

# **OKLAHOMA STATE SENATE**



## **2003 LEGISLATIVE SUMMARY AND FY'04 BUDGET REVIEW**

## **2003 LEGISLATIVE SUMMARY AND FY'04 BUDGET REVIEW**

### **FOREWARD**

We are pleased to present the 2003 Legislative Summary and FY '04 Budget Review. This document summarizes all substantive bills and joint resolutions enacted in the 2003 session and combines these summaries with information on appropriations measures and the state budget adopted by the Legislature for Fiscal Year 2004. The summaries and budgetary information have been written by the Senate's Committee and Fiscal staffs with occasional reliance on House staff for summaries of House measures. We also are indebted to Bill Walker, Proofer, and Liz Park and Laurie Houser, Administrative Assistants, for their assistance in preparing this document.

If you have comments or questions, please contact Jan McMullen, Committee Staff Director, at 521-5779 or Amanda Paliotta, Fiscal Staff Director, at 521-5601.

**Table of Contents**

Session Overview ..... 1

Appropriation Overview ..... 1

Revenue Measures ..... 2

FY'03 Supplemental Funding ..... 2

Rainy Day Fund ..... 3

Agriculture & Rural Development Measures ..... 3

Agriculture Funding ..... 3

Banking, Finance & Securities Measures ..... 4

Business & Labor Measures ..... 5

Crime Prevention & Public Safety Measures ..... 5

Corrections Funding ..... 7

Juvenile Justice Funding ..... 8

Law Enforcement Funding ..... 8

Economic Development & Commerce Measures ..... 9

Common Education Measures ..... 10

Common Education (K-12) Funding ..... 15

Career & Technology Education Measures ..... 17

Higher Education Measures ..... 18

Postsecondary Education Funding ..... 18

Energy, Environment & Utilities Measures ..... 18

Environment Funding ..... 20

Conservation Commission Funding ..... 20

Government Measures (County, Municipal & Local) ..... 21

Government Measures (State) ..... 22

Government Measures Funding (State) ..... 23

Homeland Security Measures ..... 23

Health Measures ..... 24

Human Services Measures ..... 27

Health Care Authority Funding ..... 27

Public Health Funding ..... 28

Mental Health & Substance Abuse Funding ..... 28

Department of Rehabilitation Services Funding ..... 29

Children & Youth Services Funding ..... 29

Human Services Funding ..... 30

Insurance & Managed Care Measures ..... 31

Liquor & Tobacco Measures ..... 31

Judiciary/Courts Measures ..... 32

Legal Services Funding ..... 33

Motor Vehicles, Water Vessels & Licensing Measures..... 34

Professions & Occupations Measures ..... 35

Public Finance Measures ..... 36

Public Employees-Retirement/Insurance/Pay/Benefits Measures ..... 38

Revenue & Taxation Measures ..... 40

Oklahoma Tax Commission Funding ..... 44

Sports & Amusements Measures ..... 44

Sunset Measures ..... 44

Telecommunications & Technology Measures ..... 45

Tourism Measures ..... 45

Tourism Funding..... 46

Transportation Measures..... 46

Transportation Funding..... 47

Veterans & Military Affairs Measures ..... 48

Veterans Funding ..... 48

Oklahoma Military Department Funding..... 49

Wildlife Measures ..... 49

Vetoed Bills ..... 50

Appropriations Summary Table ..... 53

Index ..... 55

## SESSION OVERVIEW

The 49th Oklahoma Legislature convened on January 7, 2003, for organizational purposes. Senator Cal Hobson was elected as President Pro Tempore of the Senate. Officers of the majority and minority parties were announced and seated, including Majority Floor Leader, Senator Ted Fisher, and Minority Floor Leader, Senator James Williamson. The roll call of members elected to the Senate in November included eight new members: Senators Cliff Aldridge, Cliff Branan, Randy Brogdon, Harry Coates, Kenneth Corn, Jay Paul Gumm, Daisy Lawler, and David Myers. Subsequently, two new members were added by special election: Senator Charles Laster who filled Governor Brad Henry's position and Senator Richard Lerblance who filled Senator Gene Stipe's position after his resignation.

The Legislature reconvened the 1st Session of the 49th Legislature on February 3, 2003. During the 1st Session, the Senate introduced 839 bills and 26 joint resolutions and the House introduced 816 bills and 36 joint resolutions. The Legislature considered an additional 135 concurrent and simple resolutions that do not have the force or effect of law. The Legislature adjourned sine die on Friday, May 30, 2003, after submitting 499 bills and joint resolutions to the Governor for approval and 4 measures to a vote of the people. Of the measures submitted to him, the Governor approved 486, vetoed 12, and vetoed 1 line item. One measure became law without the Governor's signature. The Senate also confirmed 230 executive nominations to various boards and commissions that were submitted by the Governor for confirmation.

Although the Legislature focused on budgetary actions to address the second year of revenue shortfalls, efforts to enact other significant legislation were successful as well. In concert with Governor Brad Henry, legislation to address education funding through a state-sponsored lottery was sent to a vote of the people (HB 1278 and SJR 22). An early childhood education measure (HB 1094) overcame the obstacles of previous sessions and was successfully enacted. The Legislature passed Medicaid reform (SB 610) to increase access to health care, tort reform (SB 629) to address the rising cost of medical malpractice insurance, and banned smoking in restaurants and other public places (SJR 21). A measure key to budget agreements, zero-based budgeting, was also enacted (HB 1256). Some measures gaining significant attention were not enacted, however. These include the Trucking One-Stop Shop Act (SB 141), Indian gaming (SB 553), reduction in cock-fighting penalties (SB 835), reform of the Oklahoma Petroleum Storage Tank Indemnity Fund Program (SB 322), and a fuel tax increase

(HB 1385) to fund road and highway construction and maintenance.

This document provides a brief summary of substantive Senate and House measures enacted this session or referred to a vote of the people, and an overview of the budget approved for the coming fiscal year and related fiscal measures.

## APPROPRIATION OVERVIEW

For the second year in a row, the Legislature faced revenue shortfalls in the current fiscal year (FY'03) and the certified revenue estimates for the forthcoming fiscal year (FY'04).

- ◆ For FY'03 the Office of State Finance estimated that state appropriations would experience an annual shortfall of \$352.3 million in general revenue, a reduction of 7.85 percent.
  - ✓ The State Department of Education was also impacted by a \$74.9 million shortfall in the HB 1017 Education Reform Revolving Fund, leaving common education with a total budget reduction of 9.51 percent. A supplemental appropriation was provided to reduce the cut to 8.2 percent.
- ◆ For FY'04 the State Board of Equalization certified a total of \$4,922 million in total available revenue.
  - ✓ Compared to the original FY'03 appropriation level this is a reduction of \$677.6 million, or 12.1 percent;
  - ✓ When compared to the revised FY'03 appropriation level this is a reduction of \$326.4 million, or 6.2 percent.
- ◆ To offset the FY'04 shortfall the Legislature implemented several budgetary actions. These actions included:
  - ✓ Using the Governor's Emergency Declaration to access over \$36 million from the Constitutional Reserve Fund (Rainy Day Fund) for government operations;
  - ✓ Accessing \$36.2 million from the Rainy Day Fund made available through a provision in the State Constitution that allows an amount equal to the general revenue shortfall to be appropriated by the Legislature for the succeeding fiscal year;
  - ✓ Starting agencies' base appropriation levels from the revised FY'03 levels;

- ✓ Reducing agency appropriations by an average of an additional 9.87 percent from their revised levels. This equates to an average of 16.21 percent when compared to agencies' original FY'03 reduction;
- ✓ Refinancing general obligation and revenue bonds to take advantage of the current interest rates; and
- ✓ Changing the evaluation method for estimating natural gas gross production revenue in the Oklahoma Tax Commission.

- ✓ An acceleration in sales tax remittance for businesses with more than \$2,500 in monthly sales; and
- ✓ Investment in new data-mining software to check for tax fraud.

Using the budgetary actions and revenue measures, the state appropriated budget for FY'04 is \$5,112,789,399, or \$400,602,149 less than the original FY'03 budget. The table below summarizes FY'04 legislative appropriations by subcommittees. For a detailed list of agency budgets see the Agency Appropriation Table on pages 53 and 54.

The Legislature took action to restore essential state services by providing an additional \$85.8 million through a temporary use of the Insurance Premium Tax. SB 206 provides that the tax, most of which is normally dedicated to the police, fire and law enforcement retirement systems, will be used to help balance the State's budget. In return, the affected retirement systems will be repaid over a five-year period in an amount equal to the principal plus 7.5 percent beginning July 1, 2004.

**FY'03 SUPPLEMENTAL FUNDING**

<b>Comparison of Funding for Major Program Areas FY'03-FY'04</b> (in millions)				
	<b>Original FY'03 Approp.</b>	<b>FY'04 Approp.</b>	<b>Change \$ %</b>	
Education	3,068.6	2,878.5	-190.1	-6.2
Gen. Gov./Trans.	396.0	335.7	-60.4	-15.2
Health/Soc. Serv.	729.0	700.6	-27.3	-3.7
Human Services	542.1	505.0	-37.1	-6.8
Natural Resources	148.1	112.8	-35.2	-23.8
Public Safety	608.9	569.1	-39.8	-6.5
REAP	15.3	6.0	-9.3	-60.7
Gov. Emergency	5.5	4.0	-1.5	-27.3
<b>Total</b>	<b>5,513.4</b>	<b>5,113.7</b>	<b>-400.6</b>	<b>-7.3</b>

Seven agencies received supplemental appropriations for FY'03. These supplementals were funded with FY'02 cash, the Rainy Day Fund and revolving fund revenue. The Governor declared an emergency which authorized the expenditure of one half of the Rainy Day Fund for the Department of Corrections, the Oklahoma Tax Commission, the Office of Juvenile Affairs, the Office of State Finance and common education.

**The State Department of Education**

While general revenue fund receipts were down 7.85 percent, revenue for the Education Reform Revolving Fund was down 16 percent. This was due to decreased corporate tax revenue and sales tax revenue. Since 22 percent of the common education budget is funded by the Education Reform Revolving Fund the resulting cut to the entire agency was 9.5 percent as opposed to the 7.85 percent reduction experienced by most agencies. The Legislature appropriated an additional \$25,486,165 in HB 1240 to reduce the Department's FY'03 cut to 8.2 percent.

**REVENUE MEASURES**

**The Oklahoma Health Care Authority**

- ◆ To help aid in the FY'04 estimated revenue shortfall the Legislature passed several revenue measures. These measures included:
  - ✓ Allocation of the Insurance Premium Tax to the Education Reform Revolving Fund (see below);
  - ✓ Compliance mandates on state employees for state income tax and on state contractors for state sales tax;

The Oklahoma Health Care Authority (OHCA) received a \$7.2 million supplemental appropriation in HB 1246. This bill directed the Department of Human Services (DHS) to transfer \$7.2 million of its anticipated cash carryover to OHCA. DHS was reimbursed later in the session with an increase in its FY'04 General Revenue allocation.

**Department of Corrections**

The Department of Corrections (DOC) received two supplemental appropriations to address budget shortfalls and operation overruns for FY'03. The agency received \$9.8 million from FY'02 cash in November in HB 1007 to delay the implementation of an agency-wide furlough plan until April 1, 2003.

The agency was also appropriated \$9 million in Rainy Day Funds to help cover contract bed expenditures and to reduce the number of furlough days from 23 to 3.

#### **Other Supplemental Appropriations**

- ◆ The Oklahoma Indigent Defense System received \$600,000 from the FY'02 State Judicial Fund to pay for conflict counsel.
- ◆ The Court of Criminal Appeals was appropriated \$38,000 from the Office of Attorney General to eliminate the potential for furloughs in the court.
- ◆ The Tax Commission received an FY'03 supplemental appropriation in the amount of \$477,000. These monies were used to hire 250 seasonal employees for the timely processing of income tax returns and refunds to taxpayers.
- ◆ The Office of Juvenile Affairs received a \$100,000 supplemental appropriation for FY'03 from the Legislature. The purpose of the supplemental was to postpone an employee reduction-in-force (RIF) until June 1.
- ◆ The Office of State Finance received \$1 million to pay for expenses related to the implementation of the statewide accounting, human resources and purchasing enterprise system.

#### **RAINY DAY FUND**

As a result of the FY'04 budget shortfall, the Legislature was authorized to utilize \$36.2 million from the Rainy Day Fund to offset the decrease in FY'04 general revenue. This is referred to as the budget stabilization portion of Rainy Day. This portion of the fund may only be spent on expenditures for FY'04.

Of the \$36.2 million appropriated from the Rainy Day Stabilization Fund:

- ◆ \$15 million was appropriated to the Oklahoma Health Care Authority for FY'04 operations; and
- ◆ \$21.2 million was appropriated to the State Regents for Higher Education for FY'04 operations.

#### **AGRICULTURE & RURAL DEVELOPMENT MEASURES**

SB 515 (Kerr/Covey): Transfers the responsibility of administering the Rural Economic Development

Loan Act from the State Treasurer to the Commissioner of Agriculture. Effective 4-15-03.

SB 584 (Price/Covey): Creates the Oklahoma Farm Animal, Crop, and Research Facilities Protection Act. Makes it a felony to commit certain offenses relating to animals, animal facilities, crops and crop facilities. Effective 11-1-03.

SB 833 (Shurden/Leist): Amends the Animal Facilities Protection Act. Requires full restitution be paid for any damage to a facility, for replacement of animals released, and for out-of-pocket expenses incurred as a result of a violation of the Act. Reduces the penalty for a violation from a felony to a misdemeanor. Effective 7-1-03.

HB 1008 (Leist/Rabon): Amends to the Oklahoma Fertilizer Act. Modifies definitions and adds fertilizer registration requirements. Effective 5-5-03.

HB 1535 (Covey/Price): Modifies procedures for certification of organic agriculture products. Modifies the membership of the State Board of Agriculture and the makeup of the agricultural districts. Provides for a member at large to the State Board of Agriculture who shall be President of the Board and shall serve at the pleasure of the Governor. Effective 5-23-03.

#### **AGRICULTURE FUNDING**

HB 1201 appropriated \$22,509,903 for the Department of Agriculture. This amounts to a 24 percent reduction from their original FY'03 appropriation and an 18.8 percent reduction from their revised FY'03 allocation. To manage this reduction the agency is targeting administrative costs, travel expenses, vehicle purchases and specific programs that had the ability to absorb the cuts. The goal was to minimize the impact on field services provided by the Department.

The Rural Firefighters were provided additional funding to cover the cost of Workers' Compensation Insurance.

The Legislature continued funding of a project at OSU to assist small manufacturing facilities in rural Oklahoma. The New Product Development Center for Small Rural Manufacturers will assist the state's small rural manufacturers in developing new products and processes, thus increasing their sustainability and profitability.

The Legislature provided \$250,000 for the promotion of the Made in Oklahoma Coalition. The purpose of the coalition is to promote and create brand awareness for Oklahoma food products.



<b>BANKING, FINANCE &amp; SECURITIES MEASURES</b>
---

SB 290 (Coffee/Harrison): Directs the investment of monies recovered on behalf of a minor to a bank or trust company having trust powers under federal or state law. Effective 11-1-03.

SB 329 (Capps/Braddock): Allows parties to agree to deferral of installments in credit sales (currently limited to precomputed sales); allows buyer to agree to deferral charge in non-precomputed sales; allows unpaid deferral charges to be considered part of the deferred amount in precomputed sales; allows deferral charge to be made after date that seller chooses to accelerate maturity upon mutual agreement; and allows Consumer Credit Administrator to limit deferral charges, with consideration for competitive disadvantages as compared to out-of-state lenders. Effective 4-10-03.

SB 493: (Cain/Askins): Modifies provisions of the Securities Act related to broker-dealers, agents, investment advisers, registration of securities, investigations, administrative remedies and judicial review. Effective 11-1-03.

SB 583 (Monson/Nations): Creates the Deferred Deposit Lending Act, including the following provisions:

- ◆ Requires deferred deposit loans to be documented by a written agreement, containing specified provisions, notices and disclaimers;
- ◆ Excludes loans made by licensed supervised lenders, financial institutions, governmental agencies or pawnbrokers;
- ◆ Debtors must be informed in writing of their rights and responsibilities with respect to deferred deposit loans;
- ◆ Debtors are granted a right of rescission until 5:00 p.m. on the next business day;
- ◆ Loans are limited to \$500 and finance charges are limited to \$15 for every \$100 advanced up to the first \$300 of the amount advanced and an additional \$10 for every \$100 advanced in excess of \$300;
- ◆ Lenders are required to follow certain practices, including verifying if the debtor has any outstanding deferred deposit loans. If any such loans are outstanding, the loan may not be made;

- ◆ A loan may not be made if it is the sixth or subsequent loan made to the debtor in a 90-day period unless the debtor has obtained consumer credit counseling;

- ◆ Lenders must be licensed by the Administrator of Consumer Credit and must maintain and submit specified records; and
- ◆ The Administrator may investigate violations and is granted certain powers to administer the act, including the power to impose civil penalties.

Effective 9-1-03.

SB 724: (Cain/Askins) Creates the Uniform Securities Act of 2004 to address federal preemption of certain aspects of state regulation under previous acts related to registration of mutual funds and registration of investment advisers managing assets in excess of \$30 million, to respond to changes in technology used within the securities industry, and to respond to the need for uniformity with the development of a more global market and increased interstate and international securities activities. Preserves provisions relating to oil and gas offerings that are unique to Oklahoma. Effective 7-1-04.

HB 1202 (Mitchell/Morgan): Requires the State Banking Commissioner to transfer \$1.05 million to the General Revenue Fund from assessments collected as of 12-31-03. Fees to be collected by the Banking Board are increased, with amounts to be deposited to the State Banking Department Revolving Fund. Beginning 1-1-05, 20 percent of such assessments must be deposited to the General Revenue Fund. Effective 6-3-03.

HB 1522 (Easley/Rabon): Provides for payment of fees for supervisory activities with respect to regulation of financial institutions; requires prior approval by the State Banking Commissioner for banks to hold certain property or purchase real estate; subjects out-of-state banks to certain provisions; defines loan production and deposit production offices; requires evidence of fidelity bonds to be filed with the Commissioner; requires approval of the Banking Board for certain mergers; modifies the fee for trust institutions to establish new offices; and eliminates the prohibition on limited liability companies from conducting business as a bank. Effective 11-1-03.

HB 1574 (Dorman/Coffee): Modifies provisions of the Mortgage Broker Licensure Act. Enacts the Oklahoma Home Ownership and Equity Protection Act. Modifies the definition of, and various provisions relating to, "subsection 10 mortgages". Effective 7-1-03 (Sections 1 to 5), 1-1-04 (Sections 6 to 14).

### **BUSINESS & LABOR MEASURES**

SB 353 (Ford/Dorman): Modifies provisions governing beer manufactured in the state. Exempts beer manufactured in state for export from certain taxes and specifies that for sales made in state to a consumer, the tax be paid by the manufacturer. Reduces certain other taxes and fees on such manufacturers. Permits in-state manufacturers with specified licenses to sell limited amounts of their product directly to consumers. Authorizes in-state manufacturers to provide samples under specified circumstances. Establishes an Oklahoma brewer license. Modifies the limit on container sizes for wine sales. Effective 11-1-03.

SB 608 (Corn/Taylor): Gives full-time firefighters in a Rural Fire Protection District the right to organize and bargain collectively. Defines terms and establishes a method of and procedures for collective bargaining and arbitration. Provides for an election to settle certain disputes. Effective 11-1-03.

SB 741 (Price/Hamilton): Modifies various provisions relating to unemployment compensation, including: appeals procedures, procedures when separation from employment is due to domestic violence or abuse, and procedures related to confidentiality of information. Establishes unemployment status under specified circumstances resulting from work of a limited duration of time. Appropriates \$6,219,458 to the Employment Security Administration Fund from federal "Reed Act" funds. Effective 11-1-03.

HB 1143 (Covey/Horner): Modifies the application of administrative penalties by the Commissioner of Labor. Effective 5-27-03.

HB 1449 (Ellis/Shurden): Requires owners that conduct warrantless searches of employee-owned vehicles to conduct the searches only on property owned or rented by the employer. Effective 11-1-03.

HB 1683 (Blackburn/Monson): For purposes of the Consumer Protection Act, defines "deceptive use of another's name in notification or solicitation" and makes certain related acts unlawful. Effective 11-1-03.

### **CRIME PREVENTION & PUBLIC SAFETY MEASURES**

SB 46 (Morgan/Mitchell): Adds to existing penalties a \$100 assessment to be paid by persons found guilty of a DUI or certain drug charges. The as-

essment will be deposited into the Drug Abuse Education and Treatment Revolving Fund, administered by the Department of Mental Health and Substance Abuse Services, and used to fund drug courts and substance abuse continuing education. Effective 7-1-03.

SB 379 (Helton/McCarter): Requires any licensed wrecker and towing service whose owner is not a resident of Oklahoma to be an Oklahoma corporation. Authorizes the Department of Public Safety or the Commissioner of Public Safety to place wrecker services on the Highway Patrol Rotation Log. Effective 5-28-03.

SB 554 (Nichols/Cox): Creates a safety zone around elementary and junior high schools, day care facilities and playgrounds. A sex offender whose victim was under 13 years of age is prohibited from being within 300 feet of these properties. A first offense is a misdemeanor with a fine of \$2,500. A second violation is a felony. Effective 5-12-03.

SB 575 (Lawler/Maddux): Establishes a pilot reading program at the correctional facility in Alva. Effective 7-1-03.

SB 607 (Smith/Ingmire): Changes the service units of the Oklahoma Criminal Justice Resource Center to include a program resource unit and a computer information services unit. The bill allows the director, subject to approval of the legislative members of the Oklahoma Sentencing Commission, to hire employees. Effective 5-29-03.

SB 611 (Helton/Hefner): Doubles the registration fee for manufacturing, distributing and dispensing controlled substances. Effective 8-29-03.

SB 625 (Lawler/Staggs): Designates a section of law as the Cindi Broaddus Law. The bill revises the statute to add criminalization of willfully dropping objects from a bridge or overpass to intentionally damage property or injure any person. Such action is a felony punishable by up to 10 years imprisonment or a fine not exceeding \$10,000, or both. Effective 7-1-03.

SB 652 (Leftwich/Nance): Requires inmate medical costs to be paid by the inmate. The bill removes limitations on the inmate co-payments and allows full collection of medical costs. Enforcement is authorized by filing a civil action for collection. The Medical Expense Liability Revolving Fund is created to fund inmate medical care. This fund is established by an additional \$10 fee added to all bond forfeitures and criminal sentences. The medical claims are limited by minimum and maximum amounts. The bill gives authority to hire employees to administer the new fund. Effective 8-29-03.

SB 661 (Wilkerson/Erwin): The Mabel Basset Correctional Center is relocated to McLoud, Pottawatomie County. The bill allows the Department of Corrections to transfer donated property that cannot be used to another agency or back to the original donor. Effective 7-1-03.

SB 673 (Crutchfield/Roan): Makes it a misdemeanor for a contractor to refuse acceptance of a prisoner or to refuse to fingerprint a prisoner. Makes it a felony to display the words "State Police" on a badge, vehicle, uniform, etc. for the purpose of falsely impersonating a law enforcement officer. Requires a sheriff to accept a person arrested without a warrant for a nonbailable offense. Requires the Commissioner of Public Safety to provide security to political candidates or visiting officials. Establishes entitlement to dismissal of a citation written for defective, missing, prohibited, improper, or unauthorized vehicle equipment when the person remedies the violation and produces proof in court. Effective 5-7-03 (Sections 13, 14) and 11-1-03 (Sections 1-12).

SB 706 (Pruitt/Smith (Hopper)): Creates a procedure for testing for sexually transmitted diseases and treatment of suspects with notification to victims of the test results for rape, sodomy, and intentional HIV infection. The bill provides for a rapid HIV test and emergency preventive treatment for rape victims. It requires the Victim Witness Coordinators to give test results to the victim within 3 days. Costs of testing are the responsibility of the incarceration facility. Reimbursement for testing costs is allowed by court order. It authorizes the Department of Corrections to use and develop faith-based programs for inmates. Effective 5-29-03.

SB 755 (Pruitt/Smith (Hopper)): Requires interactive computer service providers to remove child pornography items from services when contacted by the Attorney General. Makes the burning of a cross on the property of another, a highway or other public property with the intent to intimidate any person or group a felony offense. Effective 5-23-03.

SB 788 (Wilkerson/Askins): Allows inmate earned credits to be removed and restored according to the policies established by the Department of Corrections. Effective 4-28-03.

SB 807 (Laughlin/Nance): Provides that the Delayed Sentencing Program for Young Adults may also be cited as the Regimented Inmate Discipline Program (RID). The program requires a felony charge for eligibility. The bill increases the term of participation from 120 days to 180 days but not exceeding one year. It provides additional sentencing options. The accountability plan must be filed within 30 days of entering the program. Boot camp, substance abuse treatment, and vocational or educational placements are authorized. Procedures are established for objecting to the accountability plan. Offender placements are expanded to include halfway houses and community facilities. Effective 7-1-03.

SB 810 (Wilkerson/Staggs): Establishes the Special Task Force for Women Incarcerated in Oklahoma through the Oklahoma Commission on the Status of Women. The initial meeting is July 13, 2003 and the final report is due February 10, 2004. Effective 5-13-03.

SB 817 (Wilkerson/Askins): Requires every DUI offender to be assessed and evaluated prior to sentencing. The sentence requires compliance with the evaluation for treatment. Driver license reinstatements require confirmation of the completion of the treatment plan. The bill authorizes treatment for misdemeanor offenses as an alternative to incarceration and treatment in addition to other penalties for felony DUI. Effective 7-1-03.

SB 834 (Shurden/Stanley): Amends the Oklahoma Self-Defense Act. The minimum age of eligibility for a handgun license is reduced from 23 to 21 years. Any valid handgun license from another state is now recognized as valid in this state. Residency time requirements for concealed carry application in this state are removed. Living history re-enactors are authorized to carry weapons while performing. Firearm activities on school grounds are authorized by the school principal including hunting courses, target shooting, and competitive shooting events. A concealed pistol in a moving vehicle without a valid firearms license is subject to a \$70 traffic citation. Civil remedies are available for violations of the state preemption laws. Concealed handgun licenses are valid for 5 years. Effective 7-1-03.

SB 838 (Shurden/Erwin): Increases the sheriff service fee from \$35 to \$50. Effective 7-1-03.

HB 1053 (Benge/Riley): Allows retired fire marshal inspectors to carry concealed weapons. Clarifies peace officer powers of a retired fire marshal activated for duty. Effective 11-1-03.

HB 1061 (McCarter/Crutchfield): Allows a combination of placements in community facilities, including work release programs, for nonviolent inmates who are within 210 days of release. The bill authorizes other offenders to be placed in community facilities for reintegration purposes not more than 180 days from scheduled release. Effective 11-1-03.

HB 1105 (Balkman/Horner): Provides exception for transporting open containers of intoxicating beverages or low-point beer if the beverages are in the passenger areas of buses and limousines. Effective 4-7-03.

HB 1326 (Nance/Smith): Wholesalers, manufacturers and distributors of drug products containing pseudoephedrine or phenylpropanolamine must regis-

ter annually with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The fee is \$100. Records must be kept for 3 years. The bill prohibits the sale of such products when the intent is to make methamphetamine or other illegal substances. The seller is liable for all damages including the detection, investigation, and cleanup of any unlawful manufacture of illegal substance. The Attorney General may bring a civil action to recover damages. The bill adds child care facilities to the list of places applicable to the crime of distribution of controlled substance within certain prohibited distance of certain places. Effective 4-25-03.

HB 1433 (Smithson/Corn): Modifies the renewal requirements for a concealed handgun license under the Oklahoma Self-Defense Act. Effective 11-1-03.

HB 1456 (Adair/Shurden): Modifies the powers and duties of the Commissioner of Public Safety. Modifies the authority for traffic-related enforcement, and provides procedures for traffic-related enforcement. Effective 11-1-03.

HB 1481 (Walker/Capps): Clarifies authority to use unmarked cars for traffic enforcement. Effective 11-1-03.

HB 1484 (Walker/Wilkerson): Increases the fee for electronic monitoring from \$75 to \$300 per month. It requires intensive supervision to begin immediately upon release or parole of any sex offender. The special treatment program for inmates with psychiatric problems or sex-related offenses is no longer restricted to only Joseph Harp Correctional Center. Effective 11-1-03.

HB 1501 Cox/Monson: Prohibits any sex offender from residing within 2,000 feet of any public or private school. The penalty is a misdemeanor for a first offense with a fine of \$3,000. Any second or subsequent offense requires incarceration for one year in the county jail in addition to the fine. Effective 11-1-03.

HB 1562 (Perry/Snyder): Includes downloading obscene materials or child pornography on a computer within the crime of lewd molestation. The bill provides a definition for downloading a computer to include any electronic transfer of files or media. Effective 5-27-03.

HB 1615 (Wilt/Pruitt): Makes unlawful the tampering with surveillance equipment to avoid detection of a crime. Effective 11-1-03.

HB 1623 (Braddock/Wilkerson): Criminalizes the act of forcing a child under 16 years of age to look

at obscene materials or child pornography. Effective 11-1-03.

HB 1650 (Tibbs/Riley): Authorizes public agencies in cities of a population of 300,000 or more to use 911 service information to notify the public of an emergency or provide information relative to an emergency. Effective 1-1-04.

HB 1669 (Armes/Helton): Escaped prisoners must be processed back into the Department of Corrections prior to bail being set for the crime of escape or any other crime. This bill requires the sheriff to notify the Department of Corrections of county jail capacity by July 1, 2003, and, thereafter within 30 days of any change in capacity. Jail capacity is defined by the State Fire Marshall inspections. The Director of the Department of Corrections may designate positions requiring peace officer status. Effective 4-15-03.

