

OKLAHOMA STATE SENATE



2006 LEGISLATIVE SUMMARY AND FY'07 BUDGET REVIEW

Oklahoma State Senate



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June 30, 2006

We are pleased to present the 2006 Legislative Summary and FY 2007 Budget Review. Included within this document are summaries of all substantive bills and resolutions enacted in the 2006 session and information on appropriation measures and the state budget adopted by the Legislature for FY 2007.

The summaries contained herein have been prepared by the following Senate Committee Staff personnel:

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SESSION OVERVIEW

In the second session of the 50th Legislature, the Oklahoma State Senate considered 1034 new Senate Bills and 608 carryover Senate Bills, 539 House bills, 32 Senate Joint Resolutions, 14 House Joint Resolutions, 26 Senate Concurrent Resolutions, 29 House Concurrent Resolutions and 71 Simple Resolutions. Of those measures, 160 Senate Bills and 167 House Bills were signed into law, while 3 Senate Bills and 3 House Bills were vetoed. Two constitutional amendments (SJR 37 & HJR 1066) and 83 Senate Concurrent or Simple resolutions were filed with the Secretary of State.

The 2006 legislation session began with a "Celebration of Life" ceremony to honor Sen. Robert M. Kerr, who lost his long fight against cancer just days before the legislature was to convene.

The 2006 session also marked the second wave of departing term-limited members, with Senators Bernest Cain, Gilmer Capps, Ted Fisher, J. Berry Harrison, Cal Hobson, Frank Shurden and Stratton Taylor completing their final terms in the Legislature.

Two new members were welcomed to the chamber this year, with long-time staffer turned-Senator Constance N. Johnson filling the seat of Angela Monson, who was term-limited in 2005, and Sen. Mike Schulz, filling the seat of the late Robert M. Kerr.

The Second Extraordinary Session of the 50th Legislature was called and convened on May 25th to consider budget, tax and other fiscal matters. The Special Session reconvened on June 21st to complete the legislative budget process, and was adjourned sine die on June 23rd.

The following overview details the legislation approved during the 2005 legislative session and 2nd Extraordinary Session. Special Session bills are indicated by a "XX" following the bill number.

APPROPRIATION OVERVIEW

Most FY'07 state agency appropriations and funding for capital projects were provided for in SB 80XX (the General Appropriations (GA) Bill) and SB 90XX (the Rainy Day Spillover Bill). These two bills, in conjunction with \$2.05 million in three other "clean up" bills, spend a total of \$6,639,829,152 for state agency operations. This represents an increase in total appropriations of \$437.6 million over the current fiscal year (supplemental appropriations included).

Comparison of Funding, FY'06-FY'07
(in millions)

	Final FY'06 Approp.	Proposed FY'07 Approp.	Change	
			\$	%
Education	3,247.5	3,573.3	325.7	10.0
Gen. Gov/Trans.	531.8	448.1	(83.7)	(15.7)
Health/Soc. Serv.	948.8	1,053.2	104.4	11.0
Human Services	616.0	672.7	56.7	9.2
Natural Res.	162.4	147.3	(15.1)	(9.3)
Public Safety	680.0	729.8	49.8	7.3
REAP	15.5	15.5	0.0	0.0
Total	6,202.0	6,639.8	437.6	7.1

The 15.7 percent decrease for the General Government and Transportation Subcommittee on Appropriations is due to the one time FY'06 supplemental appropriation of \$100 million for the repair of State bridges. The percent decrease for the Natural Resources and Regulatory Services Subcommittee on Appropriations is attributable to the one time FY'06 supplemental appropriation of \$17 million to the Centennial Commission and another \$12.5 million in supplemental appropriations for rural fire programs.

The balance of remaining revenues available for expenditure from General Revenue is \$2.054 million. However, additional funds are expected to become available after the start of the fiscal year. An additional \$50 to \$100 million is anticipated to spill over from the Rainy Day Fund when it reaches a Constitutional cap of \$495.7 million. A total of \$457.3 million in "spillover" funds were already allocated in the following manner in SB 90XX:

EDGE	\$150,000,000
County Bridges	\$25,000,000
Regents for Higher Education	\$85,500,000
State Emergency Fund	\$15,000,000
Opportunity Fund	\$45,000,000
University of Oklahoma	\$40,000,000
Oklahoma State University	\$40,000,000
Rural Fire Departments	\$5,000,000
State Park Maintenance	\$8,000,000
Sulphur Veterans Center	\$7,000,000
Firefighter Retirement Fund	\$35,000,000
Tax Commission	\$1,800,000

Additional spillover funds are anticipated, as June collections have not been figured into the total amount allocated so far.

SPECIAL SESSION TAX MEASURES

HB 1172XX (Hiatt/Crutchfield): Decreases the top marginal rate for income taxes from 6.25% to 5.25% over a four-year period, as follows:

2007:	5.65%
2008:	5.55%
2009:	5.50%
2010:	5.25%, subject to revenue growth of 4% plus the cost of the tax cut.

Increases the standard deduction to the federal level over a four-year period, as follows:

2007:	\$5,500 (joint)/\$2,750 (single)/\$4,125 (head of household)
2008:	\$6,500/\$3,250/\$4,875
2009:	\$8,500/\$4,250/\$6,375
2010:	Federal level, estimated at \$11,200/\$5,600/\$8,200.

Under current law, the state standard deduction is \$3,000 for joint returns and \$2,000 for single returns for 2006 and \$4,000 and \$2,000 for 2007. The federal level for tax year 2005 was \$5,000 for single, \$10,000 for married, and \$7,300 for head of household. It is indexed for inflation and changes every year. This proposal would also change the state level so that it will remain at the federal level each year after 2010.

Phases out the estate tax over a three-year period by equalizing exemptions and rates for lineal and collateral heirs in 2007 and increasing the exemption \$2 million in 2008 and \$3 million in 2009. The tax is repealed entirely in 2010, except for the pick-up tax.

Effective 1-1-07, except for repealer which is effective 1-1-10.

HB 1174XX (Benge/Crutchfield): Makes various changes relating to revenue and taxation, including:

- Modifies the time period during which taxpayers who computed insurance premium taxes by applying certain credits prior to claiming insurance home office credit may qualify for a refund of excess taxes paid;
- Provides a sales tax exemption for community mental health centers, tickets to certain women's organization events, certain membership health organizations, patriotic women's organizations, YMCAs and veterans organizations;
- Provides a sales tax exemption for dietary supplements ;
- Provides a sales tax exemption for sales of property or services used or consumed in quarrying operations and clarifies the exemption for wholesale distribution centers;
- Provides additional tax credit for Oklahoma-mined coal of \$2.15 per ton and prohibits claiming or transfer prior to 1-1-08;
- Lowers rated production capacity for zero-emission power generation facilities from 50 to 1 megawatt to qualify for tax credit. Also sets tax credit amount at fifty one-hundredths of one cent per kilowatt hour for facilities placed in service after 1-1-07;
- Provides credit against bank privileges tax for amounts paid for Stafford student loan origination fees;
- Requires plants engaged in pulp, paper, tissue or paper board manufacturing to have at least \$2 million in investment and maintain an average wage of at least 150% of the state average or have at least \$5 million in investment in each year of the exemption, in order to receive a five-year ad valorem exemption;
- Repeals the tourism promotion tax and earmarks 0.93% of sales and use tax revenues to replace the tourism tax revenue (\$5.1 million) and to provide funding for capital improvements in state parks;
- Repeals Section 4 of Senate Bill 1084, relating to municipal taxing authority;
- Clarifies exemption for capital gains;
- Phases out the income limit for private sector retirees to qualify for the retirement income deduction. The current limit is \$37,500 for single filers and \$75,000 for joint filers; it is increased to \$50,000/\$100,000 for 2007, \$62,500/\$125,000 for 2008, \$75,000/\$150,000 for 2009, \$100,000/\$200,000 for 2010, and eliminated in 2011 and succeeding years;

- Phases in exemption for federal retirees retirement benefits;
- Limits fees for license plates for 100% disabled veterans;
- Exempts 100% disabled veterans from driver license fees;
- Increases tax credit under Railroad Modernization Act; and
- Provides Support Our Troops special license plates.

Effective 7-1-07, except for certain sections.

AGRICULTURE & RURAL DEVELOPMENT MEASURES

SB 1357 (Wilson/Roggow): Makes all temporary fire suppression personnel hired by the Oklahoma Department of Agriculture, Food and Forestry unclassified to be able to work extra hours. Effective 11-1-06.

SB 1481 (Wilson/Roggow): Authorizes the Department of Agriculture, Food, and Forestry to monitor the health, inventory and condition of the state's forest resources. Modifies date of the Governor's emergency proclamation to be effective immediately upon signing. Streamlines the process by which the Department transfers the title of surplus federal property to rural fire departments. Effective 11-1-06.

SB 1549 (Lerblance/Sweeden): Creates the Oklahoma Prescribed Burning Safety and Liability Task Force to study the responsible precaution of prescribed burning, the liabilities incurred by accident, neglect, or intent, and the punishments for such actions. Effective 7-1-06.

SB 1614 (Lawler/McMullen): Relates to the Oklahoma Boll Weevil Eradication Organization. Provides for a post-eradication and maintenance program. Designates term of office of board of directors at 3 years and clarifies the duties of the board. Limits assessment to \$7.50 per acre, and 0.01 cent per pound of lint. Designates an administrative penalty or fine on gins who do not comply with reporting guidelines and/or failure to pay the required assessment. Authorizes the Department to promulgate rules designating quarantine/eradicated areas, governing the storage or regulated articles in such areas, and for any purpose of carrying out the Boll Weevil Eradication Act. Effective 11-1-06.

SB 1816 (Lerblance/Johnson): Clarifies the procedures relating to lien priority of the Department of Agriculture, Food, and Forestry administration of the Public Warehouse and Commodity Indemnity Act, codified in Title 2, Section 9-20 et seq. in claiming and documenting a lien in the event of a warehouse failure. The changes to the Act clarify the nature and extent of Indemnity's lien in the event of the failure of a warehouseman or public warehouse and those of other creditors. Clarifies the procedure that Indemnity must follow in claiming and documenting a lien in the event of a warehouse failure. Effective 7-1-06.

HB 2604 (DeWitt/Shurden): Clarifies the Department of Agriculture, Food, and Forestry authority from the Environmental Protection Agency to operate the National Pollution Discharge Elimination System programs for agricultural discharges. Effective 5-26-04.

HB 2606 (DeWitt/Capps): Modifies the procedures for wheat producers subject to the assessment in the Oklahoma Wheat Resources Act to request a refund of the assessed fees within sixty days. Requires evidence of payment of the fee and of the amount of the wheat sold. Effective 11-1-06.

HB 2621 (Walker/Wyrick): Creates the Oklahoma Farmed Cervidae Act. Moves the transfer of the licensing and regulation of farm-raised cervidae (deer and elk) from the Department of Wildlife Conservation to the Department of Agriculture, Food, and Forestry. Raises fees for persons holding commercial hunting licenses for big game or combination big game and upland game and reduces fees for Oklahoma residents and non-residents to hunt deer and elk in a commercial hunting facility (requested by the commercial hunting industry). Effective 5-10-06.

HB 2646: (DeWitt/Garrison): Enacts the CAFO Rural Economic Development Initiative Act. Amends the Concentrated Animal Feeding Operation Act by modifying the notice and hearing requirements for a Concentrated Animal Feeding Operation license. Effective 11-1-06.

HB 2655 (Winchester/Lawler): Creates the Oklahoma Farm to School Program Act. Creates within the Oklahoma Department of Agriculture, Food and Forestry Farm to School Program to encourage the use of locally grown produce to be sold to the public schools to encourage healthy eating lifestyles and to help to

farmer by creating an outlet to sell his/her produce. Effective 11-1-06.

HB 2895 (McMullen/Lawler): Creates the Motor Carrier Harvest Permit Act of 2006. Authorizes the Corporation Commission to issue harvest permits valid for a period of thirty or sixty days, along with limited extensions. Revises farm truck licenses holders to follow rules set out for a Harvest permit. Effective 5-10-06.

HB 2906 (Peterson, Ron/Easley): Relates to the Rural Economic Action Plan; modifies the number of accounts REAP monies are deposited from ten to eleven. Effective 7-1-06.

HB 2955 (Hickman/Laughlin): Authorizes the Oklahoma Department of Agriculture, Food, and Forestry to create an independent agriculture tourism organization in conjunction with the Oklahoma Department of Tourism and Recreation and the Oklahoma Department of Commerce. Effective 5-26-06.

HB 2984 (Jett/Shurden): Adds the eradication of cedar trees to the lawful burning statutes. Provides penalties for a person who throws a flaming or glowing substance from a vehicle onto the highway right-of-way. Provides additional penalties during a burn ban declared by the Governor. Makes any person guilty of trespass that enters private land of another that is primarily used for farming, ranching or forestry purposes without permission of the owner or occupant. Exceptions apply to peace officers, federal, state or local government employees, firefighters, emergency medical personnel or public utility employees. Also states anyone who willfully or maliciously enters any land of another and or attempts to commit waste, theft, or damage shall be guilty of a misdemeanor and fined up to \$500.00 or by confinement in the county jail for six months, or both. Effective 11-1-06.

HB 3079 (Billy/Gumm): States legislative intent to provide assistance to existing and developing programs for affordable housing with special emphasis on rural areas of the state through the use of cooperative arrangements with private sector entities including, but not limited to non-profit organizations with experience in the development of affordable housing. Effective 7-1-06.

HCR 1062 (Wright/Justice): Waiving 30-legislative day review period of rules of the Department of Agriculture, Food and Forestry related to herbicides. Effective 4-24-06.

AGRICULTURE FUNDING

SB 80XX appropriates \$28,314,906 to the Department of Agriculture, Food, and Forestry. This amount, plus the funds already appropriated in SB 1190, results in a \$6.5 million increase over the agency's FY'06 appropriation. \$2.5 million of the increase will be used to make operational fire grants for rural fire departments to be funded at about \$5,000 a department.

Additional funding provided for in SB 80XX will help ODAFF replace outdated equipment and hire needed personnel. Funding was also provided to assist various programs such as Agri-tourism, Ag-in-the-Classroom, and Farm-to-School.

BANKING, FINANCE & SECURITIES MEASURES

SB 1598 (Coffee/Morgan): Authorizes certain banks, trust companies and savings and loan associations to employ an affiliate to provide brokerage and other account services and to receive compensation for such services. Effective 11-1-06.

SB 1663 (Gumm/Liotta): Modifies the type of information required on life insurance change of beneficiary forms and information which must be reported to the Treasurer related to the Uniform Unclaimed Property Act. Modifies provisions relating to destruction of property under the act and of certain warrants or checks which have been archived. Authorizes the State Treasurer to invest state funds in bonds, notes, debentures or other similar obligations of a foreign government which meet specified criteria. Effective 11-1-06.

SB 1680 (Fisher/Covey): Creates the "Oklahoma Industrial Loan Company Branch Act of 2006" which limits the conditions under which an out-of-state industrial loan company may establish a de novo branch in Oklahoma. Effective 6-6-06.

HB 2147 (Piatt/Gumm): Prohibits certain acts which involve or include a lender's name, trade name or trademark or the inclusion of loan number, amount or other information in certain solicitations without lender consent. Permits the use of such information if certain statement is provided. Creates a Task Force for

the Study of State Banking Services. Effective 7-1-06.

HB 2483 (Nance/Gumm): Creates the "Oklahoma Financial Transaction Reporting Act" which provides for regulation of money service businesses by the Oklahoma Banking Board. Modifies the percentage of certain assessments which flow to the General Revenue Fund. Effective 4-17-06.

HB 2626 (Pruett/Rabon): Modifies and adds procedures regarding beneficiaries of "payable on death" accounts. Provides a procedure for granting access to a safe deposit box upon the death of the lessee of the box. Effective 11-1-06.

HB 2749 (Thompson/Coffee): Modifies amounts and terms for supervised loans. Effective 7-1-06.

HJR 1074 (Piatt/Gumm): Disapproves rules of the Department of Consumer Credit relating to charges for processing applications and transaction and cash advance fees for deferred deposit lenders.

BUSINESS & LABOR MEASURES

SB 324 (Coffee/Morgan, Fred): Relates to contracts. The bill defines "construction agreement", declares certain provisions relating to construction agreements void and unenforceable and provides for the applicability of the act relating to certain construction agreements. Effective 11-1-06.

SB 1634 (Myers/Wilt): Relates to the Employment Security Act of 1980. The bill amends multiple sections of the Act relating to definitions, requirement for payment of benefits from certain fund, certain determination of good cause for voluntarily leaving work, the deduction of certain retirement payments from weekly benefit amounts, denying benefits for individuals taking certain training, requirement for seeking and accepting work, when an employer will not be an interested party to certain claims, an employer providing certain minimum information within a certain time frame to be an interested party to certain claims, time frame for Board of Review to certify and file certain information with the court, applicability of certain provisions, date for notification of certain contribution rates, certain dates relating to benefit wages charged and objections to the charges, recall credit for certain employees, re-

lief from certain benefit wage charges for separating employers, the benefit wage ratio for certain tax years, the state experience factor, certain written protest and request for oral hearings after certain initial determination relating to successor and predecessor employers, appeal of certain determination, date for certain increases in the contribution rate, the calculation of the contribution rate for employers under certain conditions, the Special Surtax Fund and a special surtax to be assigned to certain employers, protest of certain determinations and provisions for appeal of such determinations, appeal of certain assessments, certain employee recognition program, and veterans service awards. The bill also makes an appropriation to the Employment Security Administration Fund for certain purposes. Effective 7-1-06.

SB 1749 (Lamb/Case): Creates the Notice of Opportunity to Repair Act to allow provisions related to construction defects to be included in contracts for the construction of new residences or for the repair or alteration of existing residences. Effective 11-1-06.

HB 2358 (DePue/Paddock): Relates to labor. It authorizes employers to provide reasonable unpaid break time each day to an employee who needs to breast-feed or express breast milk for her child. The break time, if possible, will run concurrently with any break time, paid or unpaid, already provided. An employer is not required to provide such break time if it would cause an undue hardship on the operations of the employer. It will allow an employer to provide suitable space in close proximity to the work area other than a toilet stall. The bill requires the Department of Health to issue certain periodic reports on rates, complaints received and benefits reported by both working breast-feeding mothers and employers. Effective 11-1-06.

HB 2635 (Ingmire/Bass): Relates to contracts and the Gift Certificate and Gift Card Disclosure Act. It will define "prepaid service agreement" and exempt prepaid service agreements from the act. Effective 11-1-06.

HB 2880 (Young/Leftwich): Relates to statutes and reports and the Small Business Regulatory Review Committee. It changes the terms of the Committee members from 2 to 4 years and provides for the appointment of vacant positions. Effective 11-1-06.

