



2015 Session Overview

**FIRST REGULAR SESSION OF THE
55TH LEGISLATURE**

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Research Division

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percent reduction in the amount available to be appropriated over last year, was blamed largely on low oil prices and the resulting economic impact on the state as well as dedicated funding for certain items like roads and bridges.

The Legislature used monies from the Rainy Day Fund, reserve funds and other sources to help lessen the impact of the shortfall on state agencies and produce a balanced budget. While most agencies received cuts ranging from .75 percent to 7.25 percent, core government functions were held harmless and some agencies, most notably the Departments of Public Safety, Human Services and Corrections, received increases. In addition, the Oklahoma Health Care Authority and the Department of Mental Health and Substance Abuse Services received increases to partially offset reductions in Federal funding.

Agriculture and Rural Development

Lawmakers continued to focus on disaster related legislation to ensure that all people, property and pets are considered when the state is facing a natural disaster. Other notable measures include a constitutional amendment

Introduction

The dominant focus of the 2015 Legislature was how to adequately fund state government amidst a \$611.3 million revenue shortfall that was announced shortly after the session convened in February. The shortfall, an 8.5

that would make it a constitutional right to engage in farming if approved by voters and a bill that gives agricultural producers some flexibility to conduct prescribed burns when a burn ban is in effect.

HJR 1012 would allow Oklahomans to vote to amend the state Constitution to protect citizens' rights to engage in farming and agriculture in all cases, unless prohibited because of a compelling state interest. All 50 states guarantee the right to farm and protect generally accepted agricultural practices, but this measure would further protect activities in Oklahoma by making them a constitutional right, if the state question is approved in November 2016.

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

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

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

Banking and Financial Services

To persuade lienholders and mortgage holders to file release documents in a timely manner after a debt has been paid, lawmakers passed legislation that would increase the penalty for failure to do so within the timeframe provided by law.

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

SB 465 establishes a \$100 penalty per day for each additional day beyond seven business days that a lienholder fails to mail a notice of lien release to the Oklahoma Tax Commission and debtor after receiving written communication from the debtor demanding the release of the lien. Any penalty accrued would be credited to the debtor and capped at \$1,500 or the value of the vehicle, whichever is less.

Criminal Justice and Corrections

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

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

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

- is a violent crime;

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

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

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

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

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

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

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

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

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

Economic Development and Tourism

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

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

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

SB 297 creates the Heritage Preservation Act to provide financial assistance to cities, counties,

nonprofit organizations and tribal governments to operate and improve the effectiveness of museums and historical organizations. The measure establishes the Heritage Preservation Grant Program within the Oklahoma Historical Society to encourage the collecting, preserving and sharing of Oklahoma history at the grassroots level in all parts of the state.

SB 463 allows for aggregate filing and remittance of taxes and fees for certain businesses. The aggregate filing and remittance forms will be developed by the Oklahoma Tax Commission and may be submitted in lieu of the individual returns, applications and annual filings required by the Oklahoma Income Tax Act, Oklahoma Franchise Tax Act and the Oklahoma General Corporation Act.

In order to file or remit taxes and fees in the aggregate, a business must meet the following criteria:

- domiciled in Oklahoma or have a nexus in Oklahoma that requires the remittance of Oklahoma corporate income tax, franchise tax and the Secretary of State's registered agent fee;
- own or use part of all of its capital in Oklahoma;
- have property in Oklahoma with an aggregate value of at least \$50,000;
- have at least \$50,000 in payroll in Oklahoma during the calendar year;
- have at least \$500 million in sales in Oklahoma during the calendar year; or
- have at least 25 percent of total property, payroll or sales in Oklahoma during the calendar year.

SB 499 creates the Facilitating Business Rapid Response to State Declared Disasters Act of 2015. The measure provides that out-of-state businesses that come to Oklahoma to perform work or services in response to a declared state disaster or emergency in Oklahoma are not considered to have established a level of

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

Business and Labor

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

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

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

Education

Common Education

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

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

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

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

SB 630 amends the Reading Sufficiency Act (RSA) by clarifying that students enrolled in kindergarten through the third grade will be given a reading assessment at the beginning and end of each school year. The measure extends the Student Reading Proficiency Team to the first and second grade, and changes the composition

of the team to include the parent or guardian; the teacher assigned to the student who had the responsibility for reading instruction in the current academic year; the teacher who will be responsible for teaching the student in the next grade level; and a certified reading specialist, if one is available. A recommendation for probationary promotion to the fourth grade must be approved by the district superintendent and the school principal. In addition, the bill extends probationary promotion for three years and raises the threshold for proficiency requirements beginning with the 2016-2017 school year. Finally, the measure specifies that the determination for promotion and retention of third-grade students will be made, and clarifies that if a student in the first, second or third-grade demonstrates proficiency at the third-grade level, the student will no longer be subject to the retention guidelines under the RSA.