HB 1690 (Askins/Helton): Increases the fine from \$500 to \$5,000 for cruelty to animals. The bill authorizes the court to order restitution to animal care facilities for medical care and boarding costs of victimized animals. Effective 7-1-03.

HB 1771 (Askins/Wilkerson): Prohibits district attorneys from representing county officers in actions against another county officer. The bill prohibits the use or display of law enforcement items to impersonate an officer. The court is authorized to order the defendant to pay fees to the Bogus Check Restitution Program Fund for bad checks upon receiving probation. Offenders ordered to probation without supervision are required to pay the district attorney \$20 per month. Under the Open Meeting Act district attorneys may hold meetings by teleconference. The bill increases court costs by allowing the District Attorney Council Revolving Fund to collect \$10 for each traffic case, \$15 for each misdemeanor case, \$15 for a misdemeanor DUI, \$25 for each felony case, \$25 for a felony DUI, and \$15 for juvenile cases. Effective 11-1-03.

HB 1782 (Lamons/Helton): Provides for the removal of vehicles and cargos which obstruct the regular flow of traffic from the roadway. Effective 11-1-03.

HB 1802(Askins/Helton): Tightens up and adds requirements for the standards set for accreditation for forensic laboratories. Effective 5-9-03.

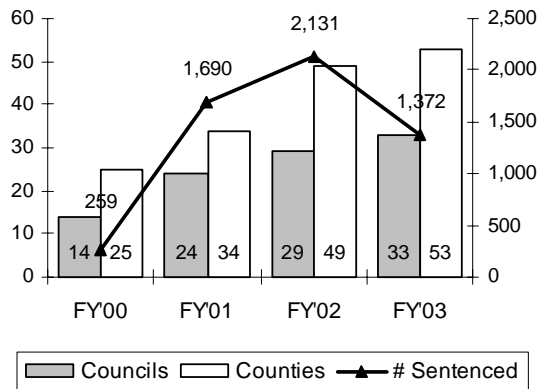
### **CORRECTIONS FUNDING**

For FY'04, the Department of Corrections (DOC) received \$373,931,566 in state appropriations in HB 1224. This amounted to a 1.8 percent decrease

from DOC's revised FY'03 appropriation (including supplementals) and a 4.8 percent cut from its original FY'03 appropriation.

Again this year, DOC's appropriation contained a line item for Community Sentencing in the amount of \$6,000,000. Since the inception of the program in FY'00, 34 planning councils encompassing 61 counties have participated in sentencing 4,718 offenders to community sentences.

**Community Sentencing Program History**



The Pardon and Parole Board received funding in the amount of \$2,115,485 through HB 1236. This represented a 2.5 percent cut from the revised FY'03 appropriation and a 10.2 percent cut from the original FY'03 appropriation. The agency plans to implement a voluntary Reduction-in-Force plan, with the possibility of a mandatory Reduction-in-Force plan.

**JUVENILE JUSTICE FUNDING**

The Office of Juvenile Affairs (OJA) was appropriated \$90,000,000 for FY'04 (HB 1199). This represents a 12.1 percent decrease from their original FY'03 state appropriation level, and a 4.7 percent decrease from their revised FY'03 appropriation.

To manage the general revenue shortfall of FY'04, OJA will implement the following:

- ◆ Reduce their administrative and support staff budget by 4.4 percent by implementing a reduction in force (RIF); this will garner \$1.2 million in savings. OJA was able to eliminate some vacancies, but still had to offer 22 severance packages due to the RIF. The RIF will go into effect July 15, 2003;
- ◆ Reduce funding for the Gang Intervention Program; and
- ◆ Reduce funding for the STARS Program, which provides tracking of juveniles within OJA.

**LAW ENFORCEMENT FUNDING**

For Fiscal Year 2004, the Alcoholic Beverage Laws Enforcement Commission (ABLE) received an appropriation of \$3,431,691 (HB 1222). As with most of the law enforcement agencies, ABLE's cut for

FY'04 was 7.1 percent above the already reduced FY'03 appropriation. ABLE's FY'04 appropriation was 14.4 percent below its original FY'03 appropriation. To achieve the reduction for FY'04, ABLE plans to initiate a Reduction-in-Force plan for seven FTE. This plan is contingent on the Commission's approval.

The Oklahoma State Bureau of Investigation (OSBI) was another law enforcement agency that took a 4.1 percent cut over its revised FY'03 appropriation for FY'04. The FY'04 appropriation is 12.1 percent below the agency's original FY'03 appropriation. The OSBI was appropriated \$9,441,383 in HB 1231 and SB 102. OSBI's plan for its FY'04 budget includes: 1) maintaining eight positions vacant 2) reducing equipment, supplies, and travel purchases; 3) eliminating an Attorney General contract; 4) eliminating an Academy during the year; and 5) possibly closing outlying offices.

SB 90 appropriated \$25,972,055 to the DAC. This represents a 14.3 percent reduction from their original FY'03 appropriation and a 7.1 percent reduction from their revised FY'03 allocation. The District Attorneys Council is looking at a mixture of furloughs, salary cuts, and reductions-in-force throughout the 27 districts in the State.

SB 88 appropriated \$5,794,927 to the Attorney General (AG). This represents an 18.5 percent reduction from the original FY'03 appropriation and an 11.8 percent reduction from the revised FY'03 allocation. To manage the cut for FY'04, the AG's office plans to move its Consumer Protection Division to its 705 fund. The 705 Fund is funded through anti-trust settlements and no-call fees and fines. The funding source for the 705 fund is non-recurring. The Consumer Protection Division will be moved to the 705 fund for fiscal year 2004. Because of the potential new federal no-call registry, the 705 Fund may not be able to handle the Consumer Protection Division in FY'05, due to a possible reduction in no-call funds. The AG's office is also looking into the possibility of furloughs sometime during the fiscal year.

HB 1229 appropriated \$1,504,323 to the State Fire Marshal, for its FY'04 operations. This represents a 19.7 percent cut from their original FY'03 appropriation and a 12.9 percent cut from the agency's revised FY'03 appropriation. The reason for the increased reduction is the Governor's signing of emergency rules allowing the Fire Marshal to raise certain inspection costs that should generate approximately \$200,000 in additional revenue for the Fire Marshal's office. To manage the FY'04 cut, the Fire Marshal plans on not filling two vacancies and using additional revolving fund revenue.



\$4,859,814 was appropriated to the Bureau of Narcotics and Dangerous Drugs (BNDD) for FY'04 (HB 1235). This resulted in an 11 percent cut from the agency's revised FY'03 appropriation and an 18 percent cut from the agency's original FY'03 appropriation. Like the Fire Marshal above, BNDD took a large cut due to certain fee increase revenue going to the agency. SB 611 increased registration fees for hospitals and pharmacies to be in line with federal fees. This increase should raise approximately \$400,000 annually. To handle the operations for FY'04, BNDD plans to leave nine vacancies unfilled and reduce the budgets for overtime, evidence, motor vehicles, and data processing.

The Council on Law Enforcement Education and Training (CLEET) received a 7.1 percent budget reduction from their revised FY'03 appropriation for FY'04. CLEET's FY'04 appropriation amounted to an overall 8.1 percent cut from the original FY'03 appropriation. HB 1233 appropriated \$2,649,441 to CLEET. To balance the FY'04 budget, the council plans on leaving three positions vacant; reducing the travel, data processing, and supplies budgets; eliminating one basic Academy; and reducing motor pool expenses.

The Board of Medicolegal Investigations was appropriated \$3,257,458 in HB 1234 for FY'04. This amounted to a 9.8 percent decrease over the agency's revised FY'03 appropriation and a 16.9 percent from the agency's original FY'03 appropriation. To help offset the cut, the medical examiner's office plans to maintain three positions vacant; consolidate Comanche County investigations into the existing Investigator District 4, use an answering service instead of a dispatcher, and eliminate the toxicology laboratory instrument service contract.

The Department of Public Safety (DPS) received \$62,429,532 in state appropriated revenue for FY'04 (SB 104 and SB 105). DPS's appropriation was 2.7 percent below its revised FY'03 appropriation and 10.3 percent below its original FY'03 appropriation. To manage this cut, DPS is planning to furlough every DPS employee 23 days during FY'04. DPS is also planning to use savings from its digital driver license contract to help with the FY'04 budget.

HB 1237, otherwise known as the tag fee bill, passed both houses during the last days of session. The bill temporarily increases tag fees for two years. From September 2003 through August 2005, vehicle tags will be increased by \$2. In Oklahoma, there are approximately 3.4 million registered vehicles. It is estimated by the Oklahoma Tax Commission that in FY'04 (10 months) the new fee will generate \$5.6 million. For FY'05 the Tax Commission estimates that the fee will generate \$6.8 million.

The Department of Public Safety will utilize all revenue from the tag fee increase to avoid employee furloughs and fund salary step increases for highway patrol troopers. It was estimated that DPS's furlough plan, while saving the agency \$4.5 million, could cost the State Judicial Fund far more in the fines generated by the Oklahoma Highway Patrol. The remaining funds raised by the tag fee will go to pay for legislatively mandated step increases for all highway patrol troopers, including those coming off the one-year probationary period.

### **ECONOMIC DEVELOPMENT & COMMERCE MEASURES**

SB 439 (Nichols/Mitchell): Defines "international trade processing authority" as a public trust with the powers to construct, acquire, equip and operate an international trade processing center and deems the exercise of these powers to be an essential governmental function. Provides for conveyance of property to the authority for the purpose of developing an international trade processing center, for maintenance of the center by the authority, and for assistance from the Oklahoma Department of Commerce. Exempts an international trade processing center from the prohibition against trusts engaging in the operation of a retail outlet. Effective 7-1-03.

SB 671 (Monson/Pope): Modifies definitions in the Local Development Act, including establishment of a definition for "project area". Amends various provisions to incorporate new definition. Clarifies the application of time periods and time limits as they relate to the apportionment of certain taxes and fees and the length of time to maturity for certain bonds. Effective 11-1-03.

SJR 18 (Kerr/Braddock): Enabling legislation for designation of Jackson County as foreign trade zone under federal law in order to promote the use of the county by those seeking a viable location to conduct profitable and desirable business enterprises.

HB 1075 (Plunk/Maddox): Modifies the duties of the Small Business Regulatory Review Committee by broadening the scope of review and modifying the length of the terms of its members. Effective 7-1-03.

HB 1300 (Turner/Gumm): Creates the Rural Area Development Task Force. The Task Force is to develop recommendations specifically designed to improve the economic development of rural areas of the State of Oklahoma, whether through formation of business capital, job creation, job training, agricultural development, small business formation and

entrepreneurship programs, or other methods identified by the Task Force as having potential for improvement of economic and related conditions in rural areas of the state. Requires a report be submitted to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate not later than December 31, 2003. HB 1300 also extends the date by which the Greenwood Area Development Authority must submit its long-term plan from 7-1-03 to 9-1-03. Effective 8-29-03.

HB 1605 (Roggow/Maddox): Changes the out-of-state sales threshold for warehouses to qualify for quality jobs and small employer quality jobs payments from 75 percent to 40 percent; eliminates the 75 percent out-of-state sales requirement for research and development establishments and testing laboratories to come under the lower (\$1.5 million) payroll requirement and the Small Employer Quality Jobs Incentive Act; requires payment of wages of at least 100 percent of the average county wage (110 percent if health benefits are included), up to \$25,000, to qualify for payments, except in opportunity zones; and allows payments to research and development establishments and testing laboratories located anywhere in the state under the Small Employer Quality Jobs Incentive Act. Effective 8-29-03.

HB 1724 (Braddock/Gumm): Changes the name of the Municipal and County Industrial Development Bonds Act to the Municipal and County Economic and Community Development Bonds Act, and specifies qualified economic and community development purposes for which bonds may be issued. At least 90 percent of bonds must be for such purpose or for debt service, and terms of the bonds are modified. The Local Development Act is amended to provide for the financing of projects for private as well as public purposes and to prohibit the repeal or amendment of authorizing municipal ordinances. The definition of "personal property" for purposes of local governmental purchasing procedures is modified to exclude retrofit metal roofs. Effective 7-1-03.

### **COMMON EDUCATION MEASURES**

SB 216 (Laughlin/Coleman): Authorizes two or more school districts to enter into a mutual contract or separate contracts with a superintendent, administrator, teacher, or support staff to provide services for each contracting district upon terms and conditions that the parties may agree. Directs each district to pay into the Teachers' Retirement System the districts pro rata share of the payment required to be paid into the system on behalf of the employee. Effective 7-1-03.

SB 289 (Riley/Greenwood): Removes authorization for a school day for first grade to consist of less than six hours. Effective 7-1-03.

SB 318 (Helton/Brannon): Modifies requirements for the Commissioners of the Land Office (CLO) to publish notice of lease sale dates. Requires the CLO to pay real estate appraiser license fees for employees who are required to obtain such license to perform job duties. Effective 7-1-03.

SB 326 (Horner/Deutschendorf): Modifies enrollment qualifications for Oklahoma Higher Learning Access Program by clarifying that students who qualify may enroll during the eighth, ninth, or tenth grade. Removes stipulation that students who enrolled in the eighth or ninth grade shall have priority for benefits superior to students who enrolled in the tenth grade. Effective 7-1-03.

SB 343 (Pruitt/Winchester): Requires school districts to adopt policies on or before September 1, 2003, which authorize self-administration of inhaled asthma medication by a student for the treatment of asthma. Effective 4-28-03.

SB 452 (Coffee/Blackburn): Authorizes school district boards to appoint a hearing officer to conduct a hearing and render a final decision for out-of-school student suspensions of more than ten days. Effective 5-6-03.

SB 495 (Laughlin/Braddock): Exempts schools in state reformatories under authority of the Department of Corrections from class size limitations. Effective 4-10-03.

SB 663 (Maddox/Deutschendorf): Allows nonclassified school district employees to have a higher earnings cap upon returning to work with a school district if such person has been retired for at least three years. Effective 8-29-03.

SB 715 (Corn and Miller): Requires school districts to include on teachers' and administrators' employment contracts or information worksheets clear statements of the amounts of salary and fringe benefits and how they were derived. Increases to \$25,000 the threshold amount for which an anti-collusion statement is required to be attached to an invoice for expenditures from a school activity fund. Effective 8-29-03.

SB 801 (Rozell/Staggs): Prohibits the State Board of Education from providing funding to an alternative education program that does not receive a recommendation for continued funding in the technical assistance center's evaluation. Provides for a review of the evaluation prior to the Board's final determination. Effective 7-1-03.

SB 837 (Shurden/Armes): Allows certain qualified organizations, such as churches, schools, fire departments and police departments to conduct raffles to raise funds for the organization, for such time as the Oklahoma Education Lottery is in effect. Effective upon the approval by the people of Enrolled House Bill No. 1278.

SJR 22 (Hobson/Kirby): This measure sends to a vote of the people at the 2004 General Election a

question amending the Oklahoma Constitution to create the Oklahoma Education Lottery Trust Fund. The trust fund shall consist of monies from the Oklahoma Education Lottery. The monies of the trust fund would only be used for certain purposes relating to education and could not be used to replace other state funds used to support education. The State Board of Equalization would determine if any of the monies in the trust fund are being used to replace state funding of education. If such a finding is made, the Legislature would not be able to make any appropriations until the amount of replaced funding was returned to the trust fund. This measure would only become effective if voters approved creation of the lottery contained in House Bill No. 1278.

HB 1065 (McCarter/Crutchfield): Allows districts to make exceptions on an individual student basis to the high school graduation requirements for students who transfer into a district in this state from out-of-state after the student's junior year of high school. Effective 4-10-03.

HB 1094 (Peters/Fisher): Creates the Oklahoma Partnership for School Readiness Act. Establishes a comprehensive public/private partnership to facilitate coordination of available resources and provide technical assistance to communities to ensure children are healthy, eager to learn, and ready to succeed by the time they enter school. Effective 4-22-03.

HB 1151 (Smith (Dale)/Laster): Requires teacher preparation program competencies and district professional development programs to include classroom management and student discipline components. Effective 7-1-03.

HB 1153 (Pettigrew/Ford): Renames and reactivates the Oklahoma School Voluntary Consolidation and Annexation Act. Provides various financial incentives and exemptions for district consolidation or annexation. Effective 7-1-03.

HB 1247 (Mitchell/Morgan): Requires the Legislature to present measures that provide full funding for the support of common education to the Governor at least 25 days prior to the deadline for districts to notify teachers of no reemployment, but not later than April 1 of each year. Effective 7-1-03.

HB 1278 (Kirby/Hobson): Submits the following provisions of the Oklahoma Education Lottery Act to a vote of the people:

- ◆ States the intent of the people of the State of Oklahoma:
  - ✓ That the net proceeds of lottery games be used to support educational pur-

poses and that such proceeds be used to supplement rather than replace existing resources for education;

- ✓ That there be created a public body, corporate and politic to be known as the Oklahoma Lottery Commission;
- ✓ That lottery games be operated in a manner which provides full and complete disclosure of lottery operations;

- ✓ That the lottery be operated in a manner, after the initial startup funding, that is self-sustaining and self-funded;
  - ✓ That the lottery be accountable to the Legislature and the people through availability and access of its records and meetings;
  - ◆ Defines terms for purposes of the Oklahoma Education Lottery Act;
  - ◆ Creates a body corporate and politic to be known as the Oklahoma Lottery Commission which shall be deemed to be an instrumentality of the state;
  - ◆ Requires the principal office of the corporation to be located in Oklahoma County;
  - ◆ Specifies that the Commission shall be governed by a seven member board of trustees appointed by the Governor with the advice and consent of the Senate. Requires the members to be Oklahoma residents and not have been convicted of any felony offense. Requires at least one member to be a lawyer, an accountant and a marketing expert. Specifies terms of office. Requires the board to employ an executive director. Requires all board meetings to be subject to the Oklahoma Open Meeting Act;
  - ◆ Requires the chair of the board to appoint a ten-member Lottery Retailer Advisory Board. Provides that this advisory board shall advise the board of directors on the retail aspects of the lottery and present the concerns of lottery retailers. Specifies that members of the advisory board shall serve without compensation or reimbursement;
  - ◆ Specifies duties of the board of trustees;
  - ◆ Requires the board of trustees to appoint and to provide compensation of an executive director who shall serve at the pleasure of the board;
  - ◆ Specifies the powers of the Commission and the board of trustees of the Commission;
  - ◆ Authorizes the board to promulgate rules regulating the conduct of lottery games including rules specifying types of games to be conducted, the sales price of tickets, the number and amount of prizes, the manner and time of payment of prizes, the frequency of games and drawings, the means of conducting drawings, the method to be used in selling tickets and the manner and amount of compensation to lottery retailers.
- Prohibits the operation of any lottery game using a video lottery machine;

- ◆ Specifies duties of the executive director of the Commission. Allows the executive director for good cause to suspend, revoke or refuse to review any contract;
- ◆ Requires the Commission to fix the compensation of its employees. Prohibits any employee of the Commission from having a financial interest in any vendor doing business with the Commission. Prohibits a former employee of the Commission from representing any vendor or lottery retailer for a two-year period following termination of employment. Requires a background investigation of certain potential employees;
- ◆ Specifies that all lottery proceeds shall be the property of the Commission. Provides that the Commission shall pay operating expenses out of gross proceeds. Specifies that at least 45 percent of the gross proceeds shall be made available as prize money. Provides that for each fiscal year net proceeds shall equal at least 35 percent of the lottery proceeds; however, for the first two full years and any partial first year of the Commission, net proceeds need only equal 30 percent. Creates the Oklahoma Education Lottery Trust Fund. Transfers all of the net proceeds to this Fund. Requires the Legislature to appropriate monies in the Fund for certain specified education purposes in the following manner: 45 percent for tuition grants and scholarships, construction of educational facilities, capital outlay projects, technology for education facilities, endowed chairs, compensation and benefits for public school support employees, programs and personnel of the Oklahoma School for the Blind and the Oklahoma School for the Deaf; 45 percent for K-12 education including compensation and benefits for public school teachers and support personnel and early childhood programs; 5 percent for the School Consolidation and Assistance Fund; and 5 percent to the Teachers' Retirement System Dedicated Revenue Revolving Fund. Requires the State Board of Equalization to annually examine the appropriations from the Fund and to determine if appropriations were used to supplant instead of enhance education funding. Prohibits the replenishment of the Oklahoma Education Lottery Trust Fund by the reducing of any non-lottery funds. Creates the Oklahoma Education Lottery Revolving Fund;
- ◆ Directs the board of trustees to adopt a plan that encourages a high level of participation by minority businesses;
- ◆ Specifies the information that the Commission may require a lottery system vendor bidder to disclose. Prohibits the entering into a major procurement contract with any vendor who has been found guilty of a felony related to the security or integrity of the lottery. Prohibits any lottery system vendor or any applicant for a major procurement contract to make any gifts of the executive director, board members or Commission employees;
- ◆ Requires each vendor to post a performance bond or letter of credit. Allows a vendor, in lieu of a bond, to assure its performance by certain specified securities. Prohibits a contract with a vendor in which a state elected official has a substantial financial interest which is limited to an ownership interest of 5 percent or more. Requires all major procurement contracts to be competitively bid unless there is only one qualified vendor and that vendor has an exclusive right to offer the service or product. Requires all major procurement contracts to be competitively bid pursuant to the Oklahoma Central Purchasing Act;
- ◆ Requires the development of a statewide network of lottery retailers. Directs the Commission to provide for compensation in the form of commissions in an amount of not less than 2 percent of gross sales. Requires lottery retailers to post the Commission's certificate of authority. Specifies the criteria for selecting lottery retailers. Allows lottery retailer contracts to be suspended or terminated if provisions of the act are violated;
- ◆ Provides that no lottery retailer contract shall be transferable or assignable;
- ◆ Creates the Fidelity Revolving Fund. Requires the Commission to assess each retailer an annual fee not to exceed \$100 per sales location. Specifies that monies in such fund shall be used to contract with the OSBI and the State Auditor and Inspector for the required investigations, reviews and audits. Allows a reserve account to be established as a general operating expense to cover amounts deemed uncollectible; Specifies reasons in which a retail contract may be cancelled, suspended, revoked or terminated by the Commission. Provides procedures to suspend or terminate the contract;
- ◆ Provides that all proceeds from the sale of lottery tickets or shares shall constitute a trust fund until paid to the Commission.

Provides procedures for retailers to deposit proceeds;

- ◆ Specifies certain restrictions with respect to lottery retailer rental payments;
- ◆ Allows lottery tickets to be given by merchants for promotional purposes subject to prior approval by the Commission. Prohibits sales or gifts of lottery tickets to persons under the age of 18;
- ◆ Provides that proceeds of any lottery prize shall be subject to the Oklahoma state income tax. Requires the Commission to adopt policies and procedures relating to the verification of tickets claimed to win prizes. Prohibits any member of the board of trustees, any officer or employee of the Commission or any spouse, child, sibling or parent residing in the same household from purchasing a ticket. Specifies that unclaimed prize money shall not constitute net lottery proceeds. Transfers the first \$500,000 of unclaimed prize money annually to the Department of Human Services for the treatment of compulsive gambling disorders;
- ◆ Allows the Commission to determine which information relating to the operation of the lottery is confidential. Allows meetings devoted to discussing confidential information to be held in executive session. Requires full criminal background investigations to be conducted prior to the execution of any vendor contract. Directs the Commission to conduct criminal background and credit investigations on all potential retailers; supervise ticket validation and lottery drawings; inspect the facilities of any vendor or lottery retailer; and report suspected violations of the Act to the appropriate district attorney or the Attorney General;
- ◆ Provides that any person who sells a lottery ticket to a person under 18 or permits a person under 18 to play lottery games is, upon conviction, guilty of a misdemeanor;
- ◆ Specifies punishment for any person, who with intent to defraud, falsely makes or alters a state lottery ticket or any person who influences the winning of a prize through the use of coercion, fraud or tampering with lottery equipment or materials;
- ◆ Provides that no person shall knowingly or intentionally make a material false statement in any application for a license to conduct lottery activities or make a material false entry in any book or record submitted

to the board. Specifies punishment for violation of these provisions;

- ◆ Allows the Commission to enter into intelligence-sharing, reciprocal use or restricted use agreements with the federal government, law enforcement agencies, lottery regulation agencies and gaming enforcement agencies;
- ◆ Provides that information in the possession of the Commission pursuant to an agreement shall be considered investigative records of a law enforcement agency and not subject to the Open Records Act;
- ◆ Allows any retailer, vendor or applicant for a contract aggrieved by an action of the board to appeal that decision to the District Court of Oklahoma County. Specifies conditions upon which the court may reverse the board. Specifies that any person who appeals the award of a major procurement contract to be liable for all costs of appeal in the event the appeal is denied or the contract award upheld;
- ◆ Provides that the Commission shall be self-sustaining and self-funded. Specifies that monies in the General Revenue Fund shall not be used to pay the expenses of the Commission or prizes of the lottery. Allows the Commission to purchase or lease such goods or services as are necessary to effect the purposes of the Act;
- ◆ Authorizes the Commission to issue bonds or notes in anticipation of the collection of revenues, not to exceed \$10 million, for the payment of the initial expenses of startup, administration and operation of the Commission and the lottery. Provides procedures relating to the issuance of these bonds or notes;
- ◆ Requires the board to submit reports to the Governor, State Auditor and Inspector, OSBI, and Attorney General and the oversight committee disclosing certain financial information; to adopt a system of internal audits; to maintain weekly records of lottery transactions; to contract with a CPA for an annual financial audit; and to submit to the Office of State Finance and the State Auditor and Inspector a copy of the annual operating budget;
- ◆ Creates a joint legislative committee known as the Oklahoma Lottery Commission Legislative Oversight Committee to be composed of the members of the Senate Finance

Committee and the House Revenue and Taxation Committee;

- ◆ Provides that the Oklahoma Education Lottery Act shall cease to have the force and effect of law if a court finds that its enactment allows the operation of other types of Class III tribal gaming;
- ◆ Provides that the conduct of a lottery pursuant to the Oklahoma Education Lottery Act is not a violation of the state's lottery or gambling laws; and
- ◆ Sets out ballot title and directs filing.



HB 1343 (Deutschendorf/Robinson): Adds criteria to policy that school districts must adopt relating to approval of Internet-based courses. States no district shall be liable for payment of fees for Internet-based course for student who has not complied with district policy. Effective 7-1-03.

HB 1408 (Winchester/Cain): Authorizes school districts to form buying pools and purchasing cooperatives. Effective 7-1-03.

HB 1414 (Staggs/Pruitt): Makes various amendments to the Oklahoma School Testing Program:

- ◆ Deletes the fourth-grade norm-referenced test, which had not been implemented.
- ◆ Discontinues the third-grade norm-referenced test with the 2003-04 school year.
- ◆ Requires development and implementation of criterion-referenced tests in reading and mathematics for the third and fourth grades by the 2004-05 school year.
- ◆ Requires development and implementation of criterion-referenced tests in reading and mathematics for the sixth and seventh grades by the 2005-06 school year.
- ◆ Combines the history, constitution and government test and geography test for the fifth grade into one social studies test. Requires the State Department of Education to convene a group of specialists in social studies to advise and assist in implementation of the new test and report to the Legislature.
- ◆ Moves the geography test administered in the eighth grade to the seventh grade.
- ◆ Discontinues the arts tests in the fifth and eighth grades after the 2002-03 school year. Requires the State Board of Education to convene a task force to make recommendations on appropriate fine arts assessment strategies. Requires districts to assess students in grades three through eight in the fine arts area in which the student has received instruction.
- ◆ Requires State Board to set testing window dates for tests in grades three through eight, with the exception of the writing tests, no earlier than April 10 of each year, and as near as possible to the end of the course for secondary-level tests.

Effective 7-1-03.

HB 1438 (Brannon/Corn): Modifies requirements for administrator certification by adding completion of a program in education administration. Sets

standards for alternative certification for superintendents and principals. Effective 8-29-03.

HB 1527 (Ericson/Reynolds): Requires school districts to transmit copy of income and expenditure data to State Department of Education by July 31 each year. Requires the Department to post the data on the Internet in a form accessible to the public. Effective 7-1-03

HB 1572 (Dorman/Rozell): Authorizes districts to deposit gifts, grants, or donations in the general fund and exempts such funds from consideration in general fund carryover limitation calculation. Authorizes districts to solicit and accept any gift, grant, or donation of money or property for the use of the district. Authorizes deposit of such funds in the general fund or building fund of the district. Effective 7-1-03.

HB 1646 (Ferguson/Wilcoxson): Allows the release of individual student records to a district at which a student was previously enrolled. Requires the State Department of Education to include certain elements and comply with certain standards for a state student record system. Authorizes the release of student information by a teacher if required by law. Effective 7-1-03.

HB 1707 (Turner/Wilkerson): Requires a district attorney upon filing of an information or indictment to determine if a person arrested for a felony or violent misdemeanor is a student or employee of a school district, and if so, to notify the superintendent of any charges filed. Effective 7-1-03.

HB 1767 (Adair/Hobson): Requires studies on multiple issues; waives various penalties; and delays implementation of programs with fiscal impact.

- ◆ Directs the State Department of Education to review provisions of HB 1017 (1990), HB 1759 (1999), and federal HR 1 (2001 - No Child Left Behind Act) for duplication of or conflict in mandates in the acts.
- ◆ Creates School State Aid Funding Study Group to evaluate and make recommendations on updates to State Aid funding formula.
- ◆ Creates Task Force on School District Administrative Reorganization or Consolidation.
- ◆ Authorizes State Board of Education to waive penalties for class size violations for 2003-2004 school year upon showing of economic hardship.
- ◆ Reduces notice requirement for district to give charter school of intent not to renew contract from 12 months to 60 days.