HB 2903 (Adkins/Bass): Relates to telephone records. It establishes new law relating to telephone records. Definitions are provided. It makes it a felony for anyone to procure, solicit or conspire with another to procure a telephone record of any resident of this state without the authorization of the customer to whom the record pertains or by fraudulent, deceptive or false means, to sell or attempt to sell such records or to receive such records knowing that the record has been obtained without the authorization of the customer. It provides for certain prosecution and penalties. The bill would construe the act so that certain law enforcement agencies and telephone companies may obtain and use such records in a lawful manner, but is not to apply to or expand upon certain obligations and duties of a telephone company to protect such records or to create a cause of action against a telephone company who reasonably and in good faith act pursuant to this section. It also requires telephone companies that maintain such records to establish reasonable procedures to protect such records from certain acts and provides that no private right of action is authorized under the act. Effective 11-1-06.

HB 3009 (Morgan, Fred/Crain): Relates to Title Insurers and the Oklahoma Abstractors Law. The bill expands the authority to issue a policy of title insurance, states the effect of a certain policy against loss or damage and clarifies an additional method for issuance of a title insurance policy. The bill amends numerous provisions in the Abstractors Law relating to the powers and duties of the State Auditor and Inspector, the issuance and renewal of a certificate of authority and certain fees to be attached; abstracts or copies to be furnished without delay and the refusal to deliver by defining a valid order and modifying certain penalties and fines; conditions leading to the censure, suspension, revocation, continuance renewal or refusal to issue a certificate of authority; qualifications for issuance of a license; and the charges for abstracts and abstracting by requiring certain lists of fees to be attached to certain documents with certain notice of approval, certain requirements relating to the fees and providing a penalty. The bill also adds a new section of law that provides procedures for a temporary certificate of authority to be issued when certain violations have occurred. Effective 7-1-06.

**CRIMES, PUNISHMENTS & CRIMINAL
PROCEDURE MEASURES**

SB 682 (Corn/Blackwell): Includes conductive energy weapons as a prohibited weapon in crimes of assault with a weapon and use of a firearm during commission of a felony. It expands the definition of sodomy and rape to include a student 16 to 20 years of age with an employee 18 years of age or older of the same school. It repeals the duty of district attorneys and police officers to enforce gambling prohibitions and repeals the crime of failure to enforce or prosecute gambling and gaming violations. Effective 4-17-06.

SB 1020 (Easley/Wesselhoft): Creates the "Oklahoma Funeral Picketing Act", which prohibit picketing within 500 feet of a funeral during the period from one hour before until one hour after funeral services. Provides misdemeanor criminal penalties. Authorizes injunctive action by court. Effective 3-3-06.

SB 1401 (Paddock/Plunk): Authorizes CLEET to provide food and lodging for officials attending training in lieu of using contract providers. CLEET may permit other agencies to use the CLEET facilities for a fee. The bill authorizes payment of fees by credit or debit card; sets fees and service charges; and directs deposits to the CLEET Training Center Revolving Fund. Effective 11-1-06.

SB 1479 (Wilson/Walker): Creates the "Safe Net Act". The act prohibits soliciting sexual conduct with a minor by use of technology. It defines the term "technology" and expands the crime of solicitation of a minor. It increases the criminal penalty and expands jurisdiction to prosecute. The measure directs OSBI to establish an Internet Crimes Against Children (ICAC) Unit to investigate Internet crimes against children and promote safe Internet use in schools and communities through media and printed materials. Effective 5-22-06.

SB 1539 (Leftwich/Blackwell): Authorizes the Department of Corrections to determine methods for collection of supervision fees. It permits a reasonable charge for supervision fees to be collected electronically. The measure removes the authority for court clerks to collect supervision fees and receive a percentage for the collection. Effective 7-1-06.

SB 1755 (Riley/Perry): Increases the minimum term of incarceration for lewd molestation from 1 to 3 years. It increases the maximum term of incarceration for sexual battery from 5 to 10 years. It expands the safety zone against sex offenders to include parks and applies to all registered sex offenders and persons convicted in other jurisdictions of similar offenses. The measure increases the penalty for violation of safety zones from a misdemeanor to a felony and sets a second conviction incarceration up to 3 years. It exempts a custodial parents or guardian on prohibited school property for certain activities and provides a felony penalty for second or subsequent violation of protective orders. The bill requires global positioning system (GPS) monitoring of sex offenders during period of registration and provides felony penalty for noncompliance. It requires the court to consider evidence of domestic abuse, stalking and harassment in child custody cases and creates a rebuttable presumption that custody should not be granted to the person who has committed such acts. The bill clarifies the time period for registration of sex offenders with local and state authorities and requires the Department of Corrections to verify sex offender's address semiannually and take a description of all occupants residing with the sex offender. The bill includes licensed childcare facilities, parks and playgrounds in the prohibited distance where a sex offender cannot reside and provides a felony penalty for violation. The bill makes it a misdemeanor for two or more sex offenders to reside together; defines the term individual dwelling; and exempts jails, correctional facility, and commercially zoned facilities used for services or treatment to sex offenders for the dwelling prohibition. It prohibits group homes and boarding houses in single-family residential neighborhoods. Effective 6-7-06.

SB 1756 (Riley/Morgan, Danny): Requires a judgment and sentence to include information related to a person's youthful offender status upon commitment to the Department of Corrections. Effective 5-10-06.

SB 1760 (Riley/Morgan (Danny)): Modifies the application of Youthful Offender Act for murder in the first degree. It requires juveniles 15, 16 and 17 years of age accused of murder in the first degree to be tried as adults with no provision for youthful offender certification or certification as a juvenile delinquent. Effective 7-1-06.

SB 1765 Riley/Morgan (Danny)): Requires a background check on persons assuming custody of a child, or living in the household of a child, if no home study is received by the court. It requires notification of every juvenile arrest to the Department of Juvenile Justice; authorizes the court to inquire into the whereabouts of parents, guardians or next friends of youthful offender; and defines the term next friend. It sets the preliminary hearing within 90 days of filing of information for a youthful offender. The failure to commence a preliminary hearing within the time limitation is cause for a hearing to determine reasons for delay and may result in a waiver of certain right. Failure to commence the preliminary hearing within time limitation prohibits an adult sentence, unless a waiver exists. The bill adds the crime of battery and assault and battery on state employee to the crimes eligible for youthful offender procedures. It requires the district attorney to notify the Department of Juvenile Justice upon the filing of a youthful offender charge and sets court guidelines for certification as youthful offender. The bill establishes a time for filing a motion to impose an adult sentence, and sets a minimum and maximum fee for a persistence investigation. The bill provides for disposition of youthful offender cases within the range of adult sentences and requires the rehabilitation plan to meet the needs and goals of the offender. It specifies semiannual and annual court reviews and the procedures to retain jurisdiction of youthful offenders to a maximum age of the twentieth birthday or transfer to the Department of Corrections. Extended jurisdiction is for one-year intervals upon motion approved by the court. The bill provides an exception to extend jurisdiction when separate facilities are established and operational until the juvenile's twenty-first birthday. Transferred youthful offenders have adult criminal history records. A memorandum of youthful offender history must be included with a judgment and sentence transferring the youthful offender to the Department of Corrections. Adult day-for-day time-served credits apply to youthful offenders transferred to the Department of Corrections. Youthful offenders 18 years of age or older may consent to medical care on their own behalf. Within 72 hours of detention, all juveniles who are residents of this state must be identified for and provided educational opportunities while in any jail, holding facility or correctional institution. Effective 7-1-06.

SB 1782 (Lerblance/Kiesel): Sets a per diem rate for intermediate sanctions to incarceration. It requires the Department of Corrections to reimburse each county for eligible offenders incarcerated in the county jail. Effective 7-1-06.

SB 1793 (Justice/Richardson): Establishes the crime of exploitation of elderly or disabled person. It sets a penalty by dollar amount of exploitation and defines an elderly person as 62 years of age or older. It includes financial exploitation in the statute of limitations to be prosecuted within 5 years. Effective 7-1-06.

SB 1800 (Nichols/Morgan (Fred)): Requires death or life without parole for any person convicted of forcible sodomy, rape, rape by instrumentation or lewd molestation where the victim was under 14 years of age after a previous conviction of any such sexual abuse crime against a victim under 14 years of age. It establishes a Child Abuse Response Team (CART) within the Oklahoma State Bureau of Investigation for the purpose of investigating cases of physical and sexual abuse of children. It authorizes two FTE positions subject to availability of funds. It sets qualifications for a CART investigator and a CART forensic interviewer. It authorizes the director of OSBI to hire a person who substantially meets the qualifications if the OSBI is unable to find a person who meets or exceeds the statutory qualifications. The bill allows promulgation of rules to implement the Child Abuse Response Team. Effective 7-1-06.

SB 1842 (Laster/Sullivan): Creates the Medical Services Responsibility and Jail Custody Task Force. It defines the scope of the study; provides for membership and appointments; vacancies and travel reimbursement; staff assistance; and written report. It directs appointment of Senate and House members as co-chairs. The measure further construes the effects of law and rule relating to jails, sheriffs and duties of certain officials on private owners, managers or public trusts operating a jail, holding facility or detention facility. The bill prohibits failure of a private owner, manager or public trust to comply with the laws relating to jails and jail responsibilities. The bill requires contracts with private owners, managers and public trusts to have a provision requiring compliance with laws and rules relating to jails. The measure does not construe peace officer power or status on private owners, managers or public trust contracting for jail operations. Effective 5-26-06.

SB 1858 (Morgan/Hiett): Creates the "Dragus-Whetsel Law". It adds eluding an officer to crimes eligible for murder in the first degree. Effective 7-1-06.

SB 1867 (Corn/Armes): Includes in the crime of escape any prisoner lawfully detained who thereafter escapes. It expands the definition of private prison contractor to include maximum security level facilities not owned by the Department of Corrections but operated by the contractor. Effective 11-1-06.

SB 1910 (Corn/Hickman): Authorizes the victim of a bogus check to pay an administrative service fee to the district attorney or a third party vendor for electronic transfer of checks to the Bogus Check Restitution Program. It authorizes the district attorney to contract with third party vendors on a per-item fee to facilitate electronic transfer of checks into the Bogus Check Restitution Program. Effective 7-1-06.

SB 1934 (Corn/Blackwell): Creates the Sheriffs' Personnel Task Force. It provides for membership and appointments; defines the scope of the study; determines quorum for meetings and voting; provides travel reimbursements, and staff assistance. The task force shall study recruitment and retention of deputy sheriffs and detention officers and make recommendations for compensation and other issues. Effective 11-1-06.

SB 1951 (Crutchfield/Brannon): Amends the Oklahoma Funeral Picketing Act to prohibit certain picketing at any space where a portion of a funeral service is held, rather than only cemeteries, mortuaries and churches. Effective 6-6-06.

SB 1964 (Corn/Blackwell): Authorizes a term of post-imprisonment supervision not less than 3 years for sex offenders. It requires the court to order the offender to comply with specific rules and conditions of supervision for sex offenders. It requires polygraph examinations not less than every 6 months during supervision. Sex offender will have identification cards and driver licenses valid for one-year which will be renewable yearly while registered as a sex offender. The bill provides that persons not housed in the county jail shall be transferred by the detention facility to the Department of Corrections when convicted and sentenced to imprisonment. The measure removes the residency requirement for correctional officers and includes Union City in petty cash authority and amounts. The bill requires the Department of

Corrections to manage all agricultural and live-stock services for maximum quantity and quality. Excess food and products shall be sold at competitive prices or traded with other state agencies or political subdivisions for goods and services. The Oklahoma State University shall provide agricultural services to the Department of Corrections to enhance production and a plan to enhance production must be submitted each year to the Legislature. The measure provides that 20% of inmate's funds received may be retained in an inmate's savings account to be paid to the inmate upon release. The bill allows purchases by state agencies and offices from the prison industries without competitive bid. The State Board of Corrections shall determine the average daily cost of incarceration per inmate versus budgeted and actual costs at the January meeting each year. The measure requires private prison contractors to take corrective action pursuant to the monitoring plans or cease operations. This measure prohibits residency of sex offenders on a temporary or permanent basis within certain distance of schools, parks, playgrounds and licensed child care facilities and increases the penalty from a misdemeanor to a felony with additional punishments for second or subsequent violations. Effective 7-1-06.

HB 2480 (Rousselot/Easley): Establishes a 7 year statute of limitations for prosecution for the crime of solicitation for murder in the first degree. Effective 11-1-06.

HB 2513 (Terrill/Crain): Changes the financial requirements for net worth and cash deposits for bail bondsmen applications, renewals and reinstatements occurring after 11-1-06. It keeps the existing \$50,000.00 financial net worth and the \$20,000.00 cash deposit when a bail bonds license is continuously maintained and increases the net worth to \$150,000.00 and the cash deposit to \$50,000.00 for new applicants and the renewal or reinstatement of licenses not continuously maintained. It criminalizes providing false information on any indemnification agreement and sets a misdemeanor penalty of one year imprisonment, \$1,000.00 fine, or both. Effective 11-1-06.

HB 2518 (Cox/Paddock): Authorizes the Department of Corrections to employ or contract for certified medication aides to deliver on-site primary medical treatment programs. It expands the authority of certified medication aides to distribute medications in correctional facilities. Effective 4-21-06.

HB 2615 (Calvey/Coates): Creates the "Stand Your Ground Law". It modifies the Make My Day Law to allow defensive force in the event of unlawful and forcible entry into a dwelling, residence or occupied vehicle and the forcible removal of a person from a vehicle or dwelling. It creates a presumption of imminent fear of death or great bodily harm to justify defensive force. It specifies exemptions to the presumption. The bill allows defensive force of self or another person or to prevent a forcible felony in any place where the person has a right to be. The law grants immunity from criminal prosecution and authorizes court costs and other reimbursements for any resulting civil actions. An exception to immunity is provided for unlawful use of force. Terms are defined. Effective 11-1-06.

HB 2660 (Roan/Rabon): Prohibits entities from revoking, suspending or denying a professional license for participating in the execution of a judgment of death. Effective 11-1-06.

HB 2661 (Roan/Rabon): Exempts certain equipment including vehicles and services used in the production of goods and services for resale by the Oklahoma Correctional Industries and the Agri-Services programs under the Oklahoma Central Purchasing Act. Effective 11-1-06.

HB 2762 (Perry/Pruitt): Creates a felony offense for permitting an invitee who is a person under 21 years of age to possess or consume alcoholic beverages or any controlled dangerous substance. Effective 11-1-06.

HB 2813 (Denney/Shurden): Creates a crime of allowing a dog that has previously inflicted bites on a person or created a threat of imminent injury or death to permit such dog to be at large or bite or attack a person. The penalty is a misdemeanor with one year imprisonment, up to \$5,000.00 fine, or both. In addition the owner of such dog is liable for damages. Any dangerous dog or dog the has previously inflicted bites on a person that kills a person is guilty of a felony with 5 years imprisonment, up to \$25,000.00 fine, or both. It prohibits releasing a dog on a law enforcement officer and sets the felony penalty at 5 years imprisonment, up to \$5,000.00 fine, or both. It allows an affirmative defense when the death resulted from a person committing a criminal act on the premises of the dog or upon the owner of the dog. The bill modifies the definition of potentially dangerous dog and dangerous dog to exclude injury or killing of a domestic animal but

includes an unprovoked attack and killing of a dog. The measure includes streets, sidewalks, alleyways and easements in definition of public property. It sets a penalty for failure to comply with certain regulations for dangerous dogs and sets a penalty for a dangerous dog causing injury to a person. The measure authorizes community services up to 40 hours for violations of law. Effective 6-7-06.

HB 3004 (Morgan, Fred/Coffee): Prohibits billboards or other exterior advertising of sexually oriented businesses within 1 mile of any state highway and prohibits displaying or providing to minors any video games or computer software containing inappropriate violence. Effective 11-1-06.

HB 3056 (Balkman/Rabon): Creates the "Prevention of Youth Access to Alcohol Act". It authorizes cities with municipal courts of record to enact ordinances with fines up to \$1,250.00 and imprisonment up to 6 months for alcohol-related or drug-related traffic offenses. Cities with courts not of record shall have a maximum fine of \$800.00. The courts shall remit \$50.00 of any fees collected to a municipal fund for enforcement of laws relating to juveniles access to alcohol and other alcohol-traffic-related offenses. Fines in excess of \$750.00 shall be used to defray the costs of enforcement of juvenile access to alcohol and other alcohol-traffic-related offenses. The bill prohibits possession of any low point beer by a person less than 21 years of age and enhances penalties with fines and community service hours. The court costs for DUI cases is increased from \$383.00 to \$433.00 and Trauma Care fees assessed in certain cases are increased from \$100.00 to \$433.00. The bill removes the authority for a person under 21 years of age to be in an area accompanied by a parent where low point beer or alcoholic beverages are served for consumption on the premises. License holders for low point beer are prohibited from being issued a license for 3 years after the fourth revocation of such license. The bill defines the exceptions to a license violation for selling low point beer or alcoholic beverages after relying upon proof of age that was false. The measure sets misdemeanor penalties for first and second license violations and a felony penalty for any third violation within one year, and requires one-half of the fines imposed to be deposited in the Prevention of Youth Access to Alcohol Revolving Fund within the State Treasury. Owners of licensed establishment are required to be notified by mail of employee violations with confir-

mation of delivery. Licenses have mandatory periods of revocation for license violations. Youth violating low point beer and alcoholic beverages laws must be assessed for degree of alcohol abuse and shall have the driver license suspended for an increased period of time up to age 21 years. The bill makes it a misdemeanor to lend or permit use of another person's driver license and a felony to create or falsify a license or photo or use a false name or other information. Effective 7-1-06.

HJR 1010 (Tibbs/Riley): Establishes the "Oklahoma Task Force to Stop Sexual Violence". The task force will study the funding of services to victims of sexual violence and make recommendations for increased communication between agencies, community awareness, and prevention programs. It sets membership, terms, appointment of the chair and vice chair, and authorizes election of other officers. The bill provides for travel reimbursements, administration by the Criminal Justice Resource Center, and agency staff support. A written report is required by February 1, 2007. Effective 6-7-06.

CORRECTIONS FUNDING

The Department of Corrections was appropriated \$456.0 million in Senate Bill 80XX, an 11% increase from FY'06 funding. The appropriation included a \$42 million annualization of the Department's FY'06 supplemental appropriation. Included in the funding was money for contract bed deficits, increased medical and utility costs, inmate growth and full-year funding of the \$2,800 pay raise provided in the FY'06 supplemental bill for all classified employees at DOC facilities. Additional funds were also provided to increase county jail reimbursement rates and private prison contracts.

OFFICE OF JUVENILE AFFAIRS FUNDING

The Office of Juvenile Affairs (OJA) was appropriated \$104.2 million for FY'07. This represents a 6.0% increase (\$5.9 million) from its FY'06 appropriation. With this increase, OJA can:

- Replace federal funds lost due to the reduction in Oklahoma's FMAP. (\$38,412)
- Replace federal funds lost for graduated sanctions. (\$575,000)
- Provide mental health services to juveniles while in detention centers. (\$800,000)

- Rate increases for county detention centers. (\$700,000)
- Fund two Multi-Systemic Therapy (MST) programs (intensive, family-centered, in-home therapy for delinquent juveniles) (\$623,000)
- Provide a targeted pay increase for OJA facility and field staff. (\$1,375,000)
- Partially cover increased operational costs due to rising energy prices. (\$458,685)

LAW ENFORCEMENT FUNDING

The Oklahoma State Bureau of Investigation was appropriated an additional \$2.2 million in FY'07 for a total appropriation of \$13.4 million. To provide funding for the completion of the Forensic Science Center in Edmond, OSBI received \$500,000 to meet debt service obligations. Also, OSBI was appropriated \$456,000 to fully fund the requirements of SB646, which created an all-felon database. OSBI also received funding to provide pay increases for agents and money to hire agents per the Kelsey-Smith Briggs Act, HB2840.

