

Highlights of Legislation

**Passed During the First Session
Of the 51st Oklahoma Legislature
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Speaker Lance Cargill

Oklahoma House of Representatives

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Preface

The primary purpose of Highlights is to provide an overview of the substantive legislation enacted during the 2007 session. A brief description of the session's major legislation is available in the Session Overview, prepared by the House Committee Research Staff, which may be found on the House of Representatives' home page at:

www.okhouse.gov

This Highlights document may also be found at the same website.

During the First Session of the 51st Legislature, 2,403 measures and joint resolutions were introduced of which 370 were enacted into law. The Governor vetoed 14 bills. None of these vetoes were overridden by the Legislature. The historical context of this data is shown in Appendices 2 and 3 of this report.

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Explanatory Notes

The following pages provide a summary of the Oklahoma Legislature's substantive work during the 2007 session and are organized alphabetically by general topic. For the first time this year, every bill and joint resolution passed by the Legislature is summarized in the document. Appropriation bills are listed in Appendix 1. A detailed review of the FY-08 appropriations has been published by the House of Representatives' Office of Budget and Performance Review.

In a number of instances, individual bills can be found in more than one section of the document. The index at the back of the document indicates the page(s) where a specific bill can be found. The bold-facing of an individual bill indicates the first mention of the measure within a subject area. Measures vetoed by the Governor are mentioned briefly with a short explanation of the veto. The abbreviations HB, HJR, HCR, HR, SB, SJR, SCR, and SR respectively stand for House Bill, House Joint Resolution, House Concurrent Resolution, House Resolution, Senate Bill, Senate Joint Resolution, Senate Concurrent Resolution, and Senate Resolution.

In the appendices of this document, in addition to the list of appropriation bills, are charts for this year and the past ten years showing the number of bills and joint resolutions introduced and enacted, the number of vetoes, and the total amount of state monies appropriated. Also included is a general breakdown of the FY-08 appropriations.

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Aerospace and Technology

The aerospace industry continues to be of major importance to the state of Oklahoma, with an economic impact of more than \$14 billion and approximately 10 percent of Oklahoma's industry output as estimated by the Oklahoma Department of Commerce. In an effort to foster this financial impact, the Legislature provided a supplemental appropriation in **HB 1105** of \$2 million to the Oklahoma Space Industry Development Authority for the construction of a security fence and other capital assets. This infusion of capital will enable the Oklahoma Spaceport to continue in their operations.

A second measure, **SB 622**, amends current law pertaining to agreements entered into between aircraft manufacturers and dealers by making dealer protection laws inapplicable to contracts entered into after July 1, 2007. The legislation is designed to keep Cessna Aircraft Company and other aviation companies interested in doing business in Oklahoma.

Agriculture and Rural Development

Water continues to be a major concern of Oklahoma lawmakers. **HB 1081** permits rural water districts, with the approval of district members, to charge a fee of ten cents or less per 1,000 gallons of water sold. The fee may be included in the water rates for the district and paid by the retail water consumers of the district.

HB 1695 creates the Oklahoma AgrAbility Project Act. The Act creates a state program to increase services to Oklahomans with permanent disabilities who work in agriculture. The program will provide referral services, education, and technical assistance concerning equipment accommodations for people with disabilities.

HB 1796 takes the Oklahoma Concentrated Animal Feeding Operations Act and makes modifications in it to create the Oklahoma Swine Feeding Operations Act. These provisions clarify setback requirements and specify licensing fees for swine operations.

The Oklahoma Swine Feeding Operations Act also establishes regulations regarding a Pollution Prevention Plan that encompasses a site specific Animal Waste Management Plan. The Act further establishes specific requirements for irrigation systems and sets specific fees for animal operations of specific sizes. Provisions require evidence of an owner's financial ability to close retention structures when maintaining an operation with a liquid animal waste management system. Specific setback requirements are provided for in the Act, as well as procedures for handling operations when a diseased animal is detected. A violations point system is created.

HB 1797 affects the laws dealing with concentrated animal feeding operations (CAFOs). Effective December 1, 2007, a licensed managed feeding operation will only have to seek modifications to its license, as opposed to a new license, for any increase in excess of 5 percent of the original facility's licensed capacity. As before, the modification of the license must be done before the actual expansion. To request a modification of a license, the operation must comply with all notice and hearing requirements spelled out in rules set forth by the State Board of Agriculture. Should a modification request be denied, it will have no impact upon the original license.

Feral swine are a nonnative and invasive species that cause damage to crops and wildlife habitat. They carry several diseases transmittable to humans, livestock, pets, and native wildlife. As a result of a significant growth in the feral swine population in Oklahoma, the Legislature responded with **HB 1914**, which creates the Feral Swine Control Act. This Act provides guidelines for the removal of feral swine from both public and private property, to be regulated by the State Board of Agriculture. The legislation also requires any person bringing live feral swine into the state to have a Certificate of Veterinary Inspection as well as a transporter license from the Oklahoma Department of Agriculture, Food, and Forestry. Swine are required to be quarantined and tested no earlier than 30 days and no later than 60 days following the date of importation. The exception to the quarantine is those swine going directly to slaughter.

As used in the Elevator Safety Act, **HB 2152** further clarifies the definition of *elevator* by excluding elevators, conveyances, man-lifts, and similar devices found in grain elevators, grain warehouses, and seed processing facilities that are not accessible to or used by the general public.

The Legislature passed **SB 710** to help combat plant infestations. The Oklahoma Department of Agriculture, Food, and Forestry may now also inspect nursery stock, shipping documents, and treatment records to determine the distribution of any potentially infested stock. The legislation also empowers the Department to issue notices of violations and stop sales orders. Further, the Department may destroy any nursery stock infested with a plant pest or stock that does not bear the proper certificate, tag information, or shipping information. Finally, the bill forbids any city, town, or county from continuing or adopting any nursery stock ordinances that are stricter than the rules of the State Board of Agriculture.

SB 810 expands the powers of the State Board of Agriculture by allowing them to promulgate rules regarding prescribed burning and smoke management and empowers the Oklahoma Department of Agriculture, Food, and Forestry to collect fines from those in violation of the Boll Weevil Eradication Act. The bill also removes conditions under which agriculture law enforcement officers may carry firearms.

SB 517 empowers the Director of Forestry to appoint special officers to enforce not just the Oklahoma Forestry Code but also the Oklahoma Agricultural Code throughout the state. It also increases the fine from \$1,000 to \$5,000 for willfully and unlawfully setting fires to any forest, grass, crops, or rangeland and spells out the protocol for commencing a lawful burn. The bill also increases the levy assessed on peanuts from \$2 per ton to \$4 per ton.

For purposes of clarification, new language adopted in **SB 709** defines *manure* and stipulates that manure is not defined as a hazardous substance or hazardous waste.

HB 1520 addresses fire-fighting education and emergency response. Included in the measure is the Oklahoma Controlled Burn Indemnity Fund, which allows landowners who suffer property damage caused from a controlled burn gone awry to be eligible for financial assistance. The law also creates the Incident Command Task Force to study and make recommendations for effective emergency command site management. The bill also creates an education program of similar scope to be offered across the state and funded by the Firefighter Training Revolving Fund.

Business and Finance

Business and Economic Development

Significant bills passed by the Legislature relating to business and economic development varied in subject matter.

HB 1497 treats a trust as a partnership for the purpose of acquiring and using real estate. This bill also provides a definition, when used to qualify a person to become a licensed alcohol and drug counselor, of the *scope of practice* based on training, experience, and credentials.

The enactment of **SB 60** allows the Interior Design Licensing Board to waive the examination requirements for an interior designer with 15 years of experience.

SB 98 establishes the Fire Extinguisher Licensing Act and creates the Fire Extinguisher Industry Committee. The Act mandates that a license is required for selling or working on fire extinguishers, and specifies the requirements for obtaining the license. Also, the legislation establishes punishments for the illegal use of a fire extinguisher.

SB 780 allows the Economic Development Generating Excellence (EDGE) Fund to use outside investment fund managers. These fund managers are hired through a solicitation of competitive proposals. The bill also makes modifications in the residency requirements for those who represent statewide organizations.

SB 808 captures over \$15 million in federal funds for the Oklahoma Employment Security Commission (OESC). The funds were made available by the federal Reed Act distribution and are slated to be expended no later than December 31, 2008.

SB 809 amends several sections of law related to the OESC and railroad pensions. The measure:

- Specifies that the definition of a *filed* document under the Employment Security Act is to be determined by statute, rule, or practice of a receiving agency or court;
- Excludes all pension payments that include an employee contribution from the Railroad Retirement Act;
- Creates a three-year statute of limitations on charges against an employer's unemployment benefit account when another state notifies Oklahoma of a claim;
- Declares the action of the OESC to be final if an employer fails to appeal within the allotted time;
- Authorizes the OESC to reconsider its own determinations;
- Declares the OESC's findings to be binding in matters before the Commission. However, they are not binding and cannot be used as evidence in other legal matters.
- Explicitly states that the district courts do not have the power to hear an appeal of a decision by the OESC if the appeal was not timely filed;

Business and Finance

- Requires the OESC to make assessments within three years of the covered period for nonprofits who choose payments in lieu of contributions;
- Declares that in all legal proceedings against the OESC, process is to be served on the Executive Director;
- Adds an investigation of health care fraud to the list of reasons for releasing employment information to the Attorney General, Oklahoma State Bureau of Investigation, or Insurance Department;
- Allows release of otherwise confidential information to state or federal law enforcement when the OESC is the victim of a criminal act;
- Expands the Worker Safety Policy Council to include a representative of Career Tech who is appointed by the Labor Commissioner; and
- Adds a bond requirement of \$150,000 for employees of the OESC.

SB 984 authorizes the Oklahoma Horse Racing Commission to join the Interstate Compact on Licensure of Participants in Live Horse Racing with pari-mutuel wagering.

SB 1006 alters the definition of *elevator* to exempt grain elevators or other devices that are not accessible or used by customers or the public.

SB 1028 contains language that strengthens the Workplace Drug and Alcohol Testing Act by providing guidelines for employers to use when developing their written company policies. These guidelines provide that drug and alcohol tests will be accepted as the primary evidence in any claim brought by the discharged employee.

Banking and Finance

During the 2007 session, lawmakers amended current law through an omnibus banking bill, **HB 1543**. Key elements of the bill:

- Authorize banks and trust companies to increase their investment in public welfare projects from 10 percent to 15 percent of bank capital;
- Remove the prohibition against industrial loan companies or banks establishing branch operations in retail stores;
- Broaden terminology by defining *institution* and including *credit union* in certain sections of law;
- Grant more powers to credit unions by allowing the credit union to become the owner and lessor of personal property at the request of a credit union member;
- Address administrative issues with payable-on-death accounts, or informal trusts in which the account proceeds are payable to a beneficiary upon the death of the account holder;
- Enable the Banking Commissioner to authorize, in the event of an emergency that requires a financial institution to close, an off-site, temporary facility without submitting a formal application or fee; and
- Allows cemetery owners to purchase a certificate of deposit from a financial institution in lieu of depositing funds in a Perpetual Care Fund, so long as the amount is \$100,000 or less.

Education

Common Education

The 2007 session was marked with concern over the well-being and health of Oklahoma's children. **HB 1051** addresses both of those components. First, students who have been victims of certain felony offenses by other students have the right to be kept separated from the student offender at school and during school transportation. Second, the Diabetes Management in Schools Act is established. A diabetes medical management plan will be developed for each student with the disease, and a personal health care team will be available in order to assist students with the management and care of their diabetes. The bill permits a diabetic student to perform blood glucose level checks, administer insulin, and treat hypoglycemia and hyperglycemia while at school or a school activity. In response to an ever-increasing amount of violence in schools, **SB 103** requires public schools to conduct a minimum of one lockdown drill each school year for the purpose of securing school buildings in hopes of mitigating injuries or deaths. Finally, **HB 1601** attempts to encourage school districts to enhance physical activity among students in kindergarten through fifth grade and also creates the Fit Kids Physical Education Task Force.

The Legislature also focused on curriculum issues and upgrading certification standards for school administrators. **HB 1476** creates the Passport to Financial Literacy Act. Personal financial literacy education will be provided in the public schools with an emphasis on such topics as understanding credit card debt, responsibilities of renting or buying a home, retirement planning, bankruptcy, balancing a checkbook, borrowing and investing money, insurance, taxes, and identity theft. **SB 17** establishes Celebrate Freedom Week in the public schools the week of November 11 in order to educate students about the sacrifices made for freedom on behalf of this country. The measure requires schools to incorporate instruction concerning the importance of the Declaration of Independence and the U.S. Constitution in social studies classes. **HB 1477** adds to the existing certification requirements for school superintendents. These requirements include:

- Certification as a school principal;
- Completion of a program in education administration approved by the Oklahoma Commission for Teacher Preparation with an emphasis on district-level leadership skills, education finance, education law, risk management, collaborative and community leadership, and ethical leadership;
- A passing score on the subject area competency examination;
- A minimum of two years of administrative experience in public or private schools accredited by the Board; and
- Any other professional education requirements fixed by the State Board of Education.

SB 921 creates the Achieving Classroom Excellence II Task Force to study such issues as:

- Comparison of the Priority Academic Student Skills with other states' curricular standards;

Education

- Alignment of the Priority Academic Student Skills with the National Assessment of Educational Progress (NAEP) standards;
- Feasibility of realigning the state performance level standards to NAEP performance level standards;
- Differences in achievement levels among states based on exclusion rates on the NAEP; and
- Feasibility of aligning the cut scores on state-mandated tests to NAEP cut scores.

Other common education issues addressed by the Legislature this session focused on charter schools and rewarding outstanding achievement among schools and teachers. **HB 1589** expands charter school opportunities in Oklahoma City and Tulsa by removing barriers to sponsorship by institutions of higher education, Career Tech, and local school districts. **HB 1593** expands the Academic Achievement Awards program by providing cash bonus rewards to teachers and administrators in schools that have seen the most improvement on test results or are consistently high-performing. The bill raises the cash prizes to \$3,000 in the state championship for academics for both the top performing school and for the most improved school in the state. The legislation also expands the program to provide cash bonuses to more schools. The Academic Achievement Awards program is based on the Academic Performance Index, a comprehensive measure that examines schools' performance.

In efforts to improve the quality of instruction in the public schools and continue to meet the mandates of the federal No Child Left Behind Act, several measures were passed this session. First, **HB 1390** allows the Oklahoma Commission for Teacher Preparation to award grants to public schools to offer reading professional development institutes for the purpose of implementing comprehensive reading reform. The Commission is charged with providing the following professional development institutes:

- Mathematics for teachers in grades five through nine;
- Use of technology in the classroom;
- Training of residency committee members in teacher mentoring; and
- Hands-on inquiry-based science for elementary teachers.

Second, in order to fulfill the objectives of the Education Leadership Oklahoma program, **SB 586** requires the Oklahoma Commission for Teacher Preparation to emphasize recruiting efforts toward teachers at schools in high poverty areas, low achieving schools, and in counties with the lowest percentage of teachers who have achieved National Board Certification. Also, the legislation requires that out of every 400 teachers recruited by the state for National Board Certification, a minimum of 25 percent should teach at schools on the school improvement list as determined by the State Board of Education pursuant to the No Child Left Behind Act or schools where more than 50 percent of students qualify for the free and reduced price lunch program. Finally, the passage of **SB 482** gives school districts greater flexibility in their professional development program offerings for certified teachers.

Funding public schools and teacher pay raises continues to be an important focus of the Legislature. The passage of **SB 513** provides additional funding to schools and places additional requirements on lottery prize winners. First, the Oklahoma Education Lottery Act requires a certain percentage of lottery revenue to be directed to the School Consolidation and Assistance

Fund. The measure establishes that when this Fund exceeds \$5 million, the excess funds will go to public schools to purchase technology equipment in order to conduct online testing to meet the mandates of the Achieving Classroom Excellence Act. Second, any person claiming a lottery prize in excess of \$600 must provide the Lottery Commission valid identification before claiming their prize. Also, the Lottery Commission is required to withhold prize monies from individuals if back taxes are owed to the Oklahoma Tax Commission. **SB 925** creates the School Funding Formula Task Force. The Task Force is charged with modernizing the formula, determining how categorical funds are expended, reviewing recent school finance litigation, and modifying the formula to enhance quality instruction. Finally, **HB 1134** provides for a raise program for all certified teachers. Teachers with less than ten years of experience will receive a \$600 raise, regardless of the teachers' education level. Teachers with ten or more years of experience are given pay raises ranging from \$1,025 to \$2,300 per year based upon the type of degree the teacher possesses.

In other matters related to common education:

- **HB 1556** defines a *public school district* as all free schools supported by public taxation and including K-12 schools and technology center schools as it relates to the Oklahoma Campus Security Act.
- **HB 1674** adds additional language to the Larry Dickerson Education Flexible Benefits Allowance Act by allowing school district employees who have terminated their employment to continue to utilize the flexible benefit allowance for the remainder of the current benefit term.