- ◆ Authorizes district superintendent to transfer up to 25 percent of total appropriation from one account, fund or program category to another. Prohibits transfer of funds between general fund and building fund.

- ◆ Provides procedures for conducting career teacher pretermination hearing and probationary teacher hearing.
- ◆ Provides two-year extension for persons who held a provisional speech-language pathology certificate during 1998-1999 school year.
- ◆ Allows districts to leave mentor teacher position on residency committees unfilled if unable to find teacher willing to serve as mentor teacher (since no funds provided for mentor teacher stipends).
- ◆ Requires receiving district to notify resident district and parents of student of a cancellation of transfer by June 1 prior to beginning of school year.
- ◆ Allows persons 18 years of age or older to petition appropriate court for expungement of juvenile truancy records;
- ◆ Lowers truancy age from 16 to 12 years.
- ◆ Removes requirement for districts to report reductions of State Aid funding allocations to county clerk.
- ◆ Modifies definition of administrative services and delays applicability of allowable percentages until 2005-2006 school year.
- ◆ Prohibits reduction of a teacher's salary and fringe-benefit level from level provided the previous year unless duties or hours are reduced; provides for reduction of State Aid in amount willfully underpaid.
- ◆ Authorizes Virtual Internet School in Oklahoma Network (VISION) Coordinating Committee to enter into cooperative partnerships with private Oklahoma-based companies.
- ◆ Delays implementation of provisions created by HB 1759 (1999) until state funds are appropriated, but allows districts to use private, local, or federal funds for implementation of these programs.
- ◆ Adds school counselors and librarians to definition of teacher for purposes of National Board Certification program.
- ◆ Authorizes automatic waiver from developing and implementing an alternative education program for elementary districts that do not receive program funding.

- ◆ Transfers the Office of Accountability (along with personnel, positions, furniture, supplies and equipment) from the State Board of Education to the State Regents for Higher Education. Increases the Education Oversight Board's duties to include making recommendations to the Governor and Legislature on methods to achieve an aligned, seamless system from preschool through postsecondary education.  
Effective 8-29-03.

**COMMON EDUCATION (K-12) FUNDING**

For FY'03 common education experienced an 8.2 percent reduction in funds. While most grant programs were cut by 7.85 percent to reflect the shortfall in general revenue, the state aid formula which represents over 77 percent of districts' state funding was reduced by 9.5 percent. The higher reduction is a result of lower than expected corporate tax revenue and sales tax revenue in the Education Reform Revolving Fund. The Legislature appropriated an additional \$25.4 million to reduce the impact to 8.2 percent. Consequently, the state aid factor was cut by \$200.

Fiscal Year	Total State-Aid Factor WADM	Dollar Change	% Change in Total Amount
FY'90	\$1,883.40		
FY'91	\$1,953.80	\$70.40	3.7%
FY'92	\$2,085.60	\$131.80	6.7%
FY'93	\$2,160.80	\$75.20	3.6%
FY'94	\$2,241.40	\$80.60	3.7%
FY'95	\$2,269.20	\$27.80	1.2%
FY'96	\$2,295.20	\$26.00	1.1%
FY'97	\$2,358.40	\$63.20	2.8%
FY'98	\$2,385.40	\$27.00	1.1%
FY'99	\$2,437.60	\$52.20	2.2%
FY'00	\$2,504.80	\$67.20	2.8%
FY'01	\$2,578.40	\$73.60	2.9%
FY'02	\$2,673.20	\$94.80	3.7%
FY'03	\$2,472.80	-\$200.40	-7.5%

Note: Due to a revenue shortfall in FY'02, each district's total state aid was reduced by 3.8 percent.

This reduction is based on a weighted student basis. On a per student basis districts lost \$300/student. Additional appropriations provided for FY'04 will partially replace this cut.

For FY'04 common education was appropriated over \$1.95 billion in HB 1160 and HB 1162. This repre-

sents a 4 percent reduction from their original FY'03 appropriated budget and a 4 percent increase from their FY'03 actual revised budget. In order to ensure funding for the state aid formula, health insurance benefits and teachers' retirement, most grant programs were reduced from 20 percent to 55 percent. In some cases, programs were eliminated.

The State Department of Education's central operations budget was reduced by an additional \$410,715 and their FTE authorization was reduced by 16 FTE. (these numbers do not include the regional education service centers). This represents a total cut of 13 percent from their original FY'03 appropriated budget and a 4 percent cut from their revised FY'03 appropriated budget.

**The following education programs received increases or were maintained at their original FY'03 appropriation:**

- ◆ Textbook funding was maintained at \$33,000,000. The Legislature also provided districts the flexibility to utilize this funding for textbooks or general operations for the 2003-2004 school year;
- ◆ State Aid Formula funding was increased by \$80,402,183;
- ◆ Certified teacher's health insurance funding was increased by \$13,527,628. This ensures that the state will fund health insurance at the 58 percent level. Districts will fund the difference between the 58 percent provided by the state and 75 percent of the cost;
- ◆ Support staff health insurance funding was increased by \$9,483,311. This ensures 100 percent health care coverage for support employees electing health care coverage;
- ◆ Teacher retirement offset credit funding was increased by \$4,447,161 to cover the unfunded portion in FY'03 and fully fund FY'04. This ensures all teachers will receive retirement credit for service provided;
- ◆ Education Leadership Oklahoma funding was increased by \$375,000 to provide the \$5,000 annual stipend to an additional 75 national board certified teachers for FY'04; and
- ◆ Testing funding was increased by \$113,000.
- ◆ The following education programs were maintained at a 7.85 percent budget cut level:
  - ✓ The Great Expectations professional development program;

- ✓ The School Lunch Matching Program;
- ✓ Adult Education Program;
- ✓ Early Intervention Program;
- ✓ Statewide Alternative Education program;
- ✓ Summer Arts Institute;
- ✓ Office of Accountability; and
- ✓ Oklahoma Ambassador of Teaching.

**The following programs were eliminated or were not funded, yielding a total savings of \$12,394,128 (savings are noted in parentheses):**

- ◆ 21 regional education service centers that provide psychometric services to school districts across the state (\$4,683,314);
  - ✓ Reduction-in-force of 91 people effective July 1, 2003
- ◆ Psychometric service contracts for five school districts were eliminated (\$776,811);
- ◆ Seven professional development centers that provide a variety of seminars and resource material throughout the year (\$568,569);
  - ✓ Possible reduction-in-force of seven people responsible for staffing the center.
- ◆ Mentor teacher stipends were not funded for 2003-2004 (\$908,758). This program provides up to \$500 to teachers who volunteered to be a mentor teacher to first year resident teachers. School districts may still utilize local and federal funds for this function;
- ◆ School lunch programs provided additional subsidies to districts over and above the national school lunch program. This amount was eliminated (\$2,582,183).
- ◆ Funding for Special Education Assistance Fund was not provided (\$1,036,648) for the 2003-2004 school year. This fund reimburses school districts for special education costs not covered by the federal government or state aid.
- ◆ Funding for the Homeward Bound Fund was not provided (\$1,044,686). This fund reimburses school districts for special education costs of children not residing in their district.

- ◆ Community education grants were not funded (\$437,850).
- ◆ Telecommunications grants to higher education institutions for on-line course development were not funded (\$355,309).

**The following programs were reduced between 15 and 54 percent for a total savings of \$14,730,048:**

◆ Full-day kindergarten,

- ◆ \$3,000 certified salary increase funding was reduced by \$6,198,826 due to an anticipated decrease in the number of teachers in districts for FY'04;
- ◆ Professional development funds disbursed to school districts based on their average daily attendance were reduced by 54 percent (\$2,326,945);
- ◆ Funds for reading sufficiency remediation were reduced by 19 percent (\$585,000);
- ◆ The Schools Attuned Professional Development Program was reduced by 15 percent (\$172,546);
- ◆ Advanced placement grants were reduced 54 percent (\$1,811,169);
- ◆ Alternative and High Challenge grants were reduced by 54 percent (\$761,072);
- ◆ Driver education funds were reduced by 58 percent (\$524,967);
- ◆ Parents as Teachers program grants were reduced by 54 percent (\$1,295,709);
- ◆ Small school cooperative grants and the small school incentive grants were reduced by 54 percent (\$376,444); and
- ◆ The Virtual Internet School in Oklahoma Network (VISION) program was reduced by 54 percent (\$677,370).

In addition to these actions the Legislature also provided superintendents the flexibility to move 25 percent of funds from one program to another for the 2003-2004 school year.

The Ad Valorem Reimbursement Fund, which reimburses school districts for lost ad valorem taxes due to state manufacturing exemptions, experienced a shortfall during FY'03. To ensure that every district was reimbursed for the loss of this funding, Senate Bill 201 transferred \$4.8 million from each of the common education and higher education gross production funds to the Ad Valorem Reimbursement Fund.

#### **HB 1767**

HB 1767 delayed implementation of programs created under HB 1759 passed during the 1999 legislative session. Programs delayed include:

- ◆ Continuing math education for teachers,
- ◆ Summer academies for students who do not meet grade level competencies in the 3rd grade,
- ◆ Increasing national board certification stipends from \$5,000 to \$7,000,
- ◆ Alternative education programs for elementary school students, and
- ◆ Additional counselors for school districts with a higher percentage of at-risk youth.

In addition to delaying programs created in HB 1759 (1999), the bill also included the following:

- ◆ Expanded the definition of administrative costs to include all directors, coordinators and anyone working in an administrative capacity and waived the penalties for two years;
- ◆ Created the School State Aid Funding Study Group which will review equity and adequacy issues in the State Aid formula;
- ◆ Created the Task Force on School District Administrative Reorganization or Consolidation which will review what savings may be realized by combining administrative duties and costs between districts or by consolidating;
- ◆ Authorized the State Department of Education to waive class-size requirements and required districts at 85 percent bonded capacity to list projects; and
- ◆ Lowered the age at which a youth may be charged with truancy in a court of law from 16 to 12.

Other provisions related to charter school renewals, transfers, teacher pay and the Education Leadership Oklahoma program were also included.

**CAREER & TECHNOLOGY EDUCATION  
MEASURES**

SB 628 (Fisher/Wells): Sets certification requirements for superintendent of a technology center school district. Modifies beginning and ending dates of terms for members of State Board of Career and Technology Education. Section 1 effective 7-1-03. Section 2 effective 8-31-03.

HB 1030 (Piatt/Robinson): Allows a board of education of a technology center school district to hold

meetings by videoconference and establishes requirements for such meetings. Effective 7-1-03.

HB 1068 (Miller/Rozell): Modifies membership, qualifications and terms of office for members of State Board of Career and Technology Education. Establishes orientation and continuing education requirements for Board members. Modifies certain Board procedures. Effective 8-29-03.

HB 1654 (Miller (Ray)/Rozell): Authorizes a technology center school district board to approve school building projects when the project is paid with state bond monies or both local levies and state bond monies. Effective 11-1-03.

**HIGHER EDUCATION MEASURES**

SB 520 (Robinson/Staggs): Creates the Oklahoma Tuition Equalization Grant (OTEG) Program. Contingent on the availability of funds in the OTEG Trust Fund, the program will award a \$2,000 grant per academic year to full-time undergraduate students who are Oklahoma residents with annual family income of not more than \$50,000 and attend a private institution of higher education in this state. Effective 7-1-03.

SB 596 (Leftwich/Lindley): Authorizes students who resided in this state for at least two years prior to graduation from a high school in this state to be eligible for resident tuition. Prohibits students that meet criteria from being disqualified on the basis of immigration status from scholarships or financial aid provided by the state. Requires such students without lawful immigration status to file affidavit that the student has filed or will file application to legalize immigration status at earliest opportunity the student is eligible to do so. Effective 8-29-03.

SB 787 (Monson/Nations): Requires students residing in on-campus housing to be vaccinated against meningococcal disease beginning with the 2004-05 school year. Requires students to be vaccinated against hepatitis B, measles, mumps, and rubella beginning with the 2004-05 school year. Provides exceptions. Effective 11-1-03.

HB 1123 (Greenwood/Dunlap): States legislative intent that public and private postsecondary institutions be prohibited from informing students or advertising that credits transfer to other institutions without a written agreement with the other institution. Effective 7-1-03.

HB 1151 (Smith (Dale)/Laster): Requires teacher preparation program competencies and district professional development programs to include class-

room management and student discipline components. Effective 7-1-03.

HB 1748 (Nations/Morgan): Expands authority of the State Regents to establish tuition rates and mandatory fees. Revises limits for resident tuition and fees at comprehensive universities to be less than the combined average of resident tuition and fees at public institution members of the Big Twelve Conference. Nonresident tuition and fees at comprehensive universities shall be less than 105 percent of the combined average of nonresident tuition and fees at public Big Twelve institutions. Resident tuition and fees at regional universities and two-year colleges are not to exceed the combined average of resident tuition and fees at like-type public institutions, as determined by the State Regents, to include at least the states adjacent to Oklahoma. Nonresident tuition and fees shall not exceed 105 percent of the combined average of nonresident tuition and fees at like-type public institutions, as determined by the State Regents, to include at least the states adjacent to Oklahoma. The limit for resident and nonresident tuition and fees for graduate and professional courses and programs is set at the combined average of tuition and fees for like-type programs of comparable quality and standing at public institutions as determined by the State Regents. Effective 3-28-03.

### **POSTSECONDARY EDUCATION FUNDING**

For FY'04 higher education received over \$767.8 million (SB 172). This represents a 9.83 percent reduction from their original FY'03 appropriation and a 2.9 percent reduction from their FY'03 revised allocation. Similar to common education, the State Regents will reduce funding for grant and higher education programs at a higher level to ensure full funding for scholarship programs.

SB 201 (Morgan/Mitchell): Directs the State Regents for Higher Education and the State Board of Education to transfer \$4.8 million from each of the following funds to the Ad Valorem Reimbursement Fund: The Higher Education Capital Revolving Fund, the Oklahoma Tuition Scholarship Revolving Fund and the Common Education Technology Fund. The funds must be expended to reimburse counties for school districts that claim a loss of revenue due to a five-year ad valorem tax exemption for a manufacturing facility. Effective 6-4-03.

### **ENERGY, ENVIRONMENT & UTILITIES MEASURES**

SB 149 (Morgan/Mitchell): Provides for the transfer of certain conservation district employees to the Oklahoma Conservation Commission and addresses benefits of such employees. Effective 7-1-2003.

SB 150 (Morgan/Mitchell): Modifies procedures for distributing funds received under the Federal Water Pollution Control Act by requiring the Secretary of Environment to consult with the Secretary of Agriculture in determining which agencies are qualified to receive the funds. Requires the Secretary of Environment to submit an annual report to the Senate and House detailing the disbursement of these funds. Effective 7-1-03.

SB 288 (Gumm/Roan): Creates a moratorium on the issuance of temporary water permits that would lead to any municipal or public water supply use of groundwater from a sensitive sole source groundwater basin. The moratorium will remain in effect until the Oklahoma Water Resources Board completes a hydrological study and approves a maximum annual yield that will ensure any permits for removal of water from the area will not reduce the natural flow of water from streams or springs emanating from the basin. Effective 8-29-03.

SB 408 (Easley/Hutchison): As a result of an audit conducted by the State Auditor and Inspector, this bill attempts to tighten the policies and procedures of the Grand River Dam Authority by requiring the Board of Directors to promulgate rules under the Administrative Procedures Act and increase documentation of all agency expenditures. The bill terminates the current Board of Directors and replaces its members with seven new appointees. The bill clarifies that GRDA is authorized to expend monies within the communities in its district to support economic development and community improvement projects. SB 408 limits the retail sales of GRDA to its current customers and the area within a two-mile radius of the Mid-America Industrial Park. The bill authorizes marina owners to dispense fuel without an attendant on duty and prohibits municipalities from annexing property within 1,000 feet of the high water mark of any bodies of water under the control of GRDA without prior approval of the Board of Directors. Lake Patrol employees are authorized to transfer, at their own expense, to the Oklahoma Law Enforcement Retirement System from the Oklahoma Public Employees Retirement System. Three different studies of the Grand Lake watershed area were created in SB 408 with partial funding from GRDA. The bill also repeals the current Grand River Dam Authority Lakes Advisory Commission. Effective 8-29-03.

SB 444 (Morgan/Rice): Modifies current statutes governing mining permits to allow mining permits to be transferred to new owners or operators provided



that all conditions and obligations will be met by the new owners or operators. Effective 3-31-03.

SB 546 (Capps/Bonny): Sets out the procedures for controlled burning for the purpose of municipal fire training. The procedures were agreed to with input from the Oklahoma Municipal League and the Department of Environmental Quality. Effective 11-01-03.

SB 547 (Nichols/Nations): Modifies appointment of the state climatologist. Requires the Oklahoma Climatological Survey to maintain and operate the Oklahoma Mesonet. Effective 5-12-03.

SB 606 (Easley/Rice): Increases the pesticide registration fee and requires a portion of the fees collected to be dedicated for conducting programs for unwanted pesticide disposal. Requires notification of a prescribed burn be given to landowners with adjoining land within one mile of the proposed burn. Effective 8-29-03.

HB 1019 (Leist/Easley): A request bill by the Department of Environmental Quality, the measure clarifies several issues including modifying the definition of "waters of the state" to state that waste treatment systems and prior converted cropland are not considered waters of the state. To make our statutes agree with language used by the federal government, terminology relating to the "accreditation" of laboratories was amended. The bill also modifies a statute relating to the Air Quality Advisory Council by clarifying that enforcement hearings will be held before an Administrative Law Judge of the Department rather than the Advisory Council. The bill removes outdated statutes relating to the Oklahoma Landfill Closure Authority which has never been an active entity. Effective 4-22-03.

HB 1051 (Pope/Price): Amends the Oklahoma Carbon Sequestration Enhancement Act by adding language to enhance the opportunity for oil and gas well operators and mineral owners to participate in carbon dioxide emissions marketing by the capturing and sequestration of carbon dioxide emissions through carbon dioxide injection in marginal or abandoned oil or gas wells. The bill adds the Director of the Oklahoma Climatological Survey to the Carbon Sequestration Advisory Committee. Effective 5-20-03.

HB 1214 (Mitchell/Morgan): Deletes the statutory fees for permits, inspections, examinations and special assessments required of persons registered or regulated by the Oklahoma Liquefied Petroleum Gas Board and authorizes the Board to establish these fees. Creates a revolving fund for the Board and provides for the annual transfer of 20 percent of all fees collected to the General Revenue Fund. Effective 6-5-03.

HB 1422 (Roan/Gumm): Updates statutory references in the Scenic Rivers Act, and clarifies that public construction contracts executed by port authorities shall be subject to the Public Competitive Bidding Act of 1974. Effective 5-28-03.

HB 1569 (Morgan, Danny/Crutchfield): This oil and gas related measure makes it unlawful to locate any

habitable structure within a radius of 125 feet of an active well or 50 feet from the center of any surface equipment necessary for the operation of an active well. Alternative setback agreements may be made between operators and surface owners under the provisions of this act. Effective 7-1-03.

HB 1592 (Pope/Price): Modifies the Oklahoma Underground Facilities Damages Prevention Act by expanding the facility operators that are required to participate in the Oklahoma One-Call System. (The System receives notification of planned excavation and demolition in specific areas from excavators and disseminates this information to underground facility operators.) Municipalities are not required to participate in the System but may elect to do so. Municipalities that do not participate in the System are required to designate a person to be available 24 hours a day for seven days a week to provide information concerning the municipality's underground facilities. Nonparticipating municipalities will have 48 hours to locate and mark underground facilities upon notification of the designated person by an excavator. Effective 11-1-03.

HB 1705 (Case/Reynolds): Amends current statutes governing alternative-fueled school and government vehicles by limiting the requirement to use alternative fuel only when a fill station or charge station is in operation within a five-mile radius of the entity and the price of alternative fuel is comparable to the price of fuel being displaced. Effective 11-01-03.

### **ENVIRONMENT FUNDING**

The Legislature dedicated \$1 million to the implementation of the sixth year of the Beneficial Use Monitoring Program (BUMP). The program is designed to provide a comprehensive monitoring effort to protect the quality of the state's water resources. (SB 154)

HB 1208 appropriated \$5,928,921 to the Department of Environmental Quality (DEQ), a 20.5 percent cut from their original FY'03 appropriated budget and a 13.8 percent cut from their revised FY'03 allocation. Like other agencies, the DEQ will manage the reduction by targeting administrative costs, travel expenses, vehicle purchases and reducing other programs and services. The goal is to reduce the impact on field services provided by the agencies.

SB 155 (Morgan/Mitchell): Makes the following changes with respect to the Rural Economic Action Plan Water Projects Fund:

- ◆ Changes the expenditure authority for FY 04 to \$535,000 (from \$1.1 million in FY 03);
- ◆ Requires a transfer of \$160,000 from the fund to the Oklahoma Conservation Commission for matching EPA federal funds;
- ◆ Requires two transfers of \$500,000 each from the fund to other Conservation Commission funds for matching federal funds;
- ◆ Requires a transfer of \$100,000 from the fund to the Conservation Commission for conservation district operations;
- ◆ Allows the Water Resources Board to spend \$118,000 for certain purposes; and
- ◆ Allows the fund to be used for any purpose authorized by law.

Effective 7-1-03.

### **CONSERVATION COMMISSION FUNDING**

The Conservation Commission was appropriated \$6,220,557 in SB 148. This represents a 14.6 percent reduction from their original FY'03 appropriation and a 7.4 percent reduction from their revised FY'03 allocation. To manage the reduction the agency is targeting administrative costs, travel expenses, vehicle purchases and specific programs. The goal was to reduce the impact on field services provided by the Department.

The Legislature funded the Conservation Commission's cost-share program at \$500,000. The program will fund locally led animal waste management, water quality and soil conservation priorities throughout the state to address nonpoint source pollution.

The Legislature also provided funding for two requests from local Conservation Districts, replacing a federal budget cut and an increase in liability insurance. Funding used for the salaries of district employees, \$175,000, was cut by the federal government and replaced by the Legislature. The liability insurance for the local district offices has increased over 100 percent; the Legislature provided \$100,000 to help defray the cost of the coverage.

The Legislature appropriated \$500,000 to match federal funds made available to rehabilitate upstream flood control structures throughout the state. Out of the total 10,500 watershed structures in the United States, Oklahoma maintains 2,100 or 20 percent of the total number. Many of these structures will require rehabilitation and repair as

they reach the end of their usable life within the next five years.

Funds were also made available to match federal funds for nonpoint source pollution implementation programs at Lake Wister, Fort Cobb, and Stillwater Creek.

<b>GOVERNMENT MEASURES</b> <b>(COUNTY, MUNICIPAL, LOCAL)</b>
---

SB 3 (Leftwich/Nance): Changes the date of the Presidential Preferential Primary to the first Tuesday in February. Effective 11-1-03.

SB 213 (Helton/Kirby): Provides for specific tax warrants against separate lots that were abated. Also clarifies that property of any religious organization used primarily for religious purposes is excluded from a business improvement district. Effective 6-6-03.

SB 237 (Leftwich/Paulk): States that the board of county commissioners may bill the school districts which request improvements on their school grounds. Effective 11-1-03.

SB 260 (Leftwich/Boren): Modifies the dates of the filing period, the primary election and the runoff primary election. Effective 8-29-03.

SB 272 (Capps/Covey): Adds prohibition for re-writes on insurance on property located in rural fire protection districts. Effective 11-1-03.

SB 274 (Crutchfield/Turner): Addresses annexation. Requires a specific plan to include water, sewer, fire protection and law enforcement services and the cost of these services to the proposed annexed territory be provided within 120 months. Requires notification by certified mail to every person who owns a parcel of land of five acres or more used for agricultural purposes. Effective 7-1-03.

SB 279 (Ford/Vaughn): Authorizes a municipal government to grant specific use permits after notice and a hearing and preliminary review and recommendation of a municipal planning commission, for a specific use within any zoning district. Effective 11-1-03.

SB 436 (Laughlin/Nance): Authorizes sheriffs to enter into private contracts to collect outstanding warrants. Effective 7-1-03.

SB 531 (Littlefield/Roberts): Authorizes the board of county commissioners to make certain improvements to construct, repair or maintain any streets of a municipality with a population of less than 15,000 if the county has passed a sales tax with the proceeds earmarked to construct, improve, repair or maintain any of the streets or roadways of the county. Effective 6-4-03.

SB 534 (Crutchfield/Taylor): Authorizes plats to be filed in digital electronic format. Provides penalty

for failure to complete sheriff's administrative school. Provides for forfeiture of cash deposits to the county general fund after ten years if a lien claimant has failed to file a foreclosure action or the deposits have not been withdrawn by the depositing party. Specifies membership of a county jail trust. Removes duty of county treasurer to forward and record information related to personal tax warrants. Effective 11-1-03.

SJR 12 (Monson/Pope): Refers to a vote of the people a constitutional amendment authorizing cities, towns or counties to apportion certain tax and fee revenues prospectively beyond the current fiscal year.

HB 1072 (Hutchison/Littlefield): Relates to municipal jurisdiction over real property. For municipalities over 350,000 in population, the municipality shall have jurisdiction over any real property belonging to the municipality. Effective 11-1-03.

HB 1089 (Peterson/Smith): Modifies the conditions for municipalities of disposing of unclaimed personal property or money. Effective 11-1-03.

HB 1118 (Nations/Crutchfield): Clarifies requirement for municipalities to adopt a budget. Effective 4-7-03.

HB 1139 (Gilbert/Horner): Authorizes the board of county commissioners in counties of more than 500,000 to determine a curfew for juveniles that will apply to all unincorporated areas of the county. Effective 11-1-03.

HB 1145 (Gilbert/Horner): Authorizes the board of county commissioners in counties of more than 500,000 to employ a physician to provide medical services for indigent patients and adult and juvenile offenders. Effective 11-1-03.

HB 1149 (Miller/Corn): Relates to the general powers of the county commissioners. Allows county equipment, labor and supplies to be utilized by two-year colleges and technical branches of colleges that are members of the Oklahoma State System of Higher Education. Effective 11-1-03.

HB 1279 (Hutchison/Kerr): Expands the public entities required to purchase prison industry goods if the article or service is the lowest and best bid. Effective 4-10-03.

HB 1412 (Pettigrew/Reynolds): Prohibits absentee ballots from being notarized by any person whose name appears on the ballot as a candidate. Requires information on voter fraud be posted at every precinct. Effective 11-1-03.

<b>GOVERNMENT MEASURES (STATE)</b>
------------------------------------

SB 19 (Shurden/Leist): Makes the creation of the Governor's cabinet optional instead of mandatory. Effective 5-7-03.

SB 175 (Morgan/Mitchell): Relates to the State Election Board. Amends the annual salary schedule of county election board secretaries. Effective 4-30-03.

SB 192 (Morgan/Mitchell): Relates to the State Election Board. Creates the State Election Board Election System Revolving Fund which shall consist of monies received from federal payments and the State Election Board Help America Vote Act Revolving Fund which shall consist of monies received from federal grants. Effective 4-30-03.

SB 246 (Leftwich/Paulk): Gives the Director of Central Services the authority to promulgate rules to prequalify bonding and surety companies that provide bonds for state government projects. Effective 7-1-03.

SB 247 (Robinson/Staggs): Authorizes any agency of the state engaged in scientific research or community development to purchase postage stamps to pursue the research or development. Effective 11-1-03.

SB 358 (Leftwich/Hefner): Election Board changes:

- ◆ Changes the beginning date of a party formation period in even-numbered years to June 15 and changes the deadline to file petitions for new political party recognition;
- ◆ Authorizes the Secretary of the State Election Board to hire county election board personnel when there is a vacancy in the office of the secretary;
- ◆ Caps the salary of the assistant county election board secretary;
- ◆ Authorizes county election board secretaries to hire additional personnel;
- ◆ Adds spouses and dependents in the state Address Confidentiality Program;
- ◆ Authorizes military and overseas personnel to cast absentee ballots in a runoff primary and for those ballots to be counted if they are received up to 14 days after the election;
- ◆ Contains several measures aimed at curbing abuse in absentee ballots;

- ◆ Authorizes absentee ballots to be delivered to incapacitated voters in nursing homes on the Thursday before an election;
- ◆ Limits the in-person absentee ballot voting period to state and federal elections;
- ◆ Conforms language used in the federal Uniformed and Overseas Absentee Voting Act;
- ◆ Allows overseas and military absentee ballots for federal elections to be transmitted by facsimile or by private mail service;
- ◆ Authorizes Secretary of State Election Board to establish procedures enabling military personnel to vote absentee after election day;
- ◆ Changes the date of the filing period for candidates in the Presidential Preferential Primary Election.  
Effective 8-29-03.

SB 395 (Dunlap/Winchester): Relates to open meetings and open records. Adds permissible purpose for executive sessions and authorizing certain information to be kept confidential. Effective 5-5-03.

SB 437 (Rabon/Pope): Allows state agencies to electronically notify interested persons of proposed administrative rule changes in lieu of mailing copies. Proposed rules and impact statements would be available on agency web sites, and no charge would be imposed for downloading or printing the proposed rule or impact statement. Effective 5-28-03.

SB 646 (Corn/Wilson): Removes the requirement that the state submit justification forms with requisitions and transfers the justification language to resulting contract. Clarifies that the State Purchasing Director may enter into multi-state and multi-governmental contracts and allows the director to accept levies, fees, and rebates the contract offers. Effective 8-29-03.

SB 675 (Leftwich/Braddock): Deletes the requirement for the minimum number of positions in the Governor's cabinet and modifies certain cabinet secretaries' positions. Effective 8-29-03.

