finds that it is imperative to protect the health, safety and welfare of the public.

SB 1148 stipulates that nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and Oklahoma Osteopathic Medicine Act, may be construed as to require a physician to secure a Maintenance of Certification from a medical specialty board as a condition of licensure, reimbursement, employment or admitting privileges at a hospital.

SB 1149 provides that a municipal governing body or county hospital governing board may engage in transactions to manage, lease or operate a medical facility outside the municipal limits to provide a benefit to the community or to lessen the burden of government that does not solely provide a benefit by generating administrative fees.

SB 1179 allows participants in the Oklahoma Medical Loan Repayment Program to satisfy requirements of the program by practicing at federally qualified health centers and federally qualified teaching health centers.

SB 615 modifies the Licensed Dietitian Act by expanding the definition of *dietetics* and adding two new terms: *nutrition assessment* and *nutrition counseling*. It expands the list of violations that may lead to the revocation or suspension of a license, establishes a fine for violations and stipulates that a person may be held liable for costs incurred by the board to implement disciplinary actions or prosecute a case.

HB 2267 extends the Supplemental Hospital Offset Payment Program (SHOPP) fee until December 31, 2020, and changes the month from December to November when hospitals will be reviewed by the

Oklahoma Health Care Authority for the purpose of determining the SHOPP assessment fee. Additional changes made to the program include modifying when the annual SHOPP assessment fee is determined from December to November and removing Title XIX monies from the SHOPP Fund.

SHOPP began in 2011. The program assesses a fee on qualifying hospitals that are placed in pools and then reallocated back to participating hospitals. The purpose of the program is to draw down federal matching dollars.

SB 1360 allows hospitals to adopt guidelines for the interaction between organ procurement organizations and hospital staff. Nothing in the Oklahoma Uniform Anatomical Gift Act may be construed as to authorize an organ procurement organization to use coercion or emotional abuse of patients, families of patients, physicians or hospital staff in any aspect of the organ donation process, including but not limited to the testing and screening of potential donors and the procurement of organs.

HB 2835 removes the age restriction on the use of cannabidiol to allow a person of any age who is participating in a clinical trial for the treatment of severe forms of epilepsy, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, and to stimulate appetite for those with chronic wasting diseases.

HB 2797 creates the Humanity of the Unborn Child Act and directs the State Department of Health to develop educational materials concerning maternal behavior during pregnancy, informational materials about the probable anatomical and physiological characteristics of an unborn child at two weeks gestational intervals and a website aimed at helping women throughout the pregnancy and child-rearing process.



Original barrel-vaulted ceilings are re-created during restoration work at the Capitol.

The measure also mandates the posting of signage, in every public restroom maintained by the department by January 1, 2018, relating to public and private services available to pregnant women and mothers of children.

The measure further mandates the State Department of Education, in collaboration with the State Department of Health, to establish instructional programs for students consistent with the provisions of the act. The program is optional and local schools boards may choose to oversee the implementation and contents of the programs. Funding for the programs will be accessed through the newly created Public Education on the Humanity of the Unborn Child Fund and implementation of the act is contingent upon the availability of funds appropriated by the Legislature.

Miscellaneous Health

HB 2603 clarifies that the statutory provisions that prohibit the practice of medicine without a license apply to those persons licensed under the Oklahoma Osteopathic Medicine Act.

SB 884 exempts hospitals operated by the Department of Corrections from licensing requirements.

SB983 creates the Health Information Technology Advisory Board that will advise the Chief Information Officer in the development of a long-

range plan for health information technology.

SB 1147 requires that by July 1, 2017, a physician in charge of a patient's care must enter the medical certification portion of the death certificate into the electronic system provided by the State Registrar of Vital Statistics.

SB 1163 modifies the definition of the practice of optometry to include telehealth applications.

SB 1357 modifies the Oklahoma Food Service Advisory Council by increasing the number of members on the council from 13 to 14 members with nine appointed by the State Commissioner of Health. The additional member will represent the School Nutrition Association of Oklahoma.

SB 1499 directs the College of Pharmacy at Southwestern Oklahoma State University to study the effectiveness of anti-abuse-formulated opioids, as well as discrepancies between insurance coverage for those drugs and for prescription opioids without abuse-deterrent properties, and to report findings to the House and Senate by December 31, 2016.

Children and Families

HB 2757 decreases from 10 percent to 2 percent the interest rate that accrues on past-due court-ordered child support payments and other

support judgments. The bill also modifies the factors that go into calculating the adjusted gross income of a parent who owes child support by taking into consideration support provided by the parent for children born after the child in the case under consideration. The measure also authorizes the court to approve a modification of a child support order that deviates from the child support guidelines if agreed to by both parties and directs the court to apply the principles of equity when modifying a support order due to changes in circumstances of either party.

HB 2621 provides that siblings may be separated in a decision involving the placement or custody of the children if:

- it is determined that one sibling has resided in a foster family home for six months or longer and has established a relationship with the foster family;
- the siblings have never lived in the same home and don't have a relationship;
- placing the siblings together would be contrary to the well-being of any of the siblings; and
- it is in the best interest of the child to remain in the current foster placement.

HB 2483 relates to termination of parental rights proceedings and provides that, if the party who requests a jury trial fails to appear in person for the trial, the court may deem their right to such a trial to have been waived. The measure provides that the adjudication would then be by nonjury trial unless another party requests it or the court determines on its own motion to try the case by jury.

HB 2491 directs the Department of Human Services (DHS) to determine whether the person responsible for the health, safety and welfare of a child alleged to be abused or neglected is an active-duty service member or spouse. The bill requires the department to notify the designated federal authorities at the military



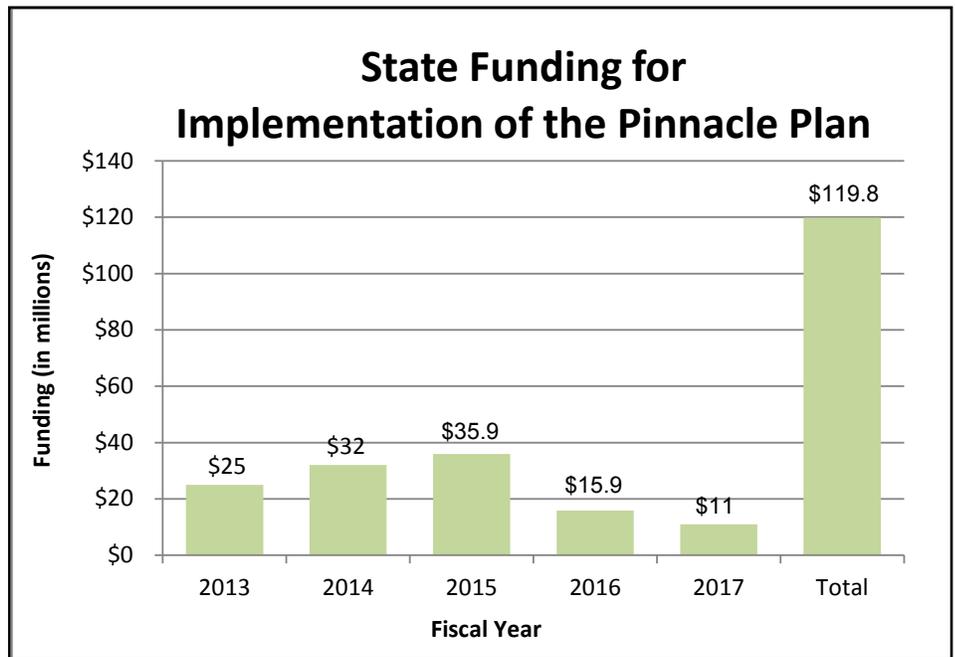
Interior designers record the pattern in the marble in the first floor rotunda.

installation where the active-duty service member is assigned that it has received a report alleging child abuse or neglect. Finally, the measure adds certain federal authorities at military installations to the list of individuals who can view juvenile court records and DHS records without a court order. A similar measure, **SB 1370**, directs DHS to determine if a parent or guardian of a child subject to an allegation of abuse or neglect is on active-duty in the military and, if so, to notify a U.S. Department of Defense family advocacy program that there is an active child welfare investigation. The bill also requires the department to send a report of its investigation and findings to the appropriate military law enforcement entity.

SB 694 specifies that \$11 million of the general appropriation to DHS for FY 2017 be used for continued funding of the Pinnacle Plan. Funding for the five-year plan is shown in the graph to the right.

HB 2971 was enacted in response to legislative concerns about the method in which the state's child welfare system responds to reports of abuse or neglect of children with disabilities. The measure creates the Child Welfare Review Committee for the Death and Near Death of Children with Disabilities. The purpose of the committee is to study the deaths and near deaths of children with disabilities who had previous child welfare involvement or are in the custody of DHS and to issue a report of its findings to the Legislature and Governor by December 1, 2018.

HB 2965 further clarifies that no governing body or entity may interfere with an individual's obligation to report suspected child abuse or neglect nor may they discharge or otherwise retaliate against the individual who made a report. The bill provides that if the child who is the subject of the report is harmed by the retaliation, the party harmed may file an action to recover damages.



Two bills relate to permanent guardianship. **HB 2431** prohibits the court from granting permanent guardianship of a deprived child if the prospective guardian would be denied placement as a foster or adoptive parent pursuant to statutory guidelines or if the person is subject to, or living with an individual who is subject to, the Oklahoma Sex Offenders Registration Act. The second measure, **HB 2484**, provides that an order appointing a permanent guardian of a child in DHS custody will divest the department of legal custody and supervision of the child. The bill also provides that, upon an order of permanent guardianship, the department may close the deprived case and that any custody or child support order stemming from the deprived action may be transferred to another court.

HB 2963 provides that court approval of the affidavit disclosing all monies expended by an adoptive family during the process of adoption does not exempt a person, attorney or child-placing agency from prosecution if it was fraudulent or false and specifies what constitutes reasonable fees of a child placing agency. The measure also:

- requires the court to document the reason for approval of

additional costs and expenses in connection with an adoption;

- prohibits any party to an adoption from having a financial interest in a third-party provider without disclosing such interest in an affidavit;
- creates a statutory Disclosure Statement of Adoption Related Costs and Expenditures and directs that the form be maintained by the court clerk and made available for public inspection; and
- provides that the final decree of adoption may not be invalidated if a party to the adoption, excluding the adoptive parent, is investigated for suspected fraud or trafficking in children.

Four measures deal with child care facilities:

SB 1211 directs DHS to consult with the Oklahoma Commission on Children and Youth (OCCY) in making appointments to its child care facilities advisory committee and establishes four subcommittees to represent all categories of facilities licensed by the department. The measure also requires that a majority of the Child Care Facility Peer Review Board be comprised of representatives of child care facilities

and adds OCCY and the Department of Mental Health and Substance Abuse Services to the list of agencies that DHS is to consult with prior to adopting new licensing requirements for facilities.

SB 1273 prohibits child care facilities from using soft or loose bedding and from allowing toys or educational devices in a sleeping area used only for infants, and prohibits facilities from placing a child in sleeping equipment or a sleeping area that has not been approved for use as such by DHS.

SB 1274 modifies the notice requirements for child care facilities that do not carry liability insurance by requiring facilities to keep on file a form signed by the parent or guardian of a child acknowledging that he or she is aware that the facility does not carry at least \$200,000 of liability insurance. The bill also requires facilities to keep a copy of its most recent compliance file onsite and to post a notice informing parents or guardians that the file is available for inspection.

SB 1554 provides that any person with a bachelor's or postgraduate degree will be considered as having met the educational requirements to be a director of a full-time child care center. The measure also specifies the number of square feet per infant required in infant-only rooms in existing child care facilities and in new construction.

Juvenile Justice

SB 1200 provides that a willful violation of any provision of a court order issued under the Oklahoma Juvenile Code constitutes indirect contempt of court, punishable by a fine of up to \$300, up to 10 days in a juvenile detention center, or both. The measure removes a provision allowing a child taken into custody as being in need of supervision as a result of being a runaway to be placed in a juvenile detention center, pending court proceedings. An 18-year-old could be held in a juvenile detention facility if no motion to certify him

or her as an adult is filed. Finally, the bill allows for a juvenile's court hearing to be in the county of original jurisdiction rather than where the alleged violation occurred.

SB 1424 requires the Office of Juvenile Affairs (OJA) to conduct background checks, including a national criminal history records search, on employees or those who apply for jobs with OJA or any OJA-licensed facility. The measure also allows information obtained through a background check to be released from one facility to another if that individual is applying for employment or seeking a contract, subject to confidentiality requirements.