Higher Education and Career Technology

The Legislature also addressed issues relating to higher education students. **HB 2103** establishes a guaranteed tuition cap and attempts to control the escalating costs of textbooks. Beginning with the 2008-2009 academic year, each institution within the Oklahoma State System of Higher Education will offer to resident students enrolling for the first time as a full-time undergraduate a tuition rate that will be guaranteed for a period of not less than four consecutive academic years at the comprehensive and regional universities and for not less than two consecutive years at the two-year institutions. Students will have the option of participating or not participating in the guaranteed tuition rate program but must indicate their election at the time of enrollment. In regard to higher education textbooks, the bill prohibits books from being packaged with CDs, workbooks, and other ancillary material and requires publishers and bookstores to inform professors of textbook prices and the changes made to new editions. **SB 496** prohibits institutions within the Oklahoma State System of Higher Education from selling student data to any creditor for purposes of marketing consumer credit to students.

Other legislation related to higher education focuses on the Oklahoma Higher Learning Access Program (OHLAP), a college tuition assistance program for Oklahoma residents. **SB 820** provides a permanent funding source for OHLAP and implements new accountability and performance standards for the scholarship program. Provisions include:

- Limiting scholarship eligibility to U.S. citizens or other individuals who are legally present in the country;

Education

- Making children who are home-schooled and score a 22 or higher on the ACT test eligible for the program;
- Extending the “good conduct” requirements throughout a student’s college years; and
- Requiring OHLAP students to maintain the minimum GPA required by the State Regents for Higher Education during their freshman year, with a 2.0 minimum imposed during the sophomore year and at least a 2.5 GPA required for classes taken during the junior and senior years.

HB 1762 modifies eligibility requirements for OHLAP by allowing students to participate in OHLAP who are enrolled in a school district located in this state that serves students who reside in both this state and an adjacent state.

Closely associated to the issue of college tuition costs, the Financial Reimbursement for Educational Expenses Act is created by the passage of **HB 1114**. Specifically, this Act allows eligible state agency employees to be reimbursed for educational expenses up to \$5,000 a year.

In other matters related to higher education and career technology:

- **SB 777** alters the residential requirements for the Board of Regents for Oklahoma City Community College. Specifically, the legislation requires four members of the OCCC Board of Regents to be residents of south Oklahoma City, which includes the original district of OCCC and the portion of Oklahoma City extending into Cleveland County.
- **SB 922** clarifies the distribution of incentive levies when the jurisdictions of college technology center school districts or technology center school districts overlap.

Teacher Retirement

Funding reform for the Oklahoma Teachers’ Retirement System was another issue high on the priority list this legislative session. **SB 1092** amends **SB 357** passed earlier in the session and signed into law and is aimed at shoring up the financial soundness of the Teachers’ Retirement System of Oklahoma. The measure would increase the funding that the state, in combination with the school systems, contributes to the Teachers’ Retirement System. For four-year universities and colleges, an increase in the contribution rate will be phased in from the current 7.05 percent to 8.75 percent in 2010 and beyond. For common education employers and two-year colleges and state agencies in the system, the rate would increase from the current 8 percent to 8.75 percent in 2010 and beyond. These increases will have an annual cost of \$48.2 million and will only take effect if appropriation levels to participating employers are increased each year. The plan in SB 357 will put the state on track to fund the teacher retirement system at 80 percent in less than 25 years. Currently the system is less than 50 percent funded.

A supplemental appropriation in **HB 1105** provides additional funding of \$10 million to fund the employer contribution rate increases resulting from the enactment of **SB 1092** for the current year.

Arts and Culture

HB 2104 establishes one day per week in which minors will not be charged admission to sites and museums under the purview of the Oklahoma Historical Society. The bill also creates the Oklahoma Arts Council Arts Education Revolving Fund, which authorizes the Oklahoma Arts Council to distribute incentive grants to school districts for the establishment of visual arts programs.

HB 2192 establishes membership criteria for the metropolitan library commission in counties with a population of at least 600,000. The bill requires that commissions in these counties consist of 16 members, plus one member appointed by the mayor of each municipality in the county that has a library or library extension within the boundaries of the municipality which is a part of the metropolitan library system.

Elections and Ethics

Campaign and election reform continued to be a major issue for the Legislature. **HB 2110** accomplished the most significant ethics reform in over a decade. The measure makes numerous changes to the contribution reporting requirements of candidates and office-holders. Specifically, the measure provides for the following:

- Requires contributor statements to indicate the contribution is for a campaign in Oklahoma;
- Prohibits making or accepting contributions in the State Capitol Building and provides for return of contributions delivered in the mail to an address in the Capitol;
- Allows candidates to have only one active candidate committee at any time;
- Requires out-of-state committees and persons to make independent expenditures and electioneering communications from a segregated account which contains only contributions made in compliance with Oklahoma law and requires campaign depository information to reflect the segregated accounts;
- Provides that contributor statements are not required for funds accepted by out-of-state committees or persons or advocacy corporations which make independent expenditures or electioneering communications if the committee, person, or corporation does not coordinate with a candidate, committee, or agent;
- Requires out-of-state committees to report contributions on a last-in-first-out basis and all Oklahoma contributions;
- Requires itemization of contributors making contributions over \$200 (rather than \$50) for out-of-state and federal committees;
- Requires registered committees to report last-minute independent expenditures and requires other persons to file the same report for all independent expenditures; and
- Limits honoraria in the form of cash, checks, or cash equivalents for elective officers to those not related to holding public office.

To assist in the understanding of these sometimes complex ethics rules, the bill requires the Ethics Commission to conduct annual ethics training for members of the Legislature.

A task force to study judicial and district attorney redistricting is created by **SB 990**. The 14-member panel will have the responsibility of studying the possibility of redrawing the judicial and district attorney boundaries which were last redistricted in 1980. The task force is to report its findings by November 30, 2008.

County commissioners would have been required to send ballot language to the district attorney for review under the provisions of **SB 1019**. The measure also would have required the commissioners to advertise all ballot propositions not less than five days prior to the election in a newspaper of general circulation in the county. The Governor vetoed the bill, stating in his message that “Although the legislation established uniform guidelines for county ballot questions, it also reduced the amount of public notice provided to county voters before a regular or special election. State law should seek to foster a better informed electorate and thus should provide voters with adequate notice of a coming election.”

Energy and Technology

The sustainability of Oklahoma's natural resources and the proliferation of renewable sources of energy were top priorities of the Legislature during the 2007 session. From the creation of the Oklahoma Electric Power Transmission Task Force to the establishment of the Oklahoma Bioenergy Center, it is evident that the Legislature considers it a priority for Oklahoma to maintain its status as a national leader in the fields of energy production and innovation.

Energy

The Legislature expressed its intentions of Oklahoma becoming a national leader in the emerging field of bioenergy with the passage of **SB 609**. The Oklahoma Bioenergy Center Act essentially creates a collective research institution within the Oklahoma Department of Commerce with the stated purpose of advancing Oklahoma's research capacity in the area of biofuels and bioenergy development. The Act specifies that the newly established Center will be governed by a board primarily comprised of individuals who have ties to energy research institutions; furthermore, the board is authorized to appoint an executive director of the Center. The bill also clearly states that the Legislature intends on funding the Oklahoma Bioenergy Center in the future, and language was included that will allow the Center to accept donations, endowments, and research grants.

The Legislature enacted two pieces of legislation pertaining to storage tanks this session. **SB 102** modifies the Storage Tank Advisory Council by altering the membership of the Council from nine to eleven members. The additional two members are specified to be one operator or agent for an agricultural cooperative and one county commissioner or petroleum storage tank operator. The Council serves to recommend ideas to the Oklahoma Corporation Commission relating to the Oklahoma Storage Tank Regulation Act. Fuel storage facilities and associated equipment used in wholesale activities that are supplied by a pipeline and from which fuel may be removed at a rack have been exempted from the Storage Tank Regulation Act with the passage of **HB 1396**.

Two task forces were created this session to evaluate issues surrounding the transmission of electricity to consumers. **SB 734** creates the Joint Electric Utility Restructuring Task Force which is composed of both House and Senate energy committee members and the chair of the Oklahoma Corporation Commission or a designee. The Task Force is charged with the responsibility to study the issues surrounding municipal annexations into previously unincorporated territory and the ability of the municipalities to provide electric power in those areas. There has been considerable debate in past years between municipalities maintaining public utilities and private utility companies pertaining to the statutory ability to provide services in previously unincorporated areas.

In an attempt to promote the proliferation of renewable sources of energy, the Legislature also created the Oklahoma Electric Power Transmission Task Force with the enactment of **HB 1764**. The Task Force is charged with the responsibility of studying and evaluating the transmission requirements needed for the reasonable development of renewable energy resources. **HB 1764**

specifically charges the Task Force with the responsibility of issuing location and funding recommendations, and it is also required to submit its findings no later than January 31, 2008.

The Legislature also passed legislation pertaining to the operations of the Grand River Dam Authority (GRDA) this session. **HB 1034** allows the GRDA Board to lease shorelands for longer than two years and areas larger than one-fourth mile of lakefront upon Board approval; moreover, the bill also allows private property to be mortgaged and sold on leased shoreland upon Board approval. **SB 407** allows GRDA to enter into financial instruments intended to manage interest rate costs. The bill also creates the Joint Legislative Task Force on the Grand River Dam Authority which is given the responsibility of providing oversight of the financial dealings and procedures of the agency. The Task Force is composed of all Senate and House members whose legislative districts have a portion of the GRDA district and is encouraged to issue reports of its findings along with recommendations designed to make GRDA a more accountable institution.

This session the Legislature addressed numerous issues pertaining to the importance of water as a natural resource. The enactment of **HB 1490** creates the Eucha-Spavinaw Management Act which codifies a legally reached agreement pertaining to the impact of waste on the Eucha-Spavinaw Watershed. The Act contains provisions that seek to mitigate the impact of pollution on the watershed, and it calls for the Department of Agriculture, Food, and Forestry to administer the agreement.

SB 136 provides for a modest fee increase for the Commission on Marginally Producing Oil and Gas Wells. The bill slightly raises fees on producers from \$0.002 to \$0.0035 per barrel on oil, and \$0.001 per 10,000 cubic feet to \$0.00015 per mcf on natural gas, which is estimated to provide an additional \$170,000 per year for the Commission's operations. The Commission, which was created by the Legislature in 1992, had not raised fees since its inception. In the 15 years of its existence, the Commission has experienced a 25 percent revenue shortfall in voluntary fees due to the state's perpetually declining oil and gas production. The fee increase is essential to enabling the Commission to identify, evaluate, and disseminate information concerning the economic and operational factors affecting and shortening the lives of the approximately 65,000 marginal oil and gas wells in Oklahoma.

SB 136 also contains several provisions relating to the operation of oil and gas wells. The definition of *seeping natural gas* was modified to include leaks from private natural gas distribution pipelines that service more than 300 customers. The bill also contains two dewatering provisions. Natural gas allowables do not apply to the production of gas as a result of dewatering projects, and the Oklahoma Corporation Commission can establish drilling and spacing units for dewatering projects that do not exceed 640 acres.

In another matter related to energy regulation, **HB 1374** expands the types of payments that the Corporation Commission may receive for the payment of taxes and fees by allowing the use of credit and debit card payments. The measure also removes a previously established limit on the amount of money that the Commission was allowed to keep in a petty cash fund. The Commission now has the ability to work in conjunction with the Director of State Finance to fix the amount of money to be kept in the petty cash fund.

Technology

Many Oklahoma residents maintaining telephones will be satisfied with the enactment of **SB 712**. The legislation, which is known as the Anti-Caller ID Spoofing Act, makes it a misdemeanor offense punishable by jail time or fines not to exceed \$10,000 for a caller to knowingly insert false information into a caller identification system that is intended to mislead the recipient of the telephone call. The bill does, however, provide exceptions for law enforcement and governmental intelligence agencies, as well as equipment used to block caller identification information.

In other matters relating to technology, **SB 622** modifies existing definitions pertaining to aircraft dealers and manufacturers. Also, **SB 796** pertains to the installation of certain technological equipment by clarifying language relating to the implementation of application systems of the Integrated Central Systems.

HB 1017 requires the address of the manufacturer of a sound recording or audiovisual work to be displayed on the item if it is offered for sale, rental, or other distribution.

Environment and Natural Resources

From explosives to waste tires, the Legislature passed diverse measures addressing the natural resources and environmental issues of Oklahoma.

The new language in **HB 1074** amends the Oklahoma Explosives and Blasting Regulation Act by exempting any employee of the Oklahoma Department of Agriculture Food, and Forestry and the United States Department of Agriculture, Animal and Plant Health Inspection Service, and Wildlife Services who is trained and certified by the United States Department of Agriculture in the safe handling and use of explosive materials.

SB 376 requires the Commissioners of the Land Office to utilize certain procedures for obtaining appraisals for fair market values when acquiring real property from any state department, board, commission, institution, or agency.

SB 509 clarifies procedures for landfill owners and operators seeking reimbursement for costs expended on the purchase and installation of a wheel-wash system for use at a landfill disposal site. A new section of law included in the bill allows the Department of Environmental Quality to apply the remainder of funds allocated to wheel-wash system reimbursements, if a remainder does indeed exist, toward the proper closure of inoperative landfills.

Study of the Waste Tire Recycling Act will be conducted by the task force created in **SB 747**. The task force will review the fee structure and compensation criteria for waste tire activities and make recommendations to enhance the ability of the state to provide for the efficient and effective recycling of all waste tires in the state. **SB 747** also amends the recycling fee schedule applied to the purchase of new tires and reallocates monies within the Waste Tire Recycling Indemnity Fund. The bill also allows waste tire facilities to export waste tires to an out-of-state facility; however, the exporting facility will not be eligible for compensation from the Waste Tire Recycling Indemnity Fund. In addition, **SB 747** specifies the Department of Environmental Quality as the sole agency allowed to require an entity to obtain a stormwater permit. No other agency will condition any license upon the applicant obtaining a stormwater permit if the applicant is not required to obtain a stormwater permit pursuant to statutes and rules promulgated by the Environmental Quality Board.

General Government and Transportation

General Government

Governmental efficiency and accessibility to the public was a major goal of the Legislature this session. **SB 1** creates the Taxpayer Transparency Act by requiring the Office of State Finance to develop and operate a free, searchable website containing information on state revenues, expenditures, incentive payments, and other state tax exclusions and credits. The website is envisioned as a “Google-like” system that will provide the interested public with access to a user-friendly vehicle to examine the manner in which state revenues are expended. Another bill aimed at efficiency, **HB 2111**, eliminates 19 defunct and obsolete task forces and commissions from the rolls of the state statutes.

The definition of *meeting* is changed by **SB 69**, as the term is used in the Oklahoma Open Meeting Act, to exclude informal gatherings of a majority of a public body when no business of the public body is discussed. The bill also provides that during a videoconference, both the visual and auditory communications functions of the device will be used and deletes language specifying those agencies that may hold meetings by teleconference.

The Oklahoma Tax Commission is allowed by **SB 86** to release personal information contained in vehicle registration and motor vehicle title certificates to entities dealing with motor vehicle safety, theft, emissions, product alterations, recalls, and advisories. The bill defines the individual personal information which can be released including the name, address, and telephone number of a registrant, and excluding information on vehicle accidents, driving violations, or driver’s status. The bill also modifies the definition of a *motorized bicycle* by allowing bicycles with combustible engines up to 150 cubic centimeters to be considered a motorized bicycle.

Law enforcement and all-terrain vehicle owners who possess a valid agricultural exemption will now have a valuable piece of information regarding stolen all-terrain vehicles thanks to **HB 1016**. The bill extends mandatory titling of all-terrain vehicles and off-road motorcycles for which legal ownership is transferred on or after July 1, 2008. The bill also provides that until July 1, 2008, any security interest in an all-terrain vehicle that was attached and perfected before July 1, 2005, and that has not otherwise terminated, will remain perfected and will take priority over any subsequently perfected interest in the same all-terrain vehicle.

Owners of manufactured homes who have surrendered or lost the title to their home may apply for a new title from the Oklahoma Tax Commission under the provisions of **HB 1340**. The measure requires the owner to submit an attestation indicating ownership of the home and prove that no lien or other security interest is in place. The owner can also hire an attorney to prepare a title opinion determining that the owner has title to the real property on which the home is located and that no mortgage or lien is on record in the county clerk’s office.

General Government and Transportation

The Oklahoma State Bureau of Investigation is added by **HB 1383** to the list of agencies exempt from the oversight function of the Fleet Management Division within the Department of Central Services.

Members of the Oklahoma State University Medical Center Authority or the Oklahoma State University Medical Trust are exempted by **HB 1384** from the prohibition of holding two offices concurrently. In addition, it allows institutions within the State System of Higher Education to keep confidential all information pertaining to financial donors.

HB 1399 strengthens and updates the purchasing practices of scrap metal dealers. The bill maintains the already required ten-day holding period for copper and certain other scrap metals so that law enforcement or public utility representatives have an opportunity to view the scrap metal when there has been a recent burglary involving scrap metal.