SB 793 (Morgan/Paulk): Reinstates the structure of certain boards and commissions that were changed inadvertently in SB 396 which was passed by the Legislature in 2002. SB 396 was intended to provide guidance in making appointments in the transition from six congressional districts to five for some of the boards and commissions that had

membership requirements related to congressional districts. Effective 5-20-03.

HB 1001 (Hilliard/Crutchfield): Provides for a withdrawal in an election of a deceased person as a candidate by a special administrator of the deceased candidate. Effective 11-1-03.

HB 1007 (Pettigrew/Monson): Authorizes the Department of Central Services to display certain flags at the south plaza entrance of the State Capitol at the direction of the Governor. Effective 11-1-03.

HB 1115 (Nations/Rabon): Relates to the Oklahoma Privatization of State Functions Act. Requires a cost analysis and report prior to privatization of state functions and adds requirements of agencies prior to entering into a contract to privatize a state function. Effective 11-1-03.

HB 1171 (Mitchell/Morgan): Clean-up bill for the Department of Central Services. It also creates the "Friends of the Capitol" not-for-profit corporation for the benefit of the Oklahoma Capitol and surrounding areas. Effective 7-1-03.

HB 1280 (Hutchison/Kerr): Relates to the Central Purchasing Act and relates to excluded acquisitions. Exempts the Oklahoma Correctional Industries and Agri-Services of the Department of Corrections acquisitions of raw materials, component parts and other products used to produce goods or services for resale and for the production of agricultural products. Effective 11-1-03.

HB 1329 (Perry/Coffee): Enacts the Oklahoma Online Bidding Act. Effective 7-1-03.

HB 1393 (Reynolds/Aldridge): Expands the duties of the Director of the Department of Central Services to include a requirement to verify that potential suppliers are eligible to do business with the state, prior to the award of a contract. Effective 11-1-03.

HB 1556 (McIntyre/Monson): Relates to the Oklahoma Commission on the Status of Women. Modifies the appointment process, creates the Oklahoma Commission on the Status of Women Revolving Fund, and directs the Office of Personnel Management to provide staff support to the Commission. Effective 7-1-03.

HB 1816 (Toure/Smith): Amends, merges, consolidates and repeals duplicate sections of law. Effective 3-19-03.

### **GOVERNMENT MEASURES FUNDING (STATE)**

SB 138 contained two appropriations for agencies governed by the Appropriations Subcommittee on

General Government and Transportation. First, the Office of State Finance received \$7,000,000 from the Special Cash Fund to continue the implementation of its CORE project, a statewide business computer system that will enhance the delivery of state services to include: web interfaces, financial tracking, the licensing process and a more integrated human resources management capability. Second, the Governor's Emergency Fund was allotted \$4,000,000 from the Special Cash Fund to pay toward the state's share of four federally declared disasters dating back to the December 2000 ice storm. The remaining debt is \$21.02 million.

### **HOMELAND SECURITY MEASURES**

HB 1099 (Rice/Wilkerson): Requires the Health Department, contingent upon first responders vaccination program federal funding, to offer a vaccination program for first responder infectious disease exposures, including educational awareness and contracting for administration. Requires first responders classified as having occupational exposure to blood borne pathogens to take the designated vaccinations unless medically or religiously contraindicated. Effective 5-27-03.

HB 1146 (Balkman/Horner): Authorizes any state environmental agency or public utility to keep confidential vulnerability assessments of critical assets in both water and wastewater systems. Effective 5-5-03.

HB 1313 (Paulk/Wilkerson): Addresses bombs, explosives, and hazardous materials. Railroads, railway cars, and locomotives are added to crimes relating to placing explosive devices. The definition of explosives is enhanced to cover any item that functions as an explosive. It criminalizes possession, manufacturing and storing of explosive materials. A bomb squad unit is created within the Highway Patrol Division. Interagency agreements are authorized for investigation of explosives and criminal activity. The regulatory jurisdiction of the Department of Public Safety relating to explosive devices is expanded. Canine teams and bomb dogs are regulated by CLEET. The Drug Dog Advisory Council and the Bomb Dog Advisory Council are created to set standards on canine teams. Fees are established for canine teams. Effective 7-1-03.

HB 1467 (Paulk/Monson): Enacts the Catastrophic Health Emergency Powers Act. Creates Oklahoma Catastrophic Health Emergency Planning Task Force that is to develop a plan by December 31, 2004 for responding to catastrophic health emergencies. Requires health care providers, veterinarians, and pharmacists to report trends or illnesses that indicate a possible pending catastrophic health

emergency. Defines catastrophic health emergency. States procedures for declaration of catastrophic health emergency by Governor and activation of state, local, and interjurisdictional disaster emergency plans. States powers and duties of Governor and public health authority during catastrophic health emergency, including powers to quarantine, take possession of medical supplies and property, and transfer funds to meet emergency needs. Effective 8-29-03.

HB 1512 (Paulk/Littlefield): Enacts the Oklahoma Emergency Management Act of 2003. Renames Oklahoma Department of Civil Emergency Management to be the Oklahoma Department of Emergency Management. Makes the director of the Department the chief advisor to the Governor on emergency management. Updates the emergency management procedures and responsibilities to include natural and man-made disasters, including acts of war, terrorism, chemical spills and power shortages. Modifies the list of persons who may assume office of governor if the governor is unavailable by removing the Secretary of State and members of the State Highway Commission and adding the Superintendent of Public Instruction and the members of the Corporation Commission. Requires incorporated jurisdictions and county jurisdictions to develop local emergency management programs. States minimum qualifications of local emergency management directors. Effective 5-29-03.

### **HEALTH MEASURES**

SB 338 (Robinson/Eddins): Requires the State Department of Health to report to the Oklahoma Health Care Authority on nursing services provided to Children First Program families for federal Medicaid matching funds purposes. Effective 11-1-03.

SB 340 (Robinson/Lindley): Makes unlawful and establishes penalties for committing fraudulent acts with regard to birth, death or stillbirth certificates. Amends medical micropigmentation provisions in law related to level of supervision, requisite hours of instruction, and establishment of training program standards, certification by reciprocity, and training and certification program offerings. Effective 11-1-03.

SB 561 (Cain/Rice): Allows physical therapists to provide physical therapy services to children without a physician referral, pursuant to the Individuals with Disabilities Education Act of 1997 and the Rehabilitation Act of 1973. Effective 11-1-03.

SB 586 (Harrison/Staggs): Expands the types of documents acceptable as evidence of the organ donation wishes of a deceased person to also include a

donor card, a state identification card, and an on-line or other organ donor enrollment registry form. Allows a minor, with parental/legal guardian consent, to declare donor intent only, until such time as the minor turns 18 years old, and such donor registration constitutes legal consent. Establishes a confidential Life Share Donor Registry of information received via various donor designation documents, and specifies its purpose and administration procedures. Effective 5-5-03.

SB 588 (Cain/Gilbert): Expands to 25 the number of members on the Task Force on the Promotion of Children's Health by adding 7 additional categories of representatives. Effective 5-7-03.

SB 591 (Lawler/Askins): Clarifies and establishes a hospice inpatient facility as a facility of a licensed hospice program, with twelve or fewer beds. Expands powers of the State Department of Health to include establishing and enforcing: 1) hospice inpatient facility construction standards and other requirements in compliance with specified Medicare regulations, and 2) facility construction plan review fees. Requires an initial application for a hospice program to provide location and proposed construction drawings for any hospice inpatient facility operated by a hospice program, and prohibits a hospice program from operating more than one hospice inpatient facility. Modifies licensure provisions to require compliance with patient occupancy requirements. Provides for 100 percent fee increases for hospice initial application, initial license and renewal license. Effective 11-1-03.

SB 620 (Monson/Askins): Allows the State Commissioner of Health to establish and enforce verification of hospital or ambulatory surgery center revenues for purposes of monitoring compliance with facility contributions for uncompensated care. Provides that fees collected shall be based on a facility's net annual revenues, not gross, and shall be deposited into the Trauma Care Assistance Revolving Fund. Effective 11-1-03.

SB 621 (Monson/Winchester): Provides that monies used to provide trauma and emergency care services to Medicaid eligible patients, for which the state subsequently establishes federal matching fund requirements, shall also be reimbursed to eligible trauma facilities and licensed ambulance services. Establishes until July 1, 2004, the Task Force on Hospital Emergency Services and Trauma Care to study and assess data on the availability and delivery of hospital emergency services and trauma care. Effective 6-3-03.

SB 629 (Fisher/Adair): Creates the Affordable Access to Health Care Act for purposes of improving the availability of health care services; lowering the



cost of medical liability insurance; ensuring fair and adequate compensation for health care claims; and improving the cost-effectiveness of this state's current medical liability system. Specifically, this measure:

- ◆ Caps non-economic damages at \$300,000 for obstetric cases and for cases that initiate in the emergency room;

- ◆ Exempts from damage cap wrongful death actions and cases where judge finds out of the presence of jury that clear and convincing evidence of negligence exists;
- ◆ Requires plaintiff in medical liability action to obtain a written opinion from a qualified expert stating the acts or omissions of a health care provider constitute professional negligence;
- ◆ Requires plaintiff to provide opinion to defendant upon request;
- ◆ Reduces prejudgment interest rate by four percent;
- ◆ Relieves defendants from responsibility for plaintiffs' attorney fees in certain nursing home actions;
- ◆ Requires plaintiff to provide defendant with authorization for release of medical records for five years prior to the incident at issue in the lawsuit;
- ◆ Requires the court to admit evidence of payments made to the plaintiff from collateral sources unless the court determines that the payment is subject to subrogation or other right of recovery;
- ◆ Requires insurers to file a certain closed claim report within a certain time in which a claim for recovery under a medical professional liability insurance policy is closed (reports shall include but not be limited to: whether a lawsuit was filed, whether attorneys were involved, number of defendants, amount paid on claim, any appeal and amount paid for defense costs);
- ◆ Requires Insurance Commissioner to prepare a composite summary report of closed claim reports and make such summary available to the public; and
- ◆ Authorizes a policyholder to request a hearing to determine whether a requested rate change by an insurer is appropriate.

Effective 7-1-03.

SB 634 (Cain/Balkman): Clarifies language related to the dated signature of a mental health or drug or alcohol abuse patient's authorized representative as an element of a valid written release for disclosure of treatment information. Amends the definition of an approved treatment facility to exclude licensure by the State Department of Health as a condition of approval and deletes obsolete language related to

the offering of alcohol and drug treatment courses by specified facilities. Effective 5-7-03.

SB 635 (Monson/Cox): Creates the Health Maintenance Organization (HMO) Act of 2003 and the Risk-based Capital (RBC) for Health Maintenance Organizations Act of 2003 to strengthen financial and quality assurance standards for HMOs and to clarify the regulatory roles of the Insurance Commissioner and State Commissioner of Health regarding licensure and enforcement. Effective 11-1-03.

SB 674 (Cain/Braddock): Amends the Inpatient Mental Health and Substance Abuse Treatment of Minors Act with regard to: 1) documentation of inclusion of a minor's parent or legal custodian in development of the individualized treatment plan; 2) inclusion of a licensed behavioral practitioner and an advanced practice nurse in the definition of a licensed mental health professional; 3) changing the term "prescreening" to "medical necessity review" and including a new definition for the term "pre-hearing detention order"; 4) procedures for admitting a minor in custody to inpatient mental health or substance abuse treatment; and 5) procedures for emergency detention of a minor 16 years of age or older who objects to admission or revokes consent to treatment and subsequent review hearings. Effective 11-1-03.

SB 678 (Williams/McCarter): Makes providing false information regarding a criminal conviction on the uniform nurse aide employment application a misdemeanor, punishable by a \$500 fine and/or one year imprisonment in the county jail. Directs the State Department of Health to include the provision on the uniform employment application. Effective 5-29-03.

SB 680 (Cain/Toure): Creates until July 1, 2006, the Oklahoma Task Force to Eliminate Health Disparities. Its purpose is to assist the State Department of Health in developing strategies to eliminate health and health access disparities among Oklahoma's multicultural, disadvantaged and regional populations in such health areas as cardiovascular disease, infant mortality, diabetes, cancer and adult and child immunizations. The 12-member Task Force is to convene no later than September 1, 2003 and will make annual progress reports. Effective 8-29-03.

SB 686 (Smith/McIntyre): Amends the Community Hospitals Authority Act to prohibit supplanting of state Medicaid program appropriated funding, to allow state appropriations, to ensure that all hospitals providing indigent care are included in any subsequently enacted state program to reimburse indigent care hospitals, to expand the composition of the Community Hospitals Authority, to remove the Authority's power and duty to appoint an execu-

tive director, and to allow the Authority to employ personnel. Effective 11-1-03.

SB 785 (Monson/Toure): Directs the State Commissioner of Health to convene a task force to make recommendations for increasing awareness, knowledge and understanding of Hepatitis C in this state. Effective 8-29-03.

SB 830 (Cain/Leist): Directs the Oklahoma Health Care Authority to participate, under specific conditions, in the purchase of pharmaceuticals available through a multistate or multigovernmental contract entered into by the State Purchasing Director. Exempts such purchases from the Oklahoma Central Purchasing Act. Updates several antiquated position titles. Effective 5-23-03.

HB 1017 (Leist/Robinson): Addresses provisions in law governing criminal history records of community and Medicaid personal care services providers. Requires concurrence of the Chief Executive Officer of the Oklahoma Health Care Authority on any waivers of these provisions granted by the Director of the Department of Human Services. Requires the Department of Human Services to disclose registry information, criminal records and related inspections to the Oklahoma Health Care Authority upon its request. The act establishes a health maintenance organization (HMO) quality assurance assessment fee and related procedures, including alternative provisions for HMOs to create stand alone managed care organizations. Effective 3-18-03.

HB 1063 (Gilbert/Robinson): Amends the Inpatient Mental Health and Substance Abuse Treatment of Minors Act and the Mental Health Law to clarify that a licensed mental health professional includes a physician who has received specific training for and is experienced in performing mental health therapeutic, diagnostic or counseling functions. Limits conditions under which a person in need of inpatient mental health treatment or care may be admitted to and confined in a facility within the Department of Mental Health and Substance Abuse Services, a state psychiatric hospital, or a licensed private institution. Effective 8-29-03.

HB 1103 (Gilbert/Robinson): Requires mental health providers to inform a person with a mental illness of the right to designate a treatment advocate to act in the patient's best interest and to participate in the patient's treatment and discharge planning. Requires the Board of Mental Health and Substance Abuse Services to promulgate rules pertaining to the act's provisions. Effective 5-7-03.

HB 1190 (Nations/Hobson): Authorizes/directs the Department of Mental Health and Substance Abuse Services to place/transfer all real property held by or for the Department's benefit into a Department created trust, with the assistance of the Department of Central Services and the Commissioners of the

Land Office. Amends related sections in the Mental Health Law related to land, personal property, easements, rights-of-ways and leases, and exempts the Department from prohibitions in Title 60 regarding absolute power of alienation of real and personal property. Effective 11-1-03.

HB 1266 (Balkman/Cain): Addresses a variety of issues and procedures in the Mental Health Law related to involuntary commitment, provisions related to confidentiality of patient treatment information, patient transport responsibilities of sheriffs and peace officers, the listing of Departmental facilities, regulation of residential care homes that operate as mental health programs, eligible behavioral services provider contractors, alcohol and drug substance abuse course certification, enrollment fees for alcohol and drug substance abuse courses, opioid substitution treatment programs, and emergency detention. Effective 4-8-03.

HB 1268 (Gilbert/Cain): Grants a six-month extension for implementation of a pilot program to transfer unused prescription drugs from nursing facilities to pharmacies operated by city-county health departments or county pharmacies for the purpose of distributing such medications to the medically indigent. Requires promulgated rules to include authorization for the use of any remaining medications. Effective 5-5-03.

HB 1442 (Stanley/Shurden): Addresses notification requirements for nursing facility owners regarding events affecting the financial stability of the facility by deleting requirements related to operational financial resource capacity and adding a provision related to the filing of a petition seeking appointment of a receiver for a facility. Requires nursing facilities to report to the State Department of Health within 24 hours and to mail a written report within five working days of certain serious incidents involving residents. The act clarifies provisions related to employment and registry placement of nurse aides and requires a fiscal impact analysis of the nurse aide registry placement eligibility provisions contained in the act. Under the act, certified medication aides are eligible to distribute medication within a nursing facility upon successful completion of competency standards. Effective 6-6-03.

HB 1611 (Wilt/Coffee): Modifies form for Advance Directives for Health Care to allow declarants to initial rather than sign the form. Effective 11-1-03.

HB 1713 (Benge/Robinson): Creates the Oklahoma Community Hospitals Public Trust Authorities Act to achieve maximum utilization and efficient administration in the delivery of health care services by hospital districts. Creates the Medicaid Payment Reimbursement (Revolving) Fund for services to

Medicaid beneficiaries residing within or receiving services within the boundaries of the community hospitals public trust. Effective 6-7-03.

### **HUMAN SERVICES MEASURES**

SB 564 (Gumm/Roggow): Establishes National Children's Alliance accreditation as an alternative method of determining functionality for a multidisciplinary child abuse team. Effective 11-1-03.

SB 589 (Rabon/Roan): Expands definitions under the Oklahoma Surplus Property Act to include multipurpose senior citizen centers, thus making such centers eligible to receive state surplus property. Effective 7-1-03.

SB 602 (Robinson/Leist): Exempts residential mental health facilities operated by the Department of Mental Health and Substance Abuse Services from the provisions of the Residential Care Act. Effective 11-1-03.

SB 614 (Wilkerson/Paulk): Exempts group homes located outside of the corporate limits of a municipality from limitations on placement of new group homes. Effective 11-1-03.

SB 658 (Robinson/Nations): Clarifies prohibitions on a caregiver's receiving anything of value greater than One Dollar from a person in the caregiver's care by providing that a group of individuals may establish and operate an employee recognition program consisting of voluntary, anonymous and confidential donations. Effective 11-1-03.

SB 688 Price/Covey: Excludes juvenile facilities from the distance prohibition for private prisons in relation to school locations. Effective 5-29-03.

SB 742 (Morgan/Braddock): Appoints a Court Appointed Special Advocate (CASA) as juvenile officer and specifies additional conditions based on county size. Allows participation by such entities in all county employee benefit programs and requires CASAs to reimburse counties for the cost of such participation. Also allows counties to provide office space and makes CASAs responsible for all other expenses of the CASA program. Removes CASA from the child permanency hearing process and allows a CASA instead to submit additional information for court review. Effective 11-1-03.

SB 750 (Cain/Gilbert): Expands the membership of the Strategic Planning Committee on the Olmstead Decision to include consumers of disability services, and allows inclusion of additional voting members. Effective 4-10-03.

HB 1323 (Tibbs/Cain): Amends Protective Services for Vulnerable Adults Act provisions related to reporting of abuse, neglect or exploitation of a vulnerable adult. Addresses to whom a report shall be

made, by whom and how information is to be reported or may be excluded, and notification of the Department of Human Services (DHS) of an investigation by local law enforcement. Requires health care providers reporting suspected vulnerable adult abuse, neglect or exploitation to disclose case-related health information and examination records to DHS or local law enforcement if the vulnerable adult agrees or, if incapacitated, certain conditions warrant disclosure; provided, disclosure is not required if specifically prohibited by federal law. DHS and local law enforcement are to forward investigative findings to the county district attorney. The act requires DHS to submit case-related records and notes, upon request, to local law enforcement and any state agencies with concurrent jurisdiction in the case. Effective 6-5-03.

HB 1415 (Staggs/Crutchfield): Modifies staffing categories and administrative procedures for the Oklahoma School for the Blind and the Oklahoma School for the Deaf. Effective 7-1-03.

HB 1681 (Blackburn/Cain): Requires the Department of Human Services (DHS) to send findings pursuant to its investigation of a report of vulnerable adult abuse, neglect or exploitation to: 1) any state agency with concurrent jurisdiction over persons or issues identified in the investigation; and 2) the Health Department and facility administrator with regard to a long-term care or other facility that is not the home of the vulnerable adult when abuse is suspected in such facility. Allows DHS to petition the court to gain entry to the premises of or private access to a vulnerable adult upon a finding of probable cause of vulnerability. Requires DHS to notify, only with a vulnerable adult's consent, the person's caretaker, legal guardian or next of kin of its investigation. Upon a finding of the need for protective services, the Department is required to provide for/arrange available protective services and the court may enter a decree freezing the assets of the vulnerable adult in the case of financial exploitation. Enacts additional provisions related to protecting the assets of a vulnerable adult from exploitation and enforcement of orders for court-authorized involuntary protective services. Effective 5-29-03.

### **HEALTH CARE AUTHORITY FUNDING**

The Oklahoma Health Care Authority (OHCA) base appropriation for FY'04 was allocated in SB 40. The agency, charged with administering the state's Medicaid program, received \$439,000,000. This is a 0.8 percent increase over the agency's original FY'03 appropriation and a 6.2 percent increase over its revised FY'03 appropriation. This still leaves OHCA approximately \$8,700,000 in state funds

short of its estimated need for FY'04. The agency plans to offset this shortfall in the following ways:

SB 610 mandates that all insurance companies provide information to OHCA which will allow the agency to assure that it is the payer of last resort for all health insurance claims. The agency estimates that this provision will generate \$4.7 million in savings next fiscal year.

- ◆ The agency also anticipates receiving a large infusion of one-time funding through the Jobs and Growth Tax Relief Reconciliation Act of 2003 once it is signed by President Bush. This act provides the state of Oklahoma approximately \$100 million in one-time support for the state's Medicaid program. OHCA will be the beneficiary of approximately \$71 million of these funds with agencies such as the Department of Human Services, the Department of Mental Health and Substance Abuse Services, the State Department of Health and the Office of Juvenile Affairs receiving the balance. The funds will be distributed over five quarters, retroactive to April 1, 2003, in the form of an increase in the federal match rate. The state anticipates receiving the first quarterly payment in July 2003. In addition to balancing its budget for FY'04, OHCA also anticipates restoring many of the benefit reductions that went into place in FY'03 and FY'02 due to the state's revenue failure.

### **PUBLIC HEALTH FUNDING**

The base appropriation for the State Department of Health will be \$53,649,633 (HB 1189). This is 16 percent less than the agency's original FY'03 appropriation and 9.7 percent less than its revised FY'03 appropriation. The State Board of Health chose to deal with this reduction by eliminating the Eldercare Program. Eldercare was a case management and referral program for senior citizens. Approximately \$1.7 million of the funds saved from the elimination of the \$6 million Eldercare Program are being transferred to the Department of Human Services to support the Advantage Waiver Program. The Advantage Program provides home health services to senior citizens. This program, unlike Eldercare, is qualified to receive federal matching funds. Enough state funds were transferred to assure that the same amount of money will be spent on services for senior citizens in FY'04 as in FY'03 once the federal funds are drawn down (\$6 million).

### **MENTAL HEALTH & SUBSTANCE ABUSE FUNDING**

The Department of Mental Health and Substance Abuse Services was held harmless from the FY'04

budget cuts that will affect other state agencies (HB 1191). The agency received a base appropriation of \$145,018,006. This is a 4 percent decrease from the agency's FY'03 original appropriation and a 4.2 percent increase over its FY'03 revised appropriation. This budget replaces half of the agency's \$12 million FY'03 budget reduction. Part of the \$6 million restoration will be spent on the following services:

**Co-Occurring Disorders (\$1,600,000):** Individuals with co-occurring disorders have a diagnosis of both mental illness and addiction. These individuals are best served in programs designed to simultaneously address both illnesses. The agency proposes opening a co-occurring treatment unit in Tulsa at the existing Tulsa Center for Behavioral Health.

**Program for Assertive Community Treatment (\$1,200,000):** PACT teams have been shown to be extremely effective. In both national and Oklahoma studies they provided dramatic positive outcomes for persons with serious mental illness. An evaluation of the first 93 Oklahoma PACT clients shows that those clients used 4,353 fewer hospital days in total, or 47 days on average. This funding will allow two additional teams to start up next fall in the metropolitan areas.

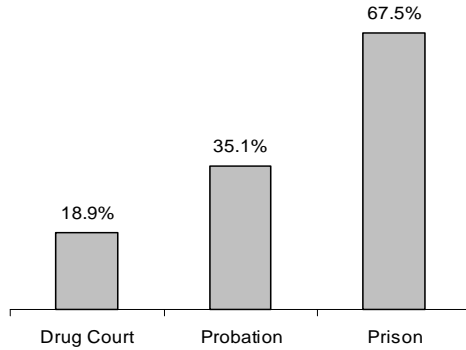
**Newer Generation Medications (\$500,000):** A primary factor in positive outcomes of mental health treatment is appropriate medication. This additional funding for medications will reduce the state's dependence on charitable contributions from pharmaceutical companies.

**Adolescent Substance Abuse Treatment (\$500,000):** Adolescent substance abuse treatment is nearly non-existent in Oklahoma, with fewer than 60 residential beds available statewide. The National Household Survey on Drug Abuse estimates that 27,000 adolescent Oklahomans use an illicit drug. Of the children in "level E" Office of Juvenile Affairs custody, an estimated 79 percent have substance abuse problems. Treatment of the child addresses the addiction as early as possible and restores the chance of the child becoming a healthy, productive adult.

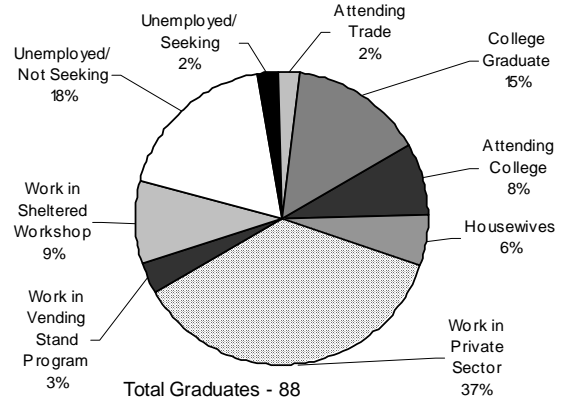
**Drug Courts (\$500,000):** There are currently 13 drug courts in planning stages and waiting for funding to begin operations. This funding will be used to fund treatment associated with several of these drug courts so they may begin operations. Drug courts are a proven best practice model, that when run appropriately, reduce recidivism rates.



**Re-Arrest Rate After 36 Months**



**Oklahoma School for the Blind Post Graduate Summary 1992-2002**



**CMHC Contracts (\$625,000):** Community Mental Health contracts were reduced by \$3.3 million in FY'03 due to the statewide revenue shortfall. This funding will restore a portion of that cut to contracted facilities. The actual programmatic use of the funding will be negotiated between the Department and the contractor to enhance our system's capacity to provide core services to persons with a severe mental illness.

**DEPARTMENT OF REHABILITATION SERVICES FUNDING**

The Department of Rehabilitation Services (DRS) was appropriated \$24,750,000 for FY'04 (HB 1200). This amount represents a 3.23 percent reduction in state funds from the original FY'03 appropriation, and a 5 percent increase in state funds from the revised FY'03 appropriation.

Even though the Legislature gave DRS an increase in appropriations from the revised FY'03 number, DRS still must reduce certain programs in order to provide the state dollars elsewhere to maximize federal matching dollars. DRS will perform a number of functions with their partial replacement for FY'04:

- ◆ Open Priority Group 1 and work waiting list for Priority Group 2;
- ◆ Fully match all available federal funds in FY'04 (\$40,000,000), and avoid an MOE (Maintenance of Effort) penalty. Operating and payroll budgets at the OK Library for the Blind and Physically Handicapped will be reduced to increase state matching funds for Vocational Rehabilitation/Visual Services (VR/VS);
- ◆ Reinstate summer programs at the Oklahoma School for the Blind (OSB) and the Oklahoma School for the Deaf (OSD);

- ◆ Continue to reduce Braille Educational Services (BES) by 30.2 percent and distribute five Braille textbooks per child. National Clearinghouse funds and State Department of Education funds will be used to purchase these books;
- ◆ Reduce funding for the Oklahoma Library for the Blind and Physically Handicapped (OLBPH) by 13.4 percent, but OLBPH will stay open. Reorganization of space at OLBPH to accommodate a larger number of VR/VS staff will further increase shared operating expenses.

**CHILDREN & YOUTH SERVICES FUNDING**

The Oklahoma Commission on Children and Youth (OCCY) was appropriated \$1,550,000 for FY'04 (SB 156). This amount represents an 11.52 percent reduction in state funds from the original FY'03 appropriation, and a 4 percent reduction in state funds from the revised FY'03 appropriation.

To manage the cuts for FY'04, OCCY will implement the following changes:

- ◆ Leave two agency positions vacant;
- ◆ Eliminate the mental health expertise oversight contract;
- ◆ Reduce contracts with Child Welfare Expertise, Legal Assistance with the Individuals with Disability Education Act (IDEA), and Juvenile Personnel Training;
- ◆ Reduce funding for JOIN (Joint OK Information Network) and OASIS (OK Areawide Services Information System);
- ◆ Reduce funding for PARB (Post Adjudication Review Board); and

- ◆ Reduce funding for agency data processing.

One of the main functions of OCCY is to promote innovative programs that serve children through the funding of model projects. For this purpose, OCCY created the Positive Youth Development Fund for FY'04. This revolving fund will be used to fund grants to Neighborhood Associations and Community Partnership Boards, and will be administered by the Board of OCCY. The goal of these grants will be to fund programs that contribute to positive youth development and reduce the chances of youth engaging in risk behaviors. Money going into the fund thus far has come from other state agencies, but OCCY hopes to receive some federal funds or private donations in the future.

**HUMAN SERVICES FUNDING**

The Department of Human Services (DHS) was appropriated \$387,455,619 for FY'04 (HB 1197). This amount represents a 5.7 percent reduction from the original FY'03 state appropriation, and a 0.9 percent increase from the revised FY'03 appropriation.