The Department of Public Safety was appropriated a total of \$90.1 million in FY'07, an increase of \$11.1 million from FY'06. DPS received \$4.2 million to annualize the supplemental provided in FY'06, plus \$2.1 million to fund the graduates of the 55th and 56th Oklahoma Highway Patrol Trooper Academies. Funds were also provided to increase trooper salaries.

The Oklahoma Bureau of Narcotics and Dangerous Drugs received an appropriation of \$6.3 million, an increase of 18% from prior year funding. The Bureau received funding to hire additional Hispanic narcotics agents and raise current agent salaries.

The Office of the Chief Medical Examiner received additional funding in the amount of \$664,000, an increase in funds of 17%. Funds were provided to hire additional field investigators, as well as increase the pay of targeted positions.

The Pardon and Parole Board received \$171,000 to replace vacant investigator positions. The Alcoholic Beverage Laws Enforcement Commission received \$139,000 to replace vacant IT staff and aged vehicles. The State Fire Marshal was appropriated \$250,000 for the Council on Firefighter Training, as well as

\$65,000 to hire an additional plan reviewer. And the Indigent Defense System received an additional \$280,000 to renew attorney contracts.

ECONOMIC DEVELOPMENT & COMMERCE MEASURES

SB 1587 (Paddock/Hilliard): Modifies the Oklahoma Quality Jobs Act by exempting certain establishments from average wage requirements if the establishment locates in a newly-defined area where a "negative economic event" has occurred within 18 months of start-up. Authorizing an establishment currently in the program to withdraw from the program and reapply if it has suffered an extraordinary adverse business circumstance and incentive payments have been repaid with interest. Effective 7-1-06.

SB 1734 (Morgan/Wilt): Recognizes the Governor's Council for Workforce and Economic Development created under Executive Order 2005-27 to succeed and be established in lieu of the Oklahoma Workforce Investment Board. The bill codifies the Executive Order. Current Council members would continue to serve, and the purposes, powers and duties, staffing and certain funding of the Council would also continue. The Workforce Solutions Staff Team established under the Executive Order is also recognized and will continue to function as provided in the Order. Effective 6-6-06.

SCR 59 (Laster/Liotta): Resolves that due to the Oklahoma Supreme Court case *County Comm'rs of Muskogee County v. Lowery*, issued May 9, 2006, further legislation to protect private property from governmental eminent domain for economic development is unnecessary this session.

HB 2690 (Walker/Capps): Permits municipalities and counties to jointly create a regional economic development authority which is authorized to take a sales tax of up to 2% to a vote of the people of the region for specified purposes. Effective 11-1-06.

HB 2792 (Miller/Bass): Amends the "Compete with Canada" Act by modifying definitions and for production companies with a budget of \$30 million or more, suspends certain requirements for the film expenditure rebate program and guarantees a 15% rebate. Modifies certain eligibility requirements for the rebate. Requires

all film productions in the state to register with the Oklahoma Film and Music Commission. Effective 7-1-06.

HB 2793 (Miller/Bass): Modifies existing income tax credit for profits from investment in an existing Oklahoma film or music project by clarifying certain definitions and by creating new definitions of "profit", "total production costs", "Oklahoma production costs", "investment" and "qualified vendor". Effective 7-1-06.

COMMERCE FUNDING

SB 80XX appropriates \$24.1 million to the Department of Commerce. Also, SB1675 appropriated \$1.0 million for the Military Base Closure Fund, resulting in a total of \$2.9 million more than the FY'06 appropriation. In FY'06, a portion of the agency's allocation was funded with one-time Gross Production REAP water projects fund. The agency will receive \$1.0 million in order to replace the REAP funding from the previous year. The Native American Cultural Education Authority will also receive \$600,000 more in new funds.

SB 99XX (Crutchfield/Askins): Creates a trust fund known as the Economic Development Generating Excellence (EDGE) Fund. The bill establishes the composition of the EDGE Fund's Board of Investors. It also establishes a Policy Board which is responsible for the expenditure of funds certified as available by the Board of Investors. Expenditures from the EDGE Fund are limited to 5% of the fund's total assets. Eligible projects and programs include matching funds for applied research, funds for proof of concept, funds for purchasing equipment and seed capital including, but not limited to, capital for the OCAST Seed Capital Revolving Fund.

HB 1169XX (Benge/Crutchfield): creates the Oklahoma Opportunity Fund within the Oklahoma Department of Commerce. Money in the fund may be budgeted and expended by the Governor for the purposes of economic development and related infrastructure development. Expenditures must be proposed by the Director of the Oklahoma Department of Commerce and require unanimous approval of the Contingency Review Board (CRB) which is comprised of the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives. Expenditures must be expected to result in a substantial economic benefit to the state through the creation of new

quality jobs, maintenance of existing jobs, investment in new property or other ventures that will increase the tax base of the State of Oklahoma. The Legislature appropriated \$45 million the fund for FY'07. Of that amount, \$15 million has been obligated for the new MG Motors plant in Ardmore, and another \$15 million has been promised to the Oklahoma Medical Research Foundation (OMRF) for its proposed research tower.

HISTORICAL SOCIETY FUNDING

SB 80XX appropriates \$14.5 million to the Oklahoma Historical Society. \$800,000 of the funding is to cover costs associated with running the new Oklahoma History Center such as janitorial, maintenance, and security services and library staffing needs.

OHS will use some of the funds for critical needs and repairs to historic places across the state.

COMMON EDUCATION MEASURES

SB 1291 (Aldridge/Banz): Authorizes district boards to establish policy requiring district superintendent to reside within district boundaries. Effective 11-1-06.

SB 1459 (Cain/Winchester): Directs State Department of Education in consultation with State Department of Health to provide schools with certain information and technical assistance related to nutrition, obesity, physical education, diet-related chronic diseases, and school wellness policies. Encourages Healthy and Fit School Advisory (HFSA) Committees to utilize certain program assessment and monitoring instruments. Provides for HFSA Committees to be involved in implementation of law limiting access to foods of minimal nutritional value. Effective 11-1-06.

SB 1467 (Paddack/Peters): Requires schools to provide certain information about meningococcal meningitis to parents and guardians of students in grades six through twelve at the beginning of each school year. Directs the State Department of Education, in cooperation with the State Department of Health to develop and make the information available to school districts. Effective 11-1-06.

SB 1485 (Wilcoxson/Coody): Removes requirement for districts to report plan for professional development programs to State Board of Education. Deletes obsolete requirements and specific methods for professional development. Authorizes districts to utilize any means for professional development not prohibited by law. Requires districts to utilize data-driven approach to determine professional development needs, ensure programs are targeted to meet certain student achievement goals, and submit report on results and expenditures. Directs State Department of Education to develop online system for district reporting and make information available on website. Effective 7-1-06.

SB 1493 (Paddock/Dank): Modifies various provisions relating to education including:

- Modifies the method for determination of funding for charter schools.
- Requires in-service training for special education substitute teachers who do not hold a special education certificate and are employed for more than 15 consecutive or 30 total days in a school year. Specifies the training shall be provided at no cost to the substitute teacher.
- Authorizes districts to request a waiver from the State Board of Education on the restrictions on total time or time in same assignment for substitute teachers.
- Modifies program components required for district professional development programs to require a component on special education.
- Allows districts that consolidated in 2004 to be eligible to receive funds from the School Consolidation Assistance Fund.
- Authorizes districts to grant high school diplomas to veterans of the Vietnam War who left high school prior to graduation to serve in the war.
- Authorizes members of the Oklahoma School of Science and Mathematics Board of Trustees to hold other private or public positions not prohibited by the Oklahoma Constitution.
- Authorizes the Oklahoma Higher Learning Access Program to be known as "Oklahoma's Promise".

Effective 7-1-06.

SB 1597 (Laster/Harrison): Modifies provisions relating to truancy and out-of-school suspension. Increases parental fines and authorizes the court to order jail time for parents of students who are truant. Also authorizes courts

to order community service in lieu of the fine and set certain conditions. Requires schools to ensure education services are not provided to students adjudicated as delinquent for certain violent offenses in general vicinity of victims of such students. Requires schools to provide certain notification. Effective 7-1-06.

SB 1792 (Paddock/Dank): Implements the recommendations of the Achieving Classroom Excellence (ACE) Task Force created in the 2005 session by SB 982. Major provisions include:

- Creates the ACE Steering Committee to advise the State Board of Education on curriculum alignment, assessment development, cut-score determination, alternate tests, intervention and remediation strategies, and consequences for eighth-grade students who do not meet the mandated standard.
- Requires students beginning with those entering the ninth grade in the 2006-07 school years to complete a college preparatory/work ready curriculum to graduate from high school. Authorizes students to complete the current core curriculum in lieu of the college preparatory/work ready curriculum upon written parental approval. Clarifies that current high school students will continue to be subject to the current core curriculum requirements for high school graduation.
- Directs the State Board of Education to develop and field test end-of-instruction (EOI) tests in English III, Geometry, and Algebra II during the 2006-07 school year and implement during the 2007-08 school year.
- Authorizes students to retake the EOI tests up to 3 times each year until achieving at least at the satisfactory level.
- Directs schools to report scores of satisfactory and above on student transcripts beginning with students who enter the ninth grade in the 2008-09 school year.
- Directs State Board of Education to review, realign and recalibrate the tests in reading and mathematics in third through eighth grades and the EOI tests. The Board shall determine the cut scores for the new EOI tests and phase them in over a multi-year period. The Board shall compare EOI tests with those of other states and adjust cut scores as necessary.
- Directs the State Board of Education to retain services of a nationally recognized, independent organization to study the reliability and validity of the EOI tests.

- Provides remediation for students who do not score at least at the satisfactory level on the reading and math tests administered in the 7th grade in the 2006-07 school years, and in the 8th grade in the 2007-08 school years.
- Directs State Department of Education to provide information on best practices for remediation and intervention and requires districts to monitor results and report findings to SDE.
- Requires student individualized education programs (IEP) to have an appropriate statement on the IEP requiring administration of assessments with or without accommodations or with alternate assessments.
- Requires students identified as English language learners (ELL) to be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary, or with alternate assessments.
- Requires students to pass 4 out of 7 end-of-instruction tests to receive a high school diploma beginning with students entering 9th grade in the 2008-09 school year. Students must pass Algebra I and English II along with 2 of the following tests: English III, US History, Biology I, Geometry, and Algebra II.
- Provides remediation and opportunity to retake EOI tests until at least a satisfactory score is attained on Algebra I and English II and two of the other listed tests or an approved alternative test.
- Authorizes technology center schools to provide remediation in Algebra I and Biology I to students enrolled in technology center schools.
- Authorizes State Board of Education to approve alternative methods for students to demonstrate mastery of the state academic content standards.
- Directs Board to adopt rules for necessary student exceptions and exemptions to requirements of this section. Requires Board to collect and report data on number of students provided and categories of exceptions and exemptions granted.

Effective 7-1-06.

SB 1795 (Paddack/Miller (Doug)): Requires vision screening for students in kindergarten, first, and third grades beginning in the 2007-08 school year. Specifies screening to be conducted by personnel listed on statewide registry maintained by the State Department of Health.

Requires Department to form advisory committee to make recommendations for vision screening standards and provide list of qualified screeners. Effective 11-1-06.

HB 1646 (Winchester/Justice): Modifies deadlines for application and notification under the Education Open Transfer Act. Authorizes students who are deaf or hearing impaired who wish to transfer to a school district with a specialized deaf education program to apply at any time during the school year. Effective 6-7-06.

HB 2086 (Wilt/Ford): Modifies deadlines from September 1 to October 1 of each year for school districts and boards of county commissioners to prepare written financial statements for the previous fiscal year and estimates of needs and income for the current fiscal year. Changes deadline for school districts to file financial statements and estimates with the county excise board to October 1 of each year. Also changes deadline to October 1 for school districts to file with the State Board of Education an itemized budget and request for state appropriated funds for ensuing fiscal year and estimate of revenues to be received. Effective 04-21-06.

HB 2097 (Dank/Paddack): Requires school districts to include recognition and reporting of child abuse and neglect in teacher professional development programs. Effective 7-1-06.

HB 2363 (Banz/Riley): Allows for transfer of students to a school district in which the parent or legal guardian is employed as a teacher, upon approval of the receiving district only. Provides for eligibility for extramural athletic competition in such case. Effective 7-1-06.

HB 2367 (Kern/Branan): Allows school districts to implement an extended day schedule for students in grades nine through twelve. Specifies that such schedules must equal or exceed the equivalent in hours to the required 180 days of instruction, but no school day shall be less than five hours. Requires districts to hold a public hearing, document impact on student achievement and provide annual report to State Board of Education. Effective 7-1-06.

HB 2712 (Kern/Wilcoxson): Requires majority of instructional time in kindergarten through third grade to focus on reading and mathematics. Authorizes teachers who are certified reading specialists to teach the third grade summer reading academies. Effective 5-12-06.

HB 2756 (Blackwell/Laughlin): Modifies cause for dismissal of career teacher. Establishes abandonment of contract as cause for termination. Modifies process for notification of recommendation for dismissal or no reemployment of a teacher. Effective 7-1-06.

COMMON EDUCATION (K-12) FUNDING

- The FY07 funding for early childhood, elementary and secondary education in the state is increased by \$185.3 million over FY06, an 8.5% increase. New funding in the \$2.34 billion total is accorded to address a broad range of needs, with some major items shown below:
- \$136 million for a \$3,000 across-the-board salary increase for teachers, funded outside of the State Aid formula. Currently Oklahoma teachers are ranked 48th in the nation and last in the region despite two-year's implementation of the five-year plan to bring Oklahoma to the regional average. The \$3,000 increase is more than double the average increase formerly planned for FY07
- \$18.8 million to fund a \$0.50/hour salary increase for all support personnel beginning October 1, 2006
- \$5 million for an early childhood public/private match pilot program. One urban and one rural program will be matched 1:2 with private funds
- \$1.725 million to fund National Board Certification bonuses for school psychologists, speech-language pathologists, and audiologists
- \$5.7 million to implement new test development and administration for the Achieving Classroom Excellence program of a more rigorous high school experience.
- \$3.5 million to meet Sooner Start needs and replace federal funding.

HIGHER EDUCATION MEASURES

SB 1771 (Morgan/Benge): Creates the Oklahoma State University Medical Authority Act. Defines terms, provides purposes of Act and makes Legislative findings. Creates the Oklahoma State University Medical Authority. Provides for membership, compensation, and quorum of the Authority. Makes Authority exempt from the Central Purchasing Act but subject to the Open Meeting Act and the Oklahoma Open Records Act. Provides for powers and duties of

the Authority. Requires certain budget procedures. Provides for investment of funds of the Authority. Authorizes issuance of revenue bonds and provides procedures and restrictions. Requires Authority to file annual report. Creates revolving funds and provides for expenditures. Allows Authority to regulate traffic and appoint campus police. The bill approves the creation of a public trust to be named the "Oklahoma State University Medical Trust" conditional upon satisfaction of certain enumerated conditions. Provides for agreements between the Authority and the Trust. Requires such agreements to include specified provisions. Allows Contingency Review Board to disapprove certain proposed agreements. Requires Supreme Court to approve certain agreements in a declaratory judgment action before such agreements can become effective. Authorizes certain lease agreements contingent on certain conditions. Creates revolving fund for the Trust and authorizes expenditure of monies from the fund. Effective Emergency.

SB 1956 (Crutchfield/Ingmire): Changes name of the Board of Regents of Oklahoma Colleges to the Regional University System of Oklahoma. Effective 7-1-06.

POSTSECONDARY EDUCATION FUNDING

New funding is added to the Oklahoma State System of Higher Education to raise the FY07 appropriation by \$130 million over the FY06 appropriation, for a total of \$1.02 billion. This represents a 14.6% increase in new funding. Primary new needs are as follows:

- \$18 million to annualize the payments for the debt authorized in the Oklahoma Higher Education Promise of Excellence Act in 2005. When added to the \$15 million placed in the base last year, a total of \$33 million will be available for debt retirement.
- \$10 million to address growing needs in the Oklahoma Higher Learning Access Program. This brings the annual OHLAP commitment to \$37.1 million.
- \$102 million to address critical needs like the reduction of the funding gap in higher education with other states, and institutional priorities.

CAREER & TECHNOLOGY EDUCATION MEASURES

HB 2068 (Martin/Ford): Changes legal notice publication requirements for elections of board members of technology center school districts. Requires publication in each county where the school district is a member of the technology center district. Effective 5-26-06.

HB 2139 (DePue/Garrison): Allows the State Board of Career and Technology Education to accept and expend funds from any source in order to market, advertise or promote programs and services available through the Career and Technology Education system. Effective 04-27-06.

HB 2983 (Ingmire/Garrison): Authorizes State Board of Career and Technology Education to participate in activities pertaining to recruitment of companies to locate or expand operations in this state. Providing exception to State Travel Reimbursement Act for certain specified employees of Department of Career and Technology Education when traveling for purpose of business recruitment, training, and technical assistance. Effective 6-9-06

CAREER & TECHNOLOGY EDUCATION FUNDING

Funding for the Oklahoma State Career and Technology Education system is increased by 13%, or \$17 million, for an FY07 total of \$147.2 million. New funding is intended to provide personnel and programs as follows:

- \$6.0 million to fund a \$3,000 across-the-board salary increase for teachers.
- \$1.1 million to fund a \$0.50/hour salary increase for all support personnel beginning October 1, 2006
- \$3.9 million to address continuing expansion needs for programs in comprehensive high schools.
- \$60,000 to fund the Education Employees Service Incentive Plan beginning January 1, 2007.
- \$6.0 million to fund capital needs.

ENERGY & ENVIRONMENT MEASURES

SB 1293 (Crutchfield/DeWitt): This measure authorizes allows small communities, rural water or sewer districts and substate planning districts to join together and contract for the services of licensed public water supply or wastewater operators to assist in the operation of smaller systems. Effective 7-1-06.

SB 1366 (Hobson/Roggow): Modifies the apportionment of the one-cent per gallon fee on motor fuels which supports the Petroleum Storage Tank Indemnity Fund and the petroleum storage tank regulatory division of the Corporation Commission by directing 8% of the annual funds, after the first One Million Dollars which goes into the Corporation Commission Revolving Fund, go to the Department of Environmental Quality Revolving Fund for the purpose of remediating petroleum related hazardous waste sites such as abandoned refinery sites. This one-cent per gallon assessment generates approximately \$24 million dollars annually. The remainder of the assessment will continue to be used to support the remediation of leaking underground petroleum tanks and the State Transportation Fund. Effective 7-1-06.