The bill further requires the buyers of scrap metal goods to keep detailed records when they purchase ten pounds or more of regulated metal goods. These records are not new. Junk dealers have always been required to keep records of purchases containing the name, age, address, and driver license number of an individual from whom the dealer purchased 35 pounds or more of scrap. HB 1399 changes the record keeping by requiring the information to be recorded if the dealer purchases ten pounds of scrap and requires the dealer to photocopy the driver license and provide a description of the vehicle of the seller.

A new provision of law included in the bill prohibits junk dealers or salvage dealers from purchasing a list of restricted materials, including copper or aluminum coils and machinery or supplies used in drilling oil or gas wells, unless the seller of such goods can prove they own the property. Below is a complete list of the restricted property for which proof of ownership is required:

- Manhole covers;
- Electric light poles;
- Guard rails;
- Street and traffic signs;
- Communication, transmission, and service wire;
- Funeral marker or vase;
- Historical markers;
- Railroad equipment;
- Metal items marked with the name of a governmental entity, cemetery, utility, or railroad;
- Copper or aluminum condensing coils from heating and air units;
- Aluminum or stainless steel fork lift propane tanks;
- Metal bleachers;
- Catalytic converters;
- Plumbing and electrical fixtures;
- Tools; and
- Oilfield machinery and supplies.

Finally, to help protect salvage dealers, the bill enacts a new statute requiring the dealer to pay the seller of any regulated material by check for amounts in excess of \$25. The dealer can choose to pay the seller at the time of the purchase or by mail if the seller chooses.

Lottery revenue going to the School Consolidation and Assistance Fund is capped at \$5 million with the enactment of **SB 513**. The measure requires revenue in excess of that amount to be allocated by the State Department of Education to public schools to purchase technology equipment to be used to conduct on-line testing as required by the Achieving Classroom Excellence Act of 2005. The measure further requires each person entitled to any portion of a lottery prize in excess of \$600 claimed by a trust to provide the Oklahoma Lottery Commission with their name, address, social security number, and valid identification prior to the payment of the prize. The information is to be kept confidential and not subject to the Oklahoma Open Records Act. Lastly, the bill establishes a procedure to withhold proceeds from lottery prize winners who owe delinquent state taxes.

HB 1581 authorizes state agencies to enter into contracts and agreements for the payment of food and lodging expenses of employees attending an official course of instruction or training conducted or sponsored by a state agency.

HB 1646 prohibits state employees from soliciting any part of a benefit or allowance as a gratuity, kickback, or loan from the recipient of the benefit or allowance. The crime is established as a misdemeanor with a punishment of up to a \$500 fine, up to one year in the county jail, or both.

HB 1122 increases the number of full-time-equivalent employees for the Oklahoma Student Loan Authority from 68 to 85 employees and the Employees Benefit Council from 31 to 38 employees. The measure also increases the maximum annual salary for the director of the Board of Governors of the Licensed Architects, Landscape Architects, and Interior Designers of Oklahoma from \$63,300 to \$80,000. Unclassified positions are also added for the Corporation Commission, Office of State Finance, Office of Personnel Management, Oklahoma State Bureau of Investigation, Department of Transportation, Oklahoma State and Education Employees Group Insurance Board, and the Office of Juvenile Affairs. Finally, the bill modifies the definition of *seasonal employee* as used by the Oklahoma Tourism and Recreation Department to be those employees who work less than 1,600 hours in any 12-month period.

The Oklahoma Controlled Burn Indemnity Fund is created by **HB 1520** to benefit landowners who perform controlled burns. The Fund is to be used to compensate landowners for uninsured losses incurred from a fire that spreads beyond control of the burner. The measure also creates the 15-member Incident Command Site Task Force to study and make recommendations of appropriate incident command systems including unified command for managing multidiscipline and multijurisdictional fire incidents occurring in the state. The bill authorizes Oklahoma State University Fire Service Training to develop a program to educate firefighters on a unified command protocol for fire incidents and creates the Firefighter Training Revolving Fund to be used by the State Fire Marshal to pay for firefighter training programs through Oklahoma State University Fire Service Training.

General Government and Transportation

In other matters relating to general government:

- **HB 1038** modifies the information that public bodies which provide utility services may keep confidential under the provisions of the Oklahoma Open Records Act.
- **HB 1669** designates the watermelon as the official vegetable of the State of Oklahoma.
- **SB 622** changes the definition of *agreements* as used between aircraft manufacturers and their dealers. Further information can be found in the Aerospace and Technology section.
- **SB 929** clarifies the legal description of the Council on Law Enforcement Education and Training facility located in Pontotoc County.
- **SB 994** clarifies the legal description of the Hissom Memorial Treatment Center in Tulsa County.
- **SB 1016** removes an exception to the Oklahoma Alcoholic Beverage Control Act which had allowed musicians under the age of 18 employed by an establishment to remain within designated bar areas.

Agency Review

Ten entities and functions of Oklahoma government were scheduled to terminate on July 1, 2007, under the sunset provisions of the Oklahoma statutes. The Legislature re-created most of these entities for another six years. Under the Oklahoma sunset review process, these entities and functions were reviewed by the Government Modernization, Agency Review, and Administrative Rules subcommittee in the House. Generally, a sunset law is a law that automatically terminates a state regulatory agency, board, or function of government on a certain date. The Legislature must act to continue the entity or function by passing a bill. Sunset laws cause Legislatures to periodically review the need for state regulation or for advisory committees and to update the law creating the entity or function. These reviews seek to balance the need for regulation to protect the public interest with the need to ensure state agencies, industry and the professions, and functions of government are not over-regulated. The following table summarizes the sunset review process this session by providing the bill numbers, the entity, and their new sunset date.

Sunset Review, 2007 Legislative Session

Bill #	Sunset Entity	Sunset Date
HB 1064	Construction Industries Board	July 1, 2013
HB 1065	Capitol-Medical Center Improvement/Zoning Commission	July 1, 2013
HB 1066	State Accrediting Agency	July 1, 2013
HB 1067	Oklahoma Energy Resources Board	July 1, 2013
HB 1068	Domestic Violence Fatality Review Board	July 1, 2013

HB 1069	Advisory Committee on Pedorthics	July 1, 2013
HB 1070	Advisory Committee on Orthotics and Prosthetics	July 1, 2013
HB 1071	Public Employees Relations Board	July 1, 2008
HB 1072	Archives and Records Commission	July 1, 2013
HB 1086	Sheep and Wool Utilization Commission	July 1, 2013
HB 1318	Omnibus bill for all entities	July 1, 2013

County and Municipal Government

Several measures deal with increasing the training and professionalism of county officials, as well as easing restrictions on municipal officials doing business in their communities. Oklahoma statutes have long prohibited municipalities from engaging in transactions with businesses in which municipal employees or officers and their spouses have proprietary interests. However, the passage of **SB 160** will loosen existing restrictions which often prove burdensome to many rural and isolated communities across the state. If a municipal employee or officer of a community not exceeding 2,500 people has proprietary interests in a business which is the only business of that type within five miles of the corporate limits of the municipality, then the municipality may engage in activities with that business. The legislation also contains a provision which allows the business activity to exceed \$10,000 annually as long as the municipality is charged the same rates as the general public.

Persons elected or appointed to municipal positions are required to undergo approximately eight hours of training at municipal institutes located across the state under the provisions of **HB 1401**. The training focuses on municipal budget requirements, the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, as well as several other topics pertaining to the operations of a municipality. HB 1401 clarifies existing law by stating that individuals who are appointed to municipal positions are also subject to the training requirements, and individuals who fail to comply will cease to hold the position one year after taking the oath of office. Another measure, **SB 379**, provides that county officials are to be reimbursed by their respective counties for any approved training that they take prior to taking the oath of office. The bill specifies that reimbursement occur in January when the official assumes office.

HB 1761 provides funding to Oklahoma counties with state-owned land from the State Land Reimbursement Fund. Each county will receive a portion of the fund equal to the additional ad valorem tax revenue which would have been received in the county if the state-owned land were not exempt from ad valorem taxation.

The passage of **SB 658** demonstrates the Legislature's efforts to increase Oklahoma's affordable housing capacity. The bill enables county commissioners to convey lands owned by a county to nonprofit organizations to construct affordable housing. There are several prerequisites for a transfer to occur. The county commissioners are required to hold a public hearing at which they demonstrate that the land is no longer needed for county purposes. The nonprofit organizations wishing to utilize the land must also have previous experience in the construction of affordable housing. Construction must begin within two years of the transfer, or the property will revert to the county.

General Government and Transportation

Statutes pertaining to the incorporation of new municipalities have been modified with the enactment of **HB 1055**, which allows unincorporated communities located within five miles of the Oklahoma City or Tulsa corporate limits to incorporate as a municipality upon demonstration to the board of county commissioners that the area has been historically identified as a community.

County government retirees will be allowed to continue working for county governments on a part-time basis while maintaining retirement benefits with the passage of **SB 691**. The bill requires former county employees to wait one month before returning to duty on a part-time basis, and the return to employment must be approved by the board of trustees and the board of county commissioners.

The Legislature enabled the Information Services Division of the Office of State Finance to establish certain rules for state agencies obtaining information technology equipment with the enactment of **SB 796**. The bill allows the Division to set the requirements for the facilities used by state agencies to install backup technology equipment and to set rules regulating multiyear agreements between state agencies and private facilities for such procedures.

SB 590 deals with an array of county issues making changes in law regarding plats, audits, and purchase orders. The measure:

- Changes the specifications of submitting a plat by requiring a reduced copy of the original tracing and prints on 8.5" x 11" paper;
- Allows each county to perform audits every two years of any county officers, and the audit may include a performance audit, a financial audit, agreed-upon procedures, limited review, or examination of the books and records;
- Makes it unlawful for elected county officers not succeeding themselves to make changes or alterations in the licensing or source code of computer software currently being used;
- Allows purchase orders to be paid at the first meeting of the board of county commissioners five days after the presentation for payment; and
- Defines an *audit* as a performance audit, a financial audit, agreed-upon procedures, limited review, or examination of the books and records.

HB 1432 increases from \$5 to \$10 the amount parties seeking to discharge filed liens will have to pay the court clerk.

The enactment of **SB 426** modifies numerous aspects of county and municipal law. The bill removes several provisions that previously regulated the construction of roads in rural areas of large municipalities. The bill also specifies that certain professionals, such as attorneys and engineers, who maintain contracts or retainers with municipal and county governments, are to be considered independent contractors. Finally, the bill provides for the municipal regulation of amateur radio.

SB 1019, which was vetoed by the Governor, would have ensured that Oklahoma's registered voters have a comprehensible understanding of the legislation they are voting for or against. When a county measure needs voter approval by the citizens of that county, whether by special

election or otherwise, the bill would have required the county commissioner to submit a copy of the proposed measure to the district attorney, including specific ballot title requirements. The Governor's veto message is provided under the Elections and Ethics section.

Transportation

Reducing the amount of time Oklahoma trucking companies spend waiting for permits was addressed this session by **SB 410** which establishes a dedicated revenue stream to be used for motor carrier permitting, safety, and enforcement. Beginning in July 2008, the bill directs that monies derived from the Department of Public Safety issued size and weight permits in excess of \$1,216,000 be deposited in the Weigh Station Improvement Revolving Fund. The Weigh Station Improvement Revolving Fund was traditionally used to construct, equip, and maintain Oklahoma weigh stations. With the enactment of SB 410, the Fund can also be used to enhance the permitting process.

HB 1777 removes the oversize/overweight permit exemption for fire fighting apparatus, farm tractors, and vehicles used to haul implements of husbandry and directs the Commissioner of Public Safety to issue, at no cost to the owner, annual oversize/overweight permits for those vehicles. The bill also includes vehicles transporting flour among the types of vehicles that can purchase an annual special overload permit. Lastly, the bill provides that the Department of Transportation will not prevent sign placement by counties with a population of less than 500,000 people.

SB 563 changes the basis upon which Public Transit Revolving Fund monies are allocated to support new public mass transportation programs. Currently such programs receive payment at the rate of 754 per vehicle revenue mile. The bill changes that formulation to 754 per passenger mile. The Department of Transportation (DOT) advises that the revised formulation based on passenger miles rather than vehicle miles could yield more funds to newly started programs with a larger passenger base.

HB 1774 provides that certification of project completion for work contracted by the DOT is not required if project progressive payments are based on DOT's estimated quantities of materials provided and work performed.

Automobile aficionados are protected by the provisions of **SB 739** which prohibits knowingly and intentionally destroying, removing, covering, altering, defacing, or counterfeiting trim tag plates on motor vehicles manufactured from 1953 to 1977. The measure also prohibits manufacturing, selling, offering for sale, introducing, delivering, or importing counterfeit trim tag plates. Limited exceptions are provided for persons engaged in the repair of a motor vehicle and the removal of trim tag plates from junk vehicles for historical documentation purposes. A first offense is a misdemeanor. A second or subsequent offense is a felony. The bill authorizes civil actions by a defrauded person against a convicted violator, including allowing the defrauded person to seek treble their compensatory damages, and allows courts to award reasonable costs and attorney fees to the prevailing party.

In other transportation measures:

General Government and Transportation

- **HB 1306** requires a “Merge Now” traffic-control device to be located no greater than one mile nor less than 1,500 feet in advance of a highway construction or maintenance area.
- **HB 1686** requires persons under 18 years of age to wear a helmet while operating an all-terrain vehicle (ATV) on public lands. The measure also prohibits the operator of an ATV from carrying passengers unless the ATV is designed by the manufacturer to carry passengers.
- **HB 1702** allows component parts of rubber tired cranes and road construction equipment which are safely secured to the vehicles to be moved upon state highways.
- **HB 1754** requires notice to be given to persons, firms, or companies who have utilities along a highway prior to a design survey for proposed construction improvements to the highway. Upon receiving notice, the utility managers have ten days to properly mark their utilities.
- **HB 1819** relates to highway contracts. It amends certain features of bid advertisements for construction projects subject to the Public Competitive Bidding Act of 1974.
- **HB 1872** exempts the Oklahoma Turnpike Authority from the provisions of the Public Competitive Bidding Act during emergencies when related to contracts less than \$35,000 and not exceeding \$500,000.
- **SB 140** authorizes the Highway Construction Materials Technician Certification Board to promulgate rules regarding the training of construction inspectors, first line construction supervisors, and others seeking registration as a materials technician.
- **SB 378** specifies the duties and activities of the statewide board for Circuit Engineering Districts to include the administration of the Statewide Circuit Engineering District Revolving Fund and relocates that Fund to the Office of the State Treasurer.
- **SJR 14** urges the United States Department of Transportation to include the rail line between Tulsa and Springfield, Missouri, in its existing feasibility study of the federally approved study of the St. Louis to Springfield rail line.

The Legislature also enacted several measures to honor distinguished citizens in the state. The following roads and bridges in the state are named as follows:

- **HB 1346** designates a portion of State Highway 51B in Porter as the “Rex Lee Brown Memorial Highway.”
- **HB 1443** designates a portion of Interstate 40 in Oklahoma and Cleveland counties as the “Freedom Freeway” and a portion of the Broken Arrow Expressway in Tulsa County as the “Disabled American Veterans Highway.”

- **HB 1941** designates a portion of State Highway 54 as the “Senator Byron Dacus Memorial Highway,” a portion of U.S. Highway 60 in Ellis County as the “Donald J. Gott Memorial Highway,” the bridges across Clear Boggy Creek and tributaries on State Highway 31 in Coal County as the “Harley Leaird Memorial Bridge,” the Joseph Sevier Memorial Bridge” and the “Lonnie Duke Memorial Bridge,” respectively; a portion of State Highway 136 in Texas County as the “Spc. Joshua Pearce Memorial Highway.” The measure also clarifies the name of the Luke James Memorial Highway on State Highway 54 in Texas County as the “2nd Lt. Luke James Memorial Highway.”

- **SB 533** designates a portion of State Highway 69 in Muskogee as the “Colonel Albert Hill Highway,” the Muskogee Turnpike in Muskogee in honor of the 929th Troop Carrier Group of the United States Air Force Reserves and the Alton M. Ashworth United States Army Reserve Center, the portion of U.S. Highways 270 and 271 in Wister as the “Danny Martinez Memorial Highway,” the overpass located where State Highway 59 and U.S. Highway 271 meet in Poteau in honor of Sergeant Buddy Hughie, and State Highway 20 between Pryor and Salina as the “PFC John Reece, Jr, Medal of Honor/Purple Heart Memorial Highway.”

Health and Human Services

Health Care

The Legislature took action on two measures in an attempt to further reduce the number of uninsured persons in Oklahoma. In the last few years, the cost of employer-based health insurance has skyrocketed, putting it out of reach of many small businesses and their workers. The first measure, **HB 1225**, provides increased access to insurance coverage for more Oklahomans by bolstering the availability of employer-sponsored insurance. The measure authorizes the Oklahoma Health Care Authority (OHCA) to seek approval from the Centers for Medicare and Medicaid Services to expand the premium assistance program to include employers with 250 or fewer employees and to include employees whose income does not exceed 250 percent of the Federal Poverty Level (FPL). Currently, only employers with 50 or fewer employees and employees whose income is less than 185 percent of the poverty level qualify to participate in the program.