SB 1371 removes language specifying the number of secure juvenile detention beds required in each county.

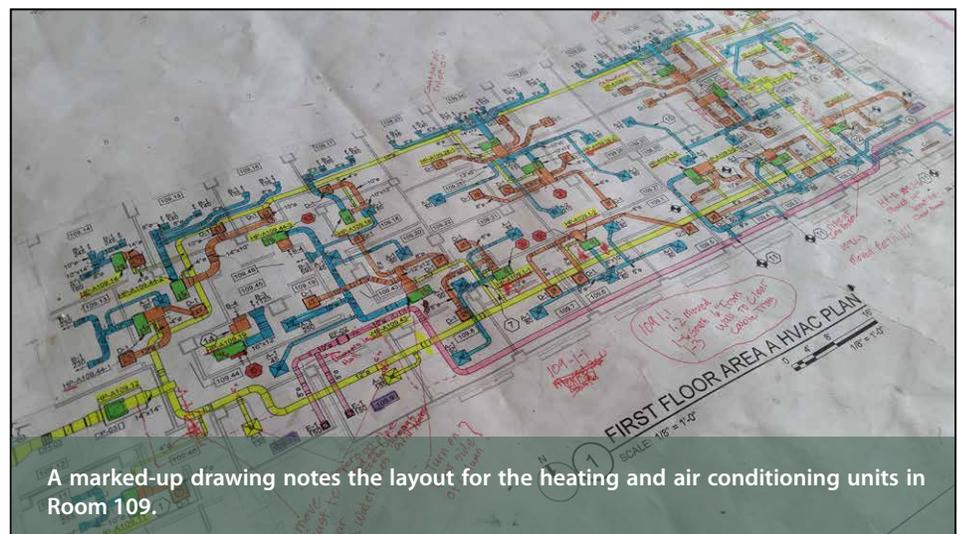
SB 1602 modifies requirements for the position of Executive Director of OJA by deleting the requirements for work experience in corrections or juvenile justice and a master's degree. The bill also modifies requirements for the position of Director of Corrections by removing requirements for work experience in the corrections field and a master's degree.

SB 44 repeals several obsolete sections of law relating to the Interstate Compact on Juveniles.

Seniors and Persons with Disabilities

HB 2821 requires the State Treasurer to facilitate access to a qualified Achieving a Better Life Experience (ABLE) program for eligible individuals either by establishing an ABLE program, contracting with a state that has a qualified program, joining a consortium of states in administering a qualified program or by operating a website to help individuals select a qualified program. Funds in an ABLE account will be used to pay qualified disability expenses. The measure also exempts account balances and distributions from taxation, garnishment, seizure or transfer, and the assets cannot be used in a determination of eligibility for public assistance programs.

HB 2280 directs the Oklahoma State Department of Health (OSDH), in consultation with the Long-Term Care Facility Advisory Board, to develop a classification system for violations of the Continuum of Care and Assisted Living Act that reflect the severity of the violation and prescribe graduated penalties based on the level of harm to the resident. The measure also requires the facility to submit a plan of correction that details how the violation will be corrected and how similar violations will be prevented from occurring in the future.



A marked-up drawing notes the layout for the heating and air conditioning units in Room 109.

SB 1374 adds a category of Not-for-Profit Life Care Community to the Long Term Care Insurance Act and requires that an endowed prepayment, license or entry fee of \$50,000 or more be independently, actuarially determined prior to the opening of the community and annually thereafter to ensure that sufficient payments are collected to meet the future needs of residents.

HB 2549 modifies the definition of *owner* as it is used in the Nursing Home Care Act to include any nonstate governmental entity that has acquired a nursing facility and that has entered into an agreement with the Oklahoma Health Care Authority to participate in the nursing facility supplemental payment program. This measure also authorizes this entity to obtain services from a management services provider.

SB 1495 amends the list of persons to whom notice of a hearing on a petition requesting the appointment of a guardian for an incapacitated person be served to include the adult children of any deceased brothers or sisters of the incapacitated person. The measure also creates a rebuttable presumption that disposing of such a guardianship petition will impede the ability of persons required to receive notice to protect property or other rights.

SB 1287 prohibits DHS from forwarding unsubstantiated findings of abuse or exploitation of a vulnerable adult and findings of self-neglect to the district attorney's office.

SB 1127 modifies the definition of vulnerable adult as used in the

Protective Services for Vulnerable Adults Act to include persons with Alzheimer's disease or other dementias.

HB 2282 requires the Oklahoma State Board of Examiners for Long-Term Care Administrators to adopt rules, on or before July 1, 2017, allowing applicants to take the state standards test at a testing facility using procedures approved by the National Association of Long-Term Care Administrators.

Miscellaneous Health and Human Services

HB 2285 repeals the Oklahoma Pharmacy Connection Council.

HB 2426 deletes a reference to a statute that was repealed in 2009.

HB 2586 provides that the medical director of a hospice may sign the death certificate of a patient who died while under hospice care. The bill requires physicians licensed in Oklahoma to sign and file death certificates electronically by July 1, 2017, and directs OSDH and the Office of the Chief Medical Examiner to ensure that permit applications for cremations and out-of-state dispositions function together.

HB 2667 provides that a residential care home that wishes to challenge a statement of deficiency may make a written request to the OSDH within 30 calendar days after receiving a statement of deficiencies from the department. The measure also specifies the membership of an impartial decision-making panel for the alternative informal dispute resolution process.

SB 1194 repeals a duplicate section of statute related to emergency custody hearings.

SB 1209 authorizes the Department of Rehabilitation Services to pay for an employee recognition award ceremony or reception from its operating funds and provides that the selection process be confidential.

SB 1327 updates the Uniform Interstate Family Support Act based on recommendations from the Uniform Code Commission. The act helps ensure uniformity of child custody and support statutes across state lines.

SB 1369 directs the Office of Planning and Coordination within OCCY to make annual recommendations for improvement of services to runaways and youth at risk of homelessness.

SB 1506 allows residential care homes to participate in an informal dispute resolution process in response to a deficiency cited by the OSDH.

SB 1507 authorizes the Director of the Office of Disability Concerns to use purchase cards for invoices related to telecommunication services, subject to the approval of the State Purchasing Director.

SB 1607 removes obsolete language that relates to the University Hospitals Trust and the Oklahoma State University Medical Trust. It stipulates that in the event that these trusts enter into a joint venture or acquire an interest in a not-for-profit entity to effectuate the administration of the mission of the trust that entity will not be subject to the Oklahoma Open Meeting Act and the Open Records Act. ■



Judiciary

To provide additional funding and flexibility for the courts, the Legislature authorized court fee increases and access to various revolving funds administered by the judicial branch. The Legislature also gave victims of Internet catfishing the ability to file a civil action against their impersonator and reduced the burden of the probate process for individuals with a smaller estate.

Judicial Administration

HB 3220 addresses the following court fees:

- maintenance fee for the alternative dispute resolution system levied in all civil cases is increased from \$2 to \$7;
- fee to file divorce, alimony, separate maintenance, custody or support actions is increased from \$143 to \$183; and
- fee for issuing summons for each person is increased from \$5 to \$10.

The measure also directs the court clerk to assess an administrative fee of 15 percent on all fees collected by the court clerk for outside agencies. Any revenue collected from the administrative fees will be deposited into a newly created District Court Revolving Fund and may be used by the district courts for any business that is necessary to perform the duties imposed by law upon the district courts.

HB 3202 allows for the transfer of monies between the Law Library

Revolving Fund, Supreme Court Revolving Fund, Supreme Court Administrative Revolving Fund, Lengthy Trial Fund and Interagency Reimbursement Fund until July 30, 2016. The purpose of the measure is to give the courts flexibility to access its various funds in order to avoid a shortfall for the remainder of FY 2016.

HB 3219 directs the Office of Management and Enterprise Services to transfer monies from the Oklahoma Court Information System (OCIS) Revolving Fund to the District Court Interagency Reimbursement Fund at the request of the Administrative Director of the Courts until June 30, 2017. The measure also allows monies from the OCIS fund to be used for any operational expenses of any court that is under the authority of the Administrative Director of the Courts.

Civil Law and Procedure

HB 3024 creates the Catfishing Liability Act of 2016. Knowingly using another's name, voice, signature, photograph or likeness through social media to create false identities without consent is considered Internet catfishing. The measure establishes remedies for victims of Internet catfishing, including the ability to file an automatic injunction preventing the continued use of the plaintiff's name, voice, signature photograph or likeness. A plaintiff may also be entitled to actual damages, punitive damages of at

least \$500 and reimbursement of attorney fees and costs.

HB 2844 clarifies that a suit or claim may be filed against an officer, director or shareholder of a corporation for actions done not within the scope of their respective roles. The measure also eliminates a rule that required claims against a corporation and a claim against an affiliated officer, director or shareholder be tried in separate phases of a court proceeding.

HB 3104 adds a good-faith requirement for creditors wishing to recover debts through garnishment proceedings and requires a judgment creditor to remit a \$25 fee to the garnishee as reimbursement for costs incurred in answering the claim.

SB 1095 limits the liability of an individual who is providing transportation as part of their volunteer duties at the insured limits for the vehicle being driven.

SB 874 increases the monetary limit, from \$20,000 to \$100,000, on property that can be transferred to the successor of a decedent through an affidavit.

SB 1341 modifies who can appeal judgments or orders from a municipal board of adjustment and changes the procedure by which stays in appeals are handled by the court. The measure provides that the decision of the board remain in effect during the appeals period, unless a party to the proceeding applies to the district court for a stay. The court must conduct a hearing to determine the

merits of the stay application within 30 days and must consider certain factors in its ruling. If the court decides to impose a stay, it must require a bond or other security to ensure the rights of the parties and compensate for delay. The measure exempts a municipal governing body from any bond requirements. Any stay granted by the district court will automatically dissolve once a judgment, decree or final order is filed with the court clerk.

SB 902 prohibits any state court from granting guardian status to a noncitizen or illegal resident for the care of a minor or incapacitated individual, unless the court determines that there are no qualified residents and that it is in the best interest of the individuals to be placed under the care of a person without such qualifications.

SB 1249 provides that a final protective order must be resolved within six months of service on the defendant, unless all parties agree that a temporary protective order should remain in effect.

Property

SB 361 deletes from law the ability to exercise eminent domain for the purpose of constructing a mill. The measure also strikes from law the requirement to pay an appraiser an additional \$4 per day for appraising properties subjected to eminent domain proceedings. The measure further deletes obsolete language dealing with telegraph lines. Finally, the measure repeals several provisions relating to the licensure of coal pipeline companies and their designation as a common carrier and ability to exercise eminent domain.

SB 796 allows the notice of possessory lien and the notice of sale to be mailed on the same day in separate envelopes upon the second denial for a title application by a lien claimant. The measure also limits the storage charges from the date of resubmissions and provides that a lien claimant may charge any additional fees allowed by the Oklahoma Corporation Commission for licensed wreckers, in addition to the processing charge.

SB 1071 provides that a landlord can bypass eviction proceedings for an occupant who has no rental agreement with the landlord and the landlord has not consented to creating a tenancy. If the occupant fails to comply with a demand to vacate within a reasonable time, the occupant may be charged with trespassing punishable by a fine up to \$500 or 30 days in prison.

SB 944 modifies the definitions, disclosures and fees required by the Oklahoma Rental-Purchase Act. The measure creates additional disclosure requirements for a property that is the subject of a rental-purchase agreement, but was not displayed or offered primarily for rental-purchase prior to the rental-purchase transaction. *Displayed or offered primarily for rental-purchase* is defined as personal property displayed or offered at a physical location that derives 50 percent or more of its revenue from rental-purchase agreements. The measure changes the venue for hearing an appeal of an alleged violation of the Oklahoma Rental-Purchase Act to the Oklahoma County district court. The measure also allows the administrator of the Department of Consumer Credit to issue administrative fines between \$100 and \$2,500 for each violation of the act, but limits total fines to \$5,000 per lessor. ■



The exterior construction contractor notes that at least half of the Capitol will be scaffolded during peak construction.



Public Safety

Legislative efforts this session focused on tackling repeat DUI offenders, improving uninsured motor vehicle enforcement, and the carrying of firearms at events on public property.