SB 1460 (Wyrick/DeWitt): Creates the Uniform Environmental Covenants Act. This act applies to real property in this state and creates a covenant that is recorded and runs with the land and which provides information of any environmental contamination on the property and remediation efforts. Effective 1-1-07.

SB 1463 (Wyrick/Glenn): Modifies the "Lead-Impacted Communities Relocation Act to include relocation assistance based on the risk of subsidence or sinkholes created by historic mining activity. Relocation assistance was first enacted in 2004 for the purpose of moving young children out of the area to reduce their exposure to lead. The act created a public trust which is authorized to buyout property owners and renters who live in the most at-risk areas which encompass the communities of Picher and Cardin in far Northeast Oklahoma. The trust shall determine the amount each eligible resident is given for their property based on the average cost of property elsewhere in the county. The measure further terminates the Ottawa Reclamation Authority which was created in 1969 to try to reclaim hazardous lands abandoned by mining companies. The properties and activities of the Ottawa Reclamation

Authority are transferred to the public trust. Effective 6-6-06.

SB 1557 (Shurden/Roggow): Authorizes owners of solid waste landfill disposal sites to retain ten cents per ton of the solid waste disposal fee to recoup the cost of installing a wheel wash system at the landfill disposal site. Mud falling off the tires of trash trucks leaving landfill sites has been a problem on county roads. Effective: 4-28-06.

SB 1574 (Laughlin/Blackwell): Gives more authority to the Oklahoma Water Resources Board when dealing with persons they determine is committing waste of water. Previously the Board was limited to filing a complaint in district court and under the provisions of this act, OWRB employees may now pursue voluntary compliance, issue cease and desist orders, suspend a permit or other administrative remedies prior to filing a complaint in district court. Effective 5-23-06.

SB 1594 (Laster/Winchester): Updates governing statutes of the Oklahoma Liquefied Petroleum Gas Board so they can comply with federal requirements, such as authorizing criminal background checks for certain employees and establishing limitations on liability if customers alter or modify LP Gas burning equipment without the knowledge and consent of the LP Gas seller. SB 1594 further allows the Board to retain any monies collected from administrative penalties in their Liquefied Petroleum Gas Fund instead of the state's General Revenue Fund. Effective 5-10-06.

HB 1913 (Peters/Lamb): Defines the term "hearing" as a proceeding before an Administrative Law Judge, Appellate Referee or the Corporation Commission en banc, in order to allow some standard procedures relating to oil and gas issues to be done by mail or other means rather than in person. Effective 5-26-06.

HB 2355 (Cooksey/Jolley): Allows the Oklahoma Municipal Power Authority to enter into interest rate swaps and use certain financial derivative products to hedge interest rate risk or manage costs relating to bond issues. Effective 11-1-06.

HB 2506 (Adkins/Lerblance): Extends the expiration date for the deposit of petroleum excise taxes into the Corporation Commission's plugging fund. Grants the Corporation Commission jurisdiction and authority over seeping natural

gas and creates a Corporation Commission Gas Seep Fund. Effective 7-1-06.

HB 2507 (Adkins/Lerblance): Allows the Petroleum Storage Tank Division to add the fuel additive MTBE to the list of petroleum products they test for when planning a remediation project to cleanup leaking underground petroleum storage tanks. The bill also modifies the list of petroleum systems which are not regulated by the Commission by including small Fleet and commercial aboveground storage tank systems. Effective 4-12-06.

HB 2603 (DeWitt/Justice): Modifies the Oklahoma Department of Agriculture, Food and Forestry's authority over certain spills of wastewater or manure from swine animal feeding operations. Certain spills are not required to be reported to the Department if they involve less than 100 gallons, but any spill which leaves the CAFO operation property must be reported. The bill also requires the Department to maintain records of all discharges and spills. Effective 11-1-06.

HB 2604 (DeWitt/Shurden): Directs the Department of Agriculture, Food and Forestry to obtain authorization from the federal Environmental Protection Agency to administer all National Pollution Discharge Elimination System (NPDES) programs for agriculture point and nonpoint source discharges within the areas of their jurisdiction. Effective 11-1-06.

HB 2691 (Adkins/Lamb): Recodifies a section of law which was the subject of a challenge in the Oklahoma Supreme Court. The law applies restrictions to persons building a habitable structure within a certain distance of an oil or gas well. At issue was a case where an adjoining landowner built a home closer than is allowed by the statute and was sued by the producer. The court sided with the landowner by saying the statute only applied to the surface owner where the well is located, not to an adjoining landowner based on the statute being originally codified as part of the surface damages act. As this was not the intent of the original law, this measure recodifies the section so it will not be considered part of the surface damage act. Effective 6-8-06

HB 2766 (Roggow/Rabon): Exempts certain temporary employees of the Department of Environmental Quality from applying against limitation on full-time equivalency (FTE) employees. Effective 7-1-06.

HB 2810 (Denney/Morgan): Creates the "Oklahoma Refinery Revitalization Act" which establishes a streamlined and coordinated state, federal, tribal, and local authorization, review and preapplication process for refinery facility applications. Also directs the Corporation Commission to cooperate with the Federal Energy Regulatory Commission on authorizations for crude oil or refined petroleum product pipeline facilities. Permits a taxpayer to treat certain costs of a qualified refinery property as a non-chargeable expense to a capital account and limits the deduction to certain years. Allows certain refiners to take a deduction for certain sulfur regulation compliance costs. Effective 7-1-06.

HB 3015 (Armes/Lerblance): Modifies the requirements relating to the frequency of sampling for certain monitoring wells at Confined Animal Feeding Operations. If wells are found to be dry for three consecutive years, sampling may be reduced to once every three years. Effective 5-15-06.

CONSERVATION COMMISSION FUNDING

The Conservation Commission will receive \$1.3 million for a district employee pay raise. The appropriation for the Commission totals \$9.0 million.

ENVIRONMENTAL QUALITY FUNDING

The Department of Environmental Quality was appropriated an additional \$750,000 in order to assist small communities with environmental compliance. The total appropriation for the agency is \$9.5 million.

WATER RESOURCES BOARD FUNDING

HB 1173 takes the Gross Production REAP Water Projects monies that totals about \$7,489,501 and splits it three ways between the Oklahoma Water Resources Board, the Conservation Commission, and the Oklahoma Tourism and Recreation Department., each agency receiving \$2,496,500. The bill also includes a sunset provision for the split.

GAMING, SPORTS & AMUSEMENTS MEASURES

SB 1058 (Hobson/Shoemake): Modifies definition of "horse racing" to exclude racing of cloned horses. Deleting prohibition against more than two Horse Racing Commission members from the same congressional district. Effective 5-23-06.

SB 1089 (Wilcoxson/Kern): Prohibits the Oklahoma Lottery Commission from issuing a certificate of authority to act a lottery retailer to any applicant doing business as a pawnbroker, supervised lender or payday lender or whose primary business is categorized as a check casher. Effective 5-15-06.

SB 1399 (Lerblance/Roggow): Modifies definitions relating to the Oklahoma Horse Racing Act. Clarifies enforcement of certain licensing provisions and creates new penalty for violation. Modifies the way a horse's eligibility is verified. Effective 6-7-06.

GOVERNMENT MEASURES (COUNTY, MUNICIPAL, LOCAL)

SB 516 (Branan/Nance): Relates to chief of police; sets the following minimal qualification for the chief of police of a municipality:

- Be at least 21 years of age;
- Be a citizen of the United States;
- Possess a high school diploma or GED;
- Be certified as a peace officer by CLEET or meet all requirements necessary for CLEET certification;
- Have successfully completed a chief of police training school within 12 months of assuming the position of chief of police; and
- Authorizes removal from position as chief if person does not meet qualifications; authorizes CLEET and the Association of Chiefs of Police to develop a Police Chief Administrative School; and exempts any person who is chief of police and is currently serving in that capacity on or before the Effective of the act. Effective 8-25-06.

SB 1331 (Aldridge/Case): Relates to counties; increases the dollar limit from \$250 to \$500 for supplies and materials subject to the uniform identification inventory system. Effective 11-1-06.

SB 1491 (Anderson/Case): Relates to traffic regulations; states a municipal governing body may establish ordinances or regulations governing the operation of motor vehicles upon the roads and streets within the municipality to be consistent with state law if it is reasonably related to traffic safety or control or flow of traffic. Effective 11-1-06.

SB 1581 (Leftwich/Terrill): Allows municipal and state employees with duties of fire protection or law enforcement to receive unused leave pay at regular rates if leave requests are denied for extraordinary circumstances and leave cannot be used within the time frame allowed for such leave. Unused leave compensation is to be paid at the end of the time frame when such leave should have been used. Effective 7-1-06.

SB 1624 (Lamb/Ingmire): Modifies Oklahoma Emergency Response Systems Development Act to permit stretcher aid van services in counties with populations in excess of 300,000 people. Changes name of the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act to the Oklahoma Advance Directive Act. Modifies and clarifies Oklahoma law relating to advance directives for health care including changes to certain definitions and the forms authorized for execution in Oklahoma. Modifies decisions individuals are authorized to make regarding the withholding of life-sustaining treatment and artificial administration of nutrition and hydration. Modifies the conditions under which the presumption of desire for nutrition and hydration does not apply. Effective 5-17-06.

SB 1697 (Coffee/Cargill) Authorizes municipalities to require certain assurances from cable television operators when awarding or renewing franchises. Allows cable operators to provide certain programming in lieu of certain requirements. Defines term. Effective 11-1-06.

SB 1934 (Corn/Blackwell): Creates Sheriffs' Personnel Task Force to study issues related to recruitment and retention of deputy sheriffs and detention officers and make recommendations to improve the same to the Legislature and the Governor by February 1, 2008. Effective 11-1-06.

SB 1972 (Crain/Sullivan): Relates to the sale or lease of lands; requires specific approval from the Commission for the sale or transfer of land which will result in a remainder tract of land of 5 acres or less. Effective 11-1-06.

HB 1672 (Nations/Hobson): Requires a veterinarian to report suspected animal abuse cases to a local law enforcement agency within 24 hours of the examination or treatment; authorizes the removal or the abused or neglected animal from its present custody and authorizes the peace officer or animal control officer to take custody of any animal found neglected or cruelly treated; authorizes the agency who took custody of the animal to petition the court for a bond hearing to determine the cost and care of the animal; modifies the scope of the crime of abused or neglected animal; and provides for the humane destruction of animals. Effective 11-1-06.

HB 2361 (Banz/Aldridge): Relates to a municipal governing body authority to clear property within the municipal limits of trash and weeds or grass; requires the expenses be paid by the owner within 30 days and if payment has not been received then within the next 60 days the clerk shall forward a statement to the county treasurer and the cost shall be levied on the property and collected as other taxes authorized by law; modifies the amount a county officer may assess and collect as a fee for worthless checks, drafts, order or voucher; authorizes notice to be mailed to a county treasurer and county assessor for liens filed on consumers who abandons or surrenders a manufactured home; modifies the amount of tax owed on ad-valorem basis if the amount is less than \$25; and changes the statute of limitations from 7 years to 3 years on tax sale certificates. Effective 7-1-06.

HB 2421 (Bingman/Fisher): Modifies criteria for municipal incorporation; adds exception to notice of charter amendments to publish only the article contained in the proposed charter amendment. Effective 11-1-06.

HB 2424 (Glenn/Garrison): Relates to the Competitive Bidding Act; adds penalty for violation of certain provisions of the act for the purpose of avoiding the requirements of the act. Effective 11-1-06.

HB 2425 (Glenn/Wyrick): Modifies authorization for county commissioners to use county owned equipment and supplies on county owned land or public schools. Effective 7-1-06.

HB 2591 (Case/Aldridge): Authorizes the county excise board to authorize the county treasurer to appropriate money to a fund which is temporarily insufficient; and requires funds temporarily transferred to be repaid to the

original fund from which they were transferred within the fiscal year the funds were transferred. Effective 4-25-06.

HB 2611 (Case/Garrison): Authorizes each county officer and each county assessor to receive a monthly travel allowance of \$500 and each county clerk, court clerk and county treasurer to receive a monthly travel allowance of \$400; prohibits elected officials from receiving an incentive award for safety-related job performance; and adds locations for auctions of real property. Effective 11-1-06.

HB 2612 (Case/Branan): Prohibits municipalities from regulating the transportation of fireworks in their unopened original packaging in a motor vehicle within the municipal limits. Effective 7-1-06.

HB 2796 (Nations/Garrison): Creates the Municipal Budget Act which adds an alternative to municipalities' budget format. Effective 7-1-06.

GOVERNMENT MEASURES (STATE)

SB 489 (Riley/Miller, Doug): Removing time limitation for disqualification of an applicant for appointment as Highway Patrol Cadet. Effective 3-7-06.

SB 558 (Shurden/Liotta): Increases minimum limits of contracts which must be competitively bid from \$25,000 to \$50,000. Creates new requirements related to motor vehicle fleet management. Requires written bids for public construction contracts exceeding \$50,000 with certain exceptions. Establishes criteria for use of design-build and construction management project delivery methods. Requires DCS to review state agency transactions to lease or acquire real property. Effective 7-1-06.

SB 1091 (Morgan/Winchester): Increases powers of Board of Directors of the Tobacco Settlement Endowment Trust Fund. Provides procedures, requirements and restrictions for the awarding of grants by the Board. Specifies types of expenses which may be considered to be "administrative expenses" and increases allowable amount which may be expended on such expenses. Specifies types of expenses which may be considered to be "program expenses". Requires development of policies and procedures with regard to expenses. Effective 11-1-06.

SB 1129 (Crutchfield/Benge): Directs the Department of Central Services to provide for the renovation of space on the first floor of the State Capitol for use as a visitors' center, orientation theater, and gallery, to be open by the statehood centennial on November 16, 2007. The Department is directed to work with the Capitol Architect and Curator to ensure preservation and maintenance of the cultural and historic integrity of the State Capitol. The Department of Tourism and Recreation is directed to provide for the administration and maintenance of the visitors' center and theater. The projects are to be funded with interest earned on bonds issued for the Lincoln Renaissance Project in 1999. Effective 6-9-06.

SB 1359 (Myers/Kern): Relates to the state flag; requires standard colors and design used in the production of the flag; and requires state agencies and boards of education to display the standard flag. Effective 11-1-06.

SB 1401 (Paddack/Plunk): Allows CLEET to house trainees instead of reimbursing trainees for housing, to rent out facilities for a fee and to accept payment of fees by business check or credit card. Effective 11-1-06.

SB 1405 (Morgan/Hiett): Requires renovations on space in the State Capitol being vacated by the Attorney General to be made in a manner to ensure preservation and maintenance of the cultural and historic integrity of the building. Effective 11-1-06.

SB 1613 (Laster/Liebmann): Designates the wild turkey *Meleagris gallopavo* as the state game bird and the dinosaur *Acrocanthosaurus atokensis* as the state dinosaur. Effective 6-6-06.

SB 1678 (Laughlin/Hickman): Designates the Mexican free-tailed bat as the state flying mammal. Effective 11-1-06.

SB 1686 (Lerblance/Liotta): Allows state agencies to pay employees overtime for working on state holidays. Requires payment of overtime at twice regular rate to fire suppression employees who work on holidays. Effective 7-1-06.

SB 1706 (Shurden/Billy): Authorizes the Muscogee (Creek) Nation to take over certain state agency housing authority programs and assume all liability and assets of such state agency housing authority programs. Provides procedures for assumption of such programs. Effective 5-4-06.

SB 1831 (Johnson, Constance/Peters): Provides that skill-based pay adjustments for state employees, implemented on or after November 1, 2006, shall be paid only as long as employee is employed in position which requires the employee to use the skill for which the employee is being paid. Effective 11-1-06.

SB 1919 (Johnson, Constance/Shumate): Creates the African-American Centennial Plaza Design Committee. Effective 7-1-06.

SJR 48 (Anderson/DePue): Requests the Oklahoma State Senate and the Oklahoma House of Representatives authorize an official meeting of the state legislature at Convention Hall in Guthrie on Statehood Day, November 15, 2007 as part of the official Centennial Celebration. Effective 5-22-06.

HB 2516 (Young/Leftwich): Expands the authority of the Capitol Improvement Authority to hold title to certain property for the benefit of the Oklahoma State Bureau of Investigation. Title may be held for real and personal property including equipment and furnishings. The bill increases the maximum amount for negotiable obligations from \$22 million to \$28.3 million and changes the maximum amount for acquisition of property in Oklahoma County from \$20 million to \$26.3 million. Personal property including equipment and furnishings may be purchased from interest earnings on funds and accounts. Effective 6-8-06.

HB 2554 (DePue/Coates): Authorizes the Department of Central Services to establish a database for facilities management. Effective 7-1-06.

HB 2664 (Roan/Corn): Changes the classification and qualifications of certain Department of Public Safety and Highway Patrol personnel and their pay rates. Effective 4-21-06.

HB 2982 (Jett/Corn): Authorizes the Department of Corrections to provide labor and produce articles for repair, construction or maintenance of historical sites and state parks, including the historical forts in this state. It requires the Oklahoma Historical Society or the Oklahoma Tourism and Recreation Department to request assistance from the Department of Corrections. The Oklahoma Correctional Industries is not prohibited from the sale or distribution of any produced housing components to any community action agency or council of governments within the state. Effective 11-1-06.

DEPARTMENT OF CENTRAL SERVICES FUNDING

The Department of Central Services FY'07 appropriation is \$13.6 million. This is a \$1.4 million or 11.2%, increase from FY'06. This includes \$1.2 million in additional money is to cover increased energy costs for state buildings.

ELECTION BOARD FUNDING

The State Election Board's FY'07 appropriation is \$7.7 million. This is a \$1.1 million, or a 16.4%, increase from FY'06. The additional money includes \$950,000 to reinstate funding depleted by the September 13, 2005 special election. The money will be used to help fund the 2006 statewide elections.

HEALTH & MENTAL HEALTH MEASURES

SB 990 (Cain/Cox): Establishes the Genetic Counseling Licensure Act. Requires persons engaging in the practice of genetic counseling to obtain a license. States requirements for licensure. Authorizes and sets requirements for temporary licensure. Provides for certain practices that may be performed without license. Sets continuing education requirements for licensees. Directs the State Board of Health to promulgate rules regarding the licensure of genetic counselors pursuant to recommendations from the Genetic Counseling Advisory Committee. Creates the Genetic Counseling Licensure Revolving Fund to be administered by the State Department of Health. Effective 11-1-06.

SB 1056 (Hobson/Balkman): Exempts certain refunding or defeasance obligations from a requirement for legislative approval. Requests that the Board of Regents of the University of Oklahoma establish a comprehensive diabetes center in Oklahoma City and Tulsa. Effective 11-1-06.

SB 1091 (Morgan/Winchester): Expands the powers of the Board of Directors for the Tobacco Settlement Endowment Trust Fund. Exempts the selection and awarding of certain grants from the Oklahoma Central Purchasing Act. Requires the Board to develop a competitive process for awarding such grants. Provides confidentiality requirements for information relating to the grants. Modifies the restric-

tions on the operating budget of the Board. Specifies items which may be part of the programs budget for the Board. Effective 11-1-06.