Although DHS saw a slight increase in the FY'04 budget, they still must make reductions. After examination of all divisions of the agency, DHS identified \$10,888,798 in new reductions for FY'04. Annualization of FY'03 cuts will also garner \$2,710,000. However, DHS had \$4,614,320 in accelerated FY'04 budget reductions and revenue enhancements. Since these actions provided savings in FY'03, the savings for '04 will be slightly reduced. When all budget balancing actions are taken, DHS will cut a total of \$8,895,680 from the FY'04 budget.

Some important reductions for FY'04 will include:

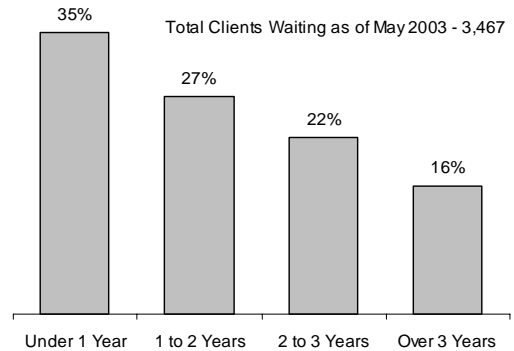
- ◆ \$2.5 million from elimination of 146 vacancies;
- ◆ Elimination of at least 60 additional FTE through a Voluntary Out Benefit Offer (VOBO);
- ◆ \$967,516 from elimination of the Emergency Response System within the Aging Services Division; and
- ◆ \$3.7 million from the Developmental Disabilities Services Division (DDSD).

The waiting list within DDSD has become an issue for DHS due to the high costs of some plans of care, as well as increased program participation. Anyone currently on the waiting list has been proven to be in need of services, but is waiting for those services to become available.

Due to increased program participation and the high cost of treatment plans, the Department of

Human Services is unable to serve all eligible clients in the Developmentally Disabled Service Division.

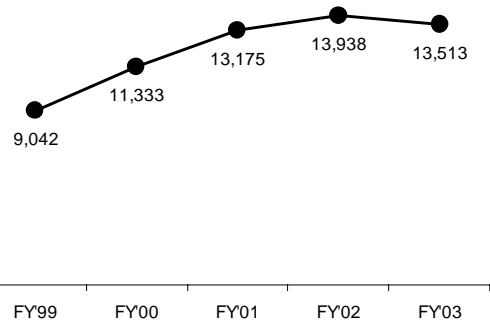
**Percent of Clients on the DDSD Waiting List**



DHS will continue to tackle the waiting list in the DDSD, which has grown significantly in FY'03. As of May 19th, there were 3,467 applicants on the list.

The FY'04 appropriation included \$1.7 million from the State Department of Health to increase the Case Management Rate for the Advantage Program, which had to pick up clients and employees from the discontinued Eldercare program in the Health Department. The Eldercare program was eliminated due to the revenue shortfall. The Advantage Program, only available to Medicaid clients, provides elderly Oklahomans a home health alternative to nursing homes. The number of Advantage clients alone has risen almost 50 percent in the past four years; in 1999, DHS had 9,042 Advantage clients. In 2003, that number had risen to 13,513.

**Number of Clients Served in the Advantage Program**



DHS reduced funding to some Senior Nutrition programs in FY'03. Most senior nutrition sites have handled the cuts without incident, but for some very small sites it has been more difficult. Six sites in communities with fewer than 3,000 residents have closed thus far and four additional sites are no longer cooking sites, but solely satellite sites.

Due to cuts made in FY'03 and cuts that will be made in FY'04, DHS will lose a total of \$24 million in federal funding. \$15 million of this loss is associated with Medicaid (Title XIX) programs.

HB 1658 (Liotta/Pruitt): Authorizes any taxpayer who has erroneously paid premium tax to file a claim for a refund. Establishes procedures for claim filing and for hearing if claim is denied. Effective 11-1-03.

### **INSURANCE & MANAGED CARE MEASURES**

SB 447 (Lawler/Paulk): Prohibits an insurer from modifying certain policies without written consent. Modifies exceptions to certain compensation requirements in the Health Care Freedom of Choice Act. Effective 11-1-03.

SB 539 (Coffee/Morgan (Danny)): Creates the Use of Credit Information in Personal Insurance Act to limit an insurer's use of a consumer's credit information when underwriting a policy or rating risks. Requires disclosure by the insurer to the consumer that the insurer may obtain credit information, and requires the insurer to provide notice to the consumer if an adverse action has been taken based upon the consumer's credit information. Prohibits the transfer or sale by a consumer reporting agency of any information submitted in conjunction with an insurance inquiry about a consumer's credit information. Effective 11-1-03.

SB 610 (Robinson/Leist): Establishes the Oklahoma Medicaid Program Reform Act of 2003 to implement a series of waivers designed to increase access to health care, to promote personal responsibility for health care services and use, to expand coverage to employees of small businesses, and to provide for a flexible system of providing health care benefits, including implementation of co-payments, premiums and enrollment fees. The Act deletes Medicaid related provisions from several health insurance mandates, and various Medicaid fee-for-service provisions, thus only requiring the use of provider financial incentives to enhance care in underserved rural areas of the state. Requires all insurance companies to provide information to the Oklahoma Health Care Authority for data matching purposes in order to ensure that the agency is the payer of last resort for all health insurance claims. Repeals obsolete language related to a statewide eligibility system implementation plan. Effective 7-1-03 (Sections 1-11 & 13), 11-1-03 (Section 12).

HB 1273 (Perry/Maddox): Modifies the Unfair Claims Settlement Practices Act by requiring direct payment to a claimant where motor vehicle glass is repaired or replaced. Requires the inclusion of certain parties when payment of a total loss is made to a third party claimant. Provides for variations in terms and conditions of a standard fire insurance policy. Effective 11-1-03.

HB 1721 (Cox/Robinson): Modifies insurer requirements for filing certain documents and establishes different requirements for domestic and foreign insurers. Modifies change in property and casualty rates which may be made without prior approval of State Board for Property and Casualty Rates. Modifies certain licensing provisions and continuing education requirements. Effective 11-1-03.

### **LIQUOR & TOBACCO MEASURES**

SB 353 (Ford/Dorman): Modifies provisions governing beer manufactured in the state. Exempts beer manufactured in state for export from certain taxes and specifies that for sales made in state to a consumer, the tax be paid by the manufacturer. Reduces certain other taxes and fees on such manufacturers. Permits in-state manufacturers with specified licenses to sell limited amounts of its product directly to consumers. Authorizes in-state manufacturers to provide samples under specified circumstances. Establishes an Oklahoma brewer license. Modifies the limit on container sizes for wine sales. Effective 11-1-03.

SJR 21 (Hobson/Adair): Prohibits possession of lighted tobacco in any form in indoor places used by or open to the public, public transportation, and indoor workplaces except where specifically allowed by law. The Act's provisions do not apply to stand-alone bars, taverns and cigar bars, licensed charitable bingo game rooms during operation hours, up to 25 percent of a hotel's or lodging establishment's guest rooms, retail tobacco stores in which no food or beverage is sold or served for consumption on-site, owner occupied workplaces, private offices or workplaces occupied exclusively by smokers, specialized research or treatment centers, certain facilities operated by a post or an organization of past or present members of the US Armed Forces, and restaurant outdoor seating, with stipulations. Permits employers to make other specific elections regarding smoking and gives restaurants until March of 2006 to comply with the act's provisions. Conforms and renames the Smoking in Public Places Act. Repeals language related to designated smoking and non-smoking areas. Effective 9-1-03.

HB 1014 (Worthen/Easley): Requires identification seals and other records with respect to beer kegs sold. Effective 11-1-03.

HB 1106 (Balkman/Monson): Raises permit fees for low-point beer retail dealers by \$100, with the new revenues to be deposited to a newly created Community Based Substance Abuse Revolving Fund, to be used by the Department of Mental Health and Substance Abuse Services for contracting with pri-

vate facilities, organizations and tribal programs to provide treatment, counseling, rehabilitation, and other related services directed toward alcohol- and drug-dependent persons. Effective 8-29-03.

HB 1107 (Maddux/Coates): Applies the federal standards to authorized package sizes for wine and authorizes the sale of certain wine at festivals and trade shows. Effective 11-1-03.

### **JUDICIARY/COURTS MEASURES**

SB 81 (Morgan/Mitchell): Increases fees for private process server licenses, certain marriage licenses and traffic offenses. Increases filing fees for actions in small claims court, divorce, probate, guardianship and other civil actions. Increases fee in civil cases for requesting a jury, and for preparing, assembling, indexing and transmitting a record for appellate review. Effective 7-1-03.

SB 263 (Leftwich/Miller (Doug)): Applies the provisions of the Landlord/Tenant Act to persons owning or occupying manufactured or mobile homes on leased sites, spaces or lots. Effective 4-21-03.

SB 276 (Leftwich/Lindley): Provides for removal of a person from the office of notary public upon a felony conviction. Prohibits a notary public who is not an attorney from giving legal advice related to the immigration or citizenship status of another and provides punishment. Effective 11-1-03.

SB 299 (Taylor/Toure): Requires the Attorney General to notify the Legislature of any proceeding in which the constitutionality of a statute affecting the public interest is challenged, and allows the Legislature to intervene in the proceeding without waiving legislative immunity. Effective 8-29-03.

SB 312 (Morgan/Blackburn): Exempts any interest in an Oklahoma College Savings Plan account from forced sale for payment of debts. Effective 4-28-03.

SB 349 (Smith/Braddock): Exonerates bail bondsmen from further liability upon a defendant's plea of guilty or nolo contendere. Effective 11-1-03.

SB 391 (Nichols/Cargill): Provides for admissibility into evidence at a preliminary examination of a non-certified copy of agreement and sentence as proof of prior convictions. Effective 11-1-03.

SB 428 (Cain/Davis): Applies the Governmental Tort Claims Act to community action agencies. Effective 11-1-03.

SB 431 (Cain/Vaughn): Imposes fine upon employers or insurers that fail to comply with the require-

ments of the National Medical Support Notice, and directs deposit of fines to the Child Support Revenue Enhancement Fund. Effective 11-1-03.

SB 435 (Smith/Toure): Clarifies that although a party to a proceeding before the Oklahoma Employment Security Commission or Board of Review can be represented by any person, a party to a proceeding before a court of record must appear pro se or be represented by an attorney licensed in this state. Effective 11-1-03.

SB 443 (Morgan/Ingmire): Increases appraiser fees in non-probate civil actions to \$150. Effective 11-1-03.

SB 455 (Leftwich/Gilbert): Increases copy costs of medical records. Effective 3-31-03.

SB 476 (Smith/Askins): Authorizes use of monies in the Supreme Court Revolving Fund for unforeseen emergencies impacting the operation of state courts as determined by the State Supreme Court. Effective 3-28-03.

SB 478 (Smith/Askins): Requires offering party to take possession of certain exhibits, directs maintenance and review of court reporting notes, allows retention of examination credit for court reporters for a two-year period, and increases the continuing education requirement for nonexempt certified shorthand or court reporters. Effective 11-1-03.

SB 512 (Smith/Hastings): Modifies time period in which to file lien for labor or materials for producing or repairing personal property, and modifies time period related to notice filed pursuant to a possessory lien against a manufactured home for storage or rental charges. Effective 11-1-03.

SB 518 (Maddox/Pope): Requires notice to the Attorney General of an escheat action based on abandoned mineral interests. Effective 11-1-03.

SB 585 (Wilkerson/Askins): Clarifies jurisdiction of multi-county grand juries. Effective 11-1-03.

SB 616 (Smith/Askins): Requires the district attorney's office to inform crime victims or witnesses of the possibility, upon the recommendation of the Pardon and Parole Board and the approval of the Governor, of commutation of any sentence, including a sentence of life without parole, as provided by the Oklahoma Constitution. Effective 11-1-03.

SB 631 (Smith/Peters): Provides punishments for abuse, neglect or exploitation of vulnerable adults. Effective 7-1-03.

SB 705 (Leftwich/Gilbert): Allows the Department of Juvenile Justice and the Office of Juvenile Affairs to request from the Oklahoma State Bureau of Investigation national criminal history records searches of certain individuals. Authorizes the admittance of certain persons to facilities within the Department of Mental Health and Substance Abuse Services, a state psychiatric hospital, or a licensed private institution. Effective 7-1-03.

SB 772 (Wilkerson/Askins): In the event of a conflict of interest concerning criminal defense, this measure authorizes a transfer of death penalty cases to another public defender or private attorney. For conflicts of interests on appellate cases the court may appoint another attorney or assign the case to the Indigent Defense System. Effective 5-7-03.

SB 776 (Smith/Braddock): Allows a district judge or an associate district judge to contract with the county sheriff to allow a deputy sheriff to provide bailiff service to the court. Authorizes destruction of records of criminal property cases after a two-year period has elapsed since any action has been taken in the case. Effective 11-1-03.

HB 1087 (Lindley/Monson): Establishes prosecutorial discretion for offenders with mental illness or developmental disability, and judicial discretion to exclude such offenders from mental health court. Effective 11-1-03.

HB 1147 (Kirby/Helton): Requires argument to contain the statutory reference to the felony crime a defendant was convicted of and the date of the offense. Requires sheriff to deliver to the Department of Corrections forms required by the Court of Criminal Appeals and identification in possession of the defendant at the time of sentencing. Effective 11-1-03.

HB 1259 (Wells/Williamson): Requires a showing of parental unfitness or unsuitability or harm to a child for the granting of grandparental visitation rights. Specifies factors a court must consider in determining the best interest of a minor child when grandparental visitation rights are being sought. Effective 11-1-03.

HB 1263 (Nance/Nichols): Establishes venue for prosecution of violations related to using a communications facility in the commission of specified felonies related to controlled substances and drug trafficking. Effective 11-1-03.

HB 1319 (Tibbs/Brogdon): Requires a seller of property to include in a written property condition disclosure statement any knowledge of the existence of prior manufacturing of methamphetamine on the

property, and clarifies remedies available to a purchaser of property for failure of the seller or real estate licensee to properly disclose defects in the property. Effective 11-1-03.

HB 1358 (Vaughn/Williamson): Modifies provisions for the granting or waiver of automatic temporary injunctions upon the filing of a petition for dissolution of marriage, restricts the amount of child support benefits which may be assigned to an attorney for purposes of providing legal representation, and modifies duties and responsibilities of a parenting coordinator. Effective 5-28-03.

HB 1406 (Toure/Smith): Applies the Governmental Tort Claims Act to physicians who contract with the Department of Corrections to provide medical care to inmates. Allows claims not to exceed \$175,000 for wrongful felony convictions if the claimant has received a full pardon by the Governor based on a finding of actual innocence of the crime for which the claimant was sentenced. Effective 5-28-03.

HB 1465 (Askins/Morgan): Creates the Uniform Athlete Agents Act to regulate the representation of student-athletes by non-related athlete agents. Effective 1-1-04.

HB 1583 (Nations/Crutchfield): Allows municipal courts to select jurors electronically if the county court has adopted a plan approved by the Supreme Court to select jurors by electronic means. Effective 11-1-03.

HB 1603 (Perry/Smith): Authorizes investigation by the Attorney General or any district attorney of violations of the Oklahoma Computer Crimes Act, and authorizes the subpoena of related business papers and records. Effective 11-1-03.

HB 1635 (Dorman/Gumm): Creates the Uniform Child Witness Testimony by Alternative Methods Act to provide alternate procedures for receiving testimony of a child in a criminal or noncriminal proceeding. Effective 11-1-03.

HB 1667 (Vaughn/Coffee): Modifies procedures related to victim protective orders. Effective 11-1-03.

**LEGAL SERVICES FUNDING**

The Legislature granted an appropriation of \$11,962,341 in SB 84 for the Supreme Court. Although the Court did not take a cut for FY'04, funds were reduced from the Supreme Court's allocation for debt service reduction (\$541,112). Based on this debt service reduction, the Court's appropriation for FY'04 is 4.3 percent below its revised FY'03

appropriation and 11.7 percent below its original FY'03 appropriation. To manage the FY'04 budget, the court will leave positions vacant.

The state's 77 district courts were provided an appropriation of \$40,897,067 in SB 80. This resulted in a stand-still budget for the district courts in FY'04. The appropriation was a 3.6 percent increase from the district courts revised FY'03 appropriation. To manage the budget for FY'04, the district courts will leave various positions vacant and possibly reduce operating hours for staff.

The Court of Criminal Appeals was appropriated \$2,634,378 in SB 78. This amounted to a stand-still budget when compared with the court's revised FY'03 budget, which included a supplemental of \$38,000 and a 6.5 percent decrease from the court's original FY'03 appropriation. In order to realize the increase in appropriations, the Legislature annualized the court's FY'03 Supplemental (\$38,000). The Court will try to maintain its operations throughout FY'04 without furloughing any employees.

SB 86 appropriated \$3,691,957 to the Workers' Compensation Court. This amounted to a 7.1 percent cut over the revised FY'03 appropriation and a 14.3 percent cut from the court's original FY'03 appropriation. To manage the cut, the Court plans to use accumulated savings in the court's revolving fund.

The Oklahoma Indigent Defense System (OIDS) was appropriated \$14,243,912 in SB 93. This represents a 7.7 percent reduction from their original FY'03 appropriation and a 4 percent reduction from their revised FY'03 allocation. OIDS has proposed using attrition, furloughs, and cuts in county contracts to handle their FY'04 obligations.

The Council on Judicial Complaints received \$267,999 in SB 82. This represents a reduction of 11.2 percent from its original FY'03 appropriation and a reduction of 3.6 percent from their FY'03 revised appropriation.

**MOTOR VEHICLES, WATER VESSELS & LICENSING MEASURES**

SB 234 (Reynolds/Calvey): Provides for staggered registration of motorcycles and mopeds. Effective 7-1-03.

SB 243 (Robinson/Staggs): Authorizes vehicle identification number inspections for out-of-state cars sold at auction to be conducted by any state, county or city law enforcement officer. Authorizes the De-

partment of Public Safety to enter into contract to supply information regarding vehicles reported to be involved in collisions. Effective 11-1-03.

SB 257 (Robinson/Staggs): Adds county of residence to licensed driver list for purpose of jury selection and requires driver licenses and identification cards to bear the county of residence of the licensee or cardholder. Effective 11-1-03.

SB 325 (Pruitt/Piatt): Prohibits private citizens from buying manufactured homes at auction. Effective 6-16-03.

SB 355 (Lawler/Tyler): Allows for license plates for special physically disabled owners of motorcycles. Effective 11-1-03.

SB 423 (Kerr/Paulk): Requires applicants for driver license or identification card to submit to computerized finger imaging. Requires a court order for access to any information collected through the use of computerized finger imaging. Effective 7-1-04.

SB 425 (Helton/Roan): Allows certain members of the Highway Patrol assigned to a classified position to return to an unclassified position; changes the name of the Patrol School to Patrol Academy; authorizes an out-of-state wrecker to operate in Oklahoma without a wrecker license only at the request of the vehicle owner or operator; exempts the Commissioner of Public Safety from parts of the Administrative Procedures Act when promulgating rules that must be identical to federal rules and regulations and makes other changes to the Highway Safety Code. Effective 5-26-03.

SB 426 (Wilkerson/Paulk): Amends various provisions affecting the Department of Public Safety. Makes changes regarding the Automated Fingerprinting Identification System (AFIS) assessments and how deposits are made; establishes a new procedure for filing citations other than traffic citations; increases the age qualification for Highway Patrol Officer applicants; adds Training Specialist III to the Capitol Patrol Section; creates a chaplain position; allows confiscation of false documents used for driver license applications; authorizes purchase of aircraft; abolishes the Alcohol and Drug Countermeasures Unit and transfers employees to the Board of Tests for Alcohol and Drug Influence; increases the deposits to the Public Safety Patrol Vehicle Revolving Fund; and provides for acquisition of real property in Pawnee, Oklahoma. The bill authorizes the OSBI to enforce laws and conduct investigations on turnpikes. It authorizes the Oklahoma Highway Safety Office to provide incentives for safety projects. The Council on Law Enforcement Education and Training (CLEET) is authorized to enter into a lease-purchase agreement for a state training facility. The bill repeals the authority of the Grand River Dam Authority to receive federal funds for boat safety programs. Effective 7-1-03 (all sections except Section 17) and 9-1-03 (Section 17).

SB 633 (Smith/McCarter): Amends and modifies Oklahoma vehicle equipment laws to incorporate current aspects of the Uniform Vehicle Code (UVC), federal regulations and those Department of Public Safety rules which are pertinent to safe vehicle operation. Effective 11-1-03.

SB 702 (Helton/Maddux): Provides for proceedings for foreclosure for the storage of junk vehicles towed and stored by Class AA wreckers. Effective 7-1-03.

SB 704 (Laughlin/Erwin): Permits a person to avoid the effective date of suspension of a driver license if



the person meets all requirements for reinstatement. Prohibits issuing a driver license to any person whose driving privileges are withdrawn by another country, to an alien unless the alien is authorized to be present in the U.S. and to any alien who is a visitor. Requires the photo on a driver license or ID card be a full front unobscured view of the person. Requires an alien who wishes to replace a driver license to appear first before a driver license examiner and requires the driver license be only issued for a period which does not exceed the expiration date on the alien's documentation papers. Simplifies suspension and reinstatement process for driving privilege withdrawal for failure to pay child support. Gives the right of appeal to district court to any person whose commercial driving privileges have been disqualified. Requires the Department of Health to issue a copy of a death certificate to DPS for any person killed in a motor vehicle collision for information needed for federal reporting requirements. Effective 7-1-03.

SB 760 (Rozell/Smithson): Incorporates tribal vessel/motor registrations in the count for federal funding and requires such registrations to meet the same requirements as vessels registered through the Oklahoma Tax Commission. Also modifies definition of waters of this state, exempts fishing tubes from requirement to display a permanent number, prohibits selling a used vessel if not registered, and prohibits a child under age 12 from operating certain vessels without having a person age 16 or older on that vessel. Effective 6-4-03.

HB 1084 (Roan/Wilkerson): Requires proof of current mailing address in application for a renewal driver license. Requires the operator of every vehicle to devote their full time and attention to driving. Effective 11-1-03.

HB 1599 (Pope/Rabon): Provides for special license plates for the Lions Club. Effective 11-1-03.

HB 1688 (Steele/Brogdon): Amends to the Oklahoma Vessel and Motor Registration Act. Provides for reissuance of decal for vessel or outboard motor if the decal cannot be displayed properly due to size. Effective 11-1-03.

### **PROFESSIONS & OCCUPATIONS MEASURES**

SB 10 (Coates/Calvey): Modifies the Boiler and Pressure Vessel Safety Act by clarifying a measurement and updating references. Effective 11-1-03.

SB 265 (Monson/Askins): Broadens rulemaking authority of Oklahoma Board of Nursing and clari-

fies residency requirement for Board members. Modifies licensure and renewal procedures, fee and penalty provisions and requires suspension of license under specified circumstances. Effective 11-1-03.

SB 307 (Cain/Hamilton): Allows the incorporation of social workers. Effective 11-1-03.

SB 334 (Coates/Calvey): Modifies the definition of amusement ride for the purposes of amusement ride safety under the jurisdiction of the Commissioner of Labor. Effective 11-1-03.

SB 393 (Harrison/Covey): Expands the scope of practice of the Veterinary Practice Act to include complementary and alternative therapies, as defined by rule. Effective 11-1-03.

SB 401 (Corn/Smithson): Modifies animal control provisions by authorizing purchase, possession and administration of denatured sodium pentobarbital by animal control officers for animal euthanasia. Requires officers to be certified by Oklahoma Bureau of Narcotics and Dangerous Drugs Control under rules to be developed by the Commissioner of State Bureau of Narcotics and Dangerous Drugs Control. Requires cooperation with specified other agencies in promulgation of rules. Effective 11-1-03.

SB 484 (Cain/Deutschendorf): Amends the Social Worker's Licensing Act by modifying numerous provisions relating to the State Board of Licensed Social Workers. Modifies existing, and establishes new, provisions outlining Board powers and duties, including: licensing by examination or reciprocity, renewal of licenses, compliance with standards of practice and education, investigation of unauthorized practice and authorization for fee modifications. Provides for temporary suspension of licenses under certain circumstances. Effective 11-1-03.

SB 545 (Snyder/Paulk): Establishes parameters for municipal taxes on professional licenses. Expands membership of the Construction Industries Board and modifies and establishes certain procedures and duties of the Board. Makes the Board a separate entity from the Department of Health after 1-1-05. Modifies license renewal procedures for trades under the Board's jurisdiction. Authorizes four additional FTE positions, contingent upon availability of funding. Effective 11-1-03.

HB 1140 (Peters/Crutchfield): Establishes a special volunteer medical licensure process for retired physicians and retired dentists. Effective 11-1-03.

HB 1150 (Miller/Milacek): Expands the powers and duties of the State Cosmetology Board. Modifies

various provisions under the act, including: required curriculum for licensees, reporting requirements for owners of cosmetology schools, renewal procedures, grounds for revocation and suspension and reciprocity provisions. Effective 8-29-03.

HB 1261 (Adkins/Coffee): Adds single-party brokers to those required to reduce certain contracts to writing. Clarifies authorization for, and manner in which, associates of a real estate broker may provide services. Effective 11-1-03.

HB 1270 (Hilliard/Shurden): Relates to the Funeral Services Licensing Act. Amends definition of funeral director, authorizes raising certain fees, requires continuing education course for license renewal and reinstatement, provides for rules, requires all crematories be operated by licensed funeral director by a certain date, and allows the Oklahoma Funeral Board to hold meetings by teleconference. Effective 4-10-03.

HB 1443 (Stanley/Crutchfield): Clarifies and expands provisions in the State Dental Act related to actions for which the Board of Dentistry may revoke or suspend the license of, or reprimand or place on probation a dental hygienist; procedures governing a dental hygienist's practice under the supervision of a dentist in a dental office or treatment facility and procedures that a dentist may delegate to a hygienist, including a requirement of dentist supervision; and conditions under which a dentist's supervision is not required. Effective 5-5-03.

HB 1445 (Stanley/Maddox): Modifies definitions in the State Dental Act, including establishing definitions for various levels of supervision over a dental hygienist or dental assistant and for the term "treatment facility". Effective 5-5-03.

HB 1451 (Toure/Morgan): Creates a 22-member State Architectural Act Task Force for the purpose of studying and making recommendations regarding modification of the State Architectural Act. Establishes membership and provides for certain appointments, meetings, reimbursement and staffing. Requires a report by January 1, 2004. Effective 8-29-03.

HB 1469 (Lerblance/Smith): Allows national criminal history record checks for members of the Oklahoma Horse Racing Commission and the Alcoholic Beverage Laws Enforcement Commission, and for applicants for various occupational licenses. Effective 11-1-03.

HB 1502 (Cox/Crutchfield): Clarifies language and references with regard to the sale of optical goods and devices. Prohibits the supplying, dispensing, fitting or application of contact lenses without a pre-

scription by a licensed individual. Authorizes the Board of Examiners in Optometry to secure an injunction to prevent specified prohibited act. Defines "plano" contact lenses. Effective 4-7-03.

HB 1526 (Stanley/Shurden): Authorizes pharmacists, pursuant to Board of Pharmacy promulgated rules, to administer therapeutic injections under specified condition, including patient-specific orders from a physician. Effective 5-27-03.

HB 1574 (Dorman/Coffee): Modifies provisions of the Mortgage Broker Licensure Act. Enacts the Oklahoma Home Ownership and Equity Protection Act. Modifies the definition of, and various provisions relating to, "subsection 10 mortgages". Effective 7-1-03 (Sections 1 to 5); 1-1-04 (Sections 6 to 14).

HJR 1015 (Hilliard/Shurden): Disapproves a part of a rule promulgated by the Oklahoma State Board of Embalmers and Funeral Directors regarding supervision of an apprentice by a licensed embalmer or funeral director. Effective 4-10-03.

### **PUBLIC FINANCE MEASURES**

SB 73 (Morgan/Mitchell): Authorizes the Oklahoma Capitol Improvement Authority to issue up to \$33 million in obligations to provide funding for construction of a Native American Cultural Center. The measure requires that the obligations be issued by June 30, 2005, and that the Native American Cultural and Educational Authority acquire funds for debt retirement payments which become due on or before June 30, 2007, prior to the issuance of the obligations. The bill notes that there is no legislative intent to appropriate funds for such purpose. The measure expresses legislative intent to appropriate sufficient monies to make debt retirement payments for the fiscal year ending June 30, 2008, and for subsequent years. Effective 6-4-03.

SB 200 (Morgan/Mitchell): Authorizes the Oklahoma Capitol Improvement Authority and the Oklahoma Building Bonds Commission to issue bonds for the purpose of refinancing or restructuring their outstanding obligations. The measure provides for the determination of the method of sale, maximum maturity and other terms and conditions for the sale of such bonds. It exempts the bonds from taxation of any sort by the State of Oklahoma. Effective 4-22-03.

SB 221 (Leftwich/Blackburn): Modifies procedures related to issuance or refunding of bonds issued by municipalities or other local governments. A mandatory sinking fund redemption amount is deemed to be a maturity, or a maturing installment, and the

denominations of bonds are changed from \$100 to \$100,000, to multiples of \$1,000. Refunding bonds may not be authorized for certain purposes unless the public body provides the Attorney General with a certificate of a certified public accountant that the taxes payable with respect to the refunding bonds over the life of the refunding bonds has a lesser present value than the present value of taxes that would have been payable with respect to the refunded bonds over the life of the refunded bonds, assuming no other sources of funding are deposited. Effective 7-1-03.