In an effort to combat drunk driving, **HB 3146** creates the Impaired Driving Elimination Act. An issue within the state is how DUI offenses are tracked. Currently, all first time municipal DUI offenses are misdemeanors and any second or subsequent offenses are required to be prosecuted in district court. However, there is not a centralized database that tracks municipal DUI offenses. With the enactment of the measure, the Legislature pre-empts the entire field of legislation affecting the prosecution of offenses relating to driving under the influence. No municipality that is not a court of record has the authority to prosecute any law or ordinance relating to driving under the influence, therefore requiring these offenses to be prosecuted in district court.

Using a \$15 assessment on all DUI offenses, the Department of Public Safety (DPS) is directed to create a statewide impaired driver database to track DUI offenders so that they may be properly prosecuted.

A related measure, **HB 2555**, modifies subsequent penalties for DUI crimes. A person who has a third or fourth conviction, regardless of the amount of time elapsed from the prior offense, must participate in an assessment and evaluation and be sentenced to follow all recommendations made in the assessment and evaluation for treatment.

SB 1057 makes several modifications to the Oklahoma Self-Defense Act (SDA) to address the carrying of firearms at special events on public property. The measure prohibits any holder of an event permit or business entity from establishing a policy that limits the ability of an SDA permit holder from carrying a firearm on public property designated by a

governmental authority as a park, recreational area or fairgrounds. The carrying of a firearm into a publicly owned or operated venue is prohibited unless allowed by the event holder. The measure provides that a person violating these provisions may be denied entrance onto the property and, if a peace officer is summoned, the person may be issued a citation for an amount not to exceed \$250. The bill allows firearms to be prohibited:

- in a structure or building on public property during an event authorized by a governmental authority owning or controlling the building;
- on a public sports field where an elementary or secondary school, collegiate or professional sporting event is taking place;
- at the fairgrounds during the Oklahoma State Fair or the Tulsa State Fair;
- in the portion of a structure or building on public property that is leased or under contract to a business or not-for-profit entity or group for offices; and
- in a court house or courtroom.

Lastly, civil and criminal immunity is provided to any business or property owner who allows the carrying of weapons on their property and establishes that it shall not be considered part of an employee's job description or within the employee's scope of employment if an employee



A survey engineer records the dimensions of the first floor rotunda.

is allowed to carry or discharge a weapon.

SB 359 creates the Uninsured Vehicle Enforcement Program to be operated by the district attorneys in the state. The measure allows law enforcement to use automatic license plate reader systems to access and collect data to enforce Oklahoma's Compulsory Insurance Law. The measure provides that the program is not to be implemented until DPS verifies that at least 95 percent of the personal lines auto insurance market participates in the verification system that it is updated in such a way to allow the program to be implemented without interrupting any other lawful uses of the system.

HB 2298 requires driver education courses serving persons at least 15 ½ years of age to educate students on the dangers of texting while driving and being under the influence of alcohol or other intoxicating substance while driving.

HB 2473 requires an officer, during a traffic stop, to access the online insurance verification system if a driver fails to produce security verification. The measure provides that if compliance with the Compulsory Insurance Law is verified in this way, no citation will be issued.

SB 1335 modifies the Oklahoma Temporary Motorist Liability Plan by authorizing municipal police departments to enforce the Compulsory Insurance Law. If charges are filed in municipal court, the police department may seize and retain the license plate. The bill exempts an offender from having to pay the \$125 assessment if the person shows proof to law enforcement within two business days that liability coverage was in place at the time of the citation. The measure provides that the contract for insurance coverage under the Oklahoma Temporary Motorist Liability Plan may be a multi-year contract, renewable annually, in accordance with any applicable Office

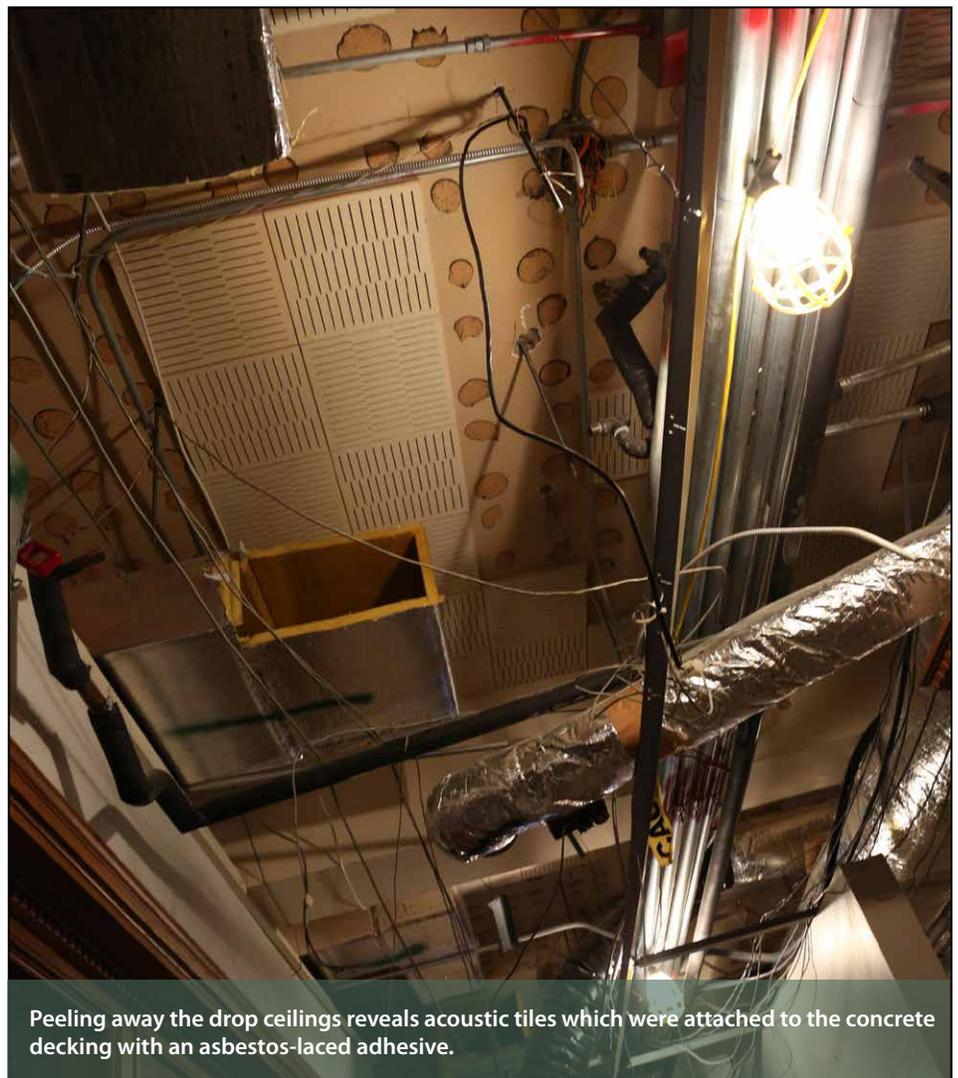
of Management and Enterprise Services guidelines or procedures.

HB 3167 removes statutory speed limitations on rural interstate highways, the turnpike system, four-lane divided highways, and super two-lane highways to allow the Oklahoma Department of Transportation to set reasonable and safe speed limitations on these types of highways based upon engineering and traffic investigations.

SB 982 allows the Commissioner of Public Safety to endorse a permit for the movement of an oversize vehicle at night under conditions set by the commissioner. The measure also removes language relating to provisional permits.

SB 1059 modifies the apportionment of revenue derived from fines and

penalties collected by the Corporation Commission for overweight vehicles. Currently, collections in excess of \$850,000 are divided equally between the Trucking One-Stop Shop Fund and the Weigh Station Improvement Fund. It provides that all monies in excess of \$850,000 are to be deposited in the Trucking One-Stop Shop Fund. The measure reduces the number of hours a day that weigh stations are to be operated, from 24 hours to an 18 to 20 hour schedule and modifies the monthly apportionment of permit fees and overweight permit fees issued by DPS to collect \$2.15 million in FY 2017 for training port of entry officers. For FY 2018 and beyond, \$1.5 million is to continue to be collected to pay for staffing the port of entry weigh stations.



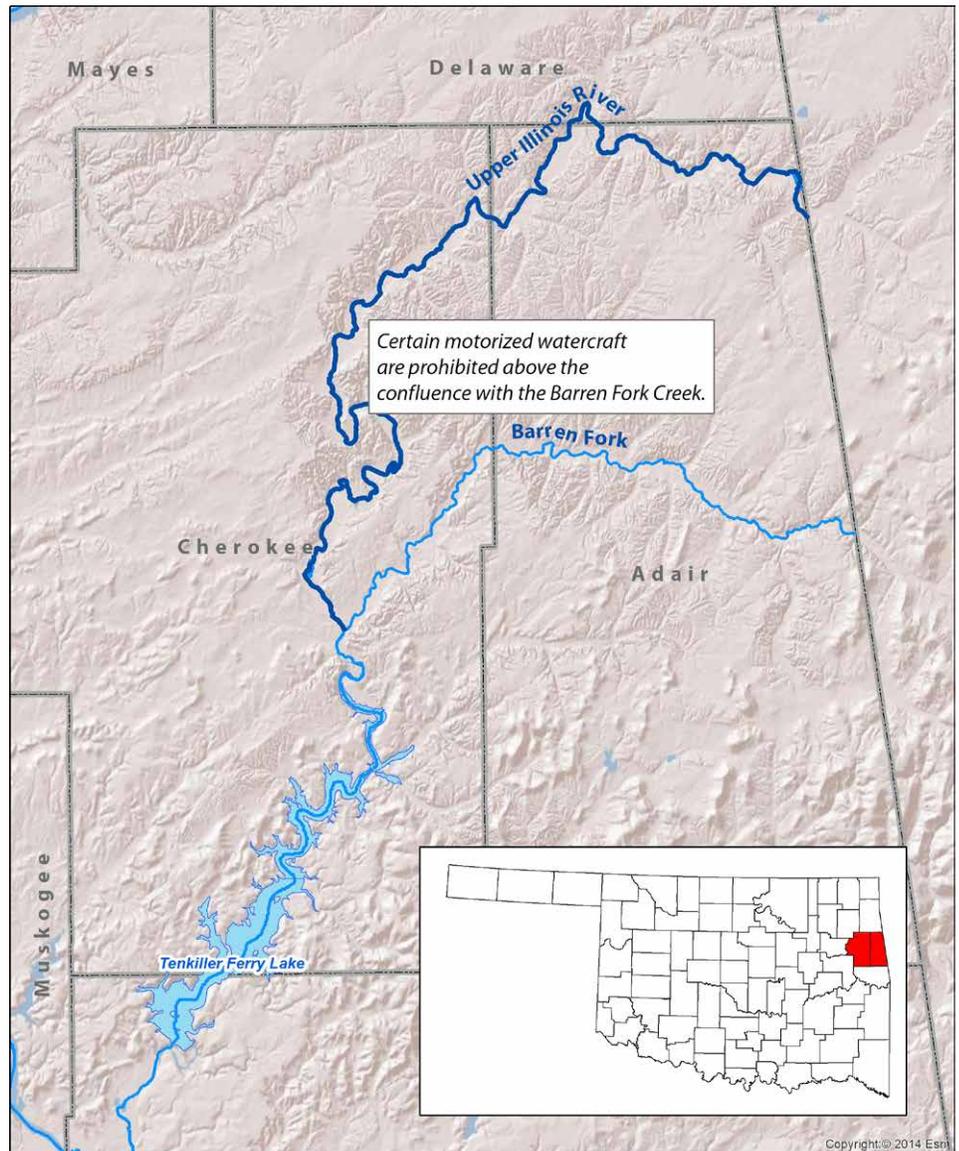
Peeling away the drop ceilings reveals acoustic tiles which were attached to the concrete decking with an asbestos-laced adhesive.

SB 1112 creates the Land Mobile Radio Public Safety Interoperability Cooperative consisting of the Secretary of Finance, Administration and Information Technology, the Secretary of Transportation and the Secretary of Safety and Security. The cooperative is to focus on unifying, stabilizing and enhancing the infrastructure and capabilities for land mobile radio public safety system communications. The cooperative is to establish a governance model for determining priorities, leveraging state-owned or other shared services and infrastructure, identifying existing and new resources and directing new investments to facilitate reliable, statewide and fully operational public safety radio communications.