SB 1097 (Adelson/Lamons): Exempts hearing aid equipment purchased or supplied by the State Department of Health from provisions in Section 110.1 of Title 74 which require the Department to track inventory of such devices. Clarifies that the provisions of Section 300.53 of Title 63, which regulate the licensing of Long-Term Care Administrators, shall not be construed to add additional requirements for the licensure of assisted living administrators. Effective 6-7-06.

SB 1308 (Leftwich/Cooksey): Expands the membership of the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee by adding two members from the Oklahoma Health Care Authority. Effective 11-1-06.

SB 1311 (Crain/Cox): Directs the State Anatomical Board to designate agents to receive, store, issue and cremate anatomical materials used for health science education and research in Oklahoma. Removes requirement that unclaimed bodies unfit for anatomical purposes be returned to the county of deceased for burial. Authorizes the Chief Medical Examiner to request autopsies. Requires reimbursement to the Board's agent for claimed bodies embalmed and transported at the expense of the agent. Removes the requirement which states that entities which use anatomical materials must keep permanent record. Directs the Board to cremate bodies upon return and requires bodies sent to other states to be cremated in that state before return. Repeals the Anatomical Board Fund. Effective 11-1-06.

SB 1318 (Bass/Carey): Authorizes the Oklahoma Department of Veterans Affairs to provide an employer-based program to train nurse aides for certification by the State Department of Health. Effective 11-1-06.

SB 1394 (Paddack/Cox): Creates the "Health Care Workforce Resources Center" the purpose of which is to coordinate, facilitate and communicate statewide efforts to meet supply and demand needs for Oklahoma's health care workforce. The act sets forth the focus for the center as well as funding options. It creates a governing board for the center and establishes the duties of the board. Effective 11-1-06.

SB 1509 (Coffee/Adkins): Adds mobile dental units to the list of entities defined as "treatment facilities". Effective 11-1-06.

SB 1624 (Lamb/Ingmire): Modifies Oklahoma Emergency Response Systems Development Act to permit stretcher aid van services in counties with populations in excess of 300,000 people. Changes name of the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act to the Oklahoma Advance Directive Act. Modifies and clarifies Oklahoma law relating to advance directives for health care including changes to certain definitions and the forms authorized for execution in Oklahoma. Modifies decisions individuals are authorized to make regarding the withholding of life-sustaining treatment and artificial administration of nutrition and hydration. Modifies the conditions under which the presumption of desire for nutrition and hydration does not apply. Effective 5-17-06.

SB 1640 (Johnson, Constance/Balkman): Adds residential care homes to the list of facilities which may participate in the Board of Pharmacy's program through which unused prescription drugs are transferred from certain facilities to pharmacies operated by a county. Effective 11-1-06.

SB 1707: (Myers/Duncan): Requires the Department of Corrections to make a list of registered sex offenders available to the Commissioner of Health. Authorizes the State Commissioner of Health to distribute information from the sex offender registry to any nursing home or long-term care facility. Effective 7-1-06.

SB 1726 (Nichols/Cargill): Removes requirement that the Department of Mental Health and Substance Abuse Services consult with D.U.I. School Administrators of Oklahoma when promulgating rules pertaining to alcohol and drug substance abuse courses (ADSAC). Adds new definitions relating to ADSAC. Sets requirements for individuals offering ADSAC assessments. Requires the Department to promulgate rules regulating assessments and provides for noncompliance. Requires ADSAC assessors to certify all persons who successfully complete assessments. Effective 11-1-06.

SB 1737 (Hobson/Balkman): Creates the Oklahoma Dental Loan Repayment Act. The program, depending on available funding, would provide educational loan repayment assistance for up to 5 Oklahoma licensed dentists

per year in order to upgrade the availability of quality dental care services in Oklahoma and to improve the balance of dental manpower distribution in the state so that underserved rural and metropolitan areas of the state would have accessibility to such dental services. The program would be administered by the State Department of Health. Four of the dentists each year entering the Program would agree to provide dental care and services in a designated dental health professional shortage area (DHPSA) of the state and agree to provide dental care and services to Medicaid recipients that would represent at least 30% of his or her patients. One of the dentists each year would agree to teach at the University Of Oklahoma College Of Dentistry. In order to be eligible to participate in the loan repayment program, the dentist must be a new dental school graduate with preference given to graduates to the OU College of Dentistry must be licensed to practice dentistry in Oklahoma and has demonstrated financial need. The dentist would execute a contract with the Department agreeing to certain requirements. If the dentist does not fulfill the service obligation, the Department may collect the entire amount of loan payments made under the Program, plus interest. The amount of the award of educational loan repayment assistance would not exceed any maximum or minimum amount as provided by rule of the State Board of Health. The actual amount of the award shall be based on actual funds available to the Program for expenditure and the existing student loan indebtedness of the participating dentist. Effective 11-1-06.

SB 1742 (Barrington/Billy): Amends definition of "human being" to include an unborn child for purposes of homicide. Modifies punishment allowable for certain manslaughter conviction. Requires woman seeking abortion be told at least 24 hours before the abortion that ultrasound imaging and heart tone monitoring are available. Requires the publication of information on agencies which offer these services. States that a person who knowingly or recklessly performs an abortion in violation of this act is guilty of a felony. Creates the "Unborn Child Pain Awareness/Prevention Act". Requires certain information about pain and the unborn child be given to a woman seeking an abortion on a child whose gestational age is 20 weeks or more. Requires that anesthetic or analgesic be offered to eliminate or alleviate the pain. Requires the publication of certain information regarding pain and the unborn child. Sets forth reporting requirements. Provides punishment for violation of act. Provides cause

of action to certain persons for violation of act. Addresses anonymity of woman upon whom an abortion has been performed for purposes of civil and criminal violations of this act. Requires parental consent before an abortion can be performed upon a minor. Provides exceptions for victims of sexual abuse. Authorizes State Department of Health to establish program to facilitate funding to nongovernmental entities that provide alternatives to abortion. Creates the "Alternatives-to-Abortion Services Revolving Fund". Effective 11-1-06.

SB 1771 (Morgan/Benge): Creates the Oklahoma State University Medical Authority Act. Defines terms, provides purposes of Act and makes Legislative findings. Creates the Oklahoma State University Medical Authority. Provides for membership, compensation, and quorum of the Authority. Makes Authority exempt from the Central Purchasing Act but subject to the Open Meeting Act and the Oklahoma Open Records Act. Provides for powers and duties of the Authority. Requires certain budget procedures. Provides for investment of funds of the Authority. Authorizes issuance of revenue bonds and provides procedures and restrictions. Requires Authority to file annual report. Creates revolving funds and provides for expenditures. Allows Authority to regulate traffic and appoint campus police. The bill approves the creation of a public trust to be named the "Oklahoma State University Medical Trust" conditional upon satisfaction of certain enumerated conditions. Provides for agreements between the Authority and the Trust. Requires such agreements to include specified provisions. Allows Contingency Review Board to disapprove certain proposed agreements. Requires Supreme Court to approve certain agreements in a declaratory judgment action before such agreements can become effective. Authorizes certain lease agreements contingent on certain conditions. Creates revolving fund for the Trust and authorizes expenditure of monies from the fund. Effective 6-7-06.

SB 1803 (Nichols/Balkman): States the powers and duties of the Office of Accountability Systems of the State Department of Health. Effective 7-1-06.

SB 1850 (Cain/Denney): Changes "nursing home administrators" to "long-term care administrators". Deletes provisions regulating qualified mental retardation professionals. Authorizes the Oklahoma State Board of Examiners for Long-Term Care Administrators to warn, censure and impose administrative fines. Per-

mits the Board to collect costs associated with a hearing. Allows the Board to grant short-term provisional licenses. Authorizes the Board to order a summary suspension of licenses or permits. Effective 7-1-06.

SB 1971 (Riley/Peters): Exempts initial application fees, first-year license fees, permanent license fees, renewal of permanent license fees and late renewal fees for hospices from fee limitations. Effective 11-1-06.

HB 2102 (Cox/Paddack): Prohibits the member representing the pharmaceutical industry on the Medicaid Drug Utilization Review Board from voting on action items involving drugs or classes of drugs. Effective 11-1-06.

HB 2458 (Peterson, Pam/Lamb): Adds mobile dental units to the list of entities considered "treatment facilities". Deletes limitation on investigators who conduct investigations of alleged violations of the State Dental Act. Effective 11-1-06.

HB 2465 (Askins/Gumm): Extends the requirement by which hospitals that have not received certain approval by the State Commissioner of Health are required to provide certain verification to the Commissioner. Extends the date by which the Uncompensated Care Equalization Committee must make its recommendations to the Legislature. Effective 11-1-06.

HB 2485 (Nance/Laster): States that substances containing salvia divinorum that have been enhanced, concentrated or altered are to be considered synthetic controlled substances. Creates the Task Force on Adolescent Substance Abuse and Misuse of Household Items. Effective 6-7-06.

HB 2842 (Steele/Adelson): Establishes the Oklahoma Medicaid Reform Act of 2006. Authorizes the Oklahoma Health Care Authority (OHCA) to create a pilot program in which private health insurance providers may provide coverage to Medicaid consumers. Directs OHCA to design a database of electronic medical records. Requires OHCA to implement an electronic prescribing program. Instructs OHCA to develop an incentive reimbursement plan for nursing facilities. Requires OHCA to negotiate base provider reimbursement rates. Directs OHCA to develop a program for disease management. Instructs OHCA to administer a plan for alternatives to long-term care. Instructs OHCA to administer a program to encourage primary care services. Allows OHCA to

develop a program to provide educational interventions. Requires OHCA to implement a telephone health information line program. Directs OHCA to deter abuse and reduce errors through technology and accountability measures. Requires OHCA to reduce the payment error rate. Instructs OHCA to extend health care benefits for qualified college students. Directs hospitals to establish a discount program for qualified self-pay patients. Creates the Task Force on Nursing Home Insurance Access. Requires health insurance providers and health care providers to provide certain information. Modifies the membership of the Community Hospitals Authority. Expands the premium assistance payment plan to include parents of children eligible for Medicaid. Authorizes OHCA to expand the premium assistance program to include employers with up to fifty employees. Requires the Oklahoma Hospital Advisory Council to include quality indicators in annual reports. Adds a member to the Advisory Committee on Medical Care for Public Assistance. Repeals Section 1-720b of Title 63, which relates to new health facilities. Repeals Section 1-702d of Title 63, which relates to the Uncompensated Care Equalization Committee. Effective 6-9-06.

HB 2865 (Worthen/Cain): Modifies mental health definitions. Authorizes the establishment and collection of fees for certain mental health programs. Authorizes the postponement, denial, revocation or suspension of certification for failure to comply with certain rules. Clarifies requirements for use of Class II controlled dangerous substances. Deletes the form regarding certificates of evaluation. Requires notification if the district attorney refuses to file certain petitions regarding minors. Limits the commitment time for minors in need of treatment. Repeals Sections 3-312 and 3-314.1 of Title 43A, which relate to domestic violence and sexual assault. Repeals Sections 3-501 and 3-502 of Title 43A, which relate to the Oklahoma Comprehensive Mental Health Services for the Deaf and Hard-of-Hearing Act. Repeals 9-102, 9-103 and 9-104 of Title 43A, which relate to the commitment of alcohol or drug dependent persons. Effective 11-1-06.

HEALTH CARE AUTHORITY FUNDING

SB 80XX appropriates \$701 million to the Oklahoma Health Care Authority. This is an increase of \$67 million or 10.5% over the agency's FY'06 appropriation. Within this appropriation, \$22 million will be used to fully

implement a 13.2% increase in nursing reimbursement rates and a 10% rate increase for ICF/MR facilities. SB 80XX also includes \$13 million to increase hospital and physician rates for six months. These funds will allow hospitals to be reimbursed at their Upper Payment Limit (UPL). Finally, SB 80XX includes \$622,806 for High Risk OB. These funds will provide for enhanced prenatal care and treatment to pregnant women.

PUBLIC HEALTH FUNDING

SB 80XX provides \$71.1 million to the Oklahoma Health Department for FY'07. This appropriation is an increase of \$8.3 million or 13.2 % over last year's appropriation.

Within the Department's appropriation, \$1.3 million was designated for the Children First and Office of Child Abuse Prevention (OCAP) programs. \$1.134 million was appropriated to the Department for cancer screenings. \$ 634,000 will go towards breast and cervical cancer and \$500,000 will go towards helping to educate Oklahomans about colon cancer and providing for screenings of colon cancer. Another \$500,000 of the Department's appropriation was designated to go towards the purchase of 36,815 flu vaccines for pandemic influenza.

SB 80XX also appropriated \$3 million for an emergency room doctor training program. These funds will towards creating an emergency medicine residency program at OU-Tulsa. The HIV Drug Assistance Program, otherwise known as the Ryan White Program was allocated \$604,000. These funds are needed just to maintain the current program. \$296,200 was appropriated to the Department to provide for two (2) mobile dental units (\$100,000) and to administer the Dental Loan Repayment Program enacted in SB 1737 (\$196,200). This program reimburses five dentists a year \$25,000 for dental school loans, where the dentists business is compromised of at least 30% Medicaid clients. One of these five dentists is required to be a teacher at the University Of Oklahoma School Of Dentistry. SB 80XX appropriated another \$500,000 to the Department to be deposited into the Department's Federally Qualified Health Centers (FQHC) Technical Assistance Fund. These funds will allow the Department to help no less than twelve communities to develop sites for potential FQHCs and federal 330 FQHC look-a-like sites.

MENTAL HEALTH & SUBSTANCE ABUSE FUNDING

SB 80XX appropriates \$194 million to the Department of Mental Health and Substance Abuse Services. This is an increase of \$22.5 million or 13.1% over the agency's FY'06 appropriation. This appropriation includes funding to annualize the State-Wide Drug Court Program enacted last year (\$8 million), as well as annualizations for the Systems of Care program (\$935,062) and the Program for Assertive Community Treatment (PACT) program (\$700,000). Within SB 80XX, \$4.125 million was appropriated for various adolescent substance abuse and mental health programs, including adolescent crisis response teams (\$1.5 million), services for transitional youth (\$622,500), core services for kids (\$408,750) and residential adolescent substance abuse services (\$1.5 million).

This funding will create a children's crisis response system including: 15 mobile crisis teams and 2 regional crisis stabilization units. Funding will also provide 1,800 additional youth with core mental health services. These various adolescent programs were funded for nine months and will need to be partially annualized for FY'08. SB 80XX also included \$1.5 million for an Assessment and Crisis Stabilization Center on the Griffin campus in Norman. This funding will create a 30-bed stabilization center that could serve 2,700 persons a year.

The Department was also appropriated \$2.25 million in SB 80XX for mental health and substance abuse provider rate increase. These rate increases were funded for nine months and will also need to be partially annualized in the FY'08 budget. Residential Care also received \$300,000 for a rate increase in SB 80XX. Another major funding piece within the Department's appropriation was \$1.2 million for Mental Health Courts/Jail diversion. This appropriation will fund a combination of ten (10) mental health courts and jail diversion programs. This initiative is funded for six months and will need to be annualized in the FY'08 budget. Finally, \$277,163 will go to help purchase newer generation medications for those who seek services from the Department.

HUMAN SERVICES MEASURES

SB 1040 (Riley/Peters): Requires certain state agencies that provide services to maintain an Internet web site upon which application forms for the services they provide to be accessed and downloaded by individuals wishing to apply for the services. Requires each agency to provide a link to the other agencies required to provide application forms on their web sites. Effective 11-1-06.

SB 1065 (Gumm/Ingmire): Deletes provision that requires the Department of Human Services to maintain copies of certain warrants issued for payments of assistance by the Commission for Human Services and the State Treasurer. Effective 11-1-06.

SB 1637 (Johnson, Constance/Morgan, Fred): Removes provision which allows a person to reapply to the State Board of Licensed Social Workers for a new provisional license after the person fails to pass the necessary examination within one year from the date of the issuance of an expired provisional license. Effective 11-1-06.

SB 1799 (Riley/Morgan, Danny): Modifies semiannual reviews of youthful offenders. Extends the jurisdiction and custody or supervision over a youthful offender. Directs the Department of Juvenile Justice to discharge certain youthful offenders at age eighteen. Provides for motions for extension of jurisdiction and custody or supervision. Modifies reasons by which a youthful offender may be sentenced as an adult. Requires the court to provide certain information to the Department of Corrections for youthful offenders who are sentenced as adults. Allows time-served credits for youthful offenders who are sentenced as adults. Provides legislative intent regarding the Youthful Offender Act. Effective 11-1-06.

SB 2017 (Johnson, Constance/Balkman): Extends the Strategic Planning Committee on the Olmstead Decision until July 1, 2007. Requires the Oklahoma Health Care Authority (OHCA) to establish and maintain a three-year pilot program to assist individuals living with disabilities living in institutions to transition into the community and directs OHCA to enter into contracts to carry out the provisions of this act. Directs OHCA and the Department of Human Services to evaluate the implementation of the program and make annual recommendations to the Legislature. Requires all publica-

tions published by the state that refer to persons with disabilities to avoid certain disrespectful language. Effective 11-1-06.

HB 2366 (Jett/Riley): Authorizes the transfer of appointments made by the Oklahoma Commission on Children and Youth in certain circumstances. Authorizes the Office of Juvenile Affairs (OJA) to enter into a contract for professional services. Requires motions regarding children to be filed prior to the child's eighteenth birthday. Authorizes the inspection of mail addressed to a child or sent by a child in custody. Allows OJA to contract with the organization accrediting a service or faculty. Deletes language that promotes a controlled and regimented environment. Prohibits the placement of a child in jail, lockup or detention facility for violation of certain municipal ordinances. Limits the time a child may be placed in a juvenile detention facility. Replaces the military mentor program with a counseling program. Allows OJA and the court to require parents to provide a written agreement stating the child will not attend school. States that the Department shall not be ordered to provide transportation for a juvenile destined for a secure institution. Effective 11-1-06.

HB 2592 (Peters/Cain): Modifies definitions pertaining to the Group Homes for Persons with Developmental or Physical Disabilities Act. Alters powers and duties of the Department of Human Services (DHS). Modifies DHS procedures for group home complaints. Changes abuse reporting regulations. Permits DHS to invoke licensing sanctions on any group home in violation of the act. Modifies DHS regulation of minimum standards for group homes. Instructs providers of group homes to make reports of fire safety inspections available. Removes requirement that certain DHS records be disclosed to the public. Modifies content of application form for licensure of group homes. Changes eligibility requirements for licensure. Modifies conditions under which operation of a group home may be transferred. Alters list of information that must be made available by providers and licensees. Modifies information group home providers must retain for public inspection. Amends the rights and responsibilities of group home residents. Modifies the content of contracts between residents or their guardians and group homes. Deletes requirements for protection of group home residents' funds and requires DHS to promulgate rules to protect such funds. Deletes the authorization for certain persons to have access to residents. Modifies prohibition regarding insurable inter-

est or insurance benefits. Amends inspection procedures. Expands certain regulations to include licensees. Repeals Sections 1430.5, 1430.10, 1430.16, 1430.21, 1430.28, 1430.29 and 1430.30 of Title 10, which relate to the Group Homes for Persons with Developmental or Physical Disabilities Act. Effective 11-1-06.