SB 722 (Fisher/Hilliard): Amends the Oklahoma Bond Oversight and Reform Act to reflect the devolution of powers from the Executive and Legislative Bond Oversight Commissions to the Council of Bond Oversight. Modifies the procedure for appointing a person to the position of Oklahoma State Bond Advisor. Creates the Office of the State Bond Advisor as a separate state agency and provides for transfer of staff and funds from the Department of Central Services where the Office was originally housed. Provides for the issuance of refunding bonds by State Governmental Entities to refinance existing bonds without further authorization by the Legislature, provided the State Bond Advisor and Council approve the issuance and related services, fees, and expenses. Effective 5-14-03.

HB 1249 (Mitchell/Morgan): Sends to a vote of the people at the 2004 General Election a question amending Section 23 of Article X of the Oklahoma Constitution. This section relates to the Constitutional Reserve Fund (also known as the Rainy Day Fund). This measure changes the amount which could be spent from the Rainy Day Fund. Under current law, up to half the money in this Fund can be spent if estimated revenues are less than the estimate for the previous year, and up to half can be spent for certain emergencies. Under this measure, up to three-eighths could be spent for current-year revenue failures, but the total amount spent from the Rainy Day Fund for revenue failures could not exceed the amount of the shortage and no state governmental entity could receive more than its original appropriation. Up to three-eighths could be spent if estimated revenues are less than the estimate for the previous year and up to one-fourth could be spent for emergency purposes.

HB 1256 (Mitchell/Morgan): Requires state agencies, in submitting their budget requests, to include a budget analysis using zero-based budgeting techniques, statements listing other public agencies administering similar programs, statements of statutory authority for each program, descriptions of people served, quantification of the need for each program, descriptions of the tactics intended to accomplish each objective, lists of quantifiable out-

comes, priority rankings of programs, and program revenues and expenditures. The Appropriations Committees of each house must use this information to determine appropriations and adjustments, and are subject to certain other provisions. The Joint Legislative Committee on Budget and Program Oversight is changed to the Legislative Oversight Committee on State Budget and Performance, and certain duties are specified for the Committee with respect to zero-based budgeting. Effective 7-1-03.

HB 1299 (Turner/Gumm): Modifies the audit requirement imposed on housing authorities under the Oklahoma Housing Authorities Act. Effective 7-1-03.

HB 1359 (Vaughn/Robinson): Modifies the procedure for release of funds paid by tobacco product manufacturers under the Master Settlement Agreement from escrow. If these provisions are found unconstitutional, substitute provisions for release of such funds are provided. Effective 1-1 of the year after 25 states have enacted similar amendments to their laws, as certified by the Attorney General.

HB 1457 (Adair/Hobson): Provides for the earnings (rather than net appreciation) from the Tobacco Settlement Endowment Trust Fund to be available for expenditure each year, subject to the determination by the Board of Investors of the Fund. The budget prepared each year by the Board of Directors of the Fund must be broken down into a programs budget (formerly a grants and contracts budget) and an operating budget (not to exceed \$500,000 per year). Operating expenses are defined, and certain fees paid must be specifically disclosed. Effective 4-28-03.

HB 1580 (Askins/Fisher): Makes several changes relating to the State Treasurer, including the following:

- ◆ Streamlines the flow of funds into state government by having fees sent to the State Treasurer rather than to the appropriate state agency;
- ◆ Clarifies "as of date" reporting and remitting requirements on unclaimed properties held in a fiduciary capacity or by other holders, that continue to accrue additional income;
- ◆ Clarifies reporting requirements on properties less than \$50 that will not be reported in the aggregate and reporting requirements related to abandoned cashiers checks;
- ◆ Streamlines publishing and notification requirements;

- ◆ Requires holders to remit funds at the same time they report abandoned property;
- ◆ Shortens the holding period for securities that have been turned over to the State Treasurer;
- ◆ Increase the use of unclaimed property revolving funds in the administration of the program;
- ◆ Clarifies appropriate distribution of property of deceased owners;
- ◆ Alters the mandatory bid frequency from three to five years for master custody services;
- ◆ Extends the implementation date for the Rural Housing Linked Deposit program until July 1, 2004, and expands the program to include rehabilitated dwellings; and
- ◆ Allows the destruction of state warrants seven years after satisfactory duplication and mandates that the State Treasurer furnish original warrants for subpoenas and other legal reasons.

Effective 7-1-03.

<p><b>PUBLIC EMPLOYEES - RETIREMENT/ INSURANCE/PAY/BENEFITS MEASURES</b></p>
--

SB 4 (Lawler/McCarter): Allows the Teachers' Retirement System of Oklahoma to deduct from retirement payments membership dues to a retired teacher's organization upon election by the member. Effective 7-1-03.

SB 194 (Morgan/Mitchell): Makes skill-based salary adjustments permanent after 24 months for state employees. Requires appointing authorities to state in writing reasons for excluding certain relevant experience when determining minimum qualifications for a position. Requires approval prior to making any qualification changes to a position upon re-posting a notice of vacancy. Creates the Oklahoma Biennial Compensation Review Board. Also provides an exemption from participation in the basic plan for certain retired military personnel. Effective 7-1-03 (Sections 4 to 6) and 11-1-03 (Sections 1-3).

SB 196 (Morgan/Mitchell): Amends and/or places certain positions in the unclassified service. Effective 8-29-03.

SB 281 (Leftwich/Roberts): Clarifies that "criminalists" of the OSBI are members of the Oklahoma Law Enforcement Retirement System. Provides an ex-

emption to allow certain members of the OSBI to use a state vehicle. Effective 6-6-03.

SB 286 (Monson/Erwin): Amends the amortization period for funding of the Oklahoma Firefighters Pension and Retirement System. Allows certain death benefits to be paid to a guardian or trustee. Effective 5-29-03.

SB 292 (Capps/Walker): Allows certain municipalities to hire a police officer over the age of 45. Such police officers shall not participate in the Oklahoma Police Pension and Retirement System. Effective 7-1-03.

SB 354 (Helton/Askins): Defines "providers" in regard to the vision plans offered by the State and Education Employees Group Insurance Board and the Oklahoma State Employees Benefits Council. Provides additional requirements for vision plans that wish to be offered. Effective 7-1-03.

SB 409 (Corn/Miller (Ray)): Requires the Oklahoma Public Employees Retirement System, the Oklahoma Law Enforcement Retirement System, the Uniform Retirement System for Justices and Judges, the Teachers' Retirement System of Oklahoma and the State and Education Employees Group Insurance Board to conduct a study of alternative plans to help retirees pay for health insurance. Effective 5-26-03.

SB 411 (Corn/Ellis): Requires the Oklahoma Public Employees Retirement System to conduct a study concerning what constitutes a hazardous duty position and which members are in such positions. Effective 7-1-03.

SB 412 (Corn/Dorman): Allows participation by certain nonprofit entities in the plans offered by the State and Education Employees Group Insurance Board. Requires 100 percent participation in the OSEEGIB plans for certain entities that join after the effective date of the act. Effective 8-29-03.

SB 414 (Corn/Braddock): Deletes a provision that allows retired educators to participate in the plans offered by the State and Education Employees Group Insurance Board if they were not participating in such plans prior to retirement. Effective 7-1-03.

SB 422 (Monson/Sweeden): Provides a definition of volunteer combination fire departments, and gives requirements for volunteer firefighters of combination fire departments. Creates a "Volunteer Firefighter Recognition Program". Clarifies what compensation may be used in determining what firefighters must participate as paid firefighters in the

Oklahoma Firefighters Pension and Retirement System. Effective 7-1-03.

SB 636 (Corn/Brannon): Clarifies provisions relating to a flexible spending account claim denial and appeal process with the Oklahoma Employees Benefits Council. Effective 7-1-03.

SB 639 (Corn/Brannon): Provides Internal Revenue Code compliance language related to the Oklahoma Firefighters Pension and Retirement System. Allows the Board to require an additional physical performance/agility test for members applying to join the system. Effective 7-1-03.

SB 643 (Corn/Ferguson): Provides a 2 ½ percent multiplier election for certain Oklahoma Public Employees Retirement System members. Increases employer contributions to OPERS. Provides for an increase in retirement benefits from early retirement to disability retirement upon a Social Security Administration award of disability. Modifies eligibility for incentive credit. Provides a window for certain municipalities to hire police officers over the age of 45. Effective 7-1-03 (Sections 1-4) and 1-1-04 (Sections 5-10).

SB 645 (Corn/Roan): Changes certain report deadlines for the Oklahoma Police Pension and Retirement System. Allows more than one member of the Board to be from the same municipality. Amends special meeting notice requirements. Requires purchase of military service credit for eligible members who desire to purchase such credit and who join after the effective date of the act. Provides Oklahoma County as venue for actions brought against the system. Effective 7-1-03.

SB 647 (Leftwich/Hefner): Changes leave accrual basis to one based upon hours worked. Effective 7-1-03.

SB 663 (Maddox/Deutschendorf): Authorizes non-classified members who have been retired for 36 or more months and employed by a public school to receive annual earnings up to \$30,000. Effective 8-29-03.

SB 665 (Corn/Brannon): Updates the Oklahoma Police Pension and Retirement System statutes to comply with the Internal Revenue Code. Removes certain references and abolishes "local boards". Defines the number of hours for a person to be considered full-time for purposes of participating in the system. Effective 4-25-03.

SB 668 (Corn/Ferguson): Provides a "back drop" alternative to the deferred retirement option plan for members of the Oklahoma Police Pension and Re-

tirement System and the Oklahoma Law Enforcement Retirement System. Effective 7-1-03.

SB 669 (Monson/Toure): Allows certain retired and vested members of the Oklahoma Public Employees Retirement System to elect to participate in the plans offered by the State and Education Employees Group Insurance Board. Requires certain participating employers to cover retired and vested members under their health insurance plans beginning January 1, 2004. Clarifies that the medical supplement paid by OPERS shall also apply to members on other employer plans. Effective 8-29-03.

SB 703 (Leftwich/Braddock): Clean-up legislation for the Office of Personnel Management. Abolishes the Human Resources Management Advisory Committee. Amends provisions relating to unclassified employees in a reduction-in-force. Effective 7-1-03.

HB 1039 (Erwin/Corn): Provides a minimum payment for certain state employee on-call work. Effective 7-1-03.

HB 1058 (Ellis/Corn): Relates to the Oklahoma Whistleblower Act. Amends the circumstances for taking disciplinary action for discussing the operations of any agency with print or electronic media. Effective 7-1-03.

HB 1067 (Roberts/Wilkerson): Deletes the requirement that the Oklahoma State Pension Commission shall review and make recommendations concerning all retirement legislation. Effective 4-15-03.

HB 1086 (Carey/Gumm): Provides for severance benefits to be paid to certain state employees upon reorganization. Effective 4-22-03.

HB 1088 (Perry/Pruitt): Allows retired members of a county retirement system to vote for their representative on a county retirement system board. Effective 11-1-03.

HB 1101 (Easley/Corn): Relates to the Oklahoma Personnel Act. Modifies notice for reduction-in-force; authorizes severance benefits for unclassified state employees with one or more years of continuous service; updates unclassified positions and authorizes CompSource to develop a plan for a pilot program for incentive-based compensation for its employees. Effective 7-1-03 (Section 2) and 6-3-03 (all other sections).

HB 1114 (Erwin/Gumm): Modifies conditions for product vendor access to state employees. Effective 3-31-03.

HB 1127 (Lerblance/Gumm): Relates to the Oklahoma Personnel Act. Specifies that rules promulgated by the Oklahoma Merit Protection Commission concerning progressive discipline of state employees contain time limit for considering incidents. Effective 3-31-03.

HB 1301 (Benge/Smith): Provides compensation for certain county retirement board members. Clarifies who is eligible for certain credit in the county retirement system. Allows certain county employees to transfer service credit with the Oklahoma Public Employees Retirement System to the county retirement system. Effective 7-1-03.

HB 1362 (Ingmire/Morgan): Provides an exception to participation in the Teachers' Retirement System of Oklahoma. Reduces the period for vesting from ten years to five years. Empowers OTRS to protect the rights of a spouse. Amends the schedule for payment of interest on withdrawn contributions. Clarifies eligibility for medical supplement benefits. Effective 7-1-03.

HB 1440 (Brannon/Corn): Allows members of the Teachers' Retirement System of Oklahoma who are eligible to retire and have at least 30 years of creditable service to elect to receive a partial lump sum distribution. Effective 7-1-03.

HB 1464 (Askins/Monson): Provides a "back drop" alternative to the deferred retirement option plan for members of the Oklahoma Firefighters Pension and Retirement System. Effective 7-1-03.

HB 1647 (Ferguson/Corn): Prevents a member of a state retirement system, other than the Teachers'

Retirement System of Oklahoma, who is hired after June 30, 2003, from receiving more than five years of military service credit. Provides Internal Revenue Code compliance language for the Oklahoma Law Enforcement Retirement System. Amends the date for the Oklahoma Public Employees Retirement System annual report. Effective 7-1-03.

HB 1800 (Carey/Monson): Creates the State Classification Task Force to review and make recommendations pertaining to the unclassified service. Effective 10-1-03.

### **REVENUE & TAXATION MEASURES**

SB 5 (Wilcoxson/Langmacher): Provides that the point of sale for purposes of sales taxes will be the point of delivery for sales made by vendors primarily engaged in selling lumber and building materials. The Tax Commission must provide vendors with information necessary to determine which locality a particular sale is made in. Effective 8-29-03.

SB 231 (Reynolds/Calvey): Prohibits tax sales of residential property of persons who are totally disabled (as well as meeting certain other qualifications) and extends the income tax credit for investments in qualified venture capital companies. Effective 11-1-03.

SB 300 (Gumm/Carey): Makes changes relating to the five-year ad valorem tax exemption for manufacturers, including the following:

- ◆ Provides for construction of the constitutional provision requiring a facility to have been unoccupied for a twelve-month period as a qualification for an initial exemption and not an annual requirement;
- ◆ Extends the construction date for distribution facilities to qualify for the exemption until 12-31-06, and requires that employees of such facilities be paid at least 175 percent of the federal minimum wage;
- ◆ Requires that manufacturing facilities increase annual payroll by at least \$250,000 in counties under 50,000 population and by at least \$1 million in other counties to qualify for an exemption;
- ◆ Deletes other methods currently allowed to qualify for exemptions without increasing payroll. The provision relating to automotive assembly plants is left in place; and
- ◆ Allows qualified computer and data processing facilities which have already made an applica-

tion for the exemption to apply for additional exemptions if they increase payroll by at least \$250,000 or add at least \$7 million in capital improvements while maintaining or increasing payroll.

Effective 6-6-03.

SB 429 (Laughlin/Covey): Allows an income tax credit for any ethanol facility which is in production at least 25 percent of its name plate design capacity on or before December 31, 2006, in the amount of \$0.20 per gallon for 60 months. An additional credit of \$0.20 per gallon is allowed for ethanol produced in excess of the original name plate design capacity which results from expansion of the facility completed on or after the effective date of SB 429 and before December 31, 2006, also for 60 months. Beginning January 1, 2011, an income tax credit of \$0.075 per gallon of ethanol is allowed for new production for up to 36 months. Certain limitations are provided. Effective 7-1-03.

SB 430 (Smith/Toure): Provides that, in the estate tax code, gifts made in contemplation of death will not include that portion of a gift which is properly excluded from the decedent's federal taxable gifts or which is treated as a federal taxable gift of the decedent only because the decedent consented to have a gift made by his or her spouse treated as made one-half by the decedent. Effective 11-1-03.

SB 440 (Rabon/Pope): Exempts service transactions between related entities from sales taxes, for services that become taxable after 7-1-03; allows the manufacturing investment tax credit to be carried forward beyond the initial 20 year period; and extends the duration of the Task Force on Valuation of Gas Gathering System Assets. Effective 7-1-03.

SB 535 (Easley/Rice): Makes various changes relating to taxation of oil and gas production, including the following:

- ◆ Modifies procedures for the computation of oil and gas prices used in the determination of the tax rate;
- ◆ Extends existing gross production tax exemptions for enhanced recovery projects, horizontal drilling, inactive wells, production enhancement projects, deep wells, new discoveries, and three-dimensional seismic technology, until 7-1-06;
- ◆ Modifies procedures for payment of gross production tax refunds to prohibit claims for refunds more than 18 months after the first day of the fiscal year the refund was first available, prohibit payments to persons other than the operator or a working interest owner of record at the time of production, and require reinvest-

ment of at least the amount of the refund in Oklahoma oil or gas production as a condition of receiving the refund;

- ◆ Extends the current provision limiting the depletion allowance for major oil companies to 50 percent of net income until 12-31-06; and
- ◆ Creates the Surface Damage Advisory Committee.

Effective 7-1-03 (Section 1) and 6-7-03 (Sections 2 and 3).

SB 549 (Morgan/Carey): Allows income tax refund checkoffs for support of Oklahoma common schools, support of Oklahoma road and highway maintenance, and support of the Oklahoma Medicaid program. Effective 11-1-03.

SB 708 (Monson/Pope): Enacts the Streamlined Sales and Use Tax Administration Act and directs the Tax Commission to enter into the multi-state Streamlined Sales and Use Tax Agreement. Several amendments are made to existing law to conform provisions with the agreement, including adding definitions, clarifying application of tax rates and exemptions, modifying deadlines and procedures, requiring registration of certain vendors, modifying procedures for remittance and apportionment of local sales taxes, modifying procedures for changing state and local tax rates, providing for sourcing of certain sales, providing amnesty for certain tax remitters and specifying certain duties of the Tax Commission. Effective 11-1-03.

HB 1002 (Adair/Corn): Deletes the provision enacted last year which subjected items of jewelry valued at \$50 or more sold by schools or school groups to sales tax. Effective 5-28-03.

HB 1085 (Bonny/Gumm): Provides that the income tax benefits for motor vehicles propelled only by electricity apply to the full purchase price of the vehicle and allows the income tax credit for rehabilitation of certain historic buildings to be claimed against the financial institutions tax. Effective 11-1-03.

HB 1250 (Mitchell/Morgan): Requires the Tax Commission to subscribe to appropriate reference materials which provide economic outlook of future gas prices that have most closely followed the historical trend of Oklahoma gas prices. To determine the average differential between the published forecasted prices and Oklahoma gas prices, the Tax Commission must compare prices in at least 24 previous months of production. These procedures must be used to forecast the collection of gross production tax revenues from gas production for FY 04 and following fiscal years. Effective 8-29-03.

HB 1251 (Mitchell/Morgan): Provides tax and fee relief with respect to damages from the May 8 or 9, 2003, tornadoes, including the following:

- ◆ Allows a credit against vehicle registration fees and excise taxes for vehicles which are replacements for vehicles destroyed by the May 8th or 9th tornadoes. For registration fees, the credit is in an amount based on the remaining registration period. For excise taxes, the credit is in the full amount of excise taxes paid for a vehicle purchased in the year prior to May 8, 2003;
- ◆ Exempts from sales tax items withdrawn from inventory for donation to persons affected by the May 8th or 9th tornadoes;
- ◆ Allows the sales tax vendor discount if reports are delinquent due to the tornadoes;
- ◆ Allows an income tax credit for increased property taxes on residential property that is rebuilt after being damaged or destroyed in the May 8th or 9th tornadoes. The credit is refundable and is allowed for five years. The property must be the primary residence of the owner both prior to and after the tornado, must be homestead property and must be rebuilt on the same site by December 31, 2005;
- ◆ Extends the deadline for claiming a homestead exemption for 2004 for persons whose primary residences were damaged or destroyed in the May 8th or 9th tornadoes; and
- ◆ Modifies the five-year property tax exemption for automotive assembly plants to provide that property installed to replace property damaged by the May 8th tornado is eligible to be exempt and that the employment requirement is waived for 2003, if employment is reduced due to the May 8th tornado.

Effective 6-4-03.

HB 1356 (Pope/Rabon): Makes various changes to the tax code, including the following:

- ◆ Changes the formula for the distribution of funds from the Waste Tire Recycling Indemnity Fund by basing payments on the amount of processed waste tires consumed instead of the amount of capital investment;
- ◆ Authorizes the Tax Commission to require persons filing reports or returns to file electronically. Authorizes the Tax Commission to allow taxpayers required to file electronically to file a return on paper;



- ◆ Requires state agencies and courts seeking to collect debts by snagging income tax returns to file claims electronically. Grants debtors 60 days instead of 30 days to request a hearing in such cases. Excludes from this requirement claims for sales tax relief or property tax relief;
- ◆ Allows the Tax Commission to file releases of tax liens and tax warrants electronically;
- ◆ Requires interest to be paid on income tax refunds after 30 days for returns filed electronically. Requires interest to be paid after 150 days instead of 90 days for all other returns;
- ◆ Allows the Tax Commission to enter into contracts with qualified entities to acquire or utilize their technology systems or information to detect non-registered taxpayers, non-filers and under-reporting taxpayers. Specifies that compensation shall be based on a percentage of the additional tax revenues attributable to the implementation and use of the technology systems or information. Allows the contract to provide for additional fixed fees for services. Requires the Tax Commission to pay from taxes collected and attributable to the utilization of the acquired technology systems the amount of fees the contracting party is entitled for services;
- ◆ Clarifies status of certain county road funds;
- ◆ Provides procedures relating to the collection of previously unclaimed uncollectible motor fuel taxes by specifying that any payment made to a supplier shall be applied first proportionally to the gallons sold and the tax thereon and secondly to interest, service charges and any other charges;
- ◆ Allows the Tax Commission to contract with wire services to provide temporary motor fuel permits;
- ◆ Modifies the determination of value for estate tax purposes as it relates to certain gifts;
- ◆ Eliminates the requirement that the Tax Commission audit every estate tax return;
- ◆ Modifies definition of manufacturing and manufacturing operation under the Oklahoma Sales Tax Code;
- ◆ Exempts from sales tax sales to the Broken Bow Economic Development Authority or its agents;
- ◆ Prohibits claiming manufacturing exemption under Oklahoma Sales Tax code for certain goods, wares, merchandise, property, machinery and equipment used in a nonmanufacturing activity;

- ◆ Requires promoters or organizers of special events to obtain a special event permit for a fee of \$50. Provides that the revenue generated from such fee shall go to the General Revenue Fund. Provides procedures for the remittance of sales taxes generated from such special event. Defines special event as an event that occurs at a single location on an irregular basis and at which tangible personal property is sold;
  - ◆ Decreases the percentage of tax which is retained by sales tax vendors for timely filing from 2.25 percent to 1.25 percent for vendors who do not file electronically. Makes an exception for those vendors who are unable to file electronically;
  - ◆ Expands the purposes for use of the county sales tax;
  - ◆ Provides an income tax credit for donations to an independent biomedical research institute. Limits the amount of the credit to 50 percent of the donation. Provides after the third year that the credit shall be capped at a maximum of \$2 million with a maximum credit of \$1,000 per taxpayer. Provides procedures to suspend the applicability of the credit if economic conditions result in less revenue available for appropriation by the Legislature;
  - ◆ Includes the distributive share of the Oklahoma part of LLC income, gains, losses and deductions in the determination of Oklahoma adjusted gross income;
  - ◆ Requires tax return preparers preparing more than 50 returns in a year to file electronically in the following year unless the taxpayer directs otherwise;
  - ◆ Requires employers owing an average of \$5,000 or more per month in employee withholding taxes to file electronically;
  - ◆ Requires a pass-through entity to withhold income tax at the rate of five percent of the Oklahoma share of income of the equity distributed to each nonresident member. Provides that the pass-through entity shall not be required to withhold on distributions made to tax-exempt entities. Specifies that any amounts withheld shall be deemed to be held in trust for the state. Provides penalties for failure of a pass-through entity to file a return or pay the amounts withheld; and
  - ◆ Changes the Tax Commission representative on the Oklahoma Capitol Improvement Authority from the Vice Chairman to the Secretary-Member.
- Effective 8-29-03 (Sections 1-16, 18, 20-26), 10-1-03 (Section 17), and 1-1-05 (Section 19).  
 HB 1474 (Rice/Fisher): Modifies the statutory exemption for charitable property to provide that single-family or multi-family dwellings are not exempt if constructed with tax-exempt bonds. Under current law, such property may be exempt if constructed by a nonprofit, community-based organization with at least two years of housing experience, 100 percent of the profits are transferred to local governments and other conditions are met. Effective 1-1-04.
- HB 1534 (Covey/Littlefield): Allows income tax refund checkoffs for support of county fairs and for support of the Junior Livestock Auction Scholarship Revolving Fund. Effective 11-1-03.
- HB 1593 (Pope/Rabon): Makes various changes to the tax code, including the following:
- ◆ Requires the Tax Commission to notify any state employee deemed to be out of compliance with state income tax laws. If a state employee does not respond or fails to come into compliance after a final assessment or after the Tax Commission determines that every reasonable effort has been made to assist the state employee, the appointing authority is notified and must commence disciplinary action. If the appointing authority has received notification on a state employee two or more times in the previous three years, the employee must be terminated as provided by law;
  - ◆ Requires persons owing an average of \$2,500 or more per month in sales and/or use taxes to remit twice each month electronically. Taxes are due on the 20th for sales from the 1st through the 15th of each month, and are due on the 20th of the following month for sales from the 16th through the end of the month. Under current law, taxes are due by the 15th of the following month for the entire month, except for taxpayers owing an average of \$25,000 or more per month. A different schedule is provided for persons engaged in the sale of lumber and building materials;
  - ◆ Directs the Tax Commission to include a line on income tax forms for use tax remittance on items purchased from sellers who do not collect state and local use taxes. Revenues are apportioned as state use taxes are (65 percent) or to municipalities and counties (35 percent). Penalties and interest will not be imposed;
  - ◆ Requires the Department of Commerce to include jobs created by a tire manufacturing establishment for purposes of computing quality

jobs payments if the jobs were created within the 14 calendars preceding the establishment's application and the application was approved prior to 3-30-97. Claims may not be made prior to 7-1-04; and

- ◆ Requires the State Purchasing Director to verify that state contractors have obtained a sales tax permit, if required to do so, as a condition of awarding a state contract.

Effective 7-1-03.

HB 1712 (Pope/Monson): Makes various changes to the tax code, including the following:

- ◆ Exempts from sales tax sales to the Broken Bow Economic Development Authority or its agents;
- ◆ Provides that property used wholly as a facility, device or method for the desulphurization of gasoline or diesel fuel will not be included in the capitalization used to determine the fair market value of an oil refinery for purposes of ad valorem taxation, if the property would qualify for a five-year ad valorem tax exemption; and
- ◆ Provides that the requirement for a vehicle identification number inspection by a law enforcement officer only applies with respect to vehicles sold at salvage pools, salvage disposal sales or classic or antique auctions.

Effective 7-1-03 (Section 1), 11-1-03 (Section 4) and 1-1-04 (Sections 2 and 3).

HB 1814 (Hilliard/Crutchfield): Makes various changes relating to cigarette stamp taxes, including the following:

- ◆ Defines "delivery sale", "delivery service", "manufacturer", "mails", "shipping container" and "shipping documents";
- ◆ Prohibits granting or renewing a license under certain conditions, including owing delinquent taxes, having a license revoked in the past, having been convicted of a crime relating to stolen or counterfeit cigarettes, or other conditions relating to manufacturers. This section also requires the Tax Commission to create and maintain a website setting forth all current valid licenses and the identity of licensees and requires that the site be updated monthly;
- ◆ Requires distributors to apply stamps to certain packages and limits packages to which distributors may apply stamps;
- ◆ Requires wholesalers, distributors and manufacturers to submit periodic reports that contain certain information and requires Tax Commission to establish procedures to allow electronic submission of reports;
- ◆ Requires distributors, retailers and manufacturers to maintain copies of invoices on the licensed premises and available for inspection by

the Tax Commission. The records must be kept for three years. Public access to the records shall be provided pursuant to procedures of the Open Records Act;

- ◆ Provides penalties and remedies for failure to comply with act and provides for destruction of cigarettes and forfeiture of equipment under certain circumstances;
- ◆ Provides requirements for delivery sales of cigarettes including requirements pertaining to age verification, notice, shipping, registration, reporting, and collection and remittance of taxes;
- ◆ Provides penalties and fines for violation of delivery sales requirements; and
- ◆ Allows certain entities including the Attorney General to bring an action for a violation of this act.

Effective 11-1-03.

and provide better records for mineral interest owners.

### **OKLAHOMA TAX COMMISSION FUNDING**

The agency's FY'03 appropriation was cut by 7.85 percent (\$3,859,152). To manage the reduction, the Commission mandated six days of furlough for employees whose annual rate of pay was over \$25,000, and two days for its remaining FTE; in addition, the agency scaled back Tax Internet Services by \$450,000 (the measure will not affect low income users). Finally, OTC initiated a hiring freeze which eliminated 106 FTE through attrition.

The Commission's FY'04 appropriation is \$44,601,406, a 9.3 percent cut from their original FY'03 appropriation and a 2.6 percent cut from their revised FY'03 allocation. To address the reduction, the agency will continue the hiring freeze begun in FY'03, a measure which is expected to reduce its FTE count by 48. Furloughs may be implemented since two measures which would have resulted in lost savings of approximately \$1.5 million (the elimination of license tag renewal notices and electronic filing mandates) were not passed into law, although the Commission is implementing some of these provisions administratively.

HB 1250 appropriated \$500,000 in General Revenue Funds to the Tax Commission for the enhancement of its tax reporting and remittance programs, and for its revenue forecasting system. Potential benefits from this appropriation should: provide better estimations of oil and gas revenues; allow companies to electronically file returns; reduce the overhead associated with maintaining the revenue forecasting system; reduce the number of employees necessary to process returns and refunds

The agency's appropriation base has been cut by 13.3 percent over the last two fiscal years. In January of 2002, the agency had 1,112 FTE. As a result of the budget shortfall they are at 990 and expect to fall to 940 by the end of FY'04. The impact of these reductions includes: a slow down in the issue of business licenses and permits, a decreased ability to update computer files used by law enforcement and motor license agents, delays in the processing of taxpayer information and extended completion of the processing of tax returns during the peak season. Finally, the cuts have resulted in lost opportunities for revenue collection and an increase in taxpayer complaints.