SB 1317 increases weight limits up to 2,000 pounds for motor vehicles partially or wholly fueled by compressed or liquefied natural gas. The formula is determined by the differences between the weight of the vehicle attributable to the natural gas tank and fueling system and the weight of a comparable diesel tank and fueling system.

HB 1654 prohibits motorized boats, jet skis, and jet boats in certain sections of the upper Illinois River, except when used for law enforcement, hazard removal, or search and rescue. The adjacent map shows the affected river segment.

HB 1654 Motorized Watercraft Access



Driver License

HB 2260 requires persons under 17 years of age who are applying for a motorcycle endorsement on their driver license to complete a certified Motorcycle Safety Foundation basic rider course approved by DPS. The measure also allows a person 14 years of age or older to apply for a restricted Class D license with a motorcycle-only restriction upon successfully completing the basic rider course.

HB 3117 allows a valid and unexpired U.S. passport to serve as both primary and secondary proof of identity when making application for an Oklahoma driver license.

SB 997 provides that an Oklahoma driver license may be replaced by mail. The measure allows a member of the military or a civilian contractor with the military, their spouse or dependent to apply for no more than three consecutive renewals or replacement of the license by mail or online.

SB 1018 authorizes DPS to issue a non-domiciled commercial learner permit or a non-domiciled commercial driver licenses to H2A-Temporary Agriculture workers and J-1 Exchange Visitor Program participants who are enrolled in an agricultural education training program.

Law Enforcement

HB 2319 clarifies that a Bureau of Indian Affairs law enforcement officer or tribal law enforcement officer have state police powers to enforce state law on fee land purchased by a federally recognized American Indian tribe in Indian country.

HB 2747 creates the Oklahoma Blue Alert Act and directs DPS to develop and implement a statewide blue alert system to rapidly disseminate useful information in a predetermined manner to statewide media outlets when a law enforcement officer has been killed or injured and law

enforcement is searching for a suspect connected to the incident.

SB 954 stipulates that Council on Law Enforcement Education and Training (CLEET) is no longer responsible for administering the reading and writing comprehension examination taken by basic law enforcement academy applicants.

SB 959 modifies the CLEET retired federal, state, county and municipal peace officer identification card which allows these persons to carry a firearm. The measure establishes that the card is valid for 10 years and must be renewed with the submittal of a nonrefundable fee for a national criminal history record check.

SB 880 authorizes a law enforcement agency to destroy any computer, hard drive or other electronic storage media on which obscene material or child pornography was located after a final conviction and all post-conviction relief has been exhausted.

SB 1202 makes modifications to the CLEET Board by giving more representation to law enforcement. The bill removes the immediate past chair of CLEET from membership and allows the board of directors of the Oklahoma Sheriffs and Peace

Officers Association to appoint a law enforcement officer from a county with a population below 50,000. The map below shows the counties from which the Oklahoma Sheriffs and Peace Officers Association must select their new appointee to the CLEET Board.

HB 1717 authorizes the Grand River Dam Authority to hire CLEET-certified volunteer reserve officers to enforce the Boating Safety Regulation Act and the Grand River Dam Authority Act.

Motor Vehicle Registration

HB 2378 creates a definition for *park model recreation vehicle*, which is a recreational vehicle and not a manufactured home, within the Vehicle License and Registration Act.

HB 2492 includes any vehicle owned and operated by the Civil Air Patrol in the list of vehicles eligible for tax-exempt or nonprofit license plates. The vehicle is to be exempt from registration fees except that \$25 shall be collected on the initial registration.

HB 3192 creates an alternative method for motor vehicle registration for service members, guardsmen, or reservists on active duty at the time

of application for registration in order to qualify for the \$15 reduced vehicle registration rate. The measure allows the applicant to submit copies of written orders documenting that the service member is on active duty.

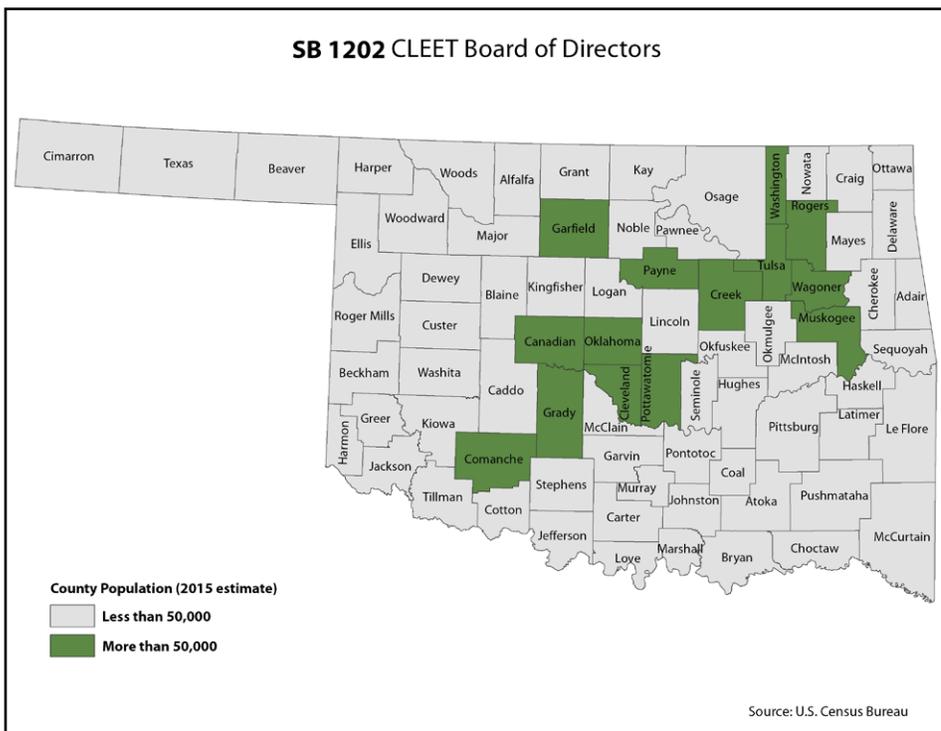
SB 972 modifies the definition of *autocycle* by removing a provision that requires a fully enclosed compartment for the driver and any passenger.

SB 1175 modifies the penalty for violations of the Odometer Setting Act by providing that a person violating the act may be held civilly liable for the greater of three times the actual damages or \$1,500. The court may also award court costs and attorney fees to the prevailing party in a civil action.

SB 1318 allows the Corporation Commission to revoke the license plate of a commercial motor vehicle. Additional provisions include:

- removing a mileage reporting standard for registrants who did not incur mileage for 90 days of the reporting period;
- modifying the fleet registration credit for vehicles removed from a renewal fleet and later added back to the same fleet;
- deleting language relating to the use of mileage proportions for interstate fleets and language relating to the Corporation Commission assessing a \$3 processing fee for amended registrations under the International Registration Plan; and
- increasing the jurisdictional area of the Corporation Commission to a 25-mile radius of a fixed port of entry weigh station facility.

SB 1459 authorizes the use of a charitable nonprofit organization license plate on used motor vehicles donated to the organization for the purpose of demonstrating, transporting or test-driving the donated vehicle.



SB 1511 allows the title of a motor vehicle that is not subject to any lien or other encumbrance to be transferred in a transfer-on-death form by filing with the Tax Commission a written notice of transfer signed by the transferor and designating the transferee.

Emergency Management

HB 3126 centralizes oversight of, and provides uniformity to, 911 services by creating a statewide coordinator position and empowering the Oklahoma 911 Management Authority to distribute fees and oversee and audit emergency service systems and wireless service providers. The measure addresses revenue decreases due to waning landline use by increasing monthly wireless fees that fund 911 services and technology from 50 cents to 75 cents.

SB 1027 creates a seven-member Incident Management Team Advisory Committee to assist the public safety commissioner with setting goals and objectives for the all-hazards incident management team, establishing standards and credentialing guidelines for emergency incident management functions and responders; and providing a forum for discussion between the organizations represented by the advisory committee.

SB 1221 requires direct access to 911 from multi-line telephone systems and requires notification to a central location when a person within the facility dials 911.

Alcohol Modernization

Efforts to modernize Oklahoma's liquor laws saw attention from the Legislature this session. When prohibition ended in 1959 in Oklahoma, the Oklahoma Constitution was amended to place numerous restrictions on the sale of strong beer and spirits. **SJR 68** submits a constitutional amendment to a vote of the people that, if approved, would move much of the regulatory enforcement structure from the



Construction workers pause during demolition work in the Capitol.

constitution to state statutes and allow the Legislature to enact statutes to regulate alcoholic beverages. The constitutional amendment would allow for the direct shipment of wine and allow retail stores to sell wine, beer and spirits if properly licensed.

The mechanics of alcohol regulation and enforcement is addressed in **SB 383**, which re-creates the Alcoholic Beverage Law Enforcement Commission in statute. The measure also creates retail wine, beer, spirits, small brewer and brewpub licenses to allow for the sale of these items at retail locations. Protections against the sale of alcohol to minors are also maintained by requiring training and licensure of those persons who sell alcohol to the public.

HB 2840 provides that the holders of a caterer license who are operating at a public event held at a facility owned or operated by any agency, political subdivision or public trust of this state may allow other licensees to operate on their licensed premises for events that are temporary in nature. If multiple licensees are operating in such a manner, each licensee is responsible for violations occurring in their area designated to be their temporary licensed premise.

SB 424 authorizes a brewer to sell its beer on the premises of the brewery.

Miscellaneous Public Safety

HB 2286 repeals various sections of outdated law related to emergency telephone calls on party lines.

HB 2325 prohibits DPS from adopting any rule that enforces the provisions of 49 CFR Section 395.3 (a) (3) (ii) relating to rest breaks if the driver or motor carrier is engaged solely in intrastate commerce.

HB 2448 provides that use of an ignition interlock device does not constitute texting while driving.

HB 2449 requires drivers to reduce speed and proceed with due caution when encountering a vehicle used to collect refuse, solid waste or recyclables when that vehicle is displaying flashing side marker lamps. The measure authorizes vehicles that collect refuse, solid waste or recyclables to use flashing lights.

HB 2571 raises the maximum speed for school buses on the state highway system, the interstate highway system and the turnpike system from 55 mph to 65 mph.

HB 2624 removes the ability of a scrap metal dealer to accept a verified bill of sale from the owner of a vehicle as proof of ownership. The measure requires that the title of the vehicle or a certificate of ownership form, available from the Oklahoma Tax

Commission or motor license agent, be provided.

HB 2922 amends several sections of law relating to bail bondsmen, including:

- updating definitions related to insurers and bondsmen;
- requiring an applicant for a professional bondsman license to have been continually licensed as a surety, cash or property bondsman for at least two years;
- authorizing the Insurance Commissioner to deny, suspend or refuse a license for using an uncollected check for any payment due to the commissioner, or for failing to accept or claim a certified mailing from a district or municipal court clerk;
- modifying an exemption under which a person may perform the acts of a bondsman under a suspended, revoked, surrendered or refused license while under contract with a licensed bail enforcer;

- clarifying the conditions under which a licensed bondsman may seek assistance from another licensed bondsman; and
- requiring a bondsman to have his or her license during pursuit of a defendant client and to present it to a law enforcement officer upon request.

SB 866 removes the requirement that the Office of the State Medical Examiner be located adjacent or in close proximity to the University of Central Oklahoma.

SB 952 requires off-duty peace officers who are assisting a bail enforcer to wear clothing marked bail enforcer and not use any words or phrases that imply that the person is associated with law enforcement. Off-duty peace officers are not required to be licensed as a bail enforcer. The measure provides that false or misrepresentation of information made by a bail enforcement applicant may subject their license to revocation or other disciplinary action.

SB 976 changes the requirements for a multicounty agent bondsman license. The license requires at least two years as a licensed professional bondsman. This measure prohibits any suspension or unpaid forfeiture during those two years. The bill also allows the bondsman and insurer to be exonerated from further liability if a defendant is granted a deferred prosecution.

SB 1070 provides that a law enforcement agency will not be held liable for the actions of a peace officer commissioned by the agency when that individual is providing mental health transport services as a third party outside his or her primary employment as a peace officer.