HB 2882 (Steele/Laster): Allows couples counseled by persons trained by nationally recognized marriage education curriculum, including the Prevention & Relationship Enhancement Program (PREP), to receive a reduced marriage license fee. Requires a minimum of four hours of education or counseling. Effective 11-1-06.

HB 2999 (Winchester/M. Johnson): Modifies definitions relating to Oklahoma Juvenile Code. Modifies eligibility requirements for members appointed to the Board of Juvenile Affairs and amends the duties of the Board. Changes the duties of the Executive Director of the Office of Juvenile Affairs (OJA). Delineates Divisions within OJA. Requires OJA to give consideration to recommendations of the Oklahoma Association of Youth Services. Directs OJA to enter into contracts for certain facilities, programs and services and provides contract requirements. Modifies collaborative planning process. Exempts specified contracts negotiated by OJA from certain provisions of the Oklahoma Central Purchasing Act. Effective 6-9-06.

HB 3042 (Peters/Cain): Expands the term limit for members of the Oklahoma Commission on Children and Youth from two to three terms. Sets end dates for members' terms. Effective 4-24-06.

HUMAN SERVICES FUNDING

- The Department of Human Services (DHS) was appropriated \$535.8 million for FY'07. This amount represents an 11.1 percent increase (\$53.8 million) from their FY'06 appropriation. This funding increase for FY'07 can be used for:
- Replacement of federal funds lost due to the reduction in Oklahoma's Federal Medical Assistance Percentage (FMAP) (\$5.3 million) and the denial of the federal match for a rate increase previously granted to therapeutic foster care providers (\$1.4 million);
- Subsidies for children of low-income working parents to ensure access to high-quality child care. (\$9.2 million)

- The ADvantage program, which provides home health care services as an alternative to nursing home care. (\$6.6 million)
- Foster care for children who have been removed from their homes due to abuse or neglect. (\$4.4 million)
- Subsidies for families adopting special-needs children. (\$907,000)
- Providing services through the home and community based waiver for persons presently on the Developmental Disabilities Services Division (DDSD) waiting list. (\$2.0 million)
- Additional support for senior nutrition programs and area agencies on aging. (\$2.5 million)
- Rate increases for the following service providers: family foster care (\$1.75 million); special-needs adoption assistance (\$1.25 million); Level D+ and Level E group homes (\$1.9 million); developmental disabilities (home and community based waivers) (\$3.0 million); foster care for children with developmental disabilities (\$266,000); emergency shelters that contract with DHS (\$16,000)
- Hiring 100 additional child welfare caseworkers (\$3.5 million)
- Increased efforts to collect unpaid child support owed to custodial parents. (\$1.5 million)
- Expanding 2-1-1 call centers in three additional communities, which will provide a single point of access for Oklahomans in need of social services and financial assistance. (\$300,000)
- Group homes and services for mentally retarded persons charged with dangerous crimes but found incompetent to stand trial (\$699,001)

DEPARTMENT OF REHABILITATION SERVICES FUNDING

The Department of Rehabilitation Services (DRS) was appropriated \$29.2 million for FY'07. This amount represents a 7.1 percent increase (\$1.9 million) in state funds from the FY'06 appropriation. With this increase, DRS can perform a number of functions:

- Provide adaptive training and services to persons aged 55 and older who are blind through the Older Blind Program. (\$500,000)
- Ensure that salaries for teachers at the Oklahoma School for the Blind and Oklahoma School for the Deaf conform to the

State Public School Minimum Teacher Salary Schedule. (\$356,590)

- Provide new textbooks for students at the Oklahoma School for the Blind and the Oklahoma School for the Deaf. (\$248,000)
- Replace transport vehicles at the Oklahoma School for the Blind and Oklahoma School for the Deaf (\$281,000).

INSURANCE MEASURES

SB 1095 (Coates/Liebmann): Relates to insurance and the list of unfair methods of competition and unfair or deceptive acts or practices. The bill adds to the list the deceptive use of a financial institution's name in certain ways in notification or solicitation, either verbally or otherwise, and provides an exception. Effective 11-01-06.

SJR 32 (Corn/Piatt): Disapproves rules of the Real Estate Appraiser Board which limited the number of trainee appraisers an appraiser may supervise to three and directing Board to develop supervisory program for trainee appraisers. Effective 5-1-06.

HB 1313 (Johnson/Barrington): Relates to insurance and modifies the provisions which provide that 50 or more farmers who collectively own property valued less than \$25,000 may associate themselves together for the purpose of insurance. It removes certain location restrictions and makes all property owned by them to be insurable. It would also require such associations to comply with all provisions of the Insurance Code not inconsistent with the provisions of the article. Effective 11-1-06.

HB 2375 (Newport/Aldridge): Modifies definition of surplus insurer to require a producer to make direct inquiry to authorized insurers before procuring coverage from unauthorized insurers and requiring broker to file affidavit. Effective 11-1-06.

HB 2685 (Newport/Aldridge): Relates to insurance. It establishes the Interstate Insurance Product Regulation Compact and has as the intent that the State of Oklahoma will join and become a member of the Interstate Product Regulation Commission. The Insurance Commissioner is the designated representative of the state to the Commission. The bill sets out the purposes of the Compact, defines terms, establishes the power of the Commission, provides for the organization of the Commission,

establishes a Management Committee and provides for officers and personnel of the Committee, provides for meetings and acts of the Commission, establishes rules and operating procedures for rulemaking functions of the Commission and opting out of uniform standards, provides for dispute resolution, product filing and approval, review of Commission decisions regarding filings, and finances relating to the Commission and provides for compacting states and effective date and amendments to the Compact, withdrawal, default and termination of compacting states, severability and construction, and the binding effect of the Compact and other laws of compacting states. Effective 8-25-06.

HB 2867 (Worthen/Gumm): Makes information systems personnel of CompSource Oklahoma unclassified employees and placing oversight of CSO's incentive-based compensation plan from the Office of Personnel Management to the Insurance Commissioner. Gives CSO President power to contract with certain agents or brokers. Effective 7-1-06.

HB 2905 (Laster/Peterson, Ron): Creates an omnibus insurance bill. Deletes references to Property and Casualty Rate Board. Modifies provisions related to aircraft title insurance producers, rating organizations and advisory organizations. Requires reinstatement of health insurance for Oklahomans who lose coverage while on military deployment. Creates affidavit program related to workers' compensation insurance to replace Certificate of Non-Coverage program. Effective 7-1-06.

HB 2909 (R. Peterson/Aldridge): Requires that registered agents and asset managers appointed by captive insurance companies be licensed in Oklahoma as a licensed third-party administrator or managing general agent and maintain its principal place of business in Oklahoma. Effective 11-1-06.

HB 2910 (Peterson/Coffee): Relates to insurance. It defines the term "actual charge" or "actual fee" for certain insurance policies issued after the effective date of the act, provided that the insurance policy in effect on the effective date of the act does not define "actual charge" or "actual fee". Effective 11-1-06.

HB 2934 (Peterson, Ron/Aldridge): Relates to securities deposited under the Oklahoma Insurance Code. It modifies the definitions of "clearing corporation" and "custodian". Effective 7-1-06.

HB 3044 (Hastings/Laughlin): Allows 2 or more municipalities or public agencies that are affiliated in certain insurance programs by interlocal agreement to provide insurance. Effective 11-1-06.

HB 3115 (Peterson, Ron/Williamson): Requires the Department of Public Safety to promulgate rules to establish an online verification system for motor vehicle insurance, establishes guidelines for implementation and use of such system and modifies provisions related to verification of insurance. Effective 7-1-06.

INTOXICATING LIQUOR, SMOKING & TOBACCO MEASURES

HB 3043 (Hastings/Crain): Relates to intoxicating liquors and the Oklahoma Alcoholic Beverage Control Act. It would modify the provisions for a wine tasting event so that silent auctions will provide for bid sheets from interested bidders at the time of the event, or on-line bidding for a period not to exceed 30 days prior to the event or both bid sheets at the event and such on-line bids will be accepted. Effective 11-1-06.

HJR 1066 (Calvey/Shurden): Provides for a constitutional question to be submitted to a vote of the people to allow retail package stores to sell alcoholic beverages on election days.

JUDICIARY/COURTS MEASURES

SB 648 (Laster/Harrison): Authorizes the Department of Human Services to appeal child support orders and requires certain entities to provide certain information to DHS in electronic format. Effective 8-25-06.

SB 876 (Branan/Martin): Creates the Commercial Real Estate Broker Lien Act to give commercial real estate brokers a lien on commercial property in an amount that the broker is due for licensed services and establishes procedures for such liens. Effective 11-1-06.

SB 1037 (Paddack/Hilliard): Prohibits bail for certain offenses and authorizes the Attorney General to establish a crime victim and witness notification and victim protective order system. Effective 5-9-06.

SB 1355 (Anderson/Sherrer): Modifies requirements governing the qualifications of a parenting coordinator. Effective 11-1-06.

SB 1435 (Crain/Sullivan): Modifies certain procedures in actions relating to the inheritance of property and estate taxes. Effective 11-1-06.

SB 1466 (Bass/Dorman): Prohibits disqualification from employment benefits because of a claimant's receipt of payment under a supplemental employment benefit plan, allows certain payments by electronic means and requires the promulgation of certain standard procedures under the Workplace Drug and Alcohol Testing Act. Effective 11-1-06.

SB 1476 (Bass/Banz): Modifies procedures for renewal and dismissal of a petition for a protective order. Effective 11-1-06.

SB 1503 (Coffee/Morgan, Fred): Prohibits cross-examination of a victim or family member appearing personally in a formal sentence proceeding to present a victim impact statement. Effective 11-1-06.

SB 1556 (Crain/Morgan, Fred): Changes the due date for the annual certificate for domestic and foreign limited liability companies and limited partnerships from July 1 to the anniversary date of filing the certificate. Effective 11-1-06.

SB 1603 (Crain/Sullivan): Establishes procedures for the disposal of personal property in the leased premises of a deceased tenant. Effective 11-1-06.

SB 1748 (Bass/Ingmire): Creates the Oklahoma Consumer Report Security Freeze Act to provide procedures for a consumer to place a freeze on his or her consumer credit report and provides penalties for persons or entities who willfully fail to comply with such procedures. Effective 1-1-07.

SB 1807 (Lamb/Sullivan): Prohibits a death sentence for a defendant who is mentally retarded and establishes procedures for determining if a defendant is mentally retarded. Effective 7-1-06.

SB 1860 (Johnson, Constance/Dank): Increases the amount of a settlement on a claim against the state or a political subdivision that must be approved by a district court to \$25,000. Effective 11-1-06.

SB 1897 (Laster/Sherrer): Limits jury service in a trailing docket system to no more than 5 days in a calendar year unless a juror is selected to serve or is under consideration to serve in a trial lasting more than 5 days. Effective 11-1-06.

SCR 59 (Laster/Liotta): Resolves that due to the Oklahoma Supreme Court case *County Comm'rs of Muskogee County v. Lowery*, issued May 9, 2006, further legislation to protect private property from governmental eminent domain for economic development is unnecessary this session.

HB 1284 (Peters/Garrison): Authorizes the Emergency Medical Services Authority to meet by teleconference. Effective 11-1-06.

HB 1908 (Shumate/Crain): Entitles a child to receive child support until the age of 20 if he or she is attending high school or an alternative high school education program and applies the child support guidelines to the calculation of both parents support obligation in cases of joint custody. Effective 8-25-06.

HB 2099 (Dank/Cain): Allows jury trials for violations of a municipal ordinance if the fine for such violation exceeds \$500. Effective 11-1-06.

HB 2396 (Cooksey/Jolley): Allows public bodies that provide utility services to the public to keep social security numbers of customers confidential. Effective 11-1-06.

HB 2454 (McDaniel/Crain and Eason McIntyre): Requires a person seeking relief under the Protection from Domestic Abuse Act to provide a copy of the complaint that was filed with a law enforcement agency at the full hearing. Effective 11-1-06.

HB 2490 (Nance/Coffee): Adds a \$10.00 fee in certain criminal cases for the purpose of enhancing or providing additional courthouse security. Effective 11-1-06.

HB 2529 (Miller, Doug/Lawler): Prohibits the disclosure in a law enforcement record or court document of the address, telephone number and other personal information of a witness. Effective 11-1-06.

HB 2538 (Peterson, Pam/Mazzei): Modifies procedures related to the preadoption termination of parental rights and adds conduct that

constitutes the crime of child trafficking. Effective 7-1-06.

HB 2561 (Peters/Paddock): Requires the Administrative Director of the Courts to develop a standard operating manual for guardians ad litem, authorizes waiver of certain publication requirements and modifies the composition of the Domestic Violence Fatality Review Board. Effective 11-1-06.

HB 2598 (Wright/Laughlin): Modifies child support provisions, including requiring notice to the Department of Human Services of certain actions, listing factors that may be considered a material change in circumstance for the purpose of modification of child support orders, providing for the use of standard modification and child support computation forms and modifying review procedures for certain child support cases. Effective 11-1-06.

HB 2619 (Walker/Nichols): Modifies procedures related to municipal bonds with purposes that include payment for conservation easements. Effective 11-1-06.

HB 2656 (Winchester/Laster): Modifies provisions related to children, including modifying the definition of deprived child to include a child born to a parent who has had parental rights to another child involuntarily terminated, establishes procedures for child support and legal custody when the juvenile court obtains jurisdiction over a child, and modifies requirements related to multidisciplinary teams and child advocacy centers. Effective 6-7-06.

HB 2662 (Roan/Corn): Authorizes a drug court judge to order a stay in the suspension or revocation of driving privileges of an offender if the judge determines no other means of transportation is available. Effective 11-1-06.

HB 2840 (Steele/Coates): Creates the Kelsey Smith-Briggs Child Protection Reform Act to modify procedures related to the placement of children and to investigations under the Oklahoma Child Abuse Reporting and Prevention Act. Effective 11-1-06.

HB 2962 (Sullivan/Lerblance): Deletes certain attorney of record requirement. Effective 4-11-06.

HB 2966 (Sullivan/Bass): Modifies procedures related to inmate lawsuits. Effective 11-1-06.

HB 2967 (Sullivan/Laster): Creates the Uniform Parentage Act to establish procedures for the determination of parentage. Effective 11-1-06.

JUDICIARY FUNDING

The District Attorneys' Council received FY'07 appropriations in the amount of \$39.1 million, a 28% increase in funding. Additional money (\$7.5 million) was provided to cover the loss in collections of Wal-Mart bogus checks, as well as fund the Council's zero-based state funding formula.

The Office of the Attorney General was provided \$1.5 million in new money in FY'07 appropriations. The Office was given \$1.2 million to annualize funding for personnel for the Tobacco Enforcement Unit and to provide targeted salary increases for assistant attorneys general.

COURTS FUNDING

The District Courts were appropriated \$6.7 million to fund a judicial salary increase, as well as a 5% pay increase for court reporters, increasing the courts total FY'07 appropriation to \$54.4 million.

Also receiving funding for judicial salary increases were the Supreme Court, which was appropriated an additional \$474,092, the Workers' Compensation Court, which received \$189,000, and the Court of Criminal Appeals, which received \$94,000.

The Workers' Compensation Court was also appropriated an additional \$182,000 to replace nonrecurring revolving funds that were used in past budget shortfalls. The Court of Criminal Appeals also received funding to replace two vacant administrative positions.

MOTOR VEHICLES, WATER VESSELS & LICENSING MEASURES

SB 1495 (Corn/Miller): Creates the Kyle Williams Boating Safety Education Act. It prohibits persons less than 16 years of age from operating motor or sail vessels without certain training. It restricts persons 12 to 16 years of age from operating motor or sail vessels without training and adult accompaniment. The measure further restricts watercraft operation

near other moving vessels, docks, and swimmers and requires possession of Boating Safety Education Certificate and photo identification when operating any watercraft. The bill prohibits alteration of a Boating Safety Education Certificate, lending a certificate, possessing an altered certificate, or making a false statement in application for a certificate. The bill creates a misdemeanor penalty to knowingly violating the act. Fines are \$250.00 to \$1,000.00 and may be deferred or dismissed by court under certain conditions. Fines are deposited to the credit of the Department of Public Safety in the Boating Safety Education Fund. Effective 1-1-07.

SB 1701 (Shurden/Case): Relates to motor vehicles. The bill adds the District Attorney's Council and district attorneys to the list of entities authorized to purchase cars or buses with public funds, provided funds are available. The definition of a motor vehicle is modified relating to all-terrain vehicles and motorcycles. The bill authorizes the Used Motor Vehicle and Parts Commission to increase and add certain fees. The bill also adds a bond requirement of \$15,000 for any used motor vehicle and parts dealer who applies for a rebuilder certificate or applies for a renewal of a rebuilder certificate and does not have such a bond. Effective 11-01-06.

SB 1965 (Gumm/Calvey): Modifies various provisions relating to motor vehicle taxes, fees and registration, including:

- Exempts ATVs and off-road motorcycles from waste tire fees and modifies language relating to fees retained by motor license agents;
- Defines "off road motorcycle";
- Excludes OTC from any part of a lawsuit relating to certificate of title for motor vehicle and manufactured home and requires court to issue an order dismissing OTC;
- Modifies and clarifies fees which may be charged by OTC for certain records searches and authorizes OTC to establish a rule exempting certain tag agents from payment of the search fee;
- Provides that a tag agent who collects a bad check can also collect and retain a \$25 fee;
- Authorizes OTC to accept payment for motor vehicle fees, taxes, etc. by debit card; and
- Establishes minimum excise tax of \$5.00 for ATVs and off road motorcycles.

Effective 7-1-06.

HB 1580 (Piatt/Crutchfield): Modifies procedures with respect to liens on vehicles, manufactured homes, motorcycles, vessels, motors and trailers, other than farm equipment, to allow liens for persons furnishing storage or rental space. Procedures are specified for perfecting liens and foreclosures, and for transfers of possession. Different procedures are specified for property for which the Tax Commission or an Indian tribe does not issue a certificate of title. Vehicles purchased from a class AA wrecker at an abandoned vehicle auction on which a junk title will be issued are exempt from motor vehicle excise tax. Effective 7-1-06

HB 2588 (Duncan/Myers): Creating special license plates for the Global War on Terrorism and the Boys and Girls Clubs of America Supporter. Effective 11-1-06.

HB 2597 (Piatt/Leftwich): Relates to motor vehicles and the Used Motor Vehicle and Parts Commission. It would authorize the Commission to promulgate rules for the installation of mobile and manufactured homes that meet certain standards. Effective 7-1-06.

HB 2698 (Johnson/Johnson, Mike): Extends the reduced vehicle registration fee for active duty military to Guardsmen and Reservists. Effective 11-1-06.

HB 3085 (Case/Crutchfield): Relates to motor vehicles and salvage pool or salvage disposal sales. It requires any such sale that is facilitating the sale of a motor vehicle for an insurance company to provide on its web site the 17 digit VIN number and the name of the insurance company. It also requires such sales to show the BID card number of the winning bidder on any sale that takes place on the Internet or by on-line bidding for all salvage motor vehicles being sold for an insurance company. Effective 11-1-06.