A second measure, **SB 424**, directs the OHCA to establish a voucher or subsidy program to provide medical coverage assistance to children, 18 years or younger, whose family incomes are between 185 and 300 percent of the poverty level. To be eligible for the program, the child must:

- Be a lawful resident of the state;
- Be ineligible for the state Medicaid program; and
- Have been without health insurance coverage for at least six months during the first month of operation of the program, with certain exceptions.

The measure also directs the Oklahoma State Department of Health (OSDH), by January 2011, to contract with community or faith-based organizations to expand the Postponing Sexual Involvement (PSI) for Young Teens program.

The measure also authorizes the OHCA to offer partial or limited coverage to children covered by high-deductible health plans or who have private plans that do not provide certain benefits and to impose certain cost-sharing requirements.

HB 1375 requires an ambulatory surgical center to have a formal transfer agreement with a general hospital that is not more than a 20 minute travel distance from the center. The bill also requires that all physicians performing surgery in the ambulatory surgical center have admitting privileges at a general hospital that is not more than a 20 minute travel distance from the center. The measure also authorizes the establishment of health care districts in counties with a population of 100,000 or less for the purpose of making locally-generated tax dollars available for federal matching funds. The health care districts will also:

- Coordinate the delivery of health care services in local jurisdictions;
- Be authorized to adjust Medicaid provider rates above the state minimum established by the OHCA;

- Be authorized to contract with employer-sponsored health plans or private health plans to provide services to Medicaid and indigent beneficiaries; and
- Be authorized to expand health care services or health care providers within health care districts.

SB 930 provides that charitable health care providers are included in the Governmental Tort Claims Act if they have an agreement with the OSDH or a city-county health department to provide medical care free of charge to medically indigent persons. A similar measure, **HB 1930**, would have added physicians who have an administrative professional services contract with the OHCA and are acting in that capacity to the list of individuals included in the Governmental Tort Claims Act. The Governor vetoed the bill saying “this legislation is overly broad and ambiguous and is covered elsewhere in the Act.” Finally, **SB 639** was enacted to help maintain the state’s public health infrastructure and preparedness. The bill allows the OSDH and city-county health departments to enter into a professional services contract at any time with various health care providers who have retired from state service, provided they were not involved in the development of the contracts as state employees.

Abortion

The Legislature took additional action this session to strengthen the state’s abortion laws. **SB 139** prohibits state employees and resources from being used to perform an abortion that is not necessary to save the life of the mother unless the pregnancy was the result of rape or incest. The measure also:

- Compels physicians to comply with the state’s informed consent and parental consent requirements by reporting certain information to the Oklahoma State Department of Health (OSDH) and establishes penalties for failure to do so;
- Requires the OSDH to make available on its web site a public report summarizing the data submitted by physicians; and
- Prohibits health insurance policies issued in this state from providing coverage for elective abortions except by an optional rider for which there is an additional premium.

A measure almost identical to the one described above, **SB 714**, which would have prohibited state employees and resources from being used to perform an abortion not necessary to save the life of the mother was vetoed by the Governor. In his veto message, the Governor stated “First and foremost, the measure is flawed in that it does not include exemptions for cases of incest and rape.”

Elderly and Long-Term Care

The Legislature passed a number of bills this session designed to protect the health, well-being, and independence of seniors. **SB 738** permits residents of assisted living centers to receive home health care, nursing care, and hospice services through a home care agency. The bill provides that if a resident of an assisted living facility develops a condition that would qualify them to be discharged from the facility, a plan of accommodation may be developed that will allow the

resident to remain in the facility as the least restrictive environment. Additional provisions of the measure include:

- Establishing a pilot program of alternative informal dispute resolution for nursing facilities that have been cited for a deficiency and wish to dispute the citation by utilizing an impartial decision-making panel rather than a single impartial decision maker;
- Allowing long-term care administrators to be the administrator of record for more than one facility provided the facilities are within a 50-mile radius of each other and the sum total of the administrator's responsibility does not exceed more than 120 occupied beds and that each facility retains an assistant administrator; and
- Prohibiting the Oklahoma State Board of Examiners for Long-Term Care Administrators from posting on its website a complaint against an administrator unless the complaint has been found to have merit.

HB 1580 requires agencies that provide companion or sitter services to be licensed by the Oklahoma State Department of Health. The bill defines *companion* or *sitter services* as non-personal care services, such as assistance with household tasks, shopping, and meal preparation, that enable persons to remain in their own homes. Another measure, **HB 1510**, fosters the development of nursing facilities to be designed like private homes. The measure authorizes the Commissioner of Health to waive provisions of the Nursing Home Care Act and related administrative rules for these types of nursing homes that house no more than 12 individuals. **SB 398** adds financial neglect by a caretaker or other person as a punishable offense. The bill defines *financial neglect* as repeated instances by a caretaker, or other person who has assumed the role of financial management, of failure to use the resources available to restore or maintain the health and physical well-being of a vulnerable adult.

Mental Health

SB 494 exempts hospitals licensed by the Oklahoma State Department of Health that provide treatment related to eating disorders or gambling addiction from certification by the Department of Mental Health and Substance Abuse Services. The measure provides that a portion of the enrollment fees for alcohol and substance abuse courses that is remitted to the state can be used to provide specialized training to alcohol and substance abuse course facilitators. Another provision modifies the condition under which mechanical restraints can be applied to consumers to include emergency situations in which the restraint is necessary for the safety of the individual or others, provided it has been ordered by a physician or physician's assistant.

SB 151 provides that expenditures from the Community-based Substance Abuse Revolving Fund may be used for the purpose of contracting with statewide substance abuse organizations to provide training and to establish and maintain a network of substance abuse treatment providers.

SB 890 makes reimbursement for medical expenses paid by the Oklahoma Health Care Authority (OHCA) a priority in cases in which the Medicaid recipient's medical treatment costs were the result of negligence or an act of another person that is subject to recovery in a legal action. A lien of the OHCA on any claim for damages will be limited to the amount of the medical expenses and will be valid as to the entire settlement. The measure also clarifies the scope of information that must be provided to the OHCA by insurers.

SB 903 creates the 21st Century Health Education and Research for Oklahoma Task Force. The purpose of the Task Force is to explore methods to:

- Double the number of health care workers, including medical and osteopathic residents, in Oklahoma; and
- Invest in research through the University Hospitals Trust and the Oklahoma State University Medical Authority.

Miscellaneous Health

HB 1297 expands scope of certain exception relating to payment of court costs to exclude costs associated with any civil forfeiture action. The measure also adds oxycodone to the list of Schedule II controlled substances. The bill permits a district attorney to deposit money taken or detained by a peace officer into an interest-bearing account and directs that the interest be returned to the claimant or forfeited with the money.

In other health related issues:

- **HB 1884** establishes the Healthcare Consumer Transparency Task Force for the purpose of studying and making recommendations regarding a system for hospitals, ambulatory surgical centers, and physicians to disclose to consumers the average charges for the treatment of common medical diagnoses and procedures.
- **SB 455** provides for the statutory creation of the Dental Health Services within the Oklahoma State Department of Health.
- **SB 473** prohibits smoking at zoos.
- **SB 620** deletes the requirement that coursework for licensed behavioral practitioners be accredited by the Master's in Psychology Accreditation Council. Another provision expands the special volunteer medical license to physicians who are actively licensed in another state and practicing in that state and wish to donate their services to needy persons in Oklahoma.
- **SB 833** provides that records of individuals with noncommunicable diseases are confidential.
- **SB 889** creates the Oklahoma Medicaid False Claims Act and directs the Attorney General to investigate violations of the Act. The measure also imposes a civil penalty upon any person who knowingly participates in the presenting of a false or fraudulent Medicaid claim to the state.
- **SB 1032** establishes continuing education requirements for chiropractic physicians.

Children and Families

The Legislature enacted four measures dealing with child abuse and neglect-related issues.

HB 1927 requires that a criminal history records search be conducted for any person applying to become a court-appointed special advocate (CASA) volunteer or employee. If the prospective CASA volunteer or employee has lived in Oklahoma for less than one year, the measure requires that a criminal history records search also be obtained from the criminal history state repository of the previous state of residence. The measure also modifies the appellate process for deprived children with respect to determinations made at hearings.

SB 553 modifies various child placement procedures, including:

- Requiring the Department of Human Services (DHS) to provide written notice of any judicial proceedings to any foster or preadoptive parents or relatives providing care for a child who has been taken into state custody;
- Requiring the court to take into consideration the in-state and out-of-state placement options for the child at each review hearing;
- Requiring the court to inquire of the child, as appropriate, regarding the proposed permanency plan and independent living plan; and
- Requiring DHS or the Department of Juvenile Justice to complete a check of any child abuse registry maintained by a state in which a prospective foster parent, or any other adult living in the prospective foster parent's home, has resided in the preceding five years.

SB 787 modifies membership and duties of the Interagency Child Abuse Prevention Task Force and eliminates the child abuse planning and coordination districts.

SB 790 requires the court, with respect to dispositional hearings, to provide parents, guardians, and legal custodians access to all reports considered by the court in a custody or visitation proceeding. The measure also adds judges and district court clerks to the list of persons who must release certain information, upon request, following the death or near death of a child. The measure also modifies the definition of *neglect* to mean any one single act or omission or failure to provide for the child, as specified in statute.

Additional measures dealing with child custody, support, and visitation issues were also enacted. **SB 469** clarifies conditions under which consent to adoption is not required from a parent who has failed to contribute to the support of the minor. The measure provides that *support for the minor* means providing a necessity for the minor and excludes payments for such things as genetic and drug testing, counseling for any person other than the minor, and court fees and costs.

SB 943 provides that past due amounts of child support become a lien upon benefits payable as a lump sum received from a personal injury or wrongful death claim of the person ordered to pay the support. The bill also requires DHS to implement an insurance industry data match reporting system for the purpose of identifying insurance claimants who owe past due child support.

One measure, **HB 1682**, deals with grandparent visitation. The bill provides in statute that a judge must consider the preexisting relationship of the grandparent to the child and defines *preexisting relationship* as occurring or existing prior to the filing of the petition for grandparental visitation.

Persons with Disabilities

Several measures were enacted to assist persons with disabilities.

HB 1084 changes the name of The Office of Handicapped Concerns to The Office of Disability Concerns.

HB 1926 creates the Advantage Waiver and Developmental Disability Services Rate Review Committee. The purpose of the Committee is to review the reimbursement rates provided for in the Advantage and Home- and Community-Based Waivers and other reimbursement rates to providers of services to the aged and developmentally disabled which are administered by DHS. The Committee will make recommendations to the Legislature, Governor, and others on any needed adjustments to the rates and related funding.

HB 1933 extends the effective date of the Strategic Planning Committee on the Olmstead Decision to July 2010. The measure also:

- Directs the Oklahoma Health Care Authority (OHCA), Department of Human Services (DHS), and the Department of Mental Health and Substance Abuse Services (DMHSAS) to develop a prescreening process to be utilized prior to an individual being admitted to a nursing facility or within 20 days of admission to such a facility. The purpose of the screening process is to ensure that individuals who wish to remain in their own homes have access to the supports necessary to do so; and
- Directs the OHCA to implement, no later than December 31, 2010, a durable medical equipment retrieval program that will allow durable medical equipment purchased with Medicaid funds to be retrieved from consumers who no longer use the equipment and donated to community-based programs where the equipment could be reused.

HB 2078 modifies membership of the Greer Center Admissions Committee and the Center's discharge procedures.

Miscellaneous Human Services

In other human services related legislation:

- **HB 1545** deletes the Division of Residential and Treatment Programs within the Office of Juvenile Affairs (OJA) and authorizes the Executive Director of OJA, with the approval of the board, to establish divisions within the agency.
- **HB 1557** modifies membership of the Oklahoma Partnership for School Readiness Board.
- **HB 1645** deletes the requirement that the Office of State Finance and the Oklahoma Commission on Children and Youth (OCCY) compile a children's budget report and requires OCCY to provide an annual report to the Legislature on funding made available to community partnership boards.

- **SB 42** authorizes the Office of Administrative Hearings within the Department of Human Services to allow electronic transmittals of documents and electronic signatures.
- **SB 485** authorizes the Commission for Rehabilitation Services to use funds from the Social Security reimbursement program for a direct service delivery staff incentive program.
- **SB 499** creates the Oklahoma Task Force on Hunger. Responsibilities of the Task Force include developing strategies for coordinating services among governmental and nonprofit entities and developing strategies for extending existing programs to serve more people.
- **SB 938** authorizes the state, pursuant to an agreement, to conduct any inspections of a licensed child care facility operated by an Indian tribe that are necessary to comply with the Oklahoma Child Care Facilities Licensing Act.

International, Federal, and Tribal Relations

A couple of issues were addressed in the area of international, federal, and tribal relations. **HB 1708** authorizes the Office of the Oklahoma Secretary of State to serve as the Oklahoma Chief International Protocol Office with regard to international diplomats and officials in order to ensure that the growing numbers of international officials traveling to Oklahoma are warmly received.

SB 938 allows for an Indian tribe in this state that operates a child care facility to enter into an agreement with the Department of Human Services, the State Department of Health, and the State Fire Marshal to allow the state to conduct any inspections of the facility necessary to comply with the licensing provisions of the Oklahoma Child Care Facilities Licensing Act.

Insurance and Retirement

Providing significant financial funding for the woefully underfunded state retirement systems and meaningful legislation to address the high cost of health insurance for all Oklahomans were primary areas of focus for the first session of the 51st Legislature.

SB 63 strengthens the financial soundness of the county and county officers' retirement system by increasing the annual funding level of employer and employee contributions from the current 10 percent to 16.5 percent over a four-year period. The rate increases to 13.5 percent effective July 1, 2007; to 14.5 percent effective July 1, 2008; to 15.5 percent effective July 1, 2009; and to 16.5 percent effective July 1, 2010, and each year thereafter.

SB 1092 increases the funding that the state, in combination with the school systems, contributes to the Teachers' Retirement System. For more information on the impacts of this bill, refer to the Education section.

Legislation passed under **HB 2070** extends the provisions of the Oklahoma Legislation Actuarial Act passed in the 50th Legislature to include the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, and the Oklahoma Law Enforcement Retirement System. Inclusion of these retirement plans under the Actuarial Act enhances the actuarial soundness of the three retirement systems by preventing changes to a plan that is not concurrently funded by legislative appropriations. **SB 1112** prohibits any amendments and conference committee reports negatively affecting these state retirement systems from proceeding through the legislative process.

HB 1928 addresses the high cost of health care for Oklahomans by increasing the maximum contributions which an individual can deposit to a health savings account from the current \$2,600 for an individual and \$5,150 for a family policy to the maximum amount allowed under Section 223 of the Internal Revenue Code. In 2007, the new limits are \$2,850 for an individual and \$5,650 for a family policy. Additionally, individuals 55 years old and over can contribute an extra \$700 per year. Furthermore, the legislation authorizes The State and Education Employees Group Insurance Board to make available a high deductible health plan no later than January 1, 2009, to state employees who participate in a health savings account.

HB 1225 increases eligibility for participation in the Oklahoma Employer/Employee Partnership for Insurance Coverage (O-EPIC) program, the innovative plan created in 2006 to help small businesses provide health insurance for their employees. Under O-EPIC, also known as Insure Oklahoma, the state pays 60 percent of the insurance costs, the employer pays 25 percent, and the employee pays the remaining 15 percent. The bill extends eligibility from employers with no more than 50 employees and workers who earned no more than 185 percent of the federal poverty level to businesses with 250 or fewer employees and workers who earn up to 250 percent of the federal poverty level.

HB 1960 modifies, clarifies, and revises administrative procedures and rules of the Insurance Department concerning agent licensing, fees, continuing education courses and rules, and other miscellaneous reporting and filing requirements of insurance companies. The measure:

- Places the burden on the insurer to assert that a rate filing is confidential. However, the Insurance Commissioner can disapprove a request for files to be confidential;
- Allows an advisory organization to create recommendations for rates;
- Allows a policyholder to request a claims history;
- Requires discount medical plan cards to prominently display the words “This is Not Insurance”;
- Requires a person applying to become a provisional resident insurance producer to have a license or have undergone an approved training program and sets forth the prerequisites to receive the license, as well as the cost for one;
- While all personal information from an insurance licensee is considered private, through this bill their address is now considered part of the public record;
- Allows the Oklahoma Insurance Department to determine the continuing educational requirements for an insurance producer;
- Adds commercial boat insurance and commercial car insurance to other commercial insurance policies;
- No longer requires 75 percent participation of employees in a group life insurance plan sponsored by an employer;
- Certain violation of mortuary laws are now a felony, instead of a misdemeanor;
- Allows the Oklahoma Insurance Department to determine the continuing educational requirements for an insurance adjuster; and
- Allows the Insurance Commissioner to pay for, and set up, conferences.