SB 1270 modifies the Oklahoma Scrap Metal Dealers Act by authorizing municipalities to utilize Internet-based reporting of information required to be submitted by scrap metal dealers. ■



Revenue & Taxation

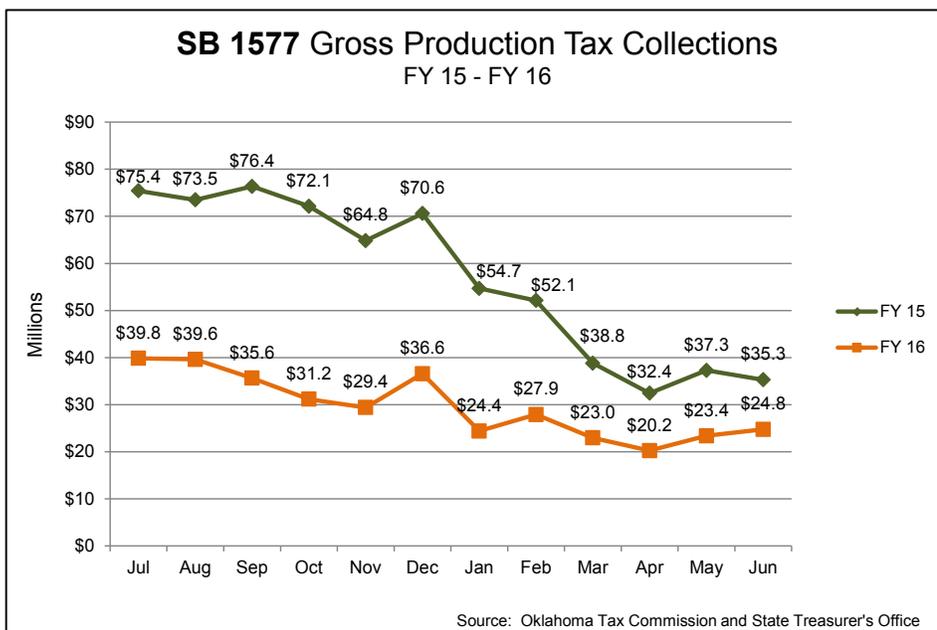
Facing an estimated \$1.3 billion shortfall for the FY 2017 budget, the Legislature enacted several measures to add revenue, decrease or eliminate numerous tax incentives and expenditures and improve the budgeting and tax collections process.

Credits and Incentives

SB 1577 modifies a gross production tax incentive for economically at-risk oil or gas leases. The measure would modify the definition of *economically at-risk oil or gas lease* to mean any oil or gas lease with one or more producing wells with an average production volume per well of 10 barrels of oil or 60 thousand cubic feet of natural gas per day or less operated at a net loss or at a net profit that is less than the total gross production tax remitted for such lease

during the previous calendar year. The measure also establishes a \$12.5 million annual cap for oil and natural gas produced from a qualifying lease from calendar year 2015 through 2020. The commission estimates that this change will result in a positive fiscal impact of \$120.4 million for FY 2017.

As the price of oil continues to contract, more producers are qualifying for the gross production tax rebates provided for economically at-risk oil or gas leases. Without the \$12.5 million cap established by SB 1577, the state would have doubly suffered from lower gross production tax collections and excessive rebate amounts. The graph below shows gross production tax collections for the last two fiscal years.



SB 1582 establishes a \$25 million annual cap for the Investment/New Jobs tax credit effective tax year 2016 through 2018. In the event that more than \$25 million is claimed for the credit during each tax year, the Oklahoma Tax Commission (OTC) is directed to calculate and publish a percentage by which the credits will be reduced so that the total amount of credits paid out by the state does not exceed the cap. The commission expects this change to result in a positive fiscal impact of \$14 million for FY 2017.

SB 1604 makes the earned income tax credit nonrefundable effective tax year 2016. The state earned income tax credit is equal to 5 percent of the federal earned income tax credit. The commission estimates that this change will result in a \$28.9 million increase in income tax collections for FY 2017.

SB 1614 modifies a tax credit for the purchase of Oklahoma-mined coal and a tax credit for businesses engaged in mining, producing or extracting coal. The measure would reduce the value of the credit by 25 percent for activities occurring on or after January 1, 2016.

SB 1605 ends a tax credit for child care service providers effective January 1, 2016. The credit is 20 percent of eligible expenses incurred by an entity primarily engaged in the business of providing child care.

SB 1603 ends tax credits for the construction of energy efficient

residential property effective July 1, 2016.

HB 2536 amends a tax credit for guaranty fees paid to the Small Business Administration by a state banking association, national banking association or credit union domiciled in the state. The measure extends the sunset date for credit from January 1, 2017, to January 1, 2019, and establishes a measureable goal that requires the credit to produce a benefit of retaining or creating 2,000 jobs per year in Oklahoma.

HB 3204 reduces the value of a tax credit for qualified railroad modernization expenditures by 25 percent for claims occurring after January 1, 2016.

Incentives will remain a topic of interest as the Incentive Evaluation Committee, created by HB 2182 last session, begins their review process this fall. Within a four-year period, the committee will analyze and make recommendations on 53 incentives that have an approximate annual cost of \$474.67 million to the state. The graph to the right shows the quantified annual fiscal impact of incentives to be studied by year.

Revenue and Tax Administration

HB 2763 creates the Revenue Stabilization Fund to house excess oil and gas gross production tax collections, excess corporate income tax collections and any amount appropriated to the fund by the Legislature. The measure sets up a mechanism for monies to be deposited to the fund when the amount of tax revenue exceeds the moving five-year average. In the event that a revenue failure is declared or there is a decline in the revenue certified by the State Board of Equalization for the General Revenue Fund, the measure authorizes the Legislature to withdraw between 25 to 50 percent of the balance, respectively, to make up the shortfall. The measure also adds new duties for the board and instructs it to certify the revenue

derived from gross production tax on oil and gas and from corporate income tax.

SB 1030 creates the Oklahoma Multi-Year Revenue and Expenditure Projection Act. The measure expands the time frame by which agencies are required to submit information to the Office of Management and Enterprise Services (OMES) for budgeting purposes. The expanded time frame, which will include the ensuing fiscal year and the following two fiscal years, will also apply to a comprehensive economic report prepared by OTC and a multi-year trend analysis of the state's budget outlook prepared by the OMES. The agencies will be required to submit their reports and analyses to the legislative leaders and the members of the House and Senate appropriations committees. The measure also requires the subcommittees of the House and Senate appropriations and budget committees to establish budget performance measurements for each spending agency under its jurisdiction. All spending agencies, regardless of whether or not it receives state appropriations, will be required to submit analysis reports to allow the Legislature and the Governor to obtain measurable data to determine if the agency is performing its duties in the most cost-effective manner.

HB 3206 requires the OMES to analyze and submit to the State Board of Equalization the amount of funds remaining in the General Revenue Cash-flow Reserve Fund that are not necessary for current year cash flow needs and are available for legislative appropriation by the first Monday of each December.

SB 1579 directs the OTC to engage in various efforts to increase sales, income and gross production tax collections. The OTC expects to incur approximately \$4 million in costs for these increased efforts, but estimates that these changes will result in a \$53.9 million increase in total tax collections for FY 2017.

SB 1606 provides that taxable income, for the purpose of determining state income taxes due, will be increased by any amount of state or local sales or income tax deducted on a taxpayer's federal income tax return effective tax year 2016. This change only applies to taxpayers that itemize their deduction on the federal return and is estimated to result in a \$97.3 million increase in income tax collections for FY 2017.

HB 3205 changes the amount of time a taxpayer has to file an amended sales or use tax return with the OTC for erroneously paid sales or use tax. The measure changes the reconciliation period from three years to two years and directs the commission to only accept an amended report that establishes a liability less than the previously filed return. The commission estimates that this change will result in a \$10 million increase in sales and use tax collections for FY 2017.

HB 2775 extends from 20 to 45 days the amount of time that the OTC has to issue a refund for an electronically filed return before interest starts accruing on the refund. The measure also modifies the filing deadline for individual, estate and trust income tax returns to align with the due dates set by the Internal Revenue Code (IRC) and modifies the due date for corporate and partnership income tax returns to 30 days after the due dates established by the IRC. The measure also requires employers to submit an annual reconciliation on the amount of state income tax withheld through the commission's electronic data interchange program by February 28 of the succeeding year. This change will result in improved tax compliance, which the commission believes will result in approximately \$5 million in increased tax collections for FY 2017.

HB 2774 modifies the OTC's procedures regarding the storage and distribution of gross production royalty interest from unknown sources. The measure also strikes language that mandates railroad,

pipeline and transportation companies to submit information related to the transportation of crude oil and gas. Instead, the companies must provide the information upon the commission's request.

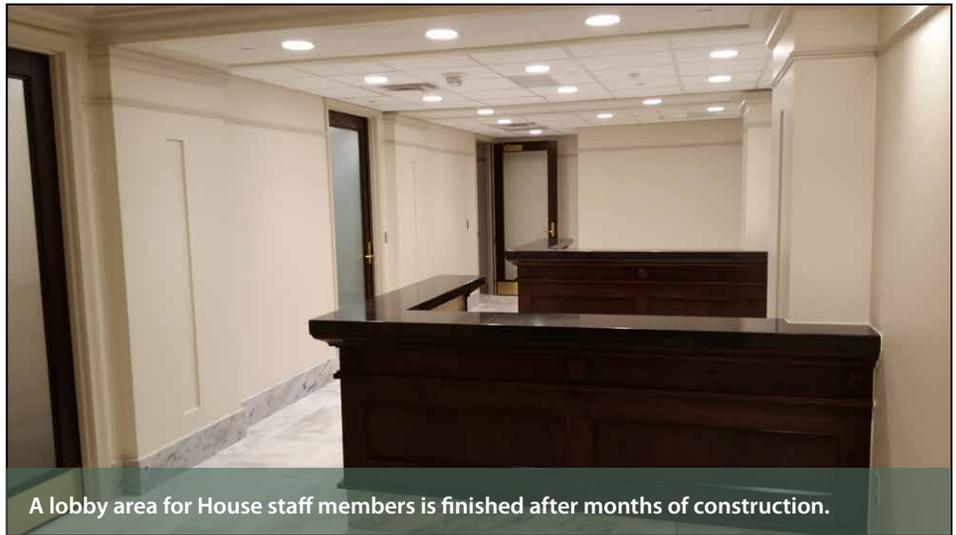
HB 2526 requires members of a county board of equalization to attend and complete additional training offered by the Oklahoma State University Center for Local Government Technology within 18 months of any subsequent term. Failure to complete the required training will result in forfeiture of office.

HB 2932 reduces the penalty for failure to have the appropriate decals affixed on a coin-operated device. For any coin-operated music device, amusement device or vending devices selling services or products for 25 cents or more, the penalty is a \$100 fine. For all other coin-operated devices, the penalty is \$10. The measure also requires the OTC to provide notice of its intent to refuse issuance of a decal for delinquent payments of fines and requires the commission to wait at least 15 days before seizing a device for failure to pay delinquent fines after receiving a notice.

SB 1085 creates an income tax checkoff to allow taxpayers to donate a portion of their tax refund or make a direct donation to the state General Revenue Fund.

SB 1134 creates an income tax checkoff to allow individual and corporate taxpayers to donate a portion of an income tax refund to the Oklahoma Department of Veterans Affairs Indigent Veteran Burial Program. The measure limits each indigent veteran to a \$500 benefit and limits total annual reimbursements at \$20,000.

HB 2776 eliminates the obsolete position of State Supernumerary Tax Consultant for the OTC, which was created in 1967.



A lobby area for House staff members is finished after months of construction.

Tax Apportionment

HB 2623 keeps the allocation of monies from gross production tax revenues to the Oklahoma Tourism and Recreation Department Capital Expenditure Revolving Fund, Oklahoma Conservation Commission Infrastructure Revolving Fund and Community Water Infrastructure Development Revolving Fund in effect until FY 2019. The allocation of these monies was set to end in FY 2016 and would have been diverted to the Oklahoma Water Resources Board Rural Economic Action Plan Water Projects Fund.

A similar measure, **SB 1283**, eliminates the sunset date on an apportionment of gross production tax to the Oklahoma Conservation Commission Infrastructure Revolving Fund, Oklahoma Tourism and Recreation Department Capital Expenditure Revolving Fund and the Community Water Infrastructure Development Revolving Fund. The measure also provides flexibility on how monies in the Community Water Infrastructure Revolving Fund are to be spent and allows the monies to be used for projects recommended in the Oklahoma Comprehensive Water Plan.