PROFESSIONS & OCCUPATIONS MEASURES

SB 756 (Leftwich/Wilt): Creates the Elevator Safety Act and places the elevator construction and maintenance trades under the newly created Elevator Inspection Bureau in the Department of Labor. Effective November 1, 2006, anyone working on an elevator would be required to have an elevator mechanic's license and be employed by an elevator contractor who must also be licensed. Penalties are provided.

The Commissioner of Labor is authorized to issue a written order for the temporary cessation of operation of an elevator under certain circumstances and may inspect any elevator without notice. Hearings and enforcement of certain orders are provided for. Effective November 1, 2006, every elevator is subject to the provisions of the Act and within 6 months, every elevator would have to be registered with the Department of Labor. Any new elevators would have to be registered and inspected before being put into service. Certain elevators would be exempt and political subdivisions are given certain enforcement powers. Terms are defined. Duties for the Elevator Inspection Bureau are provided and the Commissioner of Labor is authorized to adopt rules based on certain standards. Inspections and inspection requirements are provided. Powers and duties of the Commissioner of Labor are provided and include certain licensures and registrations, qualifications for examinations terms of licenses, renewal, reciprocity, continuing education and inspection and certification of elevators. Fees for the licenses and inspections are established. Effective 11-01-06.

SB 806 (Shurden/Lindley): Makes lawful the tattooing of persons over the age of 18 and prohibits anyone under the age of 18 from getting a body piercing procedure unless a parent or guardian gives written consent and is present for the procedure. A license from the State Department of Health is required for anyone to own or purchase tattooing equipment or supplies, and the Department shall promulgate rules to continue to regulate body piercing and to regulate tattooing. A bond is required of a tattoo operator and a city or county may adopt certain additional rules and regulations and may require further licenses or permits. The place of business of a tattoo operator cannot be within 1,000 feet of a church, school or playground, and any operator applying for license or renewal must advertise the exact location in certain publications. Penalties for violation are provided. Effective 11-1-06.

SB 1552 (Leftwich/Armes): Relates to the Oklahoma Chiropractic Act and clarifies that a nonresident licensee is one who is an inactive nonresident. The bill adds an inactive resident license which is for a person holding an original license to practice chiropractic and who files a statement with the Board that because of illness, infirmity, active military service or other circumstances approved by the Board, the licensee will be unable to practice in the coming year. The fee for this license will be \$100.00.

The inactive resident licensee may, at the discretion of the Board, be exempt from certain continuing education requirements. Effective 11-1-06.

SB 1741 (Barrington/McCarter): Adds the locksmith industry to the already established Alarm Industry Act to create the Alarm and Locksmith Industry Act. The bill would essentially add locksmiths to the Alarm Industry Committee which will now be the Alarm Industry and Locksmith Committee. The Committee will now also have certain powers and duties related to the locksmith industry. Licensing requirements, fees and such other requirements related to being licensed will now apply to locksmiths. Effective 11-1-06.

SB 1877 (Rabon/Piatt): Relates to the Mortgage Broker Licensure Act. It changes the requirements of certain disclosures to those required by the Real Estate Settlement Procedures Act (RESPA) and Regulation X as promulgated by HUD. The bill authorizes the Commission on Consumer Credit to adopt certain rules to facilitate compliance with the disclosures and other requirements of the Licensure Act. It also allows for the promulgation of administrative rules based on certain recommendations of the Mortgage Broker Advisory Committee to the Commission on Consumer Credit. Effective 11-1-06.

SB 1991 (Morgan/Wilt): Provides for the inclusion of interior designers in the State Architectural Act. Currently, only architects and landscape architects are licensed or registered under the provisions of this Act and regulated by the Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma. SB 1991 continues to provide for the licensing and regulation of architects and landscape architects. However, many provisions relating to the licensing of these professions are amended in SB 1991 to incorporate language necessary for the registration and regulation of interior designers under the Act. The name of the Act is changed to the State Architectural and Interior Designers Act throughout the bill. The Board of Governors is changed to the Board of Governors of the Licensed Architects, Landscape Architects and Interior Designers of Oklahoma. The Board's membership is changed from 9 to 11 members and one of the new members will be an interior designer qualified to be registered as an interior designer under the Act or a teaching professor of interior design who is registered under the Act. The powers and duties of the Board of Governors

are expanded to provide for the registration and regulation of interior designers. Under the Act, only interior designers who are registered by the Board may use the terms "interior designer" or "interior design". The bill also adds definitions and lists those building Code Use Groups that are subject to the provisions of the Act and those Code Use Groups that are exempt from the act. Effective 5-15-06.

SJR 64 (Leftwich/Wright): Disapproves and amends rules of the Board of Chiropractic Examiners regarding chiropractic specialties. Effective 4-28-06.

HB 2379 (Wilt/Myers): Relates to the State Architectural Act. HB 2379 is a clean-up bill to SB 1991 which was passed earlier in the session and created the State Architectural and Interior Designer Act. Effective 11-01-06.

HB 2517 (Young/Fisher): Requires all entities that are charged with oversight of occupational licenses to establish procedures by which individuals who are convicted of a felony or misdemeanor where substance abuse or mental illness is the underlying cause of the crime or plead nolo contendere to such crimes may appeal to have the license reinstate. The bill would also allow the entities to consider certain factors such as length of time, additional education and recovery status since the plea or conviction, as well as and the public safety of allowing the individual to return to the specific occupation. Exceptions to the act are made for certain boards that recognize and comply with the spirit and intent of the act. Effective 11-01-06.

HB 2527 (Miller, Doug/Johnson, Constance): Relates to the Oklahoma Cosmetology Act. The bill modifies and adds certain fees charged by the State Board of Cosmetology. Effective 7-1-06.

HB 2530 (Miller, Doug/Branan): Relates to professions and occupations and the Registration of Engineers. The bill modifies the definition of "practice of land surveying". Effective 7-1-06.

HB 2794 (Miller, Doug/Coffee): Relates to the Oklahoma Real Estate License Code and exceptions to the required license. An exception to the Code is made for a person receiving a resident referral fee. It increases from \$50.00 to \$100.00 the allowed resident referral fee received by a person who is a resident of certain apartment building or duplexes for referring the

property to a family member friend or coworker and not be considered in violation of the Code. The bill also allows the use of the term "agent" by associates of a real estate broker in a trade name and as a general reference for designating themselves as real estate licensees. Effective 11-1-06.

HB 2891 (Denney/Coates): Relates to professions and occupations and the Oklahoma Veterinary Practice Act. It modifies the procedures for the disposal of certain abandoned animals in the custody of licensed veterinarians. The bill also makes certain confidential investigative records available to certain boards or commissions which exercise disciplinary authority as well as to certain law enforcement agencies which make a proper showing that such information is necessary to conduct or complete a pending investigation of a crime not covered by the Act. It also makes such information admissible as evidence in certain instances. Effective 11-1-06.

HB 2911 (Peterson, Ron/Laster): Relates to the Oklahoma Certified Real Estate Appraisers Act. The bill expands the act to apply to anyone representing themselves to be certified or licensed appraisers whether such license or certificate is active, inactive, expired, suspended or revoked to the extent that the appraisers and any real property valuation and any real property valuation activity performed conforms to the code of ethics. It adds procedures to enjoin anyone from engaging in certain practices relating to creating the impression of being certified or licensed and engaging in appraisals or valuations. The bill increases certain fees and authorizes the Insurance Department to charge and collect certain fees related to the conduct of experience reviews and review of submissions by course providers and instructors. Classes of appraisers are redefined. Certain requirements for a trainee are deleted. The bill modifies references to certain education requirements to those specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation. It also modifies references to certain continuing education requirements to those provided in the guidelines promulgated by the Appraiser Qualifications Board. The bill provides for certain penalties for violation of the provisions of the Act, modifies the requirement for uniform standards and modifies certain requirements for conformance. The Oklahoma Real Estate Board is required to develop a certain monitoring program for supervising appraisers and when such a program is devel-

oped, there will be not limits on the number of appraisers which may be supervised by a single supervising appraiser. Effective 11-1-06.

PUBLIC FINANCE MEASURES

SB 1091 (Morgan/Winchester): Increases powers of Board of Directors of the Tobacco Settlement Endowment Trust Fund. Provides procedures, requirements and restrictions for the awarding of grants by the Board. Specifies types of expenses which may be considered to be "administrative expenses" and increases allowable amount which may be expended on such expenses. Specifies types of expenses which may be considered to be "program expenses". Requires development of policies and procedures with regard to expenses. Effective 11-1-06.

SB 1496 (Jolley/Terrill): Modifies the length of time before which municipalities must collect enough taxes to cover certain expenses associated with bonds. Provides for the payment of certain judgments against a city-county health department from specified sinking funds. Effective 11-1-06.

HB 1619 (Nance/Leftwich): Creates the Oklahoma Quality Investment Act, which is a companion to State Question 725. In fiscal years in which there is growth revenue and the Constitutional Reserve Fund has a balance of at least \$80 million, up to \$10 million may be expended to provide incentives to retain at-risk manufacturing establishments. A qualified establishment may apply for a payment of up to 10% of actual capital costs invested. Procedures are specified, and contracts must be recommended by a Quality Investment Committee. For payments to be received, the recommendation must be approved by the Governor, Speaker and President Pro Tempore. Effective upon approval of State Question 725.

HB 2242 (Benge/Crutchfield): Changes names of various revolving funds and provides for investments in revolving funds for the Oklahoma School for the Deaf, Oklahoma School for the Blind and Department of Rehabilitation Services. Effective 7-1-06.

HB 2516 (Leftwich/Young): Allows the Oklahoma Capitol Improvement Authority to hold title to personal, as well as real, property, for the purpose of providing space to the Oklahoma State Bureau of Investigation for laboratory and/or investigative office services. The bonding authority for such purposes is in-

creased from \$22 million to \$28.3 million. Interest earned on such bonds may be expended for personal property. Effective 6-8-06.

HB 2628 (Pruett/Rabon): Modifies the county average wage threshold for purposes of the Small Employer Quality Jobs Program Act to be 100% of the county average wage, excluding health care premiums, if the county has an unemployment rate more than 10% above the state rate and a county median household income 15% or more below the federal poverty level. Effective 7-1-06.

HB 2699 (Johnson/Coffee): Prohibits state agencies from entering into contracts for customized computer software unless the vendor agrees to place the source code into escrow with an independent third party. Under current law, the vendor must provide the source code to the state. Effective 11-1-06.

HB 2935 (Liotta/Mazzei): Modifies duties of the Information Services Division of the Office of State Finance. The Division is directed to enforce minimum information security and internal control standards in conjunction with the Office of Homeland Security and establish an inter-agency enforcement team. The jurisdiction of the Division is expanded to include applications relating to the Internet, eGovernment and other contracts for information technology services and equipment. The Electronic and Information Technology Accessibility Advisory Council is continued until 7/1/07. The Office of State Finance is directed to create a standard security risk assessment for state agency information technology systems that complies with the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) Information Technology - Code of Practice for Security Management (ISO/IEC 17799), and each state agency with an information technology system is directed to conduct an annual information security risk assessment to identify vulnerabilities. Effective 7-1-06.

PUBLIC SAFETY & HOMELAND SECURITY MEASURES

SB 1521 (Leftwich/Nance): Authorizes wrecker operators to collect all lawful fees from the owner, lien holder seeking possession of a vehicle, agent or insurer accepting certain liabilities for any vehicle lawfully towed from any highway or other public property. Also authorizes

wrecker operators to obtain ownership and insurer information from the Oklahoma Tax Commission or other state motor vehicle agencies for the purpose of determining ownership and responsibility for wrecker fees. Effective 5-26-06.

SB 1709 (Corn/Smithson): Modifies the emergency operations plan provisions required of incorporated jurisdictions in the Oklahoma Emergency Management Act of 2003. In addition to existing plan requirements a plan shall include provisions for the evacuation of all the citizens in an affected jurisdiction in the event of certain defined disasters. Every political subdivision is required to ensure the widespread dissemination of the plan and how it is activated to the citizens. Emergency operations plans will be required to be reviewed and modified as necessary annually. Effective 11-1-06.

SB 1929 (Myers/Newport): Creates the "David Jagers Law," which requires that any person convicted, of pleading guilty to, a failure to yield a right-of-way and causes a fatality or serious bodily injury may be assessed a fee by the court of not more than \$1,000.00. The fee is in addition to any other fee or penalty and is to be deposited into the Motorcycle Safety and Drunk Driving Awareness Fund, which is also created by this bill and administered by the Department of Public Safety. The fund is to be used to promote public awareness of the dangers of DUI and to promote motorcycle safety and defensive driving for youth. SB 1929 also provides for certain vehicle driving actions prohibited and/or permitted in center two-way left turn lanes. A vehicle may not be driven for more than 200 feet in these lanes while preparing to make a turn. However, a vehicle turning left onto a roadway may utilize the center turn lane as a staging area by stopping and waiting for traffic before proceeding to merge. Effective 11-1-06.

SB 1970 (Corn/Sullivan): Requires the Council on Law Enforcement Training (CLEET) to promulgate rules necessary to establish firearms requalification standards for active peace officers that meet the requirements of the federal Law Enforcement Officers Safety Act of 2004 for state peace officers to carry concealed weapons nationwide. Effective 7-1-06.

HB 2487 (Nance/Barrington). Clarifies the Oklahoma State Bureau of Investigation's authority to investigate actions involving vehicle theft. HB 2487 also exempts the Bureau from competitive bidding requirements of the Okla-

homa Central Purchasing Act for contracts for the services of a Forensic DNA Technical Manager in order to ensure the continued operations of their DNA laboratory. Effective 11-1-06.

HB 2585 (Duncan/Wyrick): Creates the "Oklahoma Intrastate Mutual Aid Compact" which will require that all on-scene management of disasters and emergencies in the State of Oklahoma be conducted using the Incident Command System (ICS). This standardization of training and procedures will increase the efficiency of response by all agencies and organizations. It will also meet the requirement by the U.S. Department of Homeland Security for all states to institutionalize the use of the National Incident Management System (NIMS). This system will enable the State to be better prepared to respond to and recovery from all disasters including acts of terrorism and natural disasters.

The provisions of HB 2585 also allow the Governor, through the Oklahoma Department of Emergency Management, the ability to answer requests for mutual aid, in accordance with the Emergency Management Assistance Compact (EMAC), from other States and jurisdictions by requesting mutual aid resources from local jurisdictions in Oklahoma. If the local jurisdictions agree to provide the support, then their resources, personnel and equipment would become Agents of the State. This would allow rapid deployment and would provide them with State liability and compensation protection when deployed using the EMAC Program. The bill also will provide for intrastate mutual aid between local jurisdictions in the State of Oklahoma by legislation, thus reducing or eliminating the need for written mutual agreements between jurisdictions. All mutual aid would be at the discretion of the providing jurisdiction.

Additionally, this bill repeals the "Civil Defense Shelter Incentive Act" (Sections 688.1 through 688.5 of Title 63 of the Oklahoma Statutes), which was enacted in 1957 to providing tax incentives for building nuclear fallout shelters. Effective 5-26-06.

HB 2696 (Worthen/Gumm): Relates to possession of weapons in certain locations. Under current law, the Governor may prohibit certain activities during the existence of a state of emergency declared by proclamation. One prohibited activity is "the possession of firearms or any other deadly weapon by a person (other

than a law enforcement officer) in a place other than that person's place of residence or business." HB 2696 deleted that prohibition from the statutes. This provision does not modify law enforcement powers or other statutory provisions relating to non law enforcement personnel gun possession or permits. Effective 4-20-06.

HB 2708 (Jackson/Laughlin): Modifies provisions related to marriage licenses, identification cards and driver licenses and adds special license plates. Effective 6-8-06.

HB 2750 (Thompson/Rabon): Requires sheriffs to coordinate and administer courthouse security. Effective 7-1-06.

HB 2771 (Smithson/Corn): In addition to other statutorily permitted methods of delivering traffic citations which are required to be filed in district court, allows the arresting officer or law enforcement agency to deliver or forward the "Complaint Information" and "Abstract of Court Record" in electronic or written format. Effective 1-1-06.

HB 2926 (Tibbs/Reynolds): Modifies the statutory definition of a bicycle and specifies the safe operation of a bicycle or motorized scooter upon a roadway at speeds less than the normal speed of traffic. HB 2926 also provides new law regarding how a motorist is to overtake and pass a bicycle rider and establishes penalties resulting in injury or death during the violation of overtaking and passing laws. In the event of a collision causing physical injury the fine is set at not more than \$500.00. If a fatality is involved the offending person will be subject to a fine of not more than \$1,000.00, in addition to any other penalties prescribed by law. Additionally, HB 2926 modifies certain existing laws relating to blood and breath testing for persons operating motor vehicles for the purpose of determining alcohol or illegal concentrations. Effective 7-1-06.

**PUBLIC EMPLOYEES – RETIREMENT/
INSURANCE/PAY/BENEFITS MEASURES**

SB 1601 (Eason/Liotta): Brings OSEEGIB in compliance with federal law regarding the coverage of dependents. Increases from 15 to 30 minutes the minimum amount of time a state agency must give its employees to attend employee benefit information meetings. Eliminates the annual election requirement for vi-

sion plans. Requires the monthly health insurance premium for retirees under the age of 65 to be equal to the monthly premium for active employees. This action is commonly known as the "blending" of rates. Effective 7-1-06.

SB 1894 (Mazzei/Benge): Creates the Oklahoma Pension Legislation Actuarial Analysis Act which mandates specific legislative procedures for certain retirement measures. Requires legislation pertaining to OPERS, URSJJ and TRS which has a fiscal impact to be subject to an actuarial investigation. Specifies that concurrent funding must also be provided in order for such retirement bill to become enacted. Effective 7-1-06.

SB 82XX [Crutchfield/Benge]: This bill provides a salary increase for the following state officers and employees: county election board secretaries, highway patrol officers, lake patrol officers, capitol patrol officers, highway patrol communications employees, driver license examiners, Oklahoma Bureau of Narcotics and Dangerous Drug agents, Office of the Chief Medical Examiner's personnel, Oklahoma State Bureau of Investigation agents, and most other state officers and employees. The amount of the salary increases varies by group but the general state employee pay raise section is in the amount of five percent (5.0%). Effective 10-1-06.

HB 1179XX (Benge/Crutchfield): Modifies provisions relating to the various state retirement systems.

- Provides a 4% cost-of-living-adjustment for retired members of the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System and the Oklahoma Public Employees Retirement System. Provides a 2% cost-of-living-adjustment for retired members of the Teachers' Retirement System of Oklahoma.
- Creates the Education Employees Service Incentive Plan (EESIP) which applies only to active members of the Teachers' Retirement System and not to those members who have already retired. Allows certain retiring members to receive higher monthly benefits for service performed before July 1, 1995. Provides that such member must have worked beyond normal retirement age and have an average salary of \$40,000 or more at retirement. Specifies that for each year a

member works beyond normal retirement age, the member can move two years of pre-1995 service to the higher formula. Requires those members who earned more than \$40,000 between the years of 1987 through 1995 to make an extra contribution payment to receive credit for those years. Provides that EESIP is applicable only to employees in K-12, career technology, state education agencies and two-year colleges and is not applicable to employees of the state's four-year colleges and universities.