OKLAHOMA TAX COMMISSION Treasury Offset Program Net Collections		
	Volume	Net Collections
FY'01	461	\$198,397.09
FY'02	6,218	\$3,237,383.64
FY'03	5,739	\$2,595,578.23
Total (as of 5/1/03)	12,418	\$6,031,358.96

**SPORTS & AMUSEMENTS MEASURES**

HB 1524 (Stanley/Shurden): Modifies the Oklahoma Horse Racing Act by creating a specific authorization for the use of Furosemide in a certain dosage for horses participating in a race. Effective 4-7-03.

HB 1640 (Case/Coffee): Expands the membership of the Oklahoma Professional Boxing Commission. Transfers administrative responsibility from the Oklahoma Tax Commission to the Boxing Commission for handling the assessment paid on professional boxing matches. Modifies licensing requirements for telecast promoters and procedures for assessment of telecast contests. Effective 7-1-03.

**SUNSET MEASURES**

Effective 8-29-03, the following agencies were recreated until 2009 pursuant to the Oklahoma Sunset Law:

- ♦ Group Homes for persons with Developmental or Physical Disabilities Advisory Board (HB 1537 Sweeden/Gumm);

- ♦ State Board of Medical Licensure and Supervision (HB 1538 Sweeden/Gumm);
- ♦ State Barber Advisory Board; HB 1539 (Sweeden/Gumm);
- ♦ State Board of Cosmetology; HB 1540 (Sweeden/Gumm);
- ♦ Oklahoma Real Estate Commission; HB 1541 (Sweeden/Gumm);
- ♦ State Board of Examiners of Psychologists; HB 1542 (Sweeden/Gumm);
- ♦ Scenic Rivers Commission; HB 1543 (Sweeden/Gumm);
- ♦ Ottawa Reclamation Authority; HB 1546 (Sweeden/Gumm);
- ♦ Oklahoma Sorghum Commission; HB 1547 (Sweeden/Gumm);
- ♦ Domestic Violence and Sexual Assault Advisory Committee; HB 1548 (Sweeden/Gumm).

Not recreated was the Continuum of Care and Assisted Living Standards Council; HB 1545 (Sweeden/Gumm).

HB 1495 (Sweeden/Gumm): Repealed the entities which are defunct and no longer need to be listed in the statutes. Effective 7-1-03.

**TELECOMMUNICATIONS & TECHNOLOGY MEASURES**

SB 556 (Price/Pope): Creates the Task Force on Oklahoma's Communications Infrastructure. Sixteen members, including legislators, agency personnel and industry representatives will assess the strengths and weaknesses of the existing infrastructure and the impact it has on economic development and develop recommendations for creating a communications infrastructure which will provide a seamless delivery system for voice, data, video capacity and Internet access for the entire state. The task force will terminate its duties November 1, 2004. Effective 7-1-03.

SB 660 (Coffee/Perry): Prohibits the transmittal of false or misleading commercial electronic mail messages and regulates the transmittal of unsolicited commercial electronic mail messages. Allows recovery of certain damages, court costs and attorney fees for injury arising from the transmission of unsolicited or commercial electronic mail messages.

Exempts an electronic mail service provider from liability for being the intermediary between the sender and recipient, or for transmitting or failing to transmit unsolicited commercial electronic mail messages over the provider's network or facilities. Effective 11-1-03.

HB 1271 (Newport/Leftwich): Modifies definitions in the Telemarketer Restriction Act. Deletes requirement to include actual names on the no-call registry and makes certain information on the registry confidential. Authorizes the Attorney General to forward consumer requests to the appropriate federal agency for inclusion on a nationwide registry. Effective 6-03-03.

HB 1342 (Deutschendorf/Capps): Creates the Electronic and Information Technology Accessibility Task Force, comprised of 20 members representing the Legislature, state agencies, education entities, web managers, vendors, and disabled persons. The Task Force will review federal laws requiring access to electronic and information technology for the disabled and survey state agency sites and services to determine accessibility compliance. The Task Force will make recommendations on an oversight mechanism and legislative action necessary to ensure that disability accessibility standards and requirements are met by state agencies. Effective 4-7-03.

HB 1691 (Davis/Coffee): Amends SB 660 to clarify the definition of "commercial electronic mail message" and further requires the sender of an unsolicited commercial electronic mail message to remove a recipient from its message list if the sender receives an electronic mail message that states the sender wishes to be removed from the list. The bill also provides that unlawful acts relating to electronic mail shall also be violations of the Oklahoma Consumer Protection Act. Effective 11-01-02.

### ***TOURISM MEASURES***

SB 117 (Morgan/Mitchell): Authorizes the Oklahoma Capitol Improvement Authority to issue up to \$18 Million in obligations to provide funding to finish construction of a History Center. The Authority is authorized to capitalize the interest on the bonds so that no debt retirement payments have to be made for the first two years after the bonds are issued. The measure expresses legislative intent to appropriate sufficient monies to make debt retirement payments for the fiscal year ending June 30, 2006, and for subsequent years. Effective 5-27-03.

SB 294 (Easley/Hefner): Requires one member of the Tourism and Recreation Commission to possess and maintain a fishing license issued by the Department of Wildlife Conservation, to have been active through business or organizations in the promotion of fishing in the State of Oklahoma for at least five years, and to possess the skills to communicate the views of the fishing community in and outside of the State of Oklahoma. Effective 6-6-03.

SB 357 (Rozell/Wilson): Re-creates the Scenic Rivers Commission until July 1, 2009 (see also HB 1543). It expands the area of the Scenic Rivers Commission, increases the membership of Commission, modifies initial term of office of the members, requires one member to be a representative of the agriculture industry, and removes the appointment made by board of county commissioners. The bill also authorizes any peace officer who has completed 20 years of service or retires from the Scenic Rivers Commission to maintain possession of his or her badge and assigned firearm. Effective 5-7-03.

SB 371 (Shurden/Wilson): Requires a state agency, board, or commission to make voluntary payroll deductions at the request of an employee for a subscription to the Oklahoma Today magazine, published by the State of Oklahoma through the Oklahoma Tourism and Recreation Department. Effective 4-21-03.

SB 527 (Littlefield/Pope): Makes the following changes regarding the Oklahoma Historical Society: Changes name of the State Museum of History to the Oklahoma Museum of History;

- ◆ Removes restrictions on charging fees at museums and historical sites;
- ◆ Deletes language that allowed artists and craftsmen to sell arts and crafts at arts and crafts programs, exhibits and shows held by the Historical Society on state property;
- ◆ Increases the petty cash fund from \$1,500 to \$5,000;
- ◆ Authorizes the Historical Society to sell surplus property at fair market value, exempts these sales from the Oklahoma Surplus Property Act, and requires proceeds be deposited in the Oklahoma Historical Society Revolving Fund; and
- ◆ Repeals provisions relating to the Oklahoma Historical Preservation Act.

Effective 11-1-03.

SB 733 (Gumm/Carey): Authorizes the Oklahoma Tourism and Recreation Commission to enter into agreements with private concessionaires to make repairs or improvements to state-owned or -leased properties and facilities. Exempts these agreements from the Oklahoma Central Purchasing Act and the Public Competitive Bidding Act. Requires the Commission to promulgate rules to allow concessionaires to reduce lease or rental payments over a five-year period to provide repayment for some or all costs of the repairs and improvements. Effective 5-27-03.

HB 1353 (Coleman/Littlefield): Removes the restriction on charging state park entrance fees and authorizes the Oklahoma Tourism and Recreation Commission to establish entrance, day-use and annual pass fees for the state park system. The fees will be deposited in the State Park System Improvement Revolving Fund and used only for capital improvements at the state park where the charges were collected. The Commission is required to promulgate rules to govern the determination and collection of these fees and to submit a copy of any proposed rate changes to the Governor and Legislature at least 20 days prior to their adoption or approval by the Commission. Effective 7-1-03.

HB 1478 (Walker/Crutchfield): Addresses capital projects of the Oklahoma Tourism and Recreation Commission by redirecting Lake Murray project funds from swimming pool to cabin renovation and improvements. Authorizes the Commission to use legislative appropriations on a year-to-year basis, as authorized by the Legislature, to repay certain obligations to the Oklahoma Water Resources Board. Effective 5-1-03.

### ***TOURISM FUNDING***

The Legislature reduced the appropriations to the Tourism and Recreation Department by 22.41 percent (HB 1219), targeting administrative cost, travel expenses, vehicle purchases and specific programs that had the ability to absorb the cuts. The goal was to reduce the impact on field services provided by the agency.

The Legislature funded \$475,000 to fund environmental projects at five of the state parks. The funding will ensure safe treatment of water and wastewater for the next twenty years.

The Legislature continued its funding for the Multi-county Organizations Matching Funds Program in the amount of \$476,000. The program will allow Oklahoma's 19 qualifying lake and country associations to expend additional resources for local promotion and advertising.

### ***TRANSPORTATION MEASURES***

SB 280 (Reynolds/Coleman): Designates a portion of State Highway 77H as the "Pearl Harbor/USS Oklahoma Memorial Highway". It also designates any portion of Interstate Highway 412/64 in Tulsa County that is currently designated as the Keystone Expressway to be renamed as the "Sand Springs Expressway" and requires the Department of Trans-

Transportation to cause suitable permanent markers to be placed on the highways. Effective 4-15-03.



SB 295 (Milacek/Dewitt): Designates a portion of U.S. Highway 412 as "Trooper Chris Van Kreveken Memorial Highway" and directs the Department of Transportation to place suitable permanent markers on the highway. Effective 4-28-03.

SB 317 (Dunlap/Tyler): Provides the Department of Transportation with a mechanism to find acceptable relocation sites for sign structures which must be removed. Allows the Department to negotiate with billboard owners to find an acceptable relocation site. Authorizes the Department to issue permits excepting the current 1,000-foot state spacing limit for the relocated signs, provided the signs are not closer than 500 feet from another outdoor advertising structure. Provides that the relocation sites be on a similar class of highway and requires the Transportation Commission to promulgate rules to implement the permit option. Effective 7-1-03.

SB 350 (Pruitt/Patterson): Designates a portion of the south loop of the Creek Turnpike as the "Liberty Parkway" and directs the Oklahoma Transportation Authority to place suitable permanent markers on the turnpike. Authorizes transportation authorities created by any combination of cities, towns or counties, by resolution of their governing boards, to provide for the financing of a toll bridge utilizing any revenue generated by a sales tax levy in combination with revenue derived from toll charges. Requires the resolution to fully describe the financing and set out minimum and maximum percentages of the total debt to be retired utilizing revenue received from toll charges. Effective 5-29-03.

SB 368 (Robinson/Miller): Creates the Oklahoma Barge Traffic Safety Advisory Task Force which will advise and assist the Director of the Department of Transportation in addressing safety issues related to barge operations. The Task Force will also advise the Department on the implementation of rules, policies and procedures promulgated by the Transportation Commission. The measure also provides for membership, powers and duties of the Task Force and for support from the Department of Transportation. Effective 7-1-03.

SB 380 (Helton/McCarter): Renames Interstate Highway 40 westbound from the Interstate Highway 35 and Interstate Highway 40 intersection to the state line as the "Korean War Veterans Memorial Highway" / "Purple Heart Trail". It also renames Interstate Highway 40 eastbound from the Interstate Highway 35 and Interstate Highway 40 intersections to the state line as the "Vietnam Veterans Memorial Highway" / "Purple Heart Trail" and requires the Department of Transportation to cause suitable permanent markers to be placed on the highways. Effective 4-21-03.

SB 454 (Laughlin/Davis): Removes the requirement for aircraft dealers to show proof of the sale of three or more aircraft every 18 months in order to obtain a dealers license. Effective 4-10-03.

SB 464 (Leftwich/Tyler): Authorizes the Oklahoma Transportation Authority to develop and market alternative uses of the Oklahoma Transportation Authority Electronic Toll Collection System. Provides that no turnpike project shall be transferred from the Oklahoma Transportation Authority to the State Highway System unless applicable provisions of Section 1717 of Title 69 of the Oklahoma Statutes are met and the transfer is approved by the Legislature as expressed in a concurrent resolution. Effective 5-12-03.

SB 489 (Rabon/Ellis): Designates State Highway 3 within the boundaries of Tom, Oklahoma, and the Community of Tom, Oklahoma, in McCurtain County as the "Southeastern Mountain Gateway" in an attempt to increase tourism in Southern Oklahoma by promoting mountains as a tourist attraction in that part of the state. Requires the Department of Transportation to cause suitable permanent markers to be placed on the highway bearing the name. Effective 4-10-03.

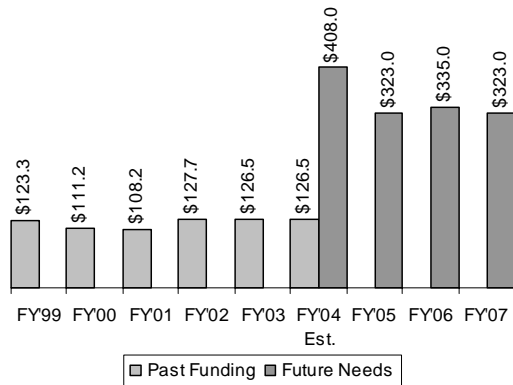
HB 1005 (Maddux/ Milacek): Increases the maximum traveling distance from 50 to 100 miles on state and federal highways for permits issued by the Commissioner of Public Safety for the movement of structures in the form of a house or building, including but not limited to industrialized housing. Increases the width limitation from 26 to 32 feet at the bottom and from 30 to 34 feet at the top of the structures. Effective 11-1-03.

### **TRANSPORTATION FUNDING**

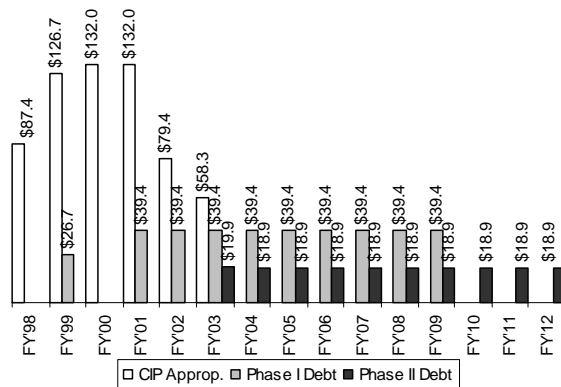
Due to the FY'03 revenue shortfall, the Department of Transportation's (ODOT) General Revenue appropriation was reduced by 7.85 percent (\$2,608,420). To manage the deficit, the agency employed restored Capital Improvement Program (CIP) funding (\$1.7 million) and cut administrative, operations, engineering and maintenance expenditures (\$908,000).

The Department's FY'04 Operating Budget was cut 4.3 percent (\$8.01 million). To address the reduction, the Department will decrease administrative expenditures (data processing, contingencies, motor carriers, and ODOT buildings) by \$4,500,000, maintenance activities by \$2,865,000, operations by \$700,000 and engineering by \$100,000.

**ODOT Maintenance  
Past Funding vs. Future Needs**



**CIP Funding/Debt Service**



**VETERANS & MILITARY AFFAIRS  
MEASURES**

SB 376 (Helton/McCarter): Deletes the requirement that the Legislature must specifically authorize the disposition of proceeds from the use, sale or lease of properties under the control of the War Veterans Commission which are deposited in the Capital Improvement Program Revolving Fund. Effective 7-1-01.

HB 1034 (Lerblance/Helton): Exempts from the Nursing Home Care Act nursing facilities operated by the Oklahoma Department of Veterans Affairs and under control of the Oklahoma War Veterans Commission. Subjects such facilities to licensure by the Oklahoma War Veterans Commissions, upon approval to participate in the US Department of Veterans Affairs per diem program. Effective 4-15-03.

HB 1059 (McCarter/Crutchfield): Adds the American Ex-Prisoner of War flag and the POW/MIA flag to flags which may be displayed upon or over any tax-supported property in the state of Oklahoma. Effective 11-1-03.

HB 1126 (Hilliard/Helton): Extends by five years the date after which the Department of Veterans Affairs is prohibited from issuing any bond or other evidence of indebtedness or entering into agreements with public trusts in connection with such issuances. Effective 4-15-03.

HB 1180 (Morgan/Mitchell): Authorizes the Oklahoma Military Department to transfer certain property in Mayes County to the City of Pryor to be used for a community recreational center. Effective 7-1-03.

HB 1368 (Jones/Pruitt): Adds veteran burial markers from any war to the list of protected structures and makes the buying, selling or bartering of such markers unlawful. Effective 11-1-03.

HB 1396 (Braddock/Leftwich): Creates the Oklahoma Strategic Military Planning Commission, comprised of five members who represent the communities that house a military facility and two legislative members. The Commission will analyze state policies affecting Oklahoma military facilities and methods for improving their potential private sector market value and will make recommendations on policies that would prevent, or mitigate the effect of, the closure or downsizing of Oklahoma's military facilities under the federal base realignment and closure (BRAC) process. Effective 5-27-03.

HB 1397 (Braddock/Leftwich): Creates the Oklahoma Strategic Military Planning Commission Revolving Fund for the State Department of Commerce, for distribution to local communities affected by potential closures of military installations. Funds are to be used to match local funds, and are to be expended according to a plan filed by the local community and approved by the Commission. A two-thirds vote of the local governing body is required. Effective 7-1-03.

**VETERANS FUNDING**

The Department of Veterans Affairs was held harmless from the cuts that will affect most other state agencies in FY'04. The agency received an appropriation of \$26,943,202 in SB 50 and HB 1193. This is an 1.0 percent increase over the agency's original FY'03 appropriation and 9.5 percent more than its revised FY'03 appropriation. This appropriation includes \$3,550,000 for the operation of

the new Lawton Veterans Center which is scheduled to open in September 2003.

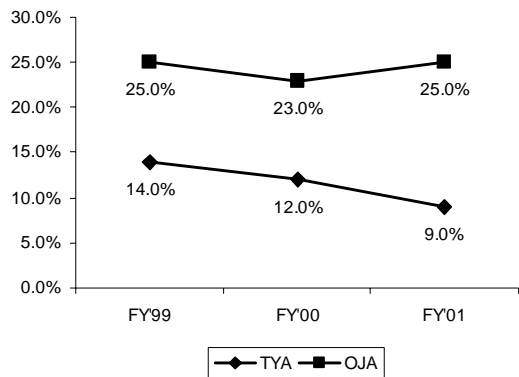
**OKLAHOMA MILITARY DEPARTMENT  
FUNDING**

The agency's FY'03 allocation was reduced by 7.85 percent (\$619,825). To manage the reduction, the department cut its National Guard Armory maintenance budget and limited data processing expenditures.

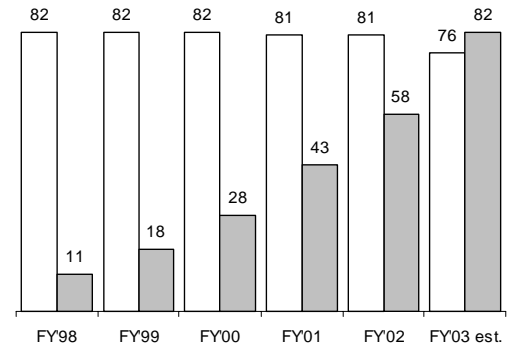
For FY'04, the Legislature appropriated \$7,021,379 to the Military Department. This reflects an 11.1 percent reduction from their original FY'03 appropriation and a 3.5 percent reduction from their revised FY'03 allocation. To address the cut the agency will implement a reduction-in-force of five FTE and eliminate three more positions through attrition.

The agency's base appropriation has been cut by 11.1 percent over the past two fiscal years; it is estimated that the reduction will cost the department a minimum of \$600,000 in lost federal matching funds for its youth programs, which are slated to absorb the entire FTE reduction.

**Recidivism Rates  
T-Bird Youth Academy/Office of Juvenile Affairs**



**National Guard Armories  
Roofs Repaired**



**WILDLIFE MEASURES**

**SB 360 (Shurden/Smith):** Removes the requirement that game wardens must be authorized by the Governor to enforce laws that are not wildlife related. Establishes a \$19 license fee for a hunting or fishing license for legal residents 18 years of age and older, a \$4 fee for legal residents who are 16 or 17 years of age, and a \$9 fee for a two-day resident permit license. Decreases the fee for a license to buy, barter or deal in any fur or pelt of furbearers in this state from \$68 to \$25 for residents or nonresidents. Establishes a \$36 license fee for an annual combination hunting/fishing license for legal residents 18 years of age and older and an \$8 fee for legal residents 16 or 17 years of age. Establishes a \$4 license fee for trout fishing for persons less than 18 years of age. Effective 7-1-03.

**HB 1419 (Hutchinson/Shurden):** Increases the fee for lifetime fishing licenses for legal residence from \$150 to \$200. Increases the fee for lifetime hunting license from \$400 to \$600 and the fee for a lifetime combination hunting/fishing license from \$525 to \$750. Increases the fee to obtain a duplicate lifetime license from \$5 to \$10. Effective 7-1-03

**HB 1492 (Smith (Dale)/Shurden):** Expands the Department of Wildlife Conservation habitat program to include all wildlife and multiyear contracts. The contracts are for approved projects on privately owned lands and detail the landowners' responsibilities for encouraging wildlife habitat conservation. Requires the Department to include wildlife habitat maintenance and enhancement in the program. Effective 4-21-03.

HB 1493 (Smith (Dale)/Shurden): Provides that the following licenses issued by the Director of Wildlife Conservation shall expire on the June 30, of each year:

- ◆ all big game, upland game, or a combination of big game and upland game licenses;
- ◆ all licenses to breed, possess or raise native wildlife, except fish, amphibians, aquatic reptiles, aquatic invertebrates or exotic livestock, for commercial purposes; and
- ◆ all licenses to breed or raise wildlife for personal consumption or noncommercial purposes.

Effective 7-1-03

HB 1565 (Boren/Shurden): Authorizes the fur or pelt of legally acquired squirrels to be purchased, bartered, traded, sold or offered for sale. Effective 11-1-03

HB 1566 (Smith (Dale)/Shurden): Removes the requirement of a commercial wildlife breeder's license to possess large cats and bears that are not native to the U.S. In addition, native cats and bears can be exhibited at temporary sites with the appropriate permit. Effective 7-1-03

HB 1663 (Smith (Dale)/Shurden): Modifies the hunting and fishing license and permit requirements within the Oklahoma Wildlife Conservation Department. Effective 7-1-03

### **VETOED BILLS**

SB 198 (Morgan/Mitchell): Prohibits agencies from spending or committing federal funds received or state savings from the increase in Federal Medical Assistance Percentage for Medicaid under the Job and Growth Tax Relief Reconciliation Act of 2003 without prior authorization, appropriation or other formal expression of legislative intent.

Vetoed 6-6-03: Veto message states that "This bill amends a statute which already prevents state agencies from committing or expending funds from federal block grants for a variety of programs without prior authorization, an appropriation or an expression of legislative intent. Language is added which applies to recently authorized federal funds which will be provided to the states and arguably would require an unnecessary special session. There are already adequate protections to prevent the unauthorized expenditure of these funds without the necessity of a special session, and this measure is superfluous."

SB 421 (Gumm/Carey): Relates to the Oklahoma Personnel Act. This bill makes skill-based salary

adjustments permanent after 24 months for state employees. Requires appointing authorities to state in writing reasons for excluding certain relevant experience when determining minimum qualifications for a position. Requires approval prior to making any qualification changes to a position upon re-posting a notice of vacancy. Creates the State Employees Advocacy Rights Act and the Oklahoma Biennial Compensation Review Board. Also provides an exemption from participation in the basic health insurance plan for certain retired military personnel.

Vetoed 5-28-03: Veto message states that "This legislation has several positive provisions, but would unfortunately permit state agency e-mail systems and other resources to be used for communications not related to the conduct of official state business, which violates the state constitution and other laws governing such activities. State e-mail systems and state property or resources should be used for public purposes only."

SB 557 (Coffee/Hiett): Relates to the Animal Disease Outbreak Temporary Emergency Act.

Vetoed 5-7-03: Veto message states that "The main subject matter of the bill is related to agriculture, animal disease outbreaks and related emergencies. Section 8 of the bill deals with what constitutes the practice of medicine in Oklahoma. In my view this violates Okla. Const. Art. V, Section 57 which requires each bill to embrace only one subject. Senate Bill 557 constitutes a clear case of log rolling, which the Oklahoma Supreme Court has held to be unconstitutional."

SB 725 (Smith/Toure): Modifies civil procedure provisions related to foreign judgments, stays of enforcement, mortgages, punitive damages and guardian's bond.

Vetoed 6-7-03: Veto message states that "Section 3 of the bill amends HB 1574, which was recently signed into law. The amendment removes an important safeguard for consumers. In addition, Section 6 of the bill repeals a requirement of an annual report in guardianship matters involving minors. Neither of these provisions is good public policy."

HB 1269 (Trebilcock/Pruitt): Modifies civil procedure provisions related to the Tobacco Settlement Fund, actions for forcible entry and detainer, and declaratory judgments. Limits liability for certain trained persons for the use of external defibrillators.

Vetoed 6-8-03: Veto message states that "Although there are many positive provisions in this legislation, Section 3 of this bill deletes language designed to protect insurance consumers that has been in the statute since it was originally enacted more than 40 years ago. This change subjects consumers to costly lawsuits brought by their own in-

urers and puts consumers in a position of severe disadvantage.”

HB 1335 (Adkins/Coffee): The bill exempts some telecommunications companies from regulation by the Corporation Commission by amending the current service number of 75,000 access lines to 15 percent of the total access lines in the state. The bill further established the Legislative Advisory Committee on Rural Telecommunications Services to monitor and advise the Legislature on rural telecommunications service issues.

Vetoed 5-26-03: Veto message states "This bill would exempt certain telecommunications companies from oversight and regulation by the Corporation Commission by substantially raising the threshold for the size of telecommunications companies subject to local exchange rate regulation by the Corporation Commission. Only companies serving more than 15 percent of the access lines in the State would be subject to local exchange rate regulation by the Commission in most cases under the language of this bill, which likely would adversely affect ratepayers in the State of Oklahoma."

HB 1476 (Greenwood/Wilcoxson): Specifies performance standard and cut point determination for student performance levels. Requires student test results to include the reporting of the number correct and number incorrect.

Vetoed 6-9-03: Veto message states "The federal No Child Left Behind Act requires the establishment of a single system of accountability. SB 1414, previously signed into law, provides a good system of accountability and complies with the requirement of the federal act. This legislation would set up a dual system of accountability and would be out of compliance with the No Child Left Behind Act."

HB 1676 (Blackburn/Crutchfield): Modifies the rate paid by a financial institution to the official county depository account. Modifies certain duties of the State Auditor and Inspector.

Vetoed 6-9-03: Veto message states "This bill removes requirements for certain counties to use generally accepted accounting principles in many cases. The failure of counties to use generally accepted accounting principles could have a negative effect on a county's credit rating. Local governments in Oklahoma should strive for better accounting and reporting rather than accepting relaxed standards of accountability."

HB 1686 (Steele/Aldridge): Modifies notice requirement for condemnation of dilapidated buildings and provides appeals procedure for certain powers exercised by a municipality. Provides appeals procedure for actions of a municipal planning commission and of regional planning commissions.

Vetoed 6-9-03: Veto message states "This legislation creates new causes of action against municipalities, imposes undue and costly unfunded

mandates upon municipalities, and would create a substantial burden upon and impediment to economic development efforts."

HB 1738 (Morgan, Danny/Lawler): Modifies the required information available to mineral owners and included on oil and gas royalty checks. Usually referred to as the "checkstub" bill, the information required by this law has created a longstanding disagreement between oil and gas producers and royalty owners. HB 1738 requires producers to include a telephone number where royalty owners could request more information and requires companies to list deductions and provide BTU adjustments if requested by the royalty owner.

Vetoed 5-29-03: Veto message states that "This bill would limit access to information by royalty owners by deleting a requirement to provide detailed information about deductions and other production details from royalty payments that currently must accompany each payment to royalty owners. The legislation would put the burden on owners to request the information and the owners could only receive the information twice a year. There is no justification for limiting this important information to royalty owners."

HB 1744 (Miller/Nichols): Relates to the Oklahoma Personnel Act. Modifies criteria for employee performance management system.

Vetoed 5-26-03: Veto message states that "This bill would make every performance evaluation of a classified employee subject to appeal to the Merit Protection Commission which would further complicate the evaluation process, make the evaluation process more adversarial in nature, and potentially undermine the state government performance management system, including performance-based pay and promotion programs. Additionally, subjecting classified employee performance evaluations to appeal to the Merit Protection Commission will compromise the confidentiality of employee performance appraisals and have a negative fiscal impact."