Ad Valorem Tax

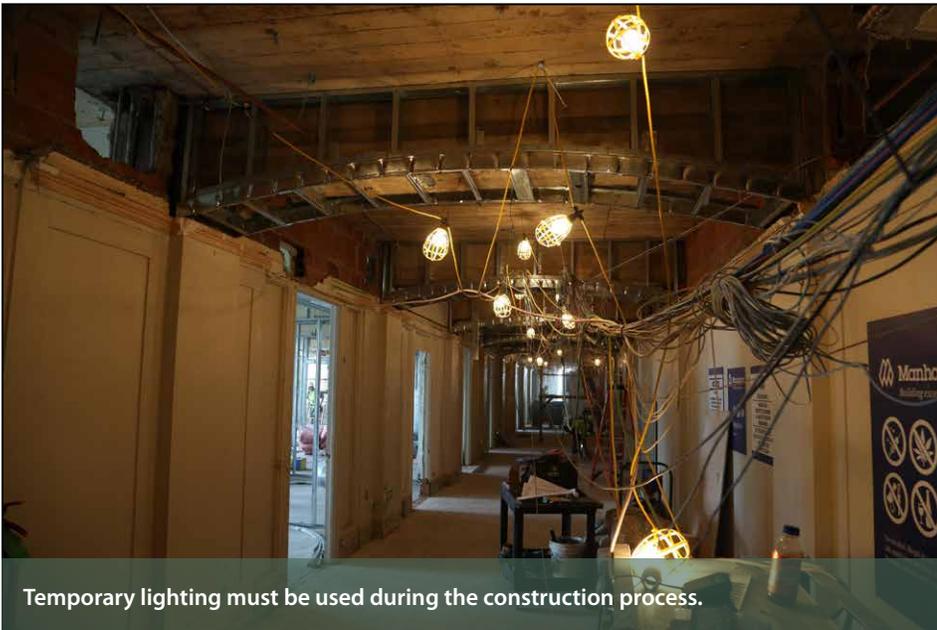
HB 2349 modifies the definition of *gross household income* to exclude veterans' disability compensation

payments when determining eligibility for the additional homestead exemption.

SB 1455 provides that personal property tax for persons engaged in selling lumber and other building materials will be calculated by averaging the value of inventory on hand as of January 1 of each year and the value of inventory on hand as of December 31 of the same year.

Sales Tax

In support of brick and mortar businesses, **HB 2531**, the Retail Protection Act, makes changes to the definition of *maintaining a place of business in this state* that will require online vendors that do not have a physical presence in Oklahoma to either begin voluntarily collecting sales tax at the point of purchase or be required to send each of their customers a notice at the end of each year. The notice must state the total amount of purchases from the prior year with a reminder to remit unpaid sales and use tax to the state. The bill also invalidates any existing ruling, agreement or contract stating that a person or vendor is not required to collect sales tax, unless the agreement is approved by a majority vote of each house of the Oklahoma Legislature. Currently, a taxpayer is required to claim unpaid use tax annually on their tax return, but only an estimated 4 percent of state taxpayers comply.



SB 1282 directs the OTC to enhance agency efforts to discover and reduce fraud and abuse of sales tax exemptions. The measure also provides a sales tax exemption on the sale of paper stock and raw materials used in manufacturing commercial print material such as magazines, catalogs, retail inserts and direct mail. The commercial print must be manufactured in the state but primarily used and delivered outside of the state.

Additionally, the bill changes the definition of *manufacturing facilities*, as it relates to the five-year manufacturing ad valorem exemption, to allow establishments

engaged in computer services and data processing to count facility upgrades as an investment cost.

SB 900 allows the motor vehicle excise tax exemption provided to a 100-percent disabled veteran to be claimed for more than one vehicle in a consecutive three-year period if the exemption is used to replace a vehicle that is deemed by the insurer to be a total loss claim.

SB 1239 requires low-point beer and alcohol excise taxes to be paid electronically. Currently, taxpayers are also allowed to pay by check. ■



Transportation

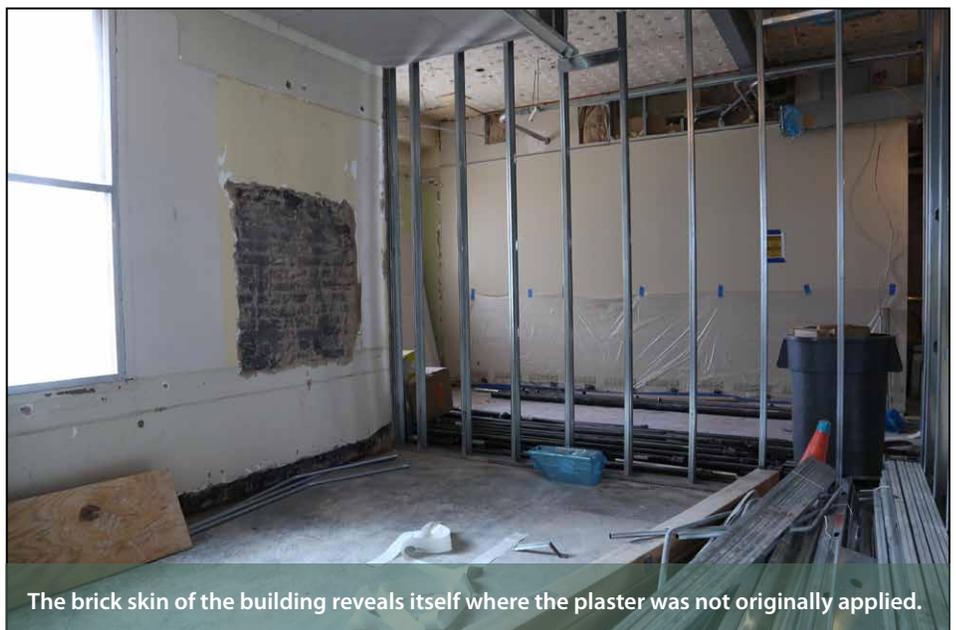
This session legislation was enacted that will issue new license plates to all drivers and included fallen members of the highway patrol among those whose families are excluded from the costs associated with memorial signage.

HB 3208 directs the Oklahoma Tax Commission (OTC) to issue a new license plate to replace existing plates. The measure creates an additional fee of \$5 paid to the OTC beginning July 1, 2016, through June 30, 2017, upon every vehicle to be registered. The bill creates the State Public Safety Fund and appropriates 80 percent of the funds collected from this provision, while 20 percent will be deposited into the OTC Revolving Fund. It is anticipated that this will result in an increased collection of \$18.5 million to the state.

SB 965 exempts families or groups sponsoring a highway or bridge memorial for a fallen member of the Oklahoma Highway Patrol from having to pay the costs associated with signage.

HB 2268 and **SB 1490** serve as the omnibus highway and bridge memorial designation bills, creating the following designations:

- Dr. Herbert Rowland Memorial Bridge;
 - 1st Lt Robert E. Trigalet, USMC, Memorial Highway;
 - Army T/Sgt. Yancy B. Kite, KIA WWII, Memorial Highway;
 - Air Force TSgt Eugene S. Bell, MD, POW WWII, Memorial Bridge;
 - MSG Joshua Wheeler, U.S. Army Delta Force, Memorial Highway;
 - J.R. Proctor Memorial Highway;
 - United States Submarine Veterans Memorial Highway;
 - Army PVT Paul Gilbert, KIA WWII, Memorial Highway;
 - CW2 Randy Lee Billings Memorial Highway;
 - Lance Corporal Anthony Grundy Memorial Highway;
 - Lt. Kenneth Strang Memorial Bridge;
 - Jack Schmiedel Memorial Bridge;
 - J. Cooper West Memorial Highway;
 - Washita County Undersheriff Brian Beck Memorial Highway;
 - Monte John Tucker Memorial Highway;
 - Meteorologist Gary England Bridge; and
 - Medal of Honor Recipient CSM Bennie G. Adkins Highway
- HB 3000** creates the Trail of Tears Historic Bike Route. The route will begin on U.S. Highway 62 at the



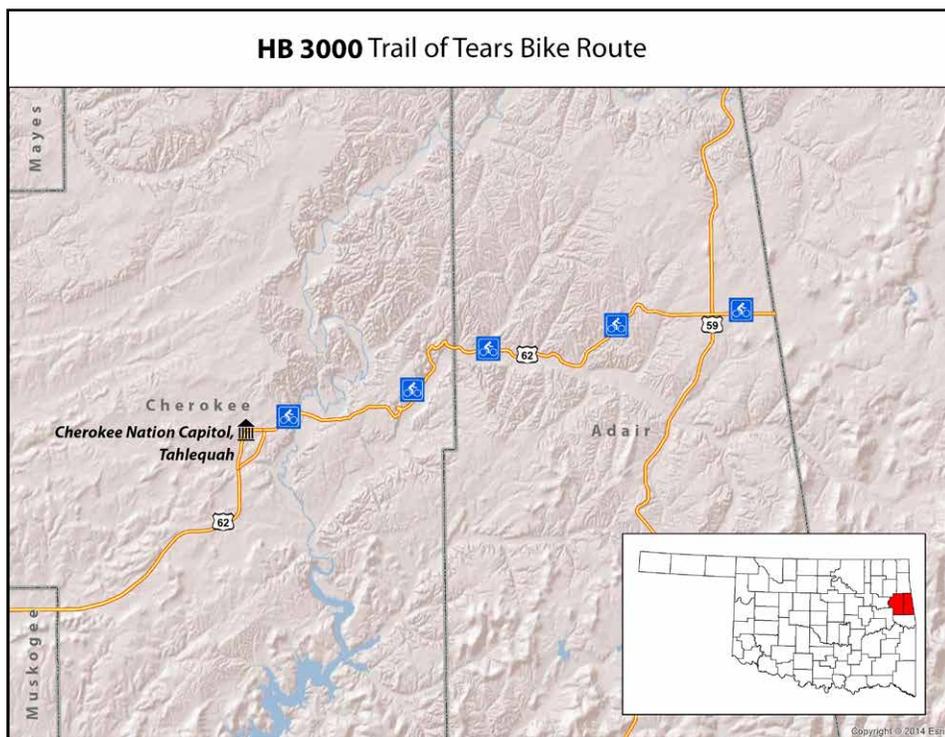
The brick skin of the building reveals itself where the plaster was not originally applied.

Cherokee Nation Capitol Building in Tahlequah and end at the Arkansas border. The adjacent map outlines the location of the Trail of Tears Historic Bike Route authorized by HB 3000.

HB 2553 modifies how the Oklahoma Department of Transportation (ODOT), large municipalities and outdoor advertising sign owners negotiate relocation permits for billboard signage. The measure clarifies that a sign owner must be given an opportunity to comment on any agreement between municipalities and ODOT and may seek just compensation through a legal proceeding.

SB 1056 modifies the Oklahoma Electronic Toll Collection Act by authorizing the Oklahoma Turnpike Authority to make available all photographs, videotape or other recorded images to law enforcement for purposes related to the investigation or prosecution of a criminal violation upon the issuance of a search warrant, subpoena or order of the court.

SB 1237 clarifies that diesel-powered vehicles purchased by counties may qualify for loans from the Emergency and Transportation Revolving Fund.



Previously, only gas-powered vehicles were included.

SB 1378 modifies the process by which ODOT acquires lands or interests. The measure states that in the event that the determination of just compensation of a property is less than the commissioner's award for such real property, any

mortgagee or lienholder who received payment in an amount in excess of the finding of just compensation value of the property taken will only be liable for and required to pay back to the condemner no more than the difference between the amount received from the award and the jury's just compensation value. ■



Veterans & Military Affairs

The Legislature continues to honor the sacrifices of our men and women in uniform. Among this year's notable measures: Service members may now carry firearms at military installations, the penalty for impersonating a soldier or veteran was increased tenfold, and the new home of the Oklahoma Department of Veterans Affairs (ODVA) will be named for a survivor of the sinking of the USS Oklahoma at Pearl Harbor.

HB 2348 allows Oklahoma Army National Guard and Air National Guard personnel to carry loaded or unloaded and concealed weapons in Oklahoma Military Department facilities, if they have authorization and are performing a military function. The measure also authorizes the Adjutant General, when not in the state, to delegate his or her duties to an Assistant Adjutant General or other state officer or employee.

HB 2450 increases the fine from \$100 to \$1,000 for impersonating a member of the armed forces by wearing any decoration or medals awarded to members of the armed forces.

HB 2488 and nearly identical **SB 1465** provide for automatic extension of a professional license held by a National Guard member or armed forces reservist. Upon notification, the license can be extended for up to 120 days after discharge from active duty status.