- Modifies the reporting date of certain information from the Oklahoma Firefighters Pension and Retirement System Board and the Teachers' Retirement System of Oklahoma to the Oklahoma Pension Commission from October 1 to December 1.
- Allows the Oklahoma Firefighters Pension and Retirement System Board to bring actions for declaratory relief in the district courts to enforce the provisions of state law.
- Reduces the apportionment of the insurance premium tax to the Oklahoma Firefighters Pension and Retirement Fund due to the allocation of \$35 million to the Fund in SB 90XX.
- Modifies various provisions relating to the Oklahoma Law Enforcement Retirement System including providing procedures relating to the application for certain disability benefits and specifying forms of payment for purchase of certain credit.
- Specifies that a member of the Oklahoma Law Enforcement Retirement System who is injured while in the line of duty shall continue to accrue leave and service credits at the same rate while on leave for such injury. Allows certain members of the Oklahoma Law Enforcement Retirement System to be placed on administrative leave under certain circumstances.
- Modifies the Option C (life with 10 years certain) retirement benefit of the Oklahoma Public Employees Retirement System by specifying procedures for the disbursement of the remainder of the benefit upon the death of a designated beneficiary receiving benefits of a deceased retirant.
- Sets the employee contribution rate for all OPERS members on all annual compensation at 3.5%. Effective 7-1-06.

**OFFICE OF PERSONNEL MANAGEMENT
FUNDING**

The Office of Personnel Management's FY'07 appropriation is \$4.8 million. This is a \$160,122 or 3.5%, increase from FY'06. An additional \$30,000 is for the Employee Assistance Program, which offers counseling and referral assistance to State Employees with personal problems.

STATE EMPLOYEE PAY RAISE FUNDING

The Legislature provided enough funding for a 5 percent across-the-board pay raise for state employees. This raise is to become effective on October 1, 2006 and is authorized in SB 82XX. The cost of this raise is approximately \$40 million for a full fiscal year.

REVENUE & TAXATION MEASURES

SB 1022 (Morgan/Hiett): Provides tax exemption for sales of tickets to events held in certain types of facilities in which the National Basketball Association or the National Hockey League is a participant. Effective 3-6-06.

SB 1084 (Gumm/Calvey): Amends various provisions related to the Tax Code, including:

- Provides sales tax exemption for sales of: certain programs and advertising related to sports and entertainment; property consumed or incorporated in construction of a facility for a rural electric cooperative; advertising in travel brochures and promotional materials given away by the Department of Tourism; sales of tickets to NBA events; sales of tickets to other professional sporting events; and sales of property or services to a person contracting with a church for construction purposes.
- Clarifies application of sales tax exemption for 100% disabled veterans by extending exemption to household members making purchases on veteran's behalf.
- Requires vendor with actual knowledge of a veteran's exemption to honor it and creates administrative fine of \$500 per offense for willful or intentional refusal. Requires exempt individuals to furnish proof to vendors and requires vendors to honor proof.
- Prohibits a municipality from levying a tax within an annexed area unless specified services are furnished to residents.

- Creates Gold Star Survivor license plates.
- Exempts from registration requirements boats or motors owned by certain nonprofit organizations.
- Exempts from excise tax boats or motors owned by certain nonprofit organizations.
- Increases the bonding requirements for licenses for a cigarette distributing agent's, wholesaler's and jobber's license.
- Provides procedures for the release of the surety of a bond by the Tax Commission under certain circumstances.
- Authorizes an applicant for more than one tobacco license to post only one bond.
- Increases the bonding requirements for licenses for a tobacco wholesaler's, jobber's, retailer's or consumer's license.
- Establishes procedures and requirements for reimbursement of taxes between parties to a contract for the sale and purchase of motor fuel.
- Extends expiration date for income tax depletion allowance from 2006 to 2011.
- Modifies coal tax credit by increasing the credit for miners/producers and reducing the credit for consumers, with the net amount of credit unchanged. Increases the average price per ton threshold for the credit from \$45 per ton to \$68 per ton.
- Modifies the tax credit for manufacturers of small wind turbines by extending the expiration date of the credit from 2007 to 2012 and by deleting the ability to take the credit against the rural electric cooperative tax and authorizing it against the bank privilege tax.
- Modifies the tax credit for rehabilitation expenditures for historic buildings by expanding its application to historic structures. Also requires certification and application of certain federal standards before credit may be claimed. Extends the transferability of such tax credits to historic structures. Limits the period of time a credit may be claimed after a building or structure is certified as historic.
- Modifies the tax credit for construction of energy efficient residential property by making use credit transferable.
- Reduces from 3 to 2 years the period of time stock or ownership interest must be held in order to qualify for the individual capital gains exemption.
- Expands the types of information which are considered confidential as part of the hearing process before a county board of equalization.

- Modifies the interest rate applied to delinquent ad valorem tax on omitted public service properties.
- Extends the due date for completion of a study by the Task Force on Valuation of Gas Gathering System Assets.
- Modifies the procedures for telephonic informal hearings by the county assessor.
- Modifies provisions relating to purchase of tax-delinquent property at sheriff's sale by giving certain redevelopment associations and neighborhood associations priority in the bidding process.
- Repeals duplicate sections on sales tax exemptions.

Effective 8-25-06 for Sections 1 through 3, 10, 11, 13 through 16, 18, and 20 through 24.

Effective 11-1-06 for Sections 4 through 9, 12 and 19.

Effective date for Section 17 listed as 1-1-06 but due to drafting omission actual effective date is 8-25-06.

SB 1086 (Gumm/Carey): Extends the period of time during which a deduction may be taken for certain contributions to an Oklahoma College Savings Plan Account through April 15th of the succeeding year or the due date of the taxpayer's income tax return. Defines "affinity programs" and authorizes the implementation of such programs for College Savings Plan participants. Effective 11-1-06.

SB 1375 (Riley/Wright): Establishes certain new procedures which must be followed when a taxpayer's account has been referred by the Tax Commission to a debt collection agency. Effective 11-1-06.

SB 1577 (Fisher/Young): Authorizes the Tax Commission to disclose information related to certain tax credits.

Modifies definitions related to venture capital tax credits by:

- Requiring a qualified venture capital company to have an objective of investing at least 75% of capitalization in an Oklahoma business venture;
- Giving an Oklahoma business venture 180 days to have at least 50% of employees or assets located in the state;
- Requiring, within 18 months, expenditure of at least 50% of the proceeds of an investment for tangible or intangible assets used in the trade or business; and

- Specifying that investment of debt and equity funds shall not have a repayment schedule faster than 5 years.

Limits the tax credit amount by:

- Requiring cash investment to be subsequently invested in an Oklahoma business venture by the capital company;
- Allowing credit to be claimed only for a year during which the capital company makes an investment in an Oklahoma business venture;
- Requiring funds to be used in the pursuit of a legitimate business purpose consistent with the business venture's bylaws; and
- Requiring the capital company to issue specified reports attributing the source of funds of each investment.

Limits the amount of credit a pass-through entity may allocate to its shareholders, partners or members to the total of all credits to which the entity is entitled. Limits the amount of borrowed funds which may be allocated to each shareholder's, partner's or member's pro-rata equity share.

Requires the Tax Commission to file an annual report stating the amount of credits claimed and allowed under certain tax credit and specifies other statistical information to be included.

Modifies current compliance requirements by specifying that, for investments made prior to the effective date of this act, if a business venture does not expend the proceeds of the investment as required by law the venture capital company will be subject to a penalty.

For investments in qualified venture capital companies made on or after the effective date of this act, establishes conditions under which a "recapture event" may occur. Excludes events where an investment is transferred, withdrawn or returned due to a "market-based liquidity event".

Modifies definitions relating to the credit provided under the Small Business Capital Formation Incentive Act by:

- Giving an Oklahoma small business venture 180 days to have at least 50% of employees or assets located in the state;
- Requiring, within 18 months, expenditure of at least 50% of the proceeds of an investment for tangible or intangible assets used in the trade or business ;

- Modifying the definition of qualified investment to address issue of contingent investments; and
- Limiting the use of subordinated debt by requiring such debt to have a term of five years or more.

Deletes authority to claim credit against gross production tax liability.

Limits the tax credit amount by:

- Requiring qualified investment in small business capital company to be subsequently invested in an Oklahoma business venture by the capital company;
- Allowing credit to be claimed only for a year during which the capital company makes an investment in an Oklahoma business venture;
- Requiring funds to be used in the pursuit of a legitimate business purpose consistent with the business venture's bylaws; and
- Requiring the capital company to issue specified reports
- attributing the source of funds of each investment.

Limits the amount of credit a pass-through entity may allocate to its shareholders, partners or members to the total of all credits to which the entity is entitled. Limits the amount of borrowed funds which may be allocated to each shareholder's, partner's or member's pro-rata equity share.

With respect to a tax credit for an investment in conjunction with an investment made by a small business capital company:

- Reduces the number of years from 10 to 3 that an unused tax credit may be carried forward.
- Limits the amount of credit a pass-through entity may allocate to its shareholders, partners or members to the total of all credits to which the entity is entitled. Limits the amount of borrowed funds which may be allocated to each shareholder's, partner's or member's pro-rata equity share.

Requires a small business venture to issue equity securities or subordinated debt instruments within 30 days of the investment date.

Requires a small business capital company or an entity making an investment in conjunction with a capital company to show the investment as an asset.

Prohibits a small business capital company from investing in businesses in which they have more than a 50% ownership interest.

Prohibits sham investments in a capital company or small business venture.

Authorizes to determine what constitutes a legitimate business purpose and to recapture credits if transactions do not meet the requirements of the act.

Specifically authorizes the use of near equity or subordinated debt under specified conditions.

Requires material used in soliciting investment to contain a specified statement.

With respect to credits claimed for investments in a small business capital company, establishes conditions under which a "recapture event" may occur. Excludes events where an investment is transferred, withdrawn or returned due to a "market-based liquidity event".

Specifies type of records which must be made available by a small business capital company to OTC.

Directs OTC to establish rules by which a written opinion may be requested to determine if a "qualified small business capital company" or "qualified investment" meets the definition under law.

Grandfathers investments made in a capital company before November 1, 2006 (but not the capital company's investments in a business venture if made after that date).

Specifies that even grandfathered investments are subject to certain requirements and that investments made after November 1, 2006 are subject to the requirements of the Small Business Capital Formation Incentive Act and these amendments.

Modifies reporting requirements by adding requirement for annual financial statements and information how qualified investments were used. Prohibits granting of credit unless the report is provided.

Requires notification to the Tax Commission if the investment is transferred, withdrawn or otherwise returned or if an occurrence upon which the investment is contingent has taken place.

Requires the Tax Commission to modify its reporting system to reflect certain information on how qualified investments are used.

Adds to the types of information included in OTC annual report on credits claimed and allowed.

With respect to tax credits claimed under the Rural Venture Capital Formation Incentive Act, modifies definitions relating to the credit by:

- Permitting certain funds loaned to a qualified rural small business capital company which is licensed under a federal program to qualify as capitalization;
- Redefining "non-metropolitan area";
- Giving an Oklahoma rural small business venture 180 days to have at least 50% of employees or assets located in the state;
- Requiring, within 18 months, expenditure of at least 50% of the proceeds of an investment for tangible or intangible assets used in the trade or business ;
- Modifying the definition of qualified investments ; and
- Limiting the use of subordinated debt by requiring such debt to have a term of five years or more.

Extends the expiration date for credits for investment in rural small business capital companies from 2008 to 2012.

Deletes authority to claim credit against gross production tax liability.

Limits the tax credit amount by:

- Requiring qualified investment in rural small business capital company to be subsequently invested in an Oklahoma rural small business venture by the capital company;
- Allowing credit to be claimed only for a year during which the capital company makes an investment in an Oklahoma business venture;
- Requiring funds to be used in the pursuit of a legitimate business purpose consistent with the business venture's bylaws; and
- Requiring the capital company to issue specified reports attributing the source of funds of each investment.

Limits the amount of credit a pass-through entity may allocate to its shareholders, partners or members to the total of all credits to which the entity is entitled. Limits the amount of bor-

rowed funds which may be allocated to each shareholder's, partner's or member's pro-rata equity share

With respect to credits for investment in conjunction with investment made by a small business capital company:

- Extends the expiration date for from 2008 to 2012.
- Deletes authority to claim credit against gross production tax liability.
- Reduces the number of years from 10 to 3 that an unused tax credit may be carried forward.
- Limits the amount of credit a pass-through entity may allocate to its shareholders, partners or members to the total of all credits to which the entity is entitled. Limits the amount of borrowed funds which may be allocated to each shareholder's, partner's or member's pro-rata equity share.

Requires a rural small business venture to issue equity securities or subordinated debt instruments within 30 days of the investment date.

Requires a rural small business capital company or an entity making an investment in conjunction with a capital company to show the investment as an asset.

Prohibits a rural small business capital company from investing in businesses in which they have more than a 50% ownership interest.

Prohibits sham investments in a capital company or small business venture.

Authorizes OTC to determine what constitutes a legitimate business purpose and to recapture credits if transactions do not meet the requirements of the act.

Specifically authorizes the use of near equity or subordinated debt under specified conditions.

Requires material used in soliciting investment to contain a specified statement.

With respect to credits claimed for investments in rural small business capital companies, establishes conditions under which a "recapture event" may occur. Excludes events where an investment is transferred, withdrawn or returned due to a "market-based liquidity event". Exempts from recapture a qualified rural small

business capital company licensed under a specified federal program.

Specifies type of records which must be made available by a rural small business capital company to OTC.

Directs OTC to establish rules by which a written opinion may be requested to determine if a "qualified rural small business capital company" or "qualified investment" meets the definition under law.

Grandfathers investments made in a capital company before November 1, 2006 (but not the capital company's investments in a business venture if made after that date).

Specifies that even grandfathered investments are subject to certain requirements and that investments made after November 1, 2006 are subject to the requirements of the Small Business Capital Formation Incentive Act and these amendments.

Modifies reporting requirements by adding requirement for annual financial statements and information on how qualified investments were used. Prohibits granting of credit unless the report is provided.

Requires the Tax Commission to modify its reporting system to reflect certain information on how qualified investments are used.

Adds to the types of information included in OTC annual report on credits claimed and allowed.

Creates an exemption for sale of items to a web search portal located in the state and deriving 80% or more of revenue from out-of-state sales. Defines "web search portal".

Modifies existing investment tax credit by authorizing a qualified web search portal to claim the credit.

For purposes of clarification of the ad valorem tax credit for manufacturers, redrafts most of the definition of "manufacturing facilities".

Makes substantive change in the manufacturing ad valorem tax exemption by inserting the NAICS code for web search portals.

Amends the Quality Jobs Act by:

- Modifying the definition of basic industry to include NAICS code for web search portals;
- Clarifying and broadening definitions under the act;
- Adds certain agricultural industries under the definition of basic industry;
- Modifying certain qualifications under the act, including a provision to qualify certain existing jobs as new direct jobs if there is a "change in control event";
- Clarifying and establishing new language relating to an establishment which receives incentive payments on a delayed schedule;
- Providing that an establishment which receives incentive payments on a delayed schedule may not delay payments by more than 24 months;
- Modifying specific requirements relating to employees of an establishment applying for incentive payments; and
- Deleting population threshold relating to certain wage requirement.

Amending the Small Employer Quality Jobs Act by:

- Modifying the definition qualifying certain employment for the act;
- Providing that an establishment may apply for up to a 12 month delay in incentive payments; and
- Prohibiting an establishment from filing the first claim for incentive payments later than 3 years after the designated start date.

Effective 6-7-06 for Sections 1 through 30.
Effective 7-1-06 for Sections 31 through 36.

SB 1947 (Gumm/Calvey): Modifies various sections of the tax code, including:

- Authorizes the payment of taxes and fees by electronic funds transfer and permits the Tax Commission to place ATMs in their facilities;
- Defines "biodiesel" and "biodiesel blend" and clarifies other definitions relating to such fuels and to the levy of tax;
- Provides for the collection of motor fuel tax if the tax is not pre-collected as provided by current statute;
- Extends the florists' exemption from the sales tax sourcing requirement until January 1, 2008;
- Updates the definition for manufacturers from SIC codes to the current definition referenced in 68 O.S. § 1352;

- Exempts from income and estate tax the income earned on obligations of specified entities;
- Reduces the rate of withholding for non-resident royalty payments from 6.75% to 5%; and
- Repeals section of law which requires OTC to have a special tax enforcement unit.

Effective 7-1-06.

SB 1965 (Gumm/Calvey): Modifies various provisions relating to motor vehicle taxes, fees and registration, including:

- Exempts ATVs and off-road motorcycles from waste tire fees and modifies language relating to fees retained by motor license agents;
- Defines "off road motorcycle";
- Excludes OTC from any part of a lawsuit relating to certificate of title for motor vehicle and manufactured home and requires court to issue an order dismissing OTC;
- Modifies and clarifies fees which may be charged by OTC for certain records searches and authorizes OTC to establish a rule exempting certain tag agents from payment of the search fee;
- Provides that a tag agent who collects a bad check can also collect and retain a \$25 fee;
- Authorizes OTC to accept payment for motor vehicle fees, taxes, etc. by debit card; and
- Establishes minimum excise tax of \$5.00 for ATVs and off road motorcycles.

Effective 7-1-06.

HB 2062 (Hiatt/Morgan): Provides tax exemption for sales of tickets to professional sporting events involving ice hockey, baseball, basketball, football or arena football or soccer. Defines "professional sporting event". Effective 4-20-06.

HB 2373 (Newport/Myers): Creates income tax refund checkoff for donations to the Oklahoma Chapter of the Leukemia and Lymphoma Society Fund. Effective 11-1-06.

HB 2397 (Sherrer/Easley): Creates a sales tax exemption for the sale of boxes of edible food items by a church or specified nonprofit organization. Effective 7-10-06.

HB 2411 (Adkins/Gumm): Clarifies tax assessment procedures relating to any willful attempt to evade payment. Extends expiration date for certain gross production tax exemptions until 7-1-09. Modifies procedure by which the price of oil and gas is determined when the sale is between related entities and defines terms. Provides for construction of a specified section. Effective 7-1-06.

HB 2506 (Adkins/Lerblance): Extends the expiration date for the deposit of petroleum excise taxes into the Corporation Commission's plugging fund. Grants the Corporation Commission jurisdiction and authority over seeping natural gas and creates a Corporation Commission Gas Seep Fund. Effective 7-1-06.

HB 2690 (Walker/Capps): Permits municipalities and counties to jointly create a regional economic development authority which is authorized to take a sales tax of up to 2% to a vote of the people of the region for specified purposes. Effective 11-1-06.

HB 2698 (Johnson/Johnson, Mike): Extends the reduced vehicle registration fee for active duty military to Guardsmen and Reservists. Effective 11