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

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

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

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

Additionally, the measure:

- adds suicide prevention to the purview of the Safe School Committee and permits the committee to study and make recommendations to a school board regarding the development of a rape or sexual assault response program; and
- permits public schools to establish an optional abuse-prevention instructional program for students and gives discretion to the local school board regarding the content of the instruction.

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

HB 2014 permits the carrying of a handgun on school property by designated school personnel if a school district adopts a policy. Personnel will be designated by the board of education of the district and the personnel must have been issued a handgun license and either possess a valid armed security guard license or hold a valid reserve peace officer certification. The measure requires the designated personnel to carry the firearm on his or her person at all times or store the firearm in a locked and secure location. Designated school personnel who act in good faith will be immune from liability. The

board of education of a school district or participating local law enforcement agency will be immune from liability for any injury resulting from any act committed by designated school personnel. Lastly, the measure authorizes local school boards to enter into a memorandum of understanding with local law enforcement entities to carry out the provisions of the measure.

In an effort to recruit more teachers to Oklahoma, **HB 1521** excludes one-time incentive or retention pay from the definition of total compensation for teachers returning a second year. Likewise, pay is excluded from teacher contract negotiations for teachers returning a second year.

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

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

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

SB 239 creates the Chase Morris Sudden Cardiac Arrest Prevention Act, directing the State Department of Health and State Department of Education to develop and post on their websites information for students, parents and coaches

about the nature and warning signs of sudden cardiac arrest. Prior to participating, a student and their guardian must sign and return an acknowledgement of receipt and review of this information. A student who collapses or faints without a concurrent head injury while participating in an athletic activity must be removed by the coach and cannot return until they have been evaluated and cleared in writing by a health care provider. Lastly, it requires that coaches must complete a sudden cardiac arrest training course once a year offered by a provider approved by the State Department of Health.

Higher Education

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

Energy

Rapid changes in energy production technology led lawmakers to create a regulatory framework for wind power, as well as protect oil and gas operators from local overreach.

SB 808 requires the owner of a wind energy facility to give the Corporation Commission an estimate of the total cost of decommissioning the facility, as well as evidence of financial security totaling 125 percent of that estimate. For any facility reaching its commercial generation date before December 31, 2016, this must be submitted once it has been in operation for 15 years; otherwise, it must be submitted by the fifth year of operation. The measure also includes setback requirements for new wind energy facilities by specifying that the base of any tower must be no closer than one and one-half miles from an airport, a public school or a hospital.

Finally, the bill includes notice requirements for new wind energy facility construction. Notification of intent to build must be submitted to the Corporation Commission, published in a general circulation newspaper in the county or counties and a public meeting must be held. No construction may begin until all of these notification requirements are met.

SB 809 allows cities and counties to enact ordinances related to oil and gas operations as long as they are consistent with Corporation Commission rules and current state law. These include road use provisions, noise requirements, floodplain management and setback and fencing requirements. Cities and counties may not prohibit or ban any oil and gas operations and the Corporation Commission is given jurisdiction over all other oil and gas regulations.

General Government

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

State Government

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

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

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

County and Municipal Government

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

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

Elections

HB 2181 changes the number of signatures required on a petition to form a recognized political party from 5 percent of the total votes cast in the last General Election either for Governor or for presidential electors to 3 percent of the total votes cast in the last General Election for Governor.

Health and Human Services

Children and Families

The Legislature continued to demonstrate its long-standing commitment to ensuring the safety and well-being of children and improving the child welfare system.