Other insurance and retirement bills enacted during the session include the following:

- **SB 129** enables the Commissioner of the Department of Public Safety (DPS) to establish a procedure for the DPS to produce a report identifying policyholders who have incurred violations on their driving records. The bill also allows for the DPS to then sell these reports to insurance companies for a fee to be determined by the DPS. The bill is also discussed in the Judiciary and Public Safety section.
- **SB 695** and **SB 674** provide for an individual’s health insurance premium and other payments to be deducted from pension payments received from the Oklahoma Law Enforcement Retirement System and the Oklahoma Firefighters Pension and Retirement System respectively.
- **SB 859** modifies eligibility requirements for participation in the Oklahoma Firefighters Deferred Option Plan by extending participation to surviving spouses. Additionally, in the event of the death of the surviving spouse where there is a surviving child, pension payments will be made to the child until the child reaches 18 years of age or until the age of 22 if the child is enrolled full-time at any institution of higher education.

- **HB 1868** provides for an appropriate premium reduction in automobile or motorcycle liability and physical damage insurance for persons completing a motor vehicle accident prevention course approved by the insurance company of the insured.
- **SB 560** authorizes the Insurance Commissioner to contract with nongovernmental entities to collect fees and taxes on behalf of the Insurance Department.

Judiciary and Public Safety

Judiciary

Comprehensive tort reform and worker's compensation reform continued to be a major focus of the Legislature this session. The Legislature tackled both issues, only to see both measures vetoed by the Governor. **SB 507** would have established a \$300,000 cap on noneconomic damages, required potential class action members to request inclusion in the class, and provided immunity to volunteers. The bill was vetoed by the Governor, and in his veto message he stated, "I have vetoed this bill primarily because several provisions are unconstitutional, and the measure unduly restricts the ability of Oklahomans to seek equal justice through the civil justice system. The measure also makes it virtually impossible for the state to pursue a legal course of action designed to protect its citizens and valuable resources. Finally, the legislation does little to curb frivolous lawsuits."

The second major piece of vetoed legislation, **HB 1930**, would have extended the Governmental Tort Claims Act to doctors who provided their medical services as part of volunteer work. The Governor's veto message states: "While I support including under the Oklahoma Governmental Tort Claims Act doctors who contract with the Oklahoma Health Care Authority to perform administrative duties such as reviewing medical charts, this legislation is overly broad and ambiguous and is covered elsewhere in the Act."

HB 1282 permits court clerks to accept other electronic payment methods in addition to debit or credit cards and prohibits them from collecting a fee for accepting a credit or debit card. The bill also requires all credit and debit card costs to be deducted from court clerk collections before transmittal is made to state, municipal, or other government entities or funds entitled by law to receive payment from court clerk collections. The bill removes a previous requirement that a nationally recognized credit card be accepted by over 1,000 merchants in this state before a court clerk can accept it. **HB 1282** also requires court clerks to assess a variety of new fees to provide additional support for the courts and victims' services. The fees are:

- \$25 to be credited to the Oklahoma Court Information System Revolving Fund;
- \$3 to be credited to the Office of the Attorney General Victim Services Unit;
- \$25 to be credited to the Oklahoma Court Information System Revolving Fund;
- \$3 to be credited to the Office of the Attorney General Victim Services Unit; and
- \$3 to be credited to the Child Abuse Multidisciplinary Account.

HB 1284 creates new law that states if a survey reflects a property line across an existing boundary, such as a fence, the property owner who obtained the survey may not remove or damage that boundary without first giving proper notice to the adjacent property owner. To give notice, the property owner must include a copy of the survey and the requested relief, and the notice must be served in the same manner that a summons is served.

HB 1288 amends existing law to provide that any driver of a vehicle in an accident who fails to report damage to fixtures or fences upon or adjacent to a highway will be guilty upon conviction of a misdemeanor punishable by a fine of up to \$500, up to one year in a county jail, or both.

HB 1927 prevents a court-appointed special advocate employee or volunteer from being assigned a case without first having undergone a criminal history background check. If the person subject to the background check has lived in Oklahoma for less than one year, it is required that criminal history records of the previous state of residence also be obtained.

SB 390 adds amendatory language which states that when an extension of the jurisdiction or supervision over a youthful offender is requested, the granting or denial of that request will be a final appealable order to the Court of Criminal Appeals. This bill also adds officials from the United States Department of Homeland Security and the United States Probation Office to those people who may view confidential OJA agency records without a court order.

SB 664 does several things, including establishing procedures for the transfer of a case, modifying certain service requirements when a party has failed to appear in an action, providing for dismissal of any action in which no pleading has been filed or other action taken for one year, modifying subpoena procedures for actions pending outside of this state, and establishing procedures for service by a third party commercial carrier and for electronic service.

SB 712 seeks to reduce the number of telephone scams by creating the Anti-Caller ID Spoofing Act. Spoofing is when the caller's identity is hidden by modifying the caller ID information with intent to mislead or defraud. Any person found guilty of violating this Act is guilty of a misdemeanor upon conviction and can be jailed up to one year, fined up to \$10,000 per incident, or both.

SB 909 creates the Oklahoma Abstractors Board. The Board's purpose is to promulgate, prescribe, and implement rules deemed necessary to implement all provisions of the Oklahoma Abstractors Act. The Board is also charged with administering the Oklahoma Abstractors Act. Prior to SB 909 becoming law, the State Auditor and Inspector was charged with administering this Act. This bill also creates the Oklahoma Abstractors Board Revolving Fund and increases from \$50 to \$150 the upper limit for obtaining or renewing an abstract license.

SB 917 creates a new law which provides for consideration of previous commissions of sexual assault and child molestation in cases where the defendant is currently facing charges of sexual assault and child molestation.

SB 990 creates the Judicial and District Attorney Redistricting Task Force, the purpose of which is to study the redistricting of judicial districts and district attorney districts.

SB 996 amends the law to state that after the order and judgment have been paid, the bondsman and, if applicable, the insurer whose risk it is have "one year from the date payment is due to return the defendant to custody" as defined in statute. The measure also provides for a remitter as it relates to property being returned to the bondsman or insurer.

SB 1054 amends existing law to require criminal background checks, including checks for criminal convictions, protective orders, or pending criminal charges, for anyone petitioning to become guardian of an incapacitated or partially incapacitated person. This background check also extends to any other adult member in the petitioner's household. Should the background check reveal criminal conviction or protective orders, a court is required to evaluate the surrounding circumstances of that criminal activity and determine whether or not there is reasonable belief that the person proposed to serve as guardian will be unfaithful or neglectful of his or her responsibilities as a guardian.

SB 1078 empowers the Alcoholic Beverage Laws Enforcement (ABLE) Commission to revoke or suspend the license of any retail, mixed beverage, caterer, or bottle club licensee if it is found that licensee has borrowed money or property or accepted gratuities, discounts, rebates, or free goods from a wholesaler of alcoholic beverages. SB 1078 also addresses the issue of underage drinking. Before this bill's passage, providing alcohol to an underage drinker that subsequently lead to that underage drinker's death was a felony punishable by as long as five years in prison and as much as a \$5,000 fine. SB 1078 now extends this penalty to include great bodily injury to the underage drinker.

In other judiciary matters:

- **HB 1596** creates the Uniform Prudent Management of Institutional Funds Act to establish standards of conduct and procedures for management and investing of institutional funds.
- **HB 1753** allows Oklahoma wineries to ship products manufactured in this state to consumers of legal age in other states where such shipments are allowed.
- **SB 145** permits district judges, upon obtaining a concealed handgun license, to carry a gun into the courthouse.
- **SB 158** states that if the custodial parent of a child is required to be separated from the child due to military service, a court must not enter a final order modifying an existing custody order until the parent has completed the term of duty requiring separation.
- **SB 371** makes it a felony to knowingly and willfully file a false Amber Alert. Previous violation of this law was a misdemeanor.
- **SB 593** allows issuance of search warrants to authorize the installation and use of tracking devices in vehicles or other moveable items.
- **SB 825** modifies the examination, transcription, and salary requirements for certified shorthand reporters.
- **SB 1026** creates the Uniform State Code of Military Justice.

- **SB 1049** gives law enforcement officials a mechanism by which they can obtain a warrant to seize abandoned or neglected animals.
- **SB 634** establishes procedures for transfer of a case, modifies certain service requirements when a party has failed to appear in an action, provides for dismissal of any action in which no pleading has been filed or other action taken for one year, modifies subpoena procedures for actions pending outside of this state, and establishes procedures for service by a third party commercial carrier and for electronic service.
- **SB 944** prioritizes allocation of payer income when responding to notice of income assignment and National Medical Support Notice, making allocation to current child and spousal support the number one priority.
- **SB 945** provides for enforcement by indirect contempt of orders for child support arrearages and orders for genetic testing in cases where paternity has not been established.

The Governor vetoed **SB 698** which would have limited requests for production of documents from state agencies to 30. In his veto message, the Governor states: “I have been informed by one of the principal authors that this bill contains an error, and the author has requested I veto this bill.”

Public Safety

This session, several measures were enacted to enhance the protection of the citizens of Oklahoma. Issues relating to sex offender registration, crimes against children, and immigration were major topics of discussion during the legislative session. Numerous changes were made in **HB 1760** to move the Oklahoma Sex Offender Registration Act into compliance with new sex offender registration requirements being implemented by the federal government in the Adam Walsh Child Protection and Safety Act (Public Law 109-248). HB 1760 creates a three-tiered evaluation system that enables the state to identify and categorize sex offenders based upon the risk to the community. Level one offenders are considered low risk offenders and are required to register for a period of 15 years. Level two offenders are those that pose a moderate risk and are required to register for 25 years. Level three, or high risk offenders, are required to register for life. The assessment of the offenders and assignment to a risk level will allow law enforcement and social services to provide appropriate monitoring and assistance to offenders and the public. The bill also modifies the penalties of the crimes which subject a person to the Oklahoma Sex Offender Registration Act by requiring every person convicted of a sex crime who is sentenced to prison for two or more years to serve a minimum term of three years of post-imprisonment supervision. The post-imprisonment supervision will enhance the ability of the state to monitor and assist offenders as they return to society. The measure also allows sex offenders who are married to live within the same residence. Lastly, the bill establishes the 25-member Oklahoma Statewide Gang Intervention Steering Committee until February 1, 2012. The Committee is to review, assess, and make recommendations on reducing juvenile gang activity and violence in Oklahoma.

A related bill, **HB 1895**, creates the 22-member Oklahoma Youth and Gang Violence Coordinating Council until February 1, 2010. The Council is charged with studying the current suppression, intervention, and prevention efforts to reduce gang activity in the state, study juveniles with the assistance of the Office of Juvenile Affairs, and make recommendations. Each entity receiving a grant or contract under the Delinquency and Youth Gang Intervention and Prevention Act is required to create a local youth and gang violence coordinating council to facilitate implementation of programs.

Another measure, **HB 1714**, allows the court to prohibit persons subject to the Sex Offender Registration Act from accessing or using Internet social networking sites which could give the offender access to children. The measure allows the court to require the offender to register any electronic mail address or Internet identity used by the offender with the court. **SB 109** modifies the circumstances when a registered sex offender who has a child enrolled in a school or licensed child care facility can enter the restricted safety zone. The bill deletes the authority for certain persons to attend sanctioned activities with another person.

Punishing those who prey upon children was the impetus behind **HB 1816**, which establishes minimum mandatory prison sentences for those who commit sex crimes against children under the age of 12. The bill establishes a mandatory 25-year prison sentence for persons convicted of the following crimes:

- Child sexual abuse;
- Child sexual exploitation;
- Lewd exposure in a public place;
- Downloading of obscene material or child pornography;
- Distribution of obscene material or child pornography;
- Soliciting a child to perform in child pornography; and
- Distributing to a child any obscene material or child pornography.

Numerous changes are made by **SB 677** to the crime of trafficking in illegal drugs. The measure allows a person to be charged with separate counts of trafficking in illegal drugs if several types of controlled substances are found to be in the possession of the person at one time. The bill also creates the offense of aggravated trafficking, sets the amounts of drugs necessary to be considered an aggravated trafficker, and requires anyone convicted of aggravated trafficking to serve 85 percent of the sentence imposed.

A related bill, **SB 905**, contains changes to several laws impacting the criminal code. Several changes in the bill provide district attorneys with more options to use when dealing with law breakers. In an effort to give offenders more time to pay back their debts, the bill authorizes a district attorney to enter into restitution agreements for bogus checks and to defer prosecutions up to three years. The measure requires the district attorney to consent to any judicial review of plea agreements made by the district attorney's office. The bill provides that a designee of the prosecuting attorney may witness an execution. The measure also adds to the list of circumstances necessary for a judge to consider when authorizing a search warrant by including anticipatory search warrants, meaning that there is probable cause to believe that, at a future time, property or items sought by law enforcement will be at a certain place, and authorizes search warrants necessary under the Security of Communications Act.

Judiciary and Public Safety

The bill also makes changes relating to the use of insanity as a defense. The bill provides that in criminal actions where the defense of insanity is raised and the defendant is not acquitted due to insanity, the defense may be raised on appeal, and the appellate court cannot modify the judgment or sentence on remand but may order a new trial without recommendations for sentencing.

Finally, the bill makes changes to the crimes of urinating in public, drive-by shooting, and assault and battery with a deadly weapon. The bill clarifies that the crime of urinating in public is to be considered the same as the crime of outraging public decency. Drive-by shooting is changed to a violent offense for the purpose of sentencing, and the maximum penalty for drive-by shooting and assault and battery with a deadly weapon is increased to life imprisonment.

HB 1606 modifies the definition of an *all-terrain vehicle* as used in the Oklahoma Vehicle License and Registration Act to be vehicles with a width of 48 inches or less, a weight of 800 pounds or less, a seat designed to be straddled, and handlebars for steering.

HB 1619 increases the minimum, mid-point, and maximum salary schedule for Criminalist I and Criminalist II positions at the Oklahoma State Bureau of Investigation.

HB 1798 permits farm tractors, self-propelled farm equipment units, and implements of husbandry to be equipped with a flashing strobe light that is visible at least five hundred feet from the front or rear of the vehicle.

HB 2051 permits antique or classic vehicle owners who currently possess a special license plate to obtain a 10-year vehicle registration at the cost of \$75.

HB 2087 requires the number of tires and tire rim diameters to be included on a vehicle bill of sale.

County and city-county health departments are extended the benefits, powers, immunities, and protections afforded to political subdivisions under the Oklahoma Emergency Management Act of 2003 by **SB 399**. The bill also modifies the definition of *catastrophic health emergency* in the Oklahoma Emergency Management Act of 2003 to include the appearance of new or previously controlled or eradicated infectious agents or biological toxins.

SB 464 prohibits the Department of Public Safety from implementing any provision of the REAL ID Act of 2005 and requires the Department to report to the Governor and the Legislature any attempt by the federal government to reduce funding due to Oklahoma's decision not to participate. The bill prohibits any state agency charged with license issuance or vehicle registrations to collect, obtain, or retain any data which is required by the federal Act. The measure requires that any biometric data previously collected or retained in connection with the Act be deleted from all state databases.

Juvenile Justice

District attorneys are allowed to defer filing a petition alleging a juvenile to be a delinquent or in need of supervision for up to six months if the juvenile participates in a program approved by the

juvenile court and the district attorney with the passage of **HB 1579**. If the district attorney defers filing a petition, the juvenile may be required to pay a fee equal to the court costs for such a petition being filed. The fee is directed to the agency responsible for supervision of the juvenile to be used to defray the costs of providing services to the juvenile. The bill also permits a district attorney to disclose Office of Juvenile Affairs agency records to victims of a delinquent child and permits the agency records to be inspected by the United States Office of Homeland Security or any employee of the United States Probation Office. Another enacted piece of legislation, **SB 390**, also allows the disclosure of Office of Juvenile Affairs agency records to the U.S. Department of Homeland Security and to employees of the U.S. Probation Office.

Immigration

Few measures received as much attention this session as immigration reform. **HB 1804** replicates in state law the federal statutes making it a crime to move, transport, conceal, harbor, or shelter from detection persons known to be illegal aliens within Oklahoma. The measure provides an exception for the transportation or harboring of illegal aliens if it is associated with the provision of any benefit guaranteed to illegal aliens by federal law or regulated public health services provided by a private charity with private funds. The bill requires all state agencies and all persons or businesses that contract with a state agency to register and participate in one of two federally implemented verification systems to verify federal employment authorization of new employees. The bill also:

- Restricts eligibility for state driver licenses and identity cards to citizens, nationals, and legal immigrants;
- Requires jail officials to attempt to verify the citizenship or immigration status of any person arrested or confined through the federal Law Enforcement Support Center operated by U.S. Department of Homeland Security;
- States that it is a discriminatory practice for an employing entity to discharge a US citizen or legal resident alien while retaining an illegal alien, hired after July 1, 2008, in a comparable job as the discharged employee. In order for such a discharge to be considered a violation of this section, the employer had to know, or reasonably should have known, that the retained employee was illegal; and
- Authorizes the State Attorney General to negotiate a memo of understanding between Oklahoma and the Department of Justice or Homeland Security regarding enforcement of federal immigration law in Oklahoma.