HB 2497 designates the ODVA building the "Vezey Veterans Complex" in honor of Edward Earl



Construction drawings note the layout of offices in one of the legislative staff areas.

Vezey, Jr. The measure also allows for land associated with the Lincoln Boulevard Renaissance Project to be transferred to the Commissioners of the Land Office for further development.

SB 398 requires the ODVA to set up an assistance program for burial or cremation of homeless or indigent veterans who were honorably discharged. The program will provide help in obtaining any available burial benefits from the U.S. Department of Veterans Affairs, and will provide for a burial grant not to exceed \$500 for qualified veterans.

SB 877 allows the ODVA to employ or appoint attorneys beginning on January 1, 2022.

SB 922 authorizes the Adjutant General to delegate authority or duties to an Assistant Adjutant General or other officer or employee of the Oklahoma Military Department.

SB 923 exempts the Oklahoma Military Department from the requirement to submit a requisition to the Director of the Office of Management and Enterprise Services before purchasing a motor vehicle. The department must demonstrate savings from this exemption in a report to the Legislature and the Secretary of Finance; otherwise the exemption ends on January 1, 2022.

SB 926 authorizes the Oklahoma Military Department to use state-owned vehicles in its youth programs, and to execute agreements with the federal government for reimbursement to the department for the use and operation of its state-owned vehicles and equipment in support of youth programs. A related measure, **SB 928**, authorizes the Adjutant General to execute reimbursement agreements for the use and operation of department-

owned vehicles and equipment in support of certain federal programs.

SB 949 authorizes the Adjutant General to waive charges and fees for the use of a facility by a charitable organization; for use with civil authorities for joint training, natural

disasters, or a declared emergency; or when charges and fees for use of facilities do not exceed \$100.

HB 3192 creates an alternative method for motor vehicle registration for service members, guardsmen, or reservists on active duty at the time

of application for registration in order to qualify for the \$15 reduced vehicle registration rate. The measure allows the applicant to submit copies of written orders documenting that the service member is on active duty. ■



Appendix I

Summary of Vetoes

HB 3016 would have required health care providers to obtain informed consent from the parents or legal guardian of a child before administering a vaccine. It also required the health care provider to provide information about the benefits and risks of the vaccine.

Governor's Veto Message:

"According to medical professionals... House Bill 3016 will likely result in an overall decrease in immunizations for Oklahomans and their children. A further decrease in the vaccination rate would adversely affect the health of children in our state, and that risk is unacceptable."

HB 3159 would have required that, 60 days prior to the completion of an 85 percent sentence, an offender would be placed on the first available parole docket of the Pardon and

Parole Board. The measure would have restricted persons serving an 85 percent sentence to receive and accumulate earned credits in an amount not to exceed 5 percent of the total number of days of the prison sentence. The measure would have prohibited the application of earned credits, which results in the immediate discharge of the person from custody.

Governor's Veto Message:

"HB 3159 is not an evidence-based policy shown to improve public safety. As a result, HB 3159 creates an enormous fiscal burden upon the State of Oklahoma with no corresponding public safety benefit."

SB 1142 would have allowed for year-round day or night hunting of feral hogs on private or public land without licenses or permits.

Governor's Veto Message:

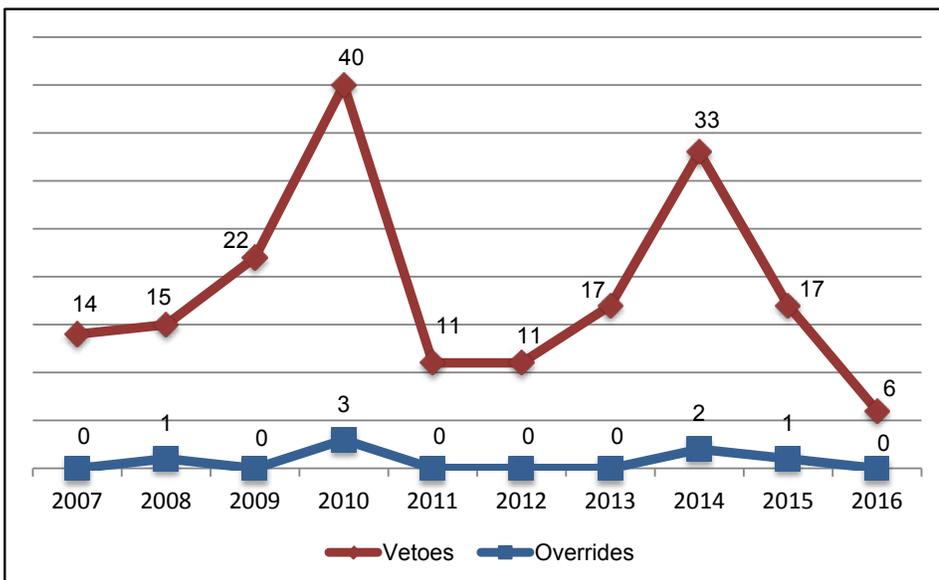
"Although I support the intent of this Bill, which is to make it easier to remove or attempt to remove feral swine, the Bill's real-world application to public property like state parks and Wildlife Management Areas (WMAs) would create an unreasonable public safety threat and a conservation crisis... I will direct the Oklahoma Department of Wildlife Conservation via Executive Order 2016-16 to streamline depredation permits for use on private land."

SB 1552 would have considered the performance of an abortion by a physician unprofessional conduct and would have prohibited the physician from obtaining or renewing a license to practice medicine.

Governor's Veto Message:

"Senate Bill 1552 provides for a criminal penalty for any person, including licensed physicians, who perform an abortion for any reason other than when 'necessary to preserve the life of the mother'... The vague and ambiguous expansion of felony criminal liability ... fails to define a critical element of the crime ..."

SB 1567 would have required a health information organization (HIO) to make publicly available a current and accurate statement of its information-handling practices pertaining to the disclosure of health information to a health plan.



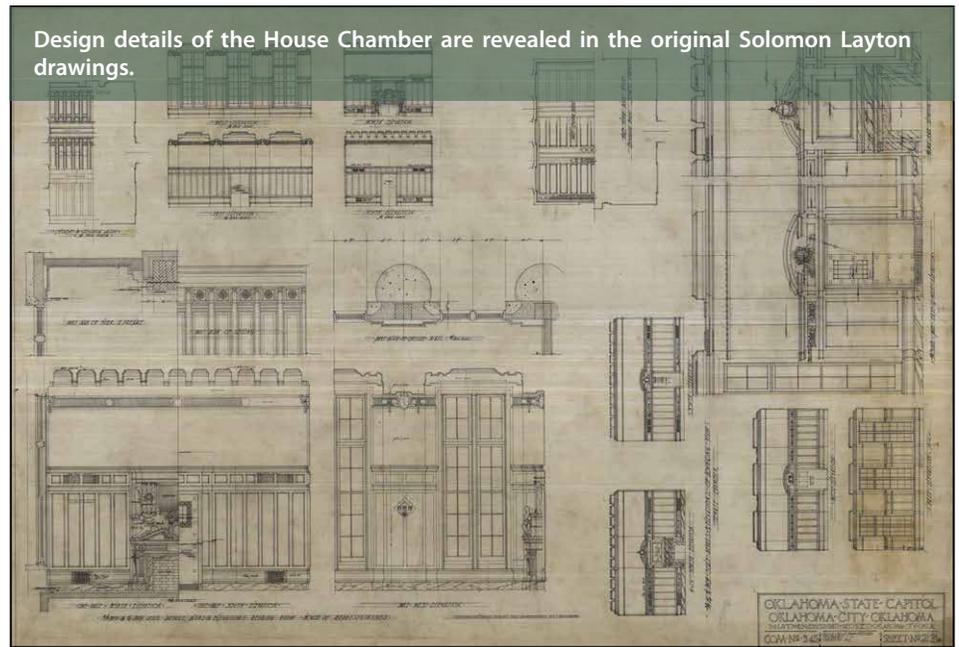
Governor's Veto Message:

"...[T]his bill creates additional civil and criminal liability for an HIO, and possibly health care providers, which is unnecessary in light of the more stringent financial and criminal penalties already provided for in HIPPA (sic)."

SB 1616 is the annual general appropriations bill, funding the operations of the legislative, executive and judicial departments of the state of Oklahoma. The measure was signed into law, with a line-item veto striking a single provision that would have required the Office of Management and Enterprise Services (OMES) to fund workers' compensation premiums for volunteer firefighters in FY 2017.

Governor's Veto Message:

"This appropriation is not necessary, is inconsistent with the terms of the budget agreement between the Legislature and the Office of the Governor, and causes unnecessary fiscal reductions to OMES." ■





Appendix II

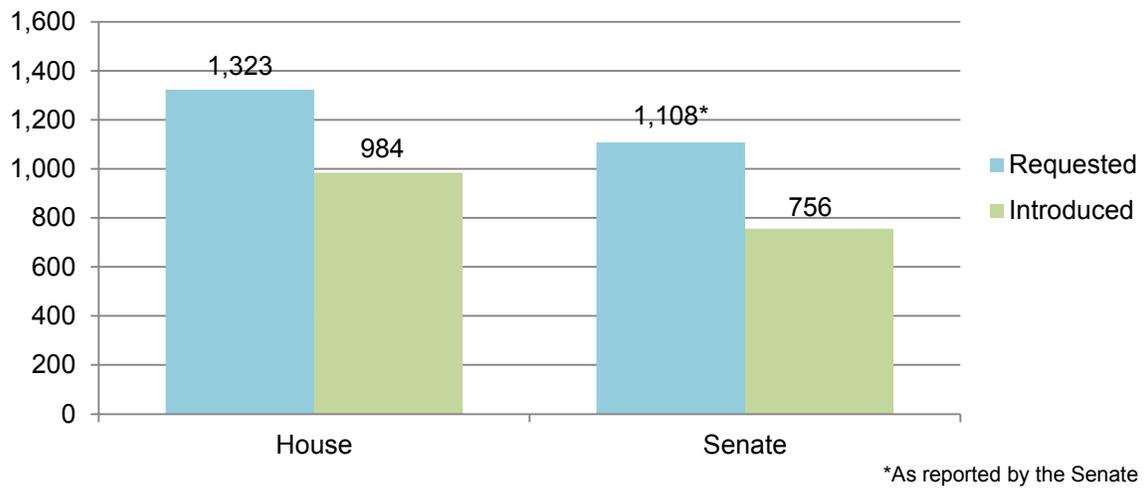
Legislative Production

| | House Bills | House Joint Resolutions | Senate Bills | Senate Joint Resolutions |
|--------------------------------------|--------------------|--------------------------------|---------------------|---------------------------------|
| Requested | 1,323 | 66 | 1,108* | 59* |
| Introduced | 984 | 38 | 756 | 44 |
| Sent to Opposite Chamber | 297 | 6 | 282 | 9 |
| Conference Granted | 48 | 5 | 37 | 1 |
| Sent to Governor | 205 | 0 | 196 | 0 |
| Approved by Governor | 203 | 0 | 192 | 0 |
| Filed with Secretary of State | 0 | 0 | 0 | 4 |
| Vetoed | 2 | 0 | 4** | 0 |

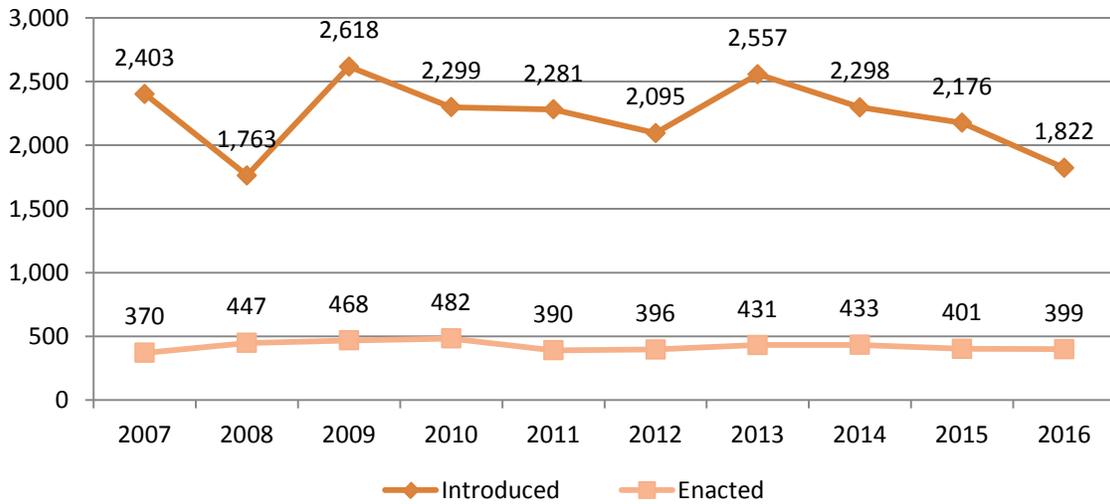
*As reported by the Senate

**Does not reflect the line item veto contained in SB 1616

Measures Requested and Introduced During the 2016 Legislative Session



House and Senate Measures and Joint Resolutions Introduced and Enacted





Appendix III

State Questions

The purpose of this appendix is to provide the ballot titles of the state questions placed on the November 8, 2016, general election ballot. State questions are placed on the ballot either by legislative referendum or by the initiative petition process. State Questions 776, 777, 790 and 792 were referred by the legislature and State Questions 779, 780, and 781 were submitted through the initiative petition process.