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

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

- requiring DHS to notify additional adult relatives upon the removal of a child from the home;
- lowering, from 16 to 14, the age at which planning for the transition of a child in the custody of the department to successful adulthood will begin;
- requiring the court to determine at each review hearing whether the department is ensuring that the foster family is giving a child in its care the opportunity to take part in age-appropriate activities;
- providing that, when the permanency plan for a child who is 16 years of age is continued placement in the custody of the department, the court inquire what permanency outcome the child desires and provide compelling reasons why it is not in the child's best interest to return home or be placed for adoption;
- requiring that the permanency plan for the child in transition to successful adulthood be developed in consultation with the child and allows the child to choose two members of his or her permanency planning team;
- requiring that custody children who are 14 be given a written notice describing their rights; and
- directing DHS to establish policies and training for identifying children and youth in its care who are at risk of sex trafficking and to determine the appropriate services.

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

HB 2239 set appropriations for the Office of Juvenile Affairs just short of \$99 Million, an increase of approximately \$2.5 Million over 2014's budget. The additional funds will be used

to continue operations at a treatment facility for girls in Norman.

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

Health

The Legislature continued to strengthen abortion requirements and passed legislation aimed at addressing mental health care needs during a catastrophic event.

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

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

The measure requires a physician to preserve fetal tissue extracted during an abortion performed on a minor who is less than fourteen years of age and submit the tissue to the Oklahoma State Bureau of Investigation. Failure to comply will constitute unprofessional conduct and be considered a felony.

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

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

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

- removing the dental board's ability to appoint an individual to be the principal administrative officer of the board;
 - permitting dentists and hygienists currently licensed in another state to apply for a license by credentials if they meet certain criteria;
 - requiring a dentist, if previously licensed for a specialty in another state, to provide a letter of good standing to the board before issuance of a specialty license;
 - permitting the issuance of a temporary license to practice dental hygiene;
 - changing the special volunteer license from one fiscal year to one calendar year and requiring special volunteers to list all dates and locations where they will be completing their volunteer work;
- stipulating that dental assistants may be issued a volunteer permit at the request of an entity that provides dental services to the needy;
 - providing for the issuance of a retired volunteer dentist, dental hygienist, or dental assistant license if certain conditions are met;
 - providing application, training, educational and other requirements for dental assistants or oral maxillofacial surgery assistants, as well as expanded duty permits.
 - requiring, beginning July 1, 2016, all advertisements for dentistry to include the name of the dentist or dentists that will be providing treatment and listing the type of dental or specialty license on the advertisement;
 - requiring the death of a dental patient within 48 hours of receiving anesthesia or that is required to be reported to the Board, to be investigated by the Adverse Outcomes Review and Investigation Panel.

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

SB 249 directs the State Board of Behavioral Licensure to promulgate rules to allow licensed out-of-state counselors to provide services as specified by law during a declaration of emergency issued by the Governor or the Legislature, or during a declaration of a

catastrophic health emergency issued by the Governor. The rules may only authorize services that are pro bono or reimbursed by nongovernmental entities.

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

Insurance

HB 1515 prohibits any health benefit plan that provides coverage for cancer therapy from holding proton therapy to a higher standard of clinical evidence for coverage decisions than that required for any other radiation therapy. The measure does not require any plan to cover proton therapy.

Judiciary

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

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

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

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

- Chief Justice of the Supreme Court (from \$117,571 to \$155,820)
- Associate Justices of the Supreme Court (from \$113,571 to \$145,914)
- Presiding Judge of the Court of Civil Appeals (from \$109,731 to \$140,795)
- Judges of the Court of Civil Appeals (\$108,336 to \$138,235)
- Presiding Judge of the Court of Criminal Appeals (\$117,571 to \$151,034)
- Judges of the Court of the Criminal Appeals (\$113,571 to \$145,914)

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

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

SB 98 authorizes the Council on Judicial Complaints to provide funding for state, municipal and administrative judges to attend and participate in professional and education programs, schools or conferences for the purpose of improving the quality of the Oklahoma Judiciary. The council expects to provide an average of \$55,000 per year to fund these activities for judges.

Public Safety

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

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

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

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

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

In an effort to prevent child deaths, **HB 1902** provides immunity from civil liability to a person for damages resulting from the forcible entry of a motor vehicle for the purpose of removing a child from a motor vehicle. The person must contact local law enforcement or the fire department prior to removing the child in order to be immune from civil liability.

Revenue and Taxation

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

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

HB 2235 requires the Oklahoma Tax Commission to contract with a service provider to authenticate income tax returns and identify fraudulent refund claims. The commission is

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

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

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

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

SB 502 prohibits companies engaged in wind power production from claiming the Investment/New Jobs tax credit.

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