Students who have been victims of sexual offenses by other students are given the right by **HB 1051** to be kept separated from the student offender while at school and during school transportation. The bill requires the Office of Juvenile Affairs to notify school districts when a student is adjudicated for certain sex offenses and the school district is required to notify the student victim. The bill also allows the offender to transfer to another school or another district as allowed by the Education Open Transfer Act. The measure also establishes the Diabetes Management in Schools Act by requiring schools to develop a diabetes medical management plan to assist students with the management and care of their diabetes. The measure permits a diabetic student to perform blood glucose level checks, administer insulin, and treat hypoglycemia and hyperglycemia while at school or at a school activity.

Public Safety and Law Enforcement

Three measures greatly assist the efforts of providing highly trained and skilled law enforcement professionals in Oklahoma. The number of training hours necessary to become a peace officer was increased by **SB 920**. The bill incrementally increases the Council on Law Enforcement Education and Training (CLEET) basic academy hours from an initial 375 hours for those graduating before December 31, 2007, to 600 hours for those graduating after July 1, 2009. Another important provision of the bill allows counties with a population of more than 500,000 and cities with a population of more than 65,000 to provide their own basic law enforcement academy after making application and receiving approval from CLEET. It increases the number of continuing education hours for a licensed private investigator and licensed security guard. The bill changes the training requirements for armed private investigators and exempts an actively employed certified peace officer and a retired peace officer from the training and psychological requirements. It reduces the license fees for an armed security guard or armed private investigator when the person making application or renewal is an actively employed certified peace officer.

HB 1618 requires the psychological evaluation required for any police or peace officer must be approved by CLEET. The employing agency must administer the instrument according to the standards within the test document. The bill prohibits any additional procedures or requirements from being imposed for the purpose of psychological evaluation.

The third measure, **HB 1650**, requires CLEET, by January 1, 2008, to include in its required courses of study a minimum of six hours of evidence-based sexual assault and sexual violence training. It requires a portion of the training to include instruction from a certified sexual assault services provider. The bill requires every CLEET-certified, full-time active peace officer to attend and complete the training by January 1, 2012. CLEET is to promulgate rules to enforce the development and administration of the training and is required to use the assistance of a certified sexual assault services provider in developing the curriculum.

A related bill, **HB 1090**, clarifies the penalty for impersonating a peace officer by allowing the penalty to include imprisonment and a fine of up to \$100. The bill also creates a new misdemeanor crime for affixing an insignia to a vehicle that causes people to yield right-of-way under the belief that the vehicle is an authorized emergency vehicle. The penalty is imprisonment in the county jail for up to a year, a fine of up to \$1,000, or both. A third provision of the bill allows privately owned vehicles used by law enforcement personnel as support vehicles for the sheriff's office to be equipped with sirens and flashing lights if designated by the sheriff.

SB 748 creates the Oklahoma License Plate Design Task Force to choose the design of a new official Oklahoma license plate. The measure requires the Oklahoma Tax Commission to implement the license plate reissue using the design selected by the task force.

Two omnibus pieces of legislation made numerous changes to the operations of law enforcement personnel. The first measure, **HB 1616**, requires that municipal police department members be commissioned officers of that municipality before they are eligible for service as law enforcement officials for any other municipality, a sheriff's office, the Oklahoma Highway

Patrol, or as deputies of a county sheriff. It requires that any person appointed to the Oklahoma Highway Patrol Division on or after July 1, 2010, have a bachelor's degree, or an associate's degree plus two years of law enforcement service or two years of military service. The bill requires all records relating to Department of Public Safety (DPS) investigations to be confidential, with the exception of disclosures to federal officers, state, county, or municipal law enforcement personnel, and district attorneys, made at the discretion of the Commissioner. The bill creates a misdemeanor for unauthorized disclosure of such information, which constitutes willful neglect and grounds for dismissal. The measure also waives charges for room and board within the Oklahoma System of Higher Education to children of commissioned members of the Oklahoma Law Enforcement Retirement System who have died in the line of duty. Additionally, the bill:

- Requires that any person adjudicated as a delinquent child or youth offender be prohibited from driving with a firearm or imitation firearm for ten years after the adjudication;
- Prohibits aiding or assisting a person in bypassing a security checkpoint;
- Creates an exception for the Department of Transportation or the Oklahoma Turnpike Authority in soliciting business or engaging in highway remediation and cleanup without obtaining a license from the Department of Environmental Quality;
- Permits employees of the DPS to use state-owned vehicles and a fuel-purchasing card while attending training;
- Permits a municipality's district attorney, a majority of county commissioners, the State Auditor and Inspector, the State Attorney General, or a state legislator representing a municipality to request the Commissioner of Public Safety to review traffic-related enforcement of that municipality; and
- Directs the deposit of fines assessed against persons convicted of failure to yield a right-of-way which causes a fatality or serious injury to the Motorcycle Education Program Revolving Fund with the funds to be used to extol the dangers of driving while intoxicated and to promote motorcycle safety and defensive driving for youth.

The second omnibus bill, **HB 1868**, makes several changes related to insurance and driver license requirements. The bill requires insurance companies to determine if a motor vehicle accident prevention course meets eligibility to reduce a policyholder's auto insurance premium. Persons are prohibited from protesting any notice served by the DPS relating to motor vehicle operation on the grounds that the person failed to receive the notice if the person failed to notify the DPS of an address change. A misdemeanor penalty is created for failing to carry a driver license while operating a motor vehicle or failing to display a license upon the demand of a peace officer. Persons charged with this crime may present to the court a license that was valid at the time of arrest to dismiss the charge without payment of court costs and fine. Other provisions of the bill:

- Require excessive users of alcohol or other substances with license suspensions to abstain from such substances for 12 to 18 months before their license can be reinstated;
- Require driver license applicants provide on their application a mailing address to be maintained by the DPS for giving notice as necessary;

- Require that all classes of driver license bear a residential address rather than a mailing address;
- Require persons to notify the DPS within ten days of any residential address change if different from the address listed on the driver license;
- Require repeat license revocations for certain offenses to be for a period of one or three years, dependent upon the type of offense, if committed within ten years of the first offense, and prevent those revocation periods from being modified;
- Require the suspension of the driver license of a person found with a counterfeit insurance verification form for two months on a first offense, six months on a second offense, and one year for a third or subsequent offense;
- Add complications due to pregnancy to the list of eligibilities for a handicapped parking placard; and
- Require new or used motor vehicle, travel trailer, or commercial trailer dealers to place a weatherproof temporary license plate on any vehicle or trailer sold.

HB 2118 eliminates the requirement that the purchaser of a salvage vehicle have a buyer's identification card issued by the Oklahoma Used Motor Vehicle and Parts Commission. Only 16 states use the bid card system that was required in Oklahoma. By removing this requirement, salvage auctions are open to more bidders. The effect should be to increase the value of salvage vehicles.

Under this new provision, any resident of Oklahoma may purchase salvage vehicles. Also, anyone qualified to purchase salvage vehicles in their home state or home country may purchase them in Oklahoma. Salvage pool dealers are required to keep records of all vehicles sold that include the name and address of each purchaser. A \$2 fee must be paid to the Commission by the dealer for each vehicle sold.

In other driver license related legislation, Oklahoma's graduated driver license for younger drivers was enhanced by the provisions of **SB 35** which prevents any person with a learner's permit or intermediate license from graduating to the next license level if they are convicted of a traffic offense until they have held their current permit or intermediate license for at least six months beyond the date of the offense. The bill also requires the driver licenses of aggravated or habitual sex offenders to bear the words "Sex Offender."

SB 129 authorizes the Commissioner of the Department of Public Safety (DPS) to establish a procedure for reviewing and compiling a report of the driving records of state residents who have committed traffic violations or have undergone certain status changes within a certain period of time. The bill permits the DPS to sell this report to insurance companies licensed to operate in this state at a fee to be set by the DPS. The report may only contain information that is otherwise available to insurance companies.

Corrections

The Legislature continues its efforts to reduce the number of people who return to prison after release. One area of concern on the recidivism of inmates is the availability of programs and support for inmates upon release from prison. **HB 2101** creates the Transformational Justice Act as an effort to coordinate the transition of inmates back to society. The Act establishes an 11-

member Reentry Policy Council with the responsibility of reviewing policies, programs, and procedures to ensure public safety during and after imprisonment, identifying gaps in reentry programs, reviewing policies to recruit volunteers, and reporting to the Governor and Legislature on its findings and recommendations. The measure also creates the 13-member Transformational Justice Interagency Task Force made up of various governmental officials to establish goals for reducing recidivism; coordinate reentry programs; seek partnerships with faith-based services; expand family-based treatment and other programs; establish collaboration between schools, employment, and community corrections; and include use of victim-offender dialogues.

In an effort to reduce the medical costs of the Department of Corrections, **SB 523** requires the Department of Corrections to refer inmates to the Oklahoma University Medical Center for inpatient and outpatient medical services when medical needs are beyond the capabilities of Department facilities. The bill authorizes the Department to contract for inpatient hospital services and allows fee rates at either the Oklahoma State and Education Employees Group Insurance Board rate for network hospitals or the Medicaid rate for out-of-network hospitals.

The Oklahoma Sentencing Commission membership is increased from 15 to 17 members by **SB 678** by including the Director or Associate Director of the Department of Corrections and a member from a faith-based organization that specializes in prison reintegration services for inmates. The bill also permits the Director of the Department of Corrections to authorize any division of the Department to sell advertising in Department-approved publications.

SB 1130 requires the Department of Corrections and the Pardon and Parole Board to implement a method for tracking the success and recidivism of persons who have been convicted of violent offenses for the first three years following their release from incarceration or release to parole.

The Department of Corrections is authorized by **SB 633** to design and install high-voltage electric fence systems at all existing and proposed medium and maximum security prisons. The bill requires that signs be posted on all sides of such fence systems displaying the warning "Deadly Voltage."

HB 1707 allows Department of Corrections vehicles used by probation and parole officers to be unmarked by exempting the vehicle from the requirement of having the words "State of Oklahoma" along with the name of the department visible on the vehicle.

SB 437 expands the number of prisoners allowed to be supervised by a limited number of jailers and dispatchers in jail settings equipped with 24-hour televised surveillance.

SJR 28 recognizes Max R. Newberry for his dedicated work in developing the correctional industries operation within the Department of Corrections by renaming the Oklahoma Correctional Industries Building as the Max Newberry Correctional Industrial Administration Building.

Victim's Rights

Several measures were enacted to provide additional support to the victims of crime. **HB 1385** expands the definition of *allowable expense* as it applies to the Oklahoma Crime Victims

Compensation Act to include the cost of reasonable vehicle impound fees associated with the collection and securing of evidence. The reimbursement for such fees is capped at \$750. The measure also expands the definition of *criminally injurious conduct* to include offenses involving the use of a vehicle with reckless disregard for the safety of others that results in the death of a victim. Another important provision of the bill prevents health care providers from debt collection activities after receiving a notice of a pending victim compensation claim to recover medical costs, until the claim is awarded or denied. The measure permits the Board to extend the claim filing period up to two years from the date of an incident and allows the Board to extend the deadline beyond two years in child sexual assault cases.

The bill also makes major changes in the compensation in sexual assault cases. The bill requires that sexual assault victims be provided with forensic medical examinations to be paid for by the Sexual Assault Examination Fund. The bill removes the requirement that a district attorney must provide authorization to the Crime Victims Compensation Board in order to pay for sexual assault examinations. To address the shortage of sexual assault nurse examiners, the bill increases the amount payable by the Board for sexual assault examinations to \$450. Changes are also made by requiring law enforcement officers investigating a sexual assault to notify the victim that the victim has a right to a free forensic medical examination and that failure to report sexual assault crimes to law enforcement may impede investigation and prosecution.

In an effort to make it easier to prosecute identity theft crimes, **SB 567** allows a victim of identity theft to file an incident report where the victim lives regardless of the jurisdiction for any investigation or prosecution of the crime.

SB 868 creates Taylor's Law to allow the family members of murder victims to wear buttons with the murdered victim's picture displayed as a symbol of grief at the criminal trial.

SB 665 prohibits the court from amending a victim impact statement and prohibits the exclusion of statements from a victim impact statement from the court record.

In other public safety measures,

- **HB 1027** provides the same penalty for the use of a firearm while committing a felony to the use of an altered air or toy pistol while committing a felony. The bill prohibits convicted felons, persons under Department of Corrections supervision, or persons previously adjudicated as a delinquent child or a youthful offender from possessing, carrying in a vehicle, or having in their place of residence any altered air or toy pistol.
- **HB 1285** provides that the statute of limitations for the crime of accessory to a felony are the same limitations as if the person had committed the crime.
- **HB 1327** includes assault and battery with a deadly weapon in the statutory list of violent offenses, and changes the term "child beating" to "child abuse."

- **HB 1329** adjusts the penalty for identity theft to imprisonment in the custody of the Department of Corrections from not more than two years to a period of one year to five years incarceration.
- **HB 1612** authorizes peace officers to collect blood or saliva samples for DNA testing under certain circumstances.
- **HB 1617** amends the definition of *recipient's identification number* in the Anti-Drug Diversion Act to include the number from a valid passport or military ID.
- **HB 1742** creates an option for any person applying for a concealed handgun license or renewing such a license to request that the license be valid for ten years. The bill requires the fee for such a license to be doubled.
- **HB 1795** requires Oklahoma State Bureau of Investigation rangers to enter into a bond executed by a surety company in the sum of \$500,000 to indemnify against damages accruing as a result of any unlawful acts on the part of the ranger.
- **SB 371** increases the penalty for a purposefully false missing child report which causes the activation of an AMBER alert from a misdemeanor to a felony, punishable by imprisonment in a county jail for up to one year, a fine of at least \$1,000, or both fine and imprisonment.
- **SB 659** clarifies the prohibition of wearing a mask only applies during the commission of a crime or for purpose of coercion, intimidation, or harassment.
- **SB 1049** provides procedures for the seizure of an animal if a law enforcement officer has reason to believe the animal has been abandoned or neglected.

Revenue and Taxation

For the third consecutive year, the Legislature passed significant tax reductions during the 2007 session.

Income Taxation

SB 861 includes the following provisions:

- Accelerates the individual income tax rate to 5.5 percent in 2008, to 5.25 percent in 2009 and to all subsequent years;
- Provides a new child tax credit beginning in 2008. Taxpayers may claim the existing child care credit or the new child tax credit. Taxpayers with a federal adjusted gross income of less than \$100,000 may choose a child tax credit of 5 percent of the allowed federal child tax credit;
- Establishes a “sales tax holiday” from the first Friday in August at 12:01 A.M. to midnight on the following Sunday. The exemption applies to clothes and footwear costing \$100 or less. Local governmental entities are reimbursed lost sales tax with other state sales tax revenue;
- Exempts entities, owing \$250 or less, from payment of franchise tax effective January 1, 2008.

HB 1513 extends the date of the Ethanol Production Credit and the Biodiesel Production Credit until December 31, 2012. The credit may apply to income taxes, in-lieu taxes for financial institutions, and insurance premium taxes.

HB 1804 includes provisions requiring a contracting entity to withhold state income tax at the top marginal rate for an independent contractor failing to provide documentation supporting employment authorization pursuant to the prohibition against the use of unauthorized alien labor as defined in 8 U.S.C., Section 1324a(a)(4). The measure also provides the contracting entity is held liable for the withholdings if the entity fails to comply.

HB 1928 modifies provisions related to the Health Savings Account (HSA) Act in order to align it with related federal law. The measure also provides an additional 10 percent income tax rate on an HSA nonqualified withdrawal.

SB 149 expands the Oklahoma Silver Haired Legislature income tax refund check-off program to include the Oklahoma Silver Haired Legislature Alumni Association.

SB 513 requires persons and trusts claiming a lottery prize of more than \$600 to provide their name, address, and social security number to the Oklahoma Lottery Commission (OLC). The information submitted by a trust is confidential and not subject to the Oklahoma open records act. The measure also authorizes the OLC to withhold from an individual’s lottery prize any delinquent state taxes.

SB 685:

- **Transfer of Property** - Clarifies the procedures exempting capital gains when transferring personal property (when an owner's interest in the property remains substantially the same) during the formation, reorganization, or dissolution of a corporation, partnership, or a limited liability company.
- **Income Tax Trigger** - Modifies the tax code to reflect the acceleration of the income tax rate reduction enacted in SB 861, including modification of dates, references, and method of calculation under the "trigger" language.
- **Income Tax Capital Gain Deduction** - Modifies the holding period requirements and the treatment of capital gains resulting from sales of intangible assets.
- **OSU Center for Local Government Technology** - Authorizes the expenses incurred in performing duties statutorily imposed upon the Oklahoma State University Center for Local Government Technology, be paid from funds appropriated or otherwise made available to the Tax Commission.
- **Ad Valorem** - The measure also relates to the ad valorem exemption for property moving through Oklahoma in interstate commerce, commonly called the Freeport exemption. It modifies the current exemption application deadline (from March 15 of the year when the applicant takes the exemption to March 15 during the year the tax is due) or within 30 days after the receipt by the taxpayer of a notice of valuation increase, whichever is later.

SB 854 clarifies language relating to an income tax deduction for contributions to the College Savings Plan.