HB 1790 (Hefner/Easley): Modifies the Oklahoma Charity Games Act as follows:

- ◆ The definition of "bingo" is amended to provide for publication of numbers and letters;
- ◆ The ABLE Commission is required to revoke and refuse to issue or renew any license for a manager of a licensed location if contraband items are found at the location, and allows the Commission levy a fine of up to \$10,000 against the manager;
- ◆ Compensation for conducting a charity game may only be paid to a manager or employee of a licensed organization, and compensation for conducting bingo, U-PIK-EM or breakopen ticket game must not exceed twice the minimum wage;

- ◆ Compensation in excess of 40 percent of the annual gross revenue paid to a manager of an organization as compensation for conducting a bingo game, U-PIK-EM game or breakopen ticket game creates a rebuttable presumption that the compensation is excessive and may be reviewed by the ABLE Commission for reasonableness, and is deemed to include all expenses to conduct the games, excluding salaries for employees, payouts for winnings and taxes. If the management compensation is determined to be excessive, the unreasonable portion of the management compensation shall be returned to the organization with interest at an annual rate of 18 percent. Management expenses associated with a bingo game, U-PIK-EM game or breakopen ticket game may be apportioned on a pro rata basis to the manager of an organization to the extent those expenses are incurred in order to conduct the specific game;
- ◆ Date and time restrictions are applied only to bingo, U-PIK-EM or breakopen ticket games rather than all charity games; and
- ◆ Other laws relating to limits on the conduct of charity games are deemed to be superseded by the Charity Games Act.

Vetoed 5-29-03: Veto message states that "This bill could dramatically expand the type and nature of charity games beyond the bingo-related games currently permitted. The language appears to be broad enough to permit electronic gaming devices and could dramatically expand Class III gaming in the state."



## Legislative Summary Index

Bill No.	Description	Page
SB 3	Presidential Preferential Primary.....	21
SB 4	Retired Teachers Organization.....	38
SB 5	Sales Tax - Determine Point of Sale.....	40
SB 10	Boiler/Pressure Vessel Safety Act.....	35
SB 19	State Officers - Cabinet System.....	22
SB 40	Appropriation - OK Health Care Authority.....	27,35
SB 46	Substance Abuse - Assessments.....	5
SB 50	Appropriation - OK Department Veterans Affairs.....	48
SB 73	Native American Cultural & Education Authority.....	36
SB 78	Appropriation - Court of Criminal Appeals.....	34
SB 80	Appropriation - District Courts.....	33
SB 81	Courts - Modifying Fees.....	32
SB 82	Appropriation - Council on Judicial Complaints.....	34
SB 84	Appropriation - Supreme Court.....	33
SB 86	Appropriation - Workers' Compensation Court.....	34
SB 88	Appropriation - Attorney General.....	8
SB 90	Appropriation - District Attorneys Council.....	8
SB 93	Appropriation - OK Indigent Defense System.....	34
SB 102	Appropriation - OK State Bureau of Investigation.....	8
SB 104	Appropriation - Dept. of Public Safety.....	9
SB 105	Appropriation - Dept. of Public Safety.....	9
SB 117	History Center - Obligations.....	45
SB 138	Appropriation - Governor's Emergency Fund.....	23
SB 148	Appropriation - OK Conservation Commission.....	20
SB 149	OK Conservation Commission - Longevity Pay Plan.....	18
SB 150	Secretary of Environment - Disbursement of Federal Money.....	18
SB 154	Appropriation - OK Water Resources Board.....	20
SB 155	REAP Water Projects Fund.....	20
SB 156	Appropriation - Commission on Children & Youths.....	29
SB 172	Appropriation - State Regents for Higher Education.....	18
SB 175	County Election Board Secretaries - Annual Salary Schedule.....	22
SB 192	State Election Board Funds.....	22
SB 194	Biannual Compensation Review Board - Health Insurance.....	38
SB 196	State Employees - Unclassified Service.....	38
SB 198	Public Finance - Expenditures of Federal Funds - Vetoed.....	50
SB 200	Building Bonds Commission - Issue of Bonds.....	36
SB 201	Transfer of Funds from Education Revolving to Ad Valorem Reimbursement.....	18
SB 213	Providing for Tax Warrants.....	21
SB 216	Mutual Contracts - Two or More School Districts.....	10
SB 221	Municipal Bonds - Refunding Procedures.....	36
SB 231	County Treasurers - Tax Sale of Property.....	40
SB 234	Motorcycles & Mopeds - Staggered Registration.....	34
SB 237	County Expenditures - Build to School District.....	21
SB 243	Motor Vehicles - Authorize ID Number Inspection.....	34
SB 246	Public Buildings & Public Works - Contracts & Fees.....	22
SB 247	Agencies - Scientific Research or Community Development - Buy Postage.....	22
SB 257	Digital Drivers License.....	34
SB 260	Elections - Modifying Dates.....	21
SB 263	Landlord & Tenant - Modifying Definition.....	32
SB 265	Nursing Practice Act.....	35

## Legislative Summary Index

SB 272	Fire Protection Districts - Rewrite Prohibition.....	21
SB 274	Cities & Towns - Annexation Procedures.....	21
SB 276	Notaries Public - Immigration.....	32
SB 279	Cities - Granting Specific Use Permits.....	21
SB 280	Pearl Harbor/USS OK Memorial Highway.....	46
SB 281	Law Enforcement Retirement System - Add OSBI Criminalists.....	38
SB 286	Firefighters Pension & Retirement - In-Service Distribution.....	38
SB 288	Ground Water Permits.....	19
SB 289	Deletes Authority for First Grade School Day to be Less Than Six Hours.....	10
SB 290	Trust Company - Investments.....	4
SB 292	Police Pension & Retirement System - Exemptions.....	38
SB 294	Tourism & Recreation Commission - Qualifications.....	45
SB 295	Trooper Chris Van Krevelen Memorial Highway.....	47
SB 299	Legislative Intervention - Constitutionality Proceedings.....	32
SB 300	Ad Valorem Tax Exemptions.....	40
SB 307	Social Workers - Incorporation.....	35
SB 312	OK College Savings Plan Accounts - Exemptions.....	32
SB 317	Outdoor Advertising Signs - Modify Procedures.....	47
SB 318	Land Office - Modifying Procedures.....	10
SB 325	Manufactured Home Dealer - Definition.....	34
SB 326	OHLAP - Enrollment Qualifications.....	10
SB 329	Consumer Credit Code - Limit Deferral Charges.....	4
SB 334	Amusement Ride - Definition.....	35
SB 338	Children First Fund Waiver Application.....	24
SB 340	Birth & Death Certificates Misuse Penalties.....	24
SB 343	Self Medication of Inhaled Asthma Products In Schools.....	10
SB 349	Bail Bondsman - Limits.....	32
SB 350	Designate Portion of Creek Turnpike As Liberty Parkway.....	47
SB 353	Low Point Beer - Manufacture & Sale.....	5,31
SB 354	Vision Plans for State Employees.....	38
SB 355	Motorcycle Tags - Physically Disabled Decal.....	34
SB 357	Scenic Rivers Commission - Modifications.....	46
SB 358	County Election Board Secretary Salary.....	22
SB 360	Game & Fish - License Fees.....	49
SB 368	Barge Traffic Safety Advisory Task Force.....	47
SB 371	Tourism Dept. - Magazine Payroll Deduction.....	46
SB 376	War Veterans Commission - Changes.....	48
SB 379	Wrecker & Towing Service - Removing Residency Qualifications.....	5
SB 380	Purple Heart Trail.....	47
SB 391	Criminal Procedure - Admissibility of Information.....	32
SB 393	Vet Practice Act.....	35
SB 395	Open Meetings & Records Act - Adds Exemptions.....	22
SB 401	Animal Euthanasia.....	35
SB 408	Grand River Dam Authority - Purchase of Electric Power.....	19
SB 409	OSEEGIB - Feasibility Study.....	38
SB 411	Public Employees Retirement System - Actuarial Study.....	38
SB 412	Health Insurance - State Offered Plans.....	38
SB 414	OSEEGIB - Continuation of Insurance.....	38
SB 421	State Employees - Pay Movement Mechanisms - Vetoed.....	50
SB 422	Firefighters Pension & Retirement System - Volunteer Firefighters.....	38
SB 423	Finger Imaging of Driver License Applicants.....	34
SB 425	Highway Patrol Division Personnel - Stolen Vehicles.....	34

## Legislative Summary Index

SB 426	Highway Patrol Division Personnel - Age Limitations.....	34
SB 428	Governmental Tort Claims Act.....	32
SB 429	Income Tax Credit for Ethanol Production.....	40
SB 430	Estate Taxes - Determination of Value.....	40
SB 431	Insurance - Punishment.....	32
SB 435	Employment Security Act of 1980 - Representation in Proceedings.....	32
SB 436	Sheriff's Authorized to Enter Into Contracts to Collect Warrants.....	21
SB 437	Agency Rule-Making Procedures - Electronic Notification.....	22
SB 439	International Trade Centers - Certification.....	9
SB 440	Sales Subject to Sales Tax.....	40
SB 443	Appraisal Fees - Increase.....	32
SB 444	Mines - Transfer of Permits.....	19
SB 447	Insurers - New Coverage/Written Consent.....	31
SB 452	Out of School Suspensions Officers.....	10
SB 454	Aircrafts and Airports - Issuance of Dealer License.....	47
SB 455	Medical Records - Copy Costs.....	32
SB 464	Transportation Authority - Electronic Toll Collection Systems.....	47
SB 476	Supreme Court Revolving Fund - Purposes.....	32
SB 478	Short Hand Reporters - Custody of Materials.....	32
SB 484	Social Workers Licensing.....	35
SB 489	Southeastern Mountain Gateway.....	47
SB 493	Securities - Registration.....	4
SB 495	Schools in State Reformatories - Class Size.....	10
SB 512	Liens - Manufactured Homes for Storage.....	32
SB 515	Rural Economic Development Loan Act.....	3
SB 518	Wills - Require Notice to Attorney General.....	32
SB 520	Tuition Equalization Grant Act.....	18
SB 527	Historical Societies - Petty Cash Fund.....	46
SB 531	County Commissioners - Street Improvements.....	21
SB 534	County Assessor - Trust for Jail Oversight.....	21
SB 535	Gross Production Tax - Exemptions.....	40
SB 539	Use of Credit Information in Personal Insurance Act.....	31
SB 545	Construction Industries Board - Provisions.....	35
SB 546	Fire Training - Open Burning.....	19
SB 547	Climatological Survey - Mesonet.....	19
SB 549	Income Tax Refund Checkoffs.....	41
SB 554	Safety Zones - Create in Children's Areas.....	5
SB 556	Task Force on Oklahoma's Communication Infrastructure.....	45
SB 557	Agriculture - Notification of Diseased Animals to Board - Vetoed.....	50
SB 561	Physical Therapy - Exemptions.....	24
SB 564	Multi-Disciplinary Child Abuse Team.....	27
SB 575	Corrections - Pilot Program on Reading.....	5
SB 583	Deferred Deposit Lending Act.....	4
SB 584	OK Farm Animal, Crop & Research Facilities Protection Act.....	3
SB 585	Multi-County Grand Juries - Jurisdiction.....	32
SB 586	Life Share Organ Donor Registry.....	24
SB 588	Task Force on the Promotion of Children's Health - Membership.....	24
SB 589	Multi-Purpose Senior Citizen Centers.....	27
SB 591	Hospice Licensing Act.....	24
SB 596	Students of Non-resident Parents - Policy.....	18
SB 602	Residential Care Act - Exemptions.....	27
SB 606	Agriculture - Definitions.....	19

## Legislative Summary Index

SB 607	Criminal Justice Center - Modifications.....	5
SB 608	Rural Fire Protection Districts - Public Policy.....	5
SB 610	Medicaid Health Care Options Act.....	28,31
SB 611	Registration Fees for Manufacturer & Dispenser of Drugs.....	5
SB 614	Group Homes Establishment.....	27
SB 616	Commutation of Sentence - Victim Notification.....	32
SB 620	Hospital Revenue Method of Verification.....	24
SB 621	Trauma Care Assistance Revolving Fund.....	24
SB 625	Cindi Broaddus Law.....	5
SB 628	Tech School Center District.....	17
SB 629	Affordable Access to Health Care Act.....	24
SB 631	Vulnerable Adults - Prohibiting Abuse, Neglect or Exploitation.....	32
SB 633	Motor Vehicles - Specifying Speeds.....	34
SB 634	Mental Health Law - Modifying.....	25
SB 635	Health Maintenance Organization Act of 2003.....	25
SB 636	Employee Benefits Council - Hearings.....	38
SB 639	Firefighters Pension & Retirement - IRS Compliance.....	38
SB 643	Retirement Systems - Modifying.....	38
SB 645	Police Pension & Retirement System - Local Boards.....	38
SB 646	State Contracts - Requiring Certain Information.....	22
SB 647	State Employees - Leave Accrual Basis.....	39
SB 652	Increases Obligation of Inmate to Pay Medical Costs.....	5
SB 658	Care Provider Employee Recognition Program.....	27
SB 660	Prohibit Transmittal of Specified Commercial Electronic Mail Messages.....	45
SB 661	Prisons - Expands Entities for Purchase of Goods & Services.....	5
SB 663	Teachers Retirement System - Salary Cap.....	10,39
SB 665	Police Pension & Retirement System - IRS Compliance.....	39
SB 668	Police & Law Enforcement Retirement Systems - Deferred Option Plan.....	39
SB 669	OSEEGIB - Coverage.....	39
SB 671	Local Development Act.....	9
SB 673	Peace Officers - Penalty for False Impersonation.....	6
SB 674	Mental Health - Treatment of Child.....	25
SB 675	State Government Cabinet System - Requirements.....	22
SB 678	Penalty for False Information on Application for Nurse Aids.....	25
SB 680	Task Force to Eliminate Health Disparities.....	25
SB 686	Community Hospitals Authority Act.....	25
SB 688	Prisons - Exceptions on Location.....	27
SB 702	Liens - Exceptions for Foreclosures for Cars.....	34
SB 703	State Employees - Provide for RIF.....	39
SB 704	Driver License Suspension - Reinstatement.....	34
SB 705	Juvenile Affairs - Criminal History Records Search.....	32
SB 706	Correctional Facilities - Faith-Based Programs.....	6
SB 708	Streamlined Sales Tax System Act.....	41
SB 715	Schools - Salary & Benefits Information in Contracts.....	10
SB 722	Create the Office of State Bond Advisor as Separate State Agency.....	37
SB 724	Securities - OK Uniform Securities Act (2004).....	4
SB 725	Civil Procedure - Foreign Judgment, Guardian & Ward - Vetoed.....	50
SB 733	Concessionaries - Partner With Tourism & Recreation Dept. ....	46
SB 741	Employment Security Act of 1980 - Modifications.....	5
SB 742	Children - Court Appointed Special Advocate.....	27
SB 750	Strategic Planning Commission on Olmstead Decision.....	27
SB 755	Interactive Service Provider to Remove Child Pornography - Attorney General....	6

## Legislative Summary Index

SB 760	Vessel & Motor Registration Act.....	35
SB 772	Indigent Defense System - Eliminating Certain Assignments.....	33
SB 776	Courts - Modifying Destruction of Records.....	33
SB 785	Require Taskforce to Convene to Study Hepatitis C .....	26
SB 787	Higher Education - Requires Vaccinations.....	18
SB 788	Corrections - Earned Credits.....	6
SB 793	Boards, Commissions Authorities - Correcting Language.....	22
SB 801	Continued Funding of Alternative Education.....	10
SB 807	Delayed Sentencing Program for Youth to RID Program.....	6
SB 810	Special Taskforce for Women Incarcerated in Oklahoma.....	6
SB 817	DUI - Require Assessment & Evaluation.....	6
SB 830	Central Purchase - Pharmaceuticals.....	26
SB 833	Animal Facilities Protection Act.....	3
SB 834	Excepting Antique Firearm from Prohibition.....	6
SB 837	Raffle Prohibitions - Exempt Churches & Schools.....	10
SB 838	Sheriff's - Increasing Service Fees.....	6
SJR 12	Authorizes Prospective Apportionment of Tax Monies for Certain Purposes.....	21
SJR 18	Designate Jackson County as a Foreign Trade Zone.....	9
SJR 21	Modifies Smoking in Public Places.....	31
SJR 22	Creates the OK Education Lottery Trust Fund.....	10
HB 1001	Candidates - Withdraw Deceased.....	23
HB 1002	Sales Tax Exemption - School Jewelry.....	41
HB 1005	House & Building Moving Permits.....	47
HB 1007	State Capitol - Flag Display.....	23
HB 1008	Fertilizer Act.....	3
HB 1014	Low Point Beer Kegs - Identification Seals.....	31
HB 1017	Welfare - Health Care Authority - Audits.....	26
HB 1019	Environmental Quality Act.....	19
HB 1030	Tech Center School Board - Video Conference or Teleconference.....	17
HB 1034	Nursing Home Care Act.....	48
HB 1039	OK Personnel On-Call Status Compensation.....	39
HB 1051	Carbon Sequestration Enhancement Act.....	19
HB 1053	Concealed Weapons - Retired Fire Marshal.....	6
HB 1058	Whistle Blower Act.....	39
HB 1059	Tax - Supported Property.....	48
HB 1061	Correctional Facilities - Assignment Process.....	6
HB 1063	In-Patient Mental Health/Substance Abuse Treatment of Minors.....	26
HB 1065	High School Graduation Requirements.....	11
HB 1067	State Pension Commission - Deleting Provision.....	39
HB 1068	Career Tech Education Board - Membership.....	18
HB 1072	Municipal Jurisdiction - Property & Streams.....	21
HB 1075	Small Business Regulatory Flexibility Act.....	9
HB 1084	Driver License Renewal - Current Mailing Address.....	35
HB 1085	Tourism Development Act - Tax Credit.....	41
HB 1086	State Employees - Severance Benefits.....	39
HB 1087	Mental Health Court Program.....	33
HB 1088	Counties - Board of Trustees - Elections.....	39
HB 1089	Unclaimed Personal Property - Disposing.....	21
HB 1094	Partnership for School Readiness Act.....	11
HB 1099	Vaccines - Bio-terrorism.....	23
HB 1101	Personnel Act - Modifying RIF Procedure.....	39
HB 1103	Mental Health - Treatment Advocate.....	26

## Legislative Summary Index

HB 1105	Business/Limousine - Open Containers.....	6
HB 1106	Low Point Beer Permit Fees.....	31
HB 1107	Wine - Bottle/Package Size.....	32
HB 1114	State Employees - Vendor Access.....	39
HB 1115	Privatization of State Functions Act.....	23
HB 1118	Municipalities - Budget Process.....	21
HB 1123	Higher Education - Credit Transfer Information.....	18
HB 1126	Soldiers - Indebtedness.....	48
HB 1127	Personnel Act - Discipline.....	39
HB 1139	County Curfews of Juveniles.....	21
HB 1140	Volunteer Medical License.....	35
HB 1143	Labor - Administrative Penalties.....	5
HB 1145	Counties - Employee Certain Doctors.....	21
HB 1146	Environmental Agencies/Public Utilities - Confidential Information.....	23
HB 1147	Judgments - Defendants.....	33
HB 1149	Counties - Two-Year Colleges.....	21
HB 1150	Cosmetology Act.....	35
HB 1151	Teachers Preparation - Student Discipline.....	11,18
HB 1153	School Consolidation/Annexation Act.....	11
HB 1160	Appropriation - State Board of Education.....	15
HB 1162	Appropriation - State Board of Education.....	15
HB 1171	Central Services - Use of Revolving Funds.....	23
HB 1180	Military Department - Transfer of Property.....	48
HB 1189	Appropriation - State Health Department.....	28
HB 1190	Mental Health & Substance Abuse - Creating Trusts.....	26
HB 1191	Appropriation - Dept. of Mental Health & Substance Abuse Services.....	28
HB 1193	Appropriation - Dept. of Veterans Affairs.....	48
HB 1197	Appropriation - Dept. of Human Services.....	30
HB 1199	Appropriation - Office of Juvenile Affairs.....	8
HB 1200	Appropriation - Dept. of Rehabilitation Services.....	29
HB 1201	Appropriation - Dept. of Agriculture, Food & Forestry.....	3
HB 1202	State Banking Commission - Direct Deposit of Assessments.....	4
HB 1208	Appropriation - Dept. of Environmental Quality.....	20
HB 1214	LPG Board - Modify Deposit of Gross Revenues.....	19
HB 1219	Appropriation - Dept. of Tourism.....	46
HB 1222	Appropriation - ABLE Commission.....	8
HB 1224	Appropriation - Dept. of Corrections.....	7
HB 1229	Appropriation - State Fire Marshal.....	8
HB 1231	Appropriation - OSBI.....	8
HB 1233	Appropriation - CLEET.....	9
HB 1234	Appropriation - Board of Medicolegal Investigations.....	9
HB 1235	Appropriation - Bureau of Narcotics and Dangerous Drugs.....	8
HB 1236	Appropriation - Pardon & Parole Board.....	8
HB 1237	Vehicle Registration Fee - DPS Revolving Fund.....	9
HB 1246	Appropriation - State Board of Education - Constitutional Reserve Fund.....	2
HB 1247	Common Education - Full Funding by Certain Date.....	11
HB 1249	Amends the Constitutional Reserve Fund.....	37
HB 1250	Tax Commission - Information Provided.....	41
HB 1251	Tornado Relief.....	41
HB 1256	State Agencies - Fiscal Information Reporting.....	37
HB 1259	Grandparent Visitation Rights - Best Interests of Minor Child.....	33
HB 1261	Real Estate - Single-Party Brokers.....	35

## Legislative Summary Index

HB 1263	Intercepting Communications - Criminal Prosecution.....	33
HB 1266	Mental Health Law - Amending.....	26
HB 1268	Unused Prescription Meds Act.....	26
HB 1269	Civil Procedure - Stay of Enforcement - Vetoed.....	50
HB 1270	Funeral Services License Act.....	36
HB 1271	Telemarketer Restriction Act.....	45
HB 1273	Unfair Claims Settlement Practices Act.....	31
HB 1278	Legislative Referendum - Education Lottery Act.....	11
HB 1279	Prison Industry Goods - Purchase.....	21
HB 1280	Central Purchasing Act - Exemptions.....	23
HB 1299	Housing Authorities Act.....	37
HB 1300	Rural Area Development Task Force.....	9
HB 1301	County Retirement Systems - Prior Service Credit.....	39
HB 1313	Homeland Security - Bombs & Explosives.....	23
HB 1319	Property - Disclosure & Disclaimer Statements.....	33
HB 1323	Vulnerable Adults - Exam Results.....	27
HB 1326	Registration Requirement for Controlled Dangerous Substances.....	6
HB 1329	On-line Bidding Act.....	23
HB 1335	Telecommunications - Service Rates - Vetoed.....	51
HB 1342	Electronic & Information Technology Accessibility Task Force.....	45
HB 1343	Internet Based School Courses.....	14
HB 1353	Park Entrance Fees.....	46
HB 1356	Tax Administration.....	41
HB 1358	Marriage Proceedings - Dissolution.....	33
HB 1359	Tobacco Product Manufacturers - Escrow Requirements.....	37
HB 1362	Teacher's Retirement System - Vesting Period.....	39
HB 1368	Cemetery/Tomb Markers - Illegal Actions.....	48
HB 1393	Central Purchasing Act - Contracts.....	23
HB 1396	Strategic Military Planning Commission.....	48
HB 1397	Strategic Military Planning Commission Incentive Fund.....	48
HB 1406	Government Torts - Wrongful Imprisonment.....	33
HB 1408	School Districts - Buying Pools & Purchase Cooperatives.....	14
HB 1412	Legislative Special Elections - Absentee Ballots.....	21
HB 1414	School Testing Program Act.....	14
HB 1415	Rehabilitation Services - Employment Procedure.....	27
HB 1419	Increase Game - Fish Lifetime License Fees.....	49
HB 1422	Scenic Rivers Act - Updating.....	19
HB 1433	Concealed Handgun License Renewal.....	7
HB 1438	Superintendent/Principal Certification.....	14
HB 1440	Public Retirement Systems - Partial Lump Sum Payment.....	39
HB 1442	Nursing Home Care Act - Notification.....	26
HB 1443	Dental Hygienists - Modifying Authority.....	36
HB 1445	Dental Act - Authority Over Dental Assistants.....	36
HB 1449	Employee Vehicle Search - Restrictions.....	5
HB 1451	Architectural Act Task Force.....	36
HB 1456	Public Safety Commission - Modifying Powers.....	7
HB 1457	Tobacco Settlement Endowment Fund.....	37
HB 1464	Firefighters Pension & Retirement System - Deferred Options.....	39
HB 1465	Uniform Athlete Agents Act.....	33
HB 1467	Catastrophic Health Emergency Powers.....	23
HB 1469	Criminal History Checks - Expanding Requirements.....	36
HB 1474	Ad Valorem Exemptions.....	43

## Legislative Summary Index

HB 1476	Schools Test Program Act - Vetoed.....	51
HB 1478	Tourism Commission - Capital Projects.....	46
HB 1481	County & Municipalities - Unmarked Cars.....	7
HB 1484	Electronic Monitoring Fees/Sex Offenders.....	7
HB 1492	Wildlife Habitat Development Program.....	49
HB 1493	Wildlife License Fee - Expiration Date.....	50
HB 1495	Sunset - Repeal Defunct Entities.....	45
HB 1501	Sex Offender Registration - Restrict Residency.....	7
HB 1502	Optical Produce Sales - Unlicensed Persons.....	36
HB 1512	Emergency Management - School Plans.....	24
HB 1522	Banking - Activities - Functions - Fees.....	4
HB 1524	OK Horse Racing Act.....	44
HB 1526	Pharmacists - Authorizing Certain Injections.....	36
HB 1527	Schools - Posting Income & Expenditure Statements on Website.....	14
HB 1534	Income Tax Refund - Donations.....	43
HB 1535	Organic Food Act.....	3
HB 1537	Sunset - Recreating Homes for Developmental/Physical Disabilities Adv. Bd.....	44
HB 1538	Sunset - Recreating Board of Medical Licensure.....	44
HB 1539	Sunset - Recreating State Barber Advisory Board.....	45
HB 1540	Sunset - Recreating the State Board of Cosmetology.....	45
HB 1541	Sunset - Recreating OK Real Estate Commission.....	45
HB 1542	Sunset - Recreating State Board of Examiners of Psychologists.....	45
HB 1543	Sunset - Recreating Scenic Rivers Commission.....	45
HB 1545	Modifying Omnibus Sunset List.....	45
HB 1546	Sunset - Recreating Ottawa Reclamation Authority.....	45
HB 1547	Sunset - Recreating OK Sorghum Commission.....	45
HB 1548	Sunset - Recreating the Domestic Violence & Sexual Assault Adv. Comm.....	45
HB 1556	State Government - Commission on the Status of Women.....	23
HB 1562	Obscene Material - Computer Downloads - Felony.....	7
HB 1565	Buying/Selling Squirrel Fur or Pelt - Allowing.....	50
HB 1566	Wildlife Breeders License - Restrictions.....	50
HB 1569	Oil & Gas - Structures Within Distance of Equipment.....	19
HB 1572	Schools - Authorizing Deposit of Certain Monies.....	14
HB 1574	Mortgage Broker Licensure Act.....	4,36
HB 1580	Public Funds - Penalty Assessments.....	37
HB 1583	Jurors for Municipal Courts - Selections.....	33
HB 1592	Underground Facilities Damage Prevention Act.....	20
HB 1593	State Employees - Compliance with Income Tax Laws.....	43
HB 1599	Lion's Club Special License Plate.....	35
HB 1603	Computer Crimes - Investigations.....	33
HB 1605	Quality Jobs Program Act.....	10
HB 1611	OK Rights of the Terminally Ill or Persistently Unconscious Act.....	26
HB 1615	Crimes & Punishment - Tampering with Security Surveillance Equipment.....	7
HB 1623	Lewd or Indecent Proposals - Computer Images.....	7
HB 1635	Uniform Child Witness Testimony by Alternative Methods Act.....	33
HB 1640	Boxing Licensing Act.....	44
HB 1646	School Records - Allowing Release.....	14
HB 1647	Public Retirement Systems - Compliance with Internal Revenue Code.....	39
HB 1650	Authorizing Public Agencies to use 911 Service Information.....	7
HB 1654	Technology Center School Districts - Allowed Funding.....	18
HB 1658	Insurance - Refund of Erroneously Paid Premium Tax.....	31
HB 1663	Game & Fish - License Fees.....	50



## Legislative Summary Index

HB 1667	Protection from Domestic Abuse Act.....	33
HB 1669	DOC - Escaped Prisoners.....	7
HB 1676	County Budget Act - Vetoed.....	51
HB 1681	Protective Services for Vulnerable Adults Act.....	27
HB 1683	Prohibiting Certain Mailings/Solicitations.....	5
HB 1686	Dilapidated Buildings - Appeals - Vetoed.....	51
HB 1688	Vessels & Outboard Motors - Display of Decals.....	35
HB 1690	Animal Cruelty - Fines.....	7
HB 1691	Technology - E-mail - Unlawful Transmittal.....	45
HB 1705	Alternative Fuels - Required Use.....	20
HB 1707	District Attorney - Notify School Superintendent.....	14
HB 1712	Sales Tax Exemption - Vehicle Inspections.....	43
HB 1713	Community Hospitals Public Trust Authority Act.....	26
HB 1721	Modifying Provisions of the OK Insurance Code.....	31
HB 1724	Municipal & County Industrial Development Bonds Act.....	10
HB 1738	Oil & Gas Payments - Required Information - Vetoed.....	51
HB 1744	Personnel Act - Employment Service Rating System - Vetoed.....	51
HB 1748	Resident & Non-Resident Tuition & Fees.....	18
HB 1767	Education Dept. - Evaluations.....	14
HB 1771	Legal Defense Services for County Officers.....	7
HB 1782	Motor Vehicles - Allowing Vehicles to be Moved.....	7
HB 1790	OK Charity Games Act - Vetoed.....	51
HB 1800	State Classification Task Force.....	40
HB 1802	Forensic Lab Accreditation Act.....	7
HB 1814	Amending Cigarette Stamp Act.....	43
HB 1816	Duplicate Sections.....	23
HJR 1015	Board of Embalmers & Funeral Directors - Rules.....	36