The Oklahoma Constitution (see Sections 1-6 of Article 5 and Sections 1 and 2 of Article 24) and Title 34 of the Oklahoma Statutes provide for both the initiative and referendum petition procedures. These procedures come under the concept of a direct democracy in that the people, who ultimately are vested with legislative authority, may promulgate laws. The four state questions that came about as a result of the legislative referendum process will require the approval of a majority of voters for it to become law. Legislative referendums are placed on the general election ballot unless a special election provision is added, which requires a two-thirds vote of both houses.

The initiative petition process gives registered voters the right to propose measures to amend Oklahoma's statutes or constitution. Initiative petitions proposing legislative (nonconstitutional) measures must contain the valid signatures of at least 8 percent of the total number of votes cast in the last general election for the state office receiving the highest number of votes at that election for the question to be placed on the election ballot. Initiative petitions seeking to amend the Oklahoma Constitution must contain the valid signatures of at least 15 percent of the total number of votes cast in the last general election for the state office receiving the highest number of votes at that election for the petition to be placed on the election ballot.

State Question 776 Death Penalty (SJR 31, 2015)

This measure adds a new section to the Oklahoma Constitution, Section 9A of Article 2. The new section deals with the death penalty. The section establishes state constitutional mandates relating to the death penalty

and methods of execution. Under these constitutional requirements:

- 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 shall remain in force until it can be carried out using any valid execution method.
- The imposition of a death penalty under Oklahoma law — as distinguished from a method of execution — shall not be deemed to be or constitute the infliction of cruel or unusual punishment under the Oklahoma Constitution, nor to contravene any provision of the Oklahoma Constitution.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO

State Question 777 Farming and Ranching (HJR 1012, 2015)

This measure adds Section 38 to Article II of the Oklahoma Constitution.

The new section creates state constitutional rights. It creates the following guaranteed rights to engage in farming and ranching:

- The right to make use of agricultural technology;
- The right to make use of livestock procedures; and
- The right to make use of ranching practices.

These constitutional rights receive extra protection under this measure that not all constitutional rights receive. This extra protection is a limit on lawmakers' ability to interfere with the exercise of these rights. Under this extra protection, no law can interfere with these rights, unless the law is justified by a compelling state interest

— a clearly identified state interest of the highest order. Additionally, the law must be necessary to serve that compelling state interest.

The measure — and the protections identified above — do not apply to and do not impact state laws related to:

- Trespass;
- Eminent domain;
- Dominance of mineral interests;
- Easements;
- Right of way or other property rights; and
- Any state statutes and political subdivision ordinances enacted before December 31, 2014.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO

State Question 779 Public Education Sales and Use Tax (Initiative)

This measure adds a new article to the Oklahoma Constitution. The article creates a limited purpose fund to increase funding for public education. It increases state sales and use taxes by 1 cent per dollar to provide revenue for the fund. The revenue to be used for public education shall be allocated: 69.50 percent for common school districts, 19.25 percent for the institutions under the authority of the Oklahoma State Regents for Higher Education, 3.25 percent for the Oklahoma Department of Career and Technology Education, and 8 percent for the State Department of Education. It requires teacher salary increases funded by this measure by at least \$5,000 over the salaries paid in the year prior to adoption of this measure. It requires an annual audit of school districts' use of monies. It prohibits school districts' use of these funds for increasing superintendents' salaries or adding superintendent positions. It requires that monies from the fund not supplant or replace other educational funding. If the Oklahoma Board of Equalization determines funding has been replaced, the Legislature may not make any appropriations until the amount of replaced funding is returned to the fund. The article would take effect on July 1, 2017.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO

State Question 780 Criminal Sentence Reform (Initiative)

This measure amends existing Oklahoma laws and would change the classification of certain drug possession and property crimes from felony to misdemeanor. It would make

possession of a limited quantity of drugs a misdemeanor. The amendment also changes the classification of certain drug possession crimes which are currently considered felonies and cases where the defendant has a prior drug possession conviction. The proposed amendment would reclassify these drug possession cases as misdemeanors and amendment would increase the threshold dollar amount used for determining whether certain property crimes are considered a felony or misdemeanor. Currently, the threshold is \$500. The amendment would increase the amount to \$1,000. Property crimes covered by this change include: false declaration of a pawn ticket, embezzlement, larceny, grand larceny, theft, receiving or concealing stolen property, taking domesticated fish or game, fraud, forgery, counterfeiting or issuing bogus checks. This measure would become effective July 1, 2017.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO

State Question 781 County Community Safety Investment Fund (Initiative)

This measure creates the County Community Safety Investment Fund only if voters approve State Question 780, the Oklahoma Smart Justice Reform Act. This measure would create a fund, consisting of any calculated savings or averted costs that accrued to the state from the implementation of the Oklahoma Smart Justice Reform Act in reclassifying certain property crimes and drug possession as misdemeanors. The measure requires the Office of Management and Enterprise Services to use either actual data or its best estimate to determine how much money was saved on a yearly basis. The amount determined to be saved must be deposited into the fund and distributed to counties in proportion to their population to provide community rehabilitative programs, such as mental health and substance abuse services. This measure will not become effective if State Question 780, the Oklahoma Smart Justice Reform Act, is not approved by the people. The measure would become effective July 1, 2017.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL—YES

AGAINST THE PROPOSAL—NO

State Question 790 Public Expenditure for Religious Purpose (SJR 72, 2016)

This measure would remove Article 2, Section 5, of the Oklahoma Constitution, which prohibits the government from using public money or property for the direct or indirect benefit of any religion or religious institution.

Article 2, Section 5, has been interpreted by the Oklahoma courts as requiring the removal of a Ten Commandments monument from the grounds of the State Capitol. If this measure is passed, the government would still be required to comply with the Establishment Clause of the United States Constitution, which is a similar constitutional provision that prevents the government from endorsing a religion or becoming overly involved with religion.

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE—YES

AGAINST THE MEASURE—NO

State Question 792

Alcoholic Beverages (SJR 68, 2016)

This measure repeals Article 28 of the Oklahoma Constitution and restructures the laws governing alcoholic beverages through a new Article 28A and other laws the Legislature will create if the measure passes.

The new Article 28A provides that, with exceptions, a person or company can have an ownership interest in only one area of the alcoholic beverage business — manufacturing, wholesaling or retailing. Some restrictions apply to the sales of manufacturers, brewers, winemakers and wholesalers. Subject to limitations, the Legislature may authorize direct shipments of wine to consumers.

Retail locations like grocery stores may sell wine and beer. Liquor stores may sell products other than alcoholic beverages in limited amounts.

The Legislature must create licenses for retail locations, liquor stores and places serving alcoholic beverages and may create other licenses. Certain licensees must meet residency requirements. Felons cannot be licensees.

The Legislature must designate days and hours when alcoholic beverages may be sold and may impose taxes on sales. Municipalities may levy an occupation tax. If authorized, a state lodge may sell individual alcoholic beverages for on-premises consumption, but no other state involvement in the alcoholic beverage business is allowed.

With one exception, the measure would take effect October 1, 2018.

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE—YES

AGAINST THE MEASURE—NO ■



Bill Subject Index

This does not include vetoed measures, which may be found on page 51.

ABUSE

Vulnerable adult abuse; forwarding of certain findings. **SB 1287**

Child:

Child abuse and neglect reports; directing Department of Human Services to notify military authorities when the child is a member of an active duty military family. **HB 2491**

Child abuse and neglect; Department of Human Services to determine certain information, notify certain entities under certain circumstances, issue certain notices in certain circumstances; definition; promulgation of rules. **SB 1370**

Child abuse reporting; prohibiting interference with reporting obligation; permitting recovery of damages, costs and fees by specified party. **HB 2965**

Child abuse toll-free telephone number; requiring public schools to post a sign containing information. **HB 2432**

Domestic:

“Kristin’s Law”; domestic violence; modifying definition. **SB 1491**

Alyssa D. Wiles Act; victim protection orders; emergency ex parte orders; providing jurisdictional requirement under certain circumstances. **HB 2399**

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Child abuse and neglect reports; directing Department of Human Services to notify military authorities when the child is a member of an active duty military family. **HB 2491**

Child abuse reporting; prohibiting interference with reporting obligation; permitting recovery of damages, costs and fees by specified party. **HB 2965**

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Justice for J.W. Act; creating; forcible sodomy; expanding scope of crime. **HB 2398**

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Child care facilities; mandatory liability insurance; maintenance

of certain records onsite; statutes; promulgation of rules. **SB 1274**

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Long-term care administrators licensing; requiring State Board of Examiners for Long-Term Care Administrators to promulgate certain rules for examination. **HB 2282**

Military; modifying various sections. **HB 2348**

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Residential care homes; State Department of Health; use of

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Sailors and soldiers; interment or cremation assistance program; Department of Veterans Affairs; War Veterans Commission, promulgate rules. **SB 398**

Schools; sports-related injuries definitions; State Department of Health, create concussion management section on its website; removal of athletes under certain circumstances; liability protection; penalties; promulgation of rules. **SB 1164**

Stop-loss insurance; requiring coverage to provide certain retention percentage. **HB 2996**

Student record retention and copying requirements; modifying. **HB 2784**

Teacher certification; requiring the State Board of Education to issue a certificate to teach to persons holding an out-of-country certificate. **HB 2946**

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Emergency drought conditions; exempting agriculture producers from certain resolutions declaring a period of extreme fire danger. **HB 2646**

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Department of Agriculture, Food, and Forestry; positions in unclassified service. **SB 1597**

Department of Agriculture; license application requirements; inspection

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Electronic mail addresses; requiring the Department of Agriculture, Food, and Forestry to keep confidential any addresses provided through an online licensing program or system. **HB 2351**

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Alcoholic Beverage Laws Enforcement Commission (ABLE):

Constitutional amendment; repealing sections in Article XXVIII; new sections in Article XXVIII A; regulation of alcoholic beverages. Ballot title. **SJR 68**

Intoxicating liquor; ABLE Commission authority; retail store licenses; retail package store authority; chilled beer. **SB 383**

Beer/Low-Point Beer:

Intoxicating liquor; ABLE Commission authority; retail store licenses; retail package store authority; chilled beer. **SB 383**

Intoxicating liquors; sale of beer to consumer on premises of brewery. **SB 424**

Licenses:

Alcohol-related licenses; limiting applicability of certain limitations; modifying prohibitions against certain licensee. **HB 2840**

Constitutional amendment; repealing sections in Article XXVIII; new sections in Article XXVIII A; regulation of alcoholic beverages. Ballot title. **SJR 68**

Intoxicating liquor; ABLE Commission authority; retail store licenses; retail package store authority; chilled beer. **SB 383**

Intoxicating liquors; sale of beer to consumer on premises of brewery. **SB 424**

Mixed Beverages:

Constitutional amendment; repealing sections in Article XXVIII; new sections in Article XXVIII A; regulation of alcoholic beverages. Ballot title. **SJR 68**

Retailers: SJR 68

Intoxicating liquor; ABLE Commission authority; retail store licenses; retail package store authority; chilled beer. **SB 383**

Wholesaler:

Constitutional amendment; repealing sections in Article XXVIII; new sections in Article XXVIII A; regulation of alcoholic beverages. Ballot title. **SJR 68**

Intoxicating liquors; sale of beer to consumer on premises of brewery. **SB 424**

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