SB 1076 authorizes the Tax Commission to accept returns, as timely filed, on the date federal returns are due under the Internal Revenue Code. The measure also allows individual taxpayers filing electronically to file and pay by April 20. Several other minor modifications are contained in SB 1076 relating to telecommunications and wireless services. The bill also removes the cap on service charges for credit and debit card.

Sales Taxation

SB 806 includes the following key provisions:

- Makes purchasers responsible for remittance of documentation relating to sales tax on personal property sold at auctions;
- Provides a sales tax exemption for the sale of advertising in travel brochures and other promotional materials produced at the direction of the Oklahoma Tourism and Recreation Department;
- Modifies regulatory requirements for certain federally regulated investment companies under the Small Business Capital Formation Incentive Act and the Rural Venture Capital Formation Incentive Act to be effective November 1, 2007;

- Allows an income tax deduction of up to \$10,000 for persons donating human organs for human transplantation, effective for tax year 2008;
- Provides taxpayers with the opportunity to donate part or all of their income tax refund to a Regional Food Bank;
- Reestablishes a sales tax exemption on sales of food boxes by churches or other tax exempt organizations;
- Reestablishes a sales tax exemption for sales of tangible personal property or services to a contractor who has a construction contract with a church;
- Provides a sales tax exemption for personal property or services that are used by nonprofit organizations existing solely for charitable, educational, or religious purposes;
- Provides a sales tax exemption for purchases of personal property, by Blue Star Mothers of America, for delivery to overseas United States Military Personnel serving in combat zones; and
- Exempts church organization from purchasing a special-events permit.

HB 1094 provides an exemption from sales and charity games taxes for nonprofit group homes for mentally disabled persons.

HB 1399 establishes procedures relating to “junk dealers” selling copper or copper products. The measure includes authorization to disclose certain records to law enforcement, representatives of governmental entities, and utilities.

HB 1544 provides a sales tax exemption for sales of goods to businesses primarily repairing consumer electronic goods, including cell phones, compact disc players, personal computers, etc. The exempt goods are those which are sold by the original manufacturer to the businesses where the goods are repaired, refitted, or refurbished.

The measure also modifies the eligibility requirement for the exemption of sales tax for the electricity used to operate certain spacing units or leases for oil production.

SB 119, repealed by HB 1544, modified statutory provisions relating to a sales tax exemption for electricity used on enhanced recovery projects for oil production.

SB 470 creates the Lake Murray Infrastructure Support Act. The Act authorizes the Department of Tourism to designate an area to be known as the Lake Murray Designated Area to the Tax Commission. When incremental sales tax revenue is remitted from the designated area, 25 percent is apportioned to the Oklahoma Recreation and Development Revolving Fund. The measure also includes other administrative changes to the Oklahoma State Parks Trust Fund, and authorizes confidentiality necessary for marketing and business plans. The measure also transfers Tsa La Gi to the Oklahoma Historical Society.

Ad Valorem

HB 1412 authorizes travel reimbursements for all members of county boards of equalization and county excise boards for attending board meetings. HB 1412 also modifies administrative

Revenue and Taxation

procedures and authorizes a fee of \$15 for counties to record certain assignments. The fee is paid by an individual receiving title from a purchaser of property at a tax sale.

HB 1485 establishes a valuation method for certain personal property used in the exploration of oil, natural gas, or other minerals. The valuation is assessed according to Hadco International's monthly bulletin. HB 1485 also provides a deduction from gross production tax for certain costs associated with natural gas marketing and transportation.

HB 1562 expands the ad valorem tax exemption for certain continuum of care retirement facilities located in the state.

HB 1761 provides that on July 15 of each year, the State Treasurer transfer from the General Revenue Fund an amount equal to the previous year's amount accruing in the Public Building Fund to the State Land Reimbursement Fund to be spent according to Section 194 of Title 62. The measure provides that instead of the county receiving a portion of the fund based on the percentage of state-owned land in each county, each county will receive an amount based on estimated revenue as if the state-owned land was not exempt from ad valorem taxation. The amendment also requires additional information be reported by the county assessors, including the legal description, taxable value, tax rate, and property tax amount for each property eligible under Section 194.

HB 1808 provides an exemption from personal property tax for 100 percent permanently disabled U.S. Veterans. The changes are subject to ad valorem taxation provisions in the Oklahoma Constitution. Therefore, the measure is effective January 1, 2009, upon approval of the voters.

SB 72 provides homestead property located in more than one county will be valued and assessed by the county assessor of the county with the majority of the improvements.

SB 798 expands the five-year ad valorem tax exemption to include additional distribution establishments as defined under the following industry numbers: 49311, 49312, 49313, 49319 and industry sector numbers 421 & 422 of the NAICS Manual. To qualify for the exemption, the entity must:

- Make a minimal capital investment of \$5 Million;
- Have at least 100 full-time employees;
- Pay wages exceeding 175 percent of the federally mandated minimum wage;
- Commence construction prior to December 31, 2016; and
- Complete construction within three years.

SB 1021 clarifies existing language and provides that tracts of land with an area of width no greater than 326 feet at the widest point which are annexed to municipalities will not be subject to municipal taxes, unless such tracts are annexed pursuant to paragraph 2 of subsection A of Section 21-103 of Title 11.

Gross Production Taxation

HB 1718 extends the variable gross production tax rate for oil and gas production to June 30, 2010. The measure also extends the exemption of gross production tax on economically at-risk oil and gas leases through calendar year 2010.

SB 136 increases the fee on marginal oil and gas production wells. The oil production fee increases from \$0.002 to \$0.0035 per barrel, and the gas production fee increases from \$0.001 to \$0.00015 per Mcf.

Quality Jobs Taxation

SB 751 extends from five to six years the requirement for certain expenditures, according to the Quality Jobs Incentive Leverage Act. The Department of Commerce is authorized to grant an extension based upon an application including a schedule of proposed investments and expenditures.

SB 871 relates to the Oklahoma Quality Jobs Program Act and allows certain exemptions from the “significant number of jobs” criteria for counties that experience a significant negative economic impact within 18 months of the establishment’s start date.

Motor Vehicles

HB 1016 establishes procedures to title all-terrain vehicles and off-road motorcycles by owners possessing a valid agricultural exemption permit. The measure also modifies procedures relating to liens upon the vehicles.

HB 1340 establishes procedures to reinstate cancelled certificates of title for manufactured homes.

HB 1606 modifies the definition of all-terrain vehicles.

HB 1777 expands the type of vehicles that qualify for an annual special overload permit to include those vehicles transporting flour.

HB 1868 modifies the provisions of the electronic motor vehicle insurance verification program, which became effective July 1, 2006. The program is designed to instantly verify the insurance coverage of vehicles by the Department of Public Safety. The measure also authorizes changes in temporary license plates.

HB 2051 provides an optional ten-year registration period for antique or classic cars. The bill also establishes requirements and fees for this election.

HB 2087 requires that the number of tires on a vehicle and the tire rim diameters be included on the bill of sale, to assist motor vehicle agents in complying with the Waste Tire Recycling Act.

Revenue and Taxation

HB 2118 eliminates the requirement to purchase a buyer's identification card to purchase salvaged cars or parts in Oklahoma.

SB 86 clarifies the personal information that may be released for purposes related to motor vehicle or driver safety.

SB 410 modifies the apportionment of revenues from overweight and oversized permits issued by the Department of Public Safety. The measure provides the first \$1.2 million of the collections (currently apportioned to the General Revenue Fund) be apportioned as provided in 47 O.S., Section 1104. The balance of the fees will be deposited in the Weigh Station Improvement Revolving Fund for the Department of Transportation.

SB 748 creates the Oklahoma License Plate Design Task Force and directs a report be delivered to the Oklahoma Tax Commission (OTC) by December 31, 2007. Then OTC, upon statutory authorization, will implement a license plate reissue using the design selected by the Task Force.

Miscellaneous Revenue and Taxation

Numerous changes are made by **SB 626** for the benefit of the Office of Personnel Management. The measure establishes a petty cash fund not to exceed \$250 to be used by the Office of Personnel Management and increases the maximum cash award amount that can be given to a state employee through the employee recognition program from \$250 to \$500 per recognized employee each fiscal year. The bill also changes the pay movement mechanism report submitted by all state agencies from a calendar year report to a fiscal year report. Lastly, the bill requires agencies to post job vacancy notices within the agency at least five days prior to the closing date of the job announcement in order to give qualified employees an opportunity to be considered for the job.

HB 1581 grants state agencies the ability to enter into agreements to pay food and lodging expenses of employees attending instruction or training conducted or sponsored by a state agency. The payments are limited to the daily rate of the travel reimbursement act.

HB 1916 provides an exemption of motor fuel tax on Biofuels or Biodiesel produced by an individual with crops grown on the individual's property. The measure also extends the time period until December 31, 2008, for eligible facilities to qualify for the credit.

SB 1 creates the Taxpayer Transparency Act by requiring the Office of State Finance to develop and operate a searchable website with information on state revenues, expenditures, incentive payments, and other state tax exclusions and credits. The website will be operable by January 1, 2008.

SB 357 allows the Oklahoma Teachers' Retirement System (OTRS) to receive a dedicated percentage of various tax revenues. This measure provides that if there is a decrease in dedicated revenue (due to reduction in tax rates) for OTRS, it may be replaced by General Revenue. The revenue received the year following a rate reduction will be the initial base amount of dedicated revenue. For subsequent years, the baseline amount will be the minimum amount of dedicated revenue OTRS will receive.

SB 368 directs the Office of State Finance to publish a multi-year trend analysis of the state's budget outlook on or before November 1 of each year. The measure also establishes a task force on dynamic revenue forecasting, including provisions for appointments and procedures of the task force.

SB 623 lowers the minimum requirements for film production companies to qualify for a 15 percent rebate of certain eligible expenses for filming in Oklahoma. This provision assists in start-up, marketability, and encouragement of the film industry in the state.

SB 747 creates a task force, relating to the waste tire recycling act, to review the fee structure and compensation criteria for the waste tire program. The task force will make recommendations for the efficient and effective recycling of waste tires in the state. The measure modifies existing waste tire fees, as well as the portion used for administering the program.

SB 814 relates to claims of the Department of Human Services against state income tax refunds for child or spousal support. The measure provides the debtor have a 30-day period to contest claims or request a hearing.

SB 1078 authorizes the Alcoholic Beverage Law Enforcement Commission (ABLE) to revoke or suspend the license of a retail, mixed beverage, caterer, or bottle club licensee if ABLE finds, or has reason to believe, that such licensee has borrowed money or property or accepted gratuities, discounts, rebates, free goods, allowances, or other inducements from a wholesaler of alcoholic beverages. The measure also establishes criminal prosecution for persons who knowingly and willingly permit an invitee under 21 to possess or consume any alcoholic beverages or controlled dangerous substances on the premises.

SB 1092 provides clarifying language for SB 357.

Tourism and Recreation

HB 1527 mandates that the Oklahoma Department of Agriculture, Food, and Forestry operate an Oklahoma Agritourism program for the purposes of stimulating economic growth and viability in rural communities by promoting and fostering agritourism ventures within the state. The Department may apply for, accept, and use any gift, grant, or bequest from any source for the purpose of discharging its duties. All monies and fees collected which are related to agritourism are to be deposited into the newly created Agritourism Revolving Fund.

HB 1631 provides guidelines for a nationally recognized sanctioning body to obtain an exemption from the Oklahoma Professional Boxing Licensing Act.

With the passage of **SB 293**, residents of Oklahoma who are 62 years or older and their spouses will no longer be charged admission fees for entrance into any state-owned or state-operated park.

The Oklahoma Tourism and Recreation Department is authorized by **SB 470** to keep any business plans, feasibility studies, marketing plans, or financial statements confidential. It also allows the Tourism and Recreation Commission to transfer certain state property within Cherokee County to the Oklahoma Historical Society and adds language to include royalty payments as part of the Oklahoma State Park Trust Fund. Further, SB 470 adds the State Treasurer as the custodian of the Fund and provides direction as to the investment policy the State Treasurer will use for the Fund. This bill also establishes the Lake Murray Area Infrastructure Support Act, which allows a percentage of the sales tax revenues from the Lake Murray area to be used by the Oklahoma Tourism and Recreation Department for the maintenance and support of assets located in that area.

Veterans and Military Affairs

Policymakers enacted several pieces of legislation during the 2007 session paying tribute to and providing support for Oklahoma's veterans and military personnel.

HB 1808 directs the Secretary of State to refer to the people a proposed amendment that would provide a permanent exemption for personal property tax on all household personal property to all 100 percent disabled veterans.

Legislation under **SB 1026** creates the Uniform State Code of Military Justice which would apply to the state military forces while not under federal control.

SB 158 protects the custody rights of military parents serving out of the country. The measure would postpone child custody proceedings until after a parent serving in the military has returned from deployment.

Lastly, **HB 1443** designates the Broken Arrow Expressway from the eastern edge of Tulsa County Highway 51 west to 145th East Avenue in Broken Arrow as the *Disabled American Veterans Highway*. The measure also directs the Department of Transportation to place suitable permanent markers on the highway indicating the designation.

Wildlife

The 2007 session brought several protections for landowners and their property, as well as changes to hunting license requirements and fee payment options.

Hunter education requirements are modified in **HB 1042** to specify that hunters 35 years of age and younger must either successfully pass a hunter education course or purchase an apprentice hunting license and be accompanied by a licensed hunter 21 years of age or older. The measure defines different accompanying parameters for small game and big game hunting.

HB 1393 addresses several administrative issues for the Oklahoma Department of Wildlife Conservation. The bill clarifies residency requirements and proof of residency for the purposes of purchasing hunting or fishing licenses, as well as eliminates the sunset provisions for the Wildlife Diversity Fund. It also allows the Department to issue a duplicate of any annual license for \$1.50 and allows persons arrested for violations of fish and wildlife laws to, in lieu of posting bond, pay an administrative fine equal to one-half of the current bond schedule, as prepared by the Administrative Office of the Courts. All collected fines are payable to the Department of Wildlife Conservation to be used for developing, managing, conserving, and protecting wildlife and wildlife habitat.

HB 1915 prohibits trespassing on lands devoted to farming, ranching, or forestry regardless of whether or not it is conspicuously posted, including school lands. The bill establishes the minimum fine for trespassing as \$50, not to exceed \$500.

The Oklahoma Department of Wildlife Conservation is authorized by **HB 2064** to issue permits to landowners, lessees, or their designated agents to control damage by any species of wildlife. The permit allows night hunting in order to protect marketable agricultural crops, livestock, processed feed, seed, or other materials used in the production of an agricultural commodity. The permit is valid for up to one year and must be carried while hunting. Permit holders must possess a current agricultural tax exempt certificate from the Oklahoma Tax Commission.

SB 161 clarifies language allowing landowners to kill any animals of the dog family or cat family found chasing livestock on their property.

SB 558 creates a \$9 youth license for deer archery and deer muzzleloader permits for legal residents under 18 years of age. It also allows the Department of Wildlife Conservation to waive bond requirements for dealers who are selling licenses via the Internet point-of-sale system.

Appendix 1 Appropriation Bills

BILL NUMBER	AGENCY	AMOUNT
HB 1105	*Constitutional Reserve Fund Surplus	\$139,800,000.00
HB 1106	Office of State Finance	Information Technology; Finance and Facility Authorization
HB 1112	Capitol Improvement Authority	Acquisition of Real Property for Tourism and Recreation Commission
HB 1123	State Election Board	FY – 2008 Budgetary Limits
HB 1127	Oklahoma Arts Council	FY – 2008 Budgetary Limits
HB 1133	Common Education	FY – 2008 Budgetary Limits
HB 1134	Common Education	Salary Schedule Adjustments
HB 1135	OETA	FY – 2008 Budgetary Limits
HB 1137	Capitol Improvement Authority	Modification of Authorization for indebtedness for Endowed Chairs
HB 1147	Physician Manpower Training Commission	FY – 2008 Budgetary Limits
HB 1149	Board of Private Vocational Schools	FY – 2008 Budgetary Limits
HB 1153	Oklahoma Commission for Teacher Preparation	FY – 2008 Budgetary Limits
HB 1157	ABLE Commission	FY – 2008 Budgetary Limits
HB 1161	Dept. of Corrections	FY – 2008 Budgetary Limits
HB 1162	Dept. of Corrections	\$23,000,000.00
HB 1171	Office of the State Fire Marshal	FY – 2008 Budgetary Limits
HB 1179	CLEET	FY – 2008 Budgetary Limits
HB 1181	Board of Medicolegal Investigations	FY – 2008 Budgetary Limits
HB 1184	Military Dept.	\$1,500,000.00
HB 1185	Bureau of Narcotics and Dangerous Drugs Control	FY – 2008 Budgetary Limits
HB 1187	Pardon and Parole Board	FY – 2008 Budgetary Limits
HB 1195	State Auditor and Inspector	FY – 2008 Budgetary Limits
HB 1201	Office of State Finance	FY – 2008 Budgetary Limits
HB 1203	Office of the Governor	FY – 2008 Budgetary Limits
HB 1209	Office of the Lieutenant Governor	FY – 2008 Budgetary Limits
HB 1215	Office of the Secretary of State	FY – 2008 Budgetary Limits
HB 1227	Dept. of Health	FY – 2008 Budgetary Limits
HB 1231	Dept. of Mental Health and Substance Abuse Services	FY – 2008 Budgetary Limits
HB 1233	Transfer of Cash Flow Reserve Funds to the Special Cash Fund	\$118,969,138.00

HB 1234	General Appropriations Bill	\$91,563,211.00
HB 1235	Dept. of Veterans Affairs	FY – 2008 Budgetary Limits
HB 1243	Dept. of Human Services	FY – 2008 Budgetary Limits
HB 1247	Office of Juvenile Affairs	FY – 2008 Budgetary Limits
HB 1249	Dept. of Rehabilitation Services	FY – 2008 Budgetary Limits
HB 1251	Corporation Commission	FY – 2008 Budgetary Limits
HB 1255	Space Industry Development Authority	FY – 2008 Budgetary Limits
HB 1257	Commission on Consumer Credit	FY – 2008 Budgetary Limits
HB 1259	Horse Racing Commission	FY – 2008 Budgetary Limits
HB 1261	Insurance Dept.	FY – 2008 Budgetary Limits
HB 1265	Dept. of Mines	FY – 2008 Budgetary Limits
HB 1267	Dept. of Agriculture, Food, and Forestry	FY – 2008 Budgetary Limits
HB 1269	Capitol Complex and Centennial Commemoration Commission	Requirement of Financial Report and Transfer of Property
HB 1270	Dept. of Commerce	2 nd Century Entrepreneurship Center Act
HB 1273	Dept. of Environmental Quality	FY – 2008 Budgetary Limits
HB 1278	Tourism and Recreation Dept.	FY – 2008 Budgetary Limits
HB 2195	Duplicate Sections Bill	Duplicate Sections Bill
SB 178	Career Tech	FY – 2008 Budgetary Limits
SB 179	State Board of Education	Modification of Middle School Mathematics Laboratories
SB 186	Commissioners of the Land Office	FY – 2008 Budgetary Limits
SB 188	Dept. of Libraries	FY – 2008 Budgetary Limits
SB 194	School of Science and Mathematics	FY – 2008 Budgetary Limits
SB 196	OCAST	FY – 2008 Budgetary Limits
SB 202	Office of the State Bond Advisor	FY – 2008 Budgetary Limits
SB 203	Capitol Improvement Authority	Authorization of Sale of Real Property as part of the Lincoln Boulevard Renaissance Project
SB 204	Dept. of Central Services	FY – 2008 Budgetary Limits
SB 208	Dept. of Emergency Management	FY – 2008 Budgetary Limits
SB 210	Ethics Commission	FY – 2008 Budgetary Limits
SB 214	Certain Education Related Agencies	Exempts Certain Appropriations of the General Appropriations Bill from Budgetary Limits
SB 222	Merit Protection Commission	FY – 2008 Budgetary Limits
SB 224	Military Dept.	FY – 2008 Budgetary Limits
SB 226	Office of Personnel Management	FY – 2008 Budgetary Limits
SB 234	Tax Commission	FY – 2008 Budgetary Limits
SB 236	Dept. of Transportation	FY – 2008 Budgetary Limits
SB 238	Office of the State Treasurer	FY – 2008 Budgetary Limits

SB 240	Health Care Authority	FY – 2008 Budgetary Limits
SB 244	J.D. McCarty Center	FY – 2008 Budgetary Limits
SB 247	University of Oklahoma Health Sciences Center	Establishment of Comprehensive Cancer Center Revolving Fund and Direction for Budgeting and Expenditures
SB 248	University Hospitals Authority	FY – 2008 Budgetary Limits
SB 252	Commission on Children and Youth	FY – 2008 Budgetary Limits
SB 254	Office of Handicapped Concerns	FY – 2008 Budgetary Limits
SB 256	Human Rights Commission	FY – 2008 Budgetary Limits
SB 260	Indian Affairs Commission	FY – 2008 Budgetary Limits
SB 268	Capitol Complex and Centennial Commemoration Commission	FY – 2008 Budgetary Limits
SB 270	Dept. of Commerce	FY – 2008 Budgetary Limits
SB 272	Conservation Commission	FY – 2008 Budgetary Limits
SB 280	Historical Society	FY – 2008 Budgetary Limits
SB 286	J.M. Davis Memorial Commission	FY – 2008 Budgetary Limits
SB 288	Dept. of Labor	FY – 2008 Budgetary Limits
SB 292	Scenic Rivers Commission	FY – 2008 Budgetary Limits
SB 296	Water Resources Board	FY – 2008 Budgetary Limits
SB 298	Will Rogers Memorial Commission	FY – 2008 Budgetary Limits
SB 302	Office of the Attorney General	FY – 2008 Budgetary Limits
SB 306	Court of Criminal Appeals	FY – 2008 Budgetary Limits
SB 308	District Attorneys Council	FY – 2008 Budgetary Limits
SB 310	Supreme Court (District Courts)	FY – 2008 Budgetary Limits
SB 314	Indigent Defense System	FY – 2008 Budgetary Limits
SB 318	Council on Judicial Complaints	FY – 2008 Budgetary Limits
SB 330	Supreme Court	FY – 2008 Budgetary Limits
SB 332	Workers' Compensation Court	FY – 2008 Budgetary Limits
SB 334	General Appropriations	\$6,932,106,070.00
SB 447	Rural Economic Action Plan fund	Modification of Funds Appropriated

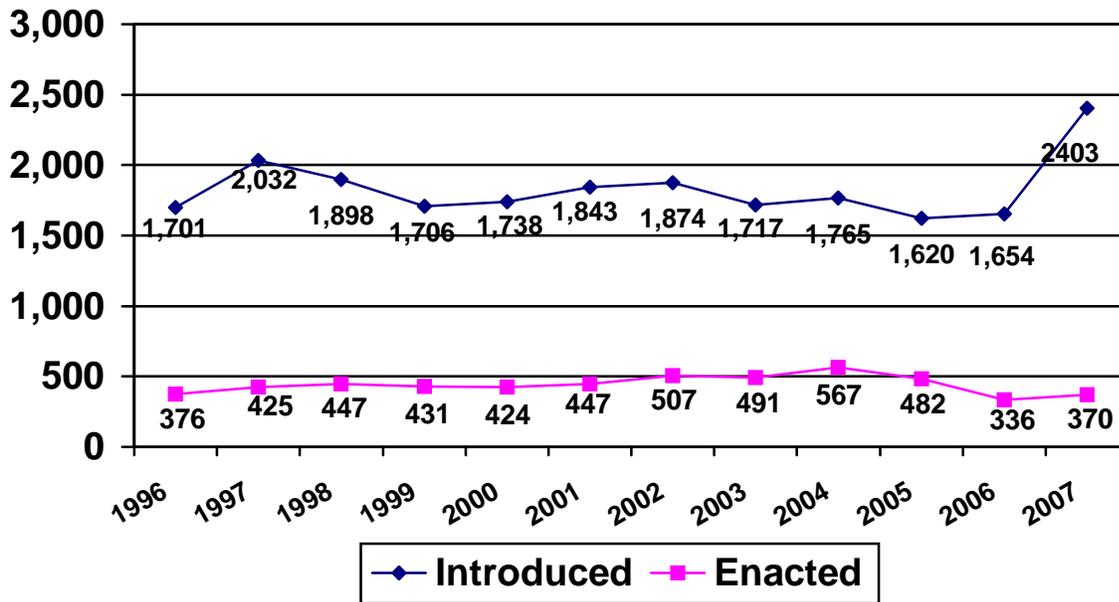
* See table on following page for complete description of appropriations

*** HB 1105 – Constitutional Reserve Fund Surplus**

Teacher Retirement System (SB 357)	\$10,000,000
State Emergency Fund	10,000,000
Teacher Differential Salary Increase	22,000,000
Higher Ed Operations	20,000,000
OU/OSU/Regional Universities and Two Year Colleges	16,500,000
Centennial Commission	15,000,000
Interoperable Communication Study/Infrastructure	5,500,000
UCO Forensics Building	4,000,000
OCAST Seed Capital	500,000
Bioenergy Center	6,000,000
Langston - USDA Matching Funds	1,800,000
Rural Fire Department Equipment	2,500,000
Conservation District Flood Control	6,500,000
Corrections Private Prison Per Diem	5,000,000
Educare Program	5,000,000
Youth Expo Endowment	1,000,000
Spaceport Authority Capital Improvements	2,000,000
Agriculture Laboratory Equipment	250,000
Public Safety Vehicle Replacement	1,000,000
School of the Deaf/School for the Blind Capital	2,000,000
MetroTech Aerospace Program	1,200,000
Mental Health Smart On Crime Initiative	2,000,000
Statewide Gang Intervention	<u>50,000</u>
Total	\$139,800,000

Appendix 2 Legislative Production 1996-2007

Measures and Joint Resolutions Introduced and Enacted*

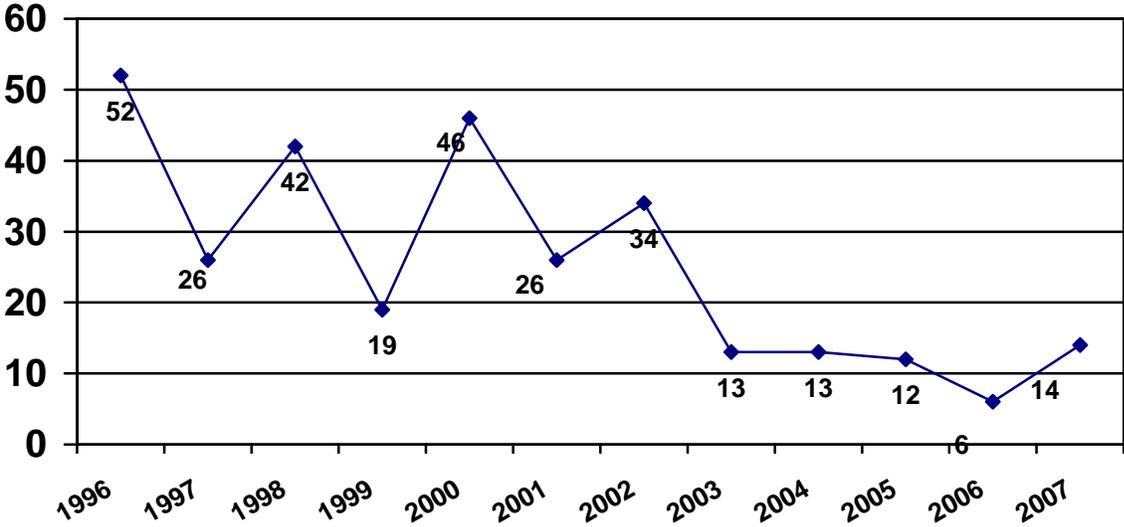


* Does not include concurrent and simple resolutions or measures filed or enacted during any special sessions.

NOTE: 1999 was the first year for the House of Representatives' limit on introduction of House bills and joint resolutions.

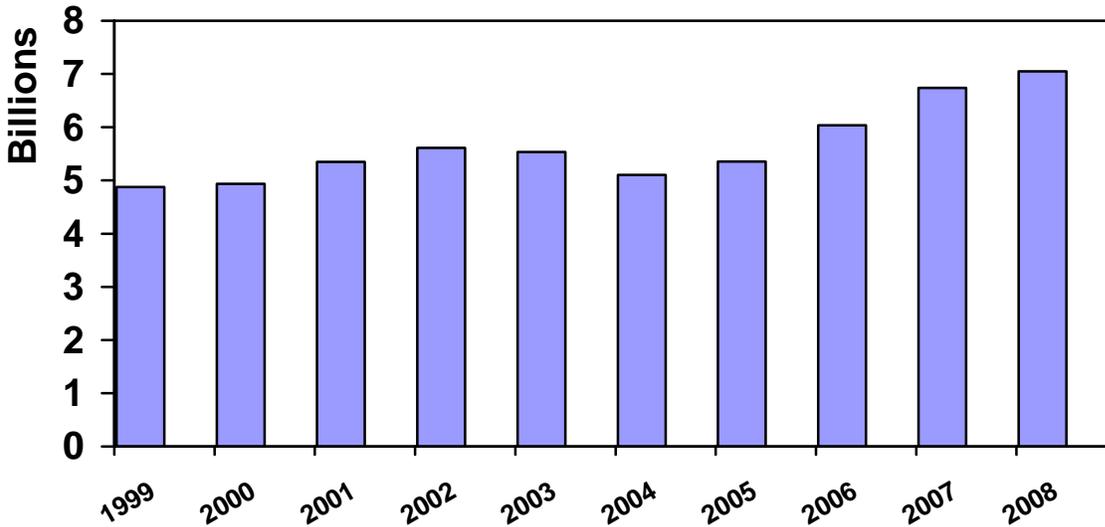
Source of enacted measures data is the House Journal.

Appendix 3
Veto
1996-2007



Measures that were line-item vetoed are counted as vetoes.

Appendix 4 Ten Year Appropriation History 1999-2008



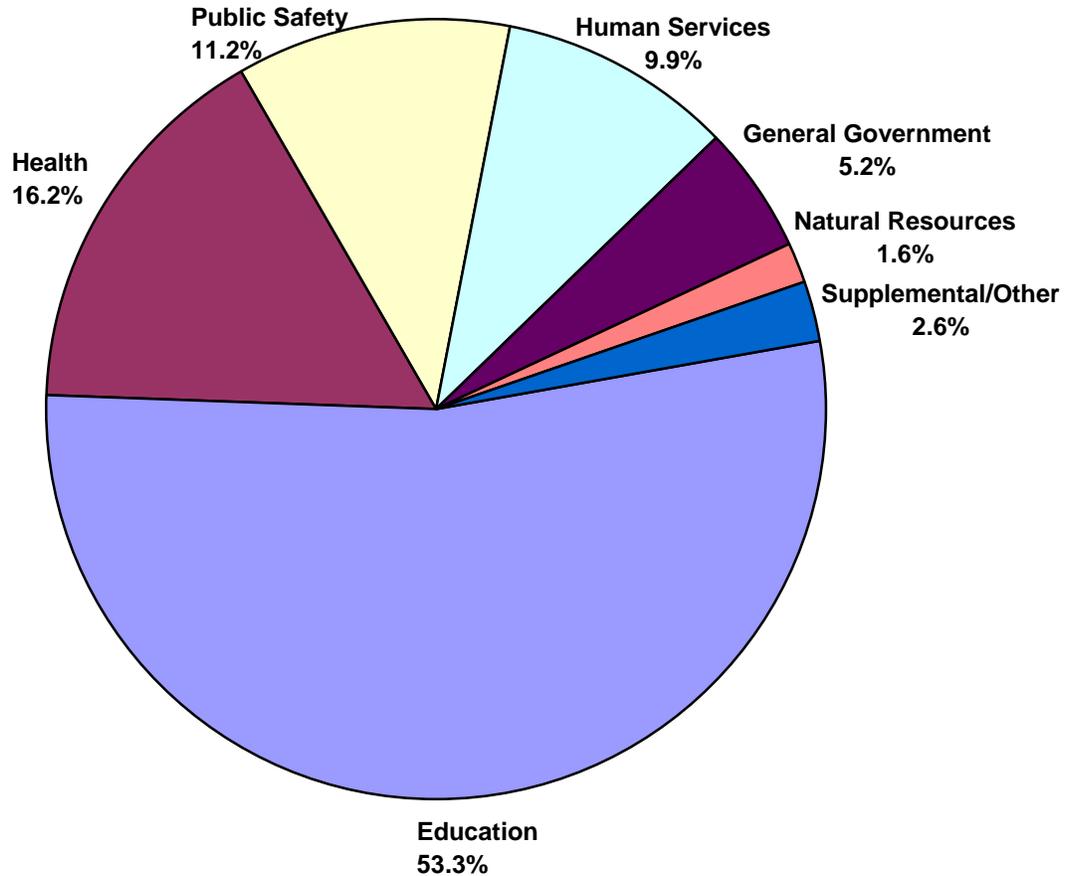
FY-99	\$4,877,234,307	FY-04	\$5,106,597,024
FY-00	\$4,937,170,096	FY-05	\$5,358,101,676
FY-01	\$5,350,656,390	FY-06	\$6,038,003,816
FY-02	\$5,611,514,760	FY-07	\$6,738,268,544
FY-03 (Orig.)	\$5,532,095,223	FY-08	\$7,048,169,281

Notes:

1. These figures include appropriations, pension systems, capital and special projects. Figures exclude supplemental appropriations.
2. Totals also include the Tobacco Settlement Fund, the Common Education Technology Revolving Fund, the Education Reform Revolving Fund, the Higher Education Scholarship Revolving Fund and the Higher Education Capital Revolving Fund.

Source: House Office of Budget and Performance Review

Appendix 5 Distribution of FY-08 Appropriations



Total Appropriations = \$7,048,169,281

**Excludes supplemental appropriations and reappropriations.
Includes capital and onetime expenditures.**

Source: House Office of Budget and Performance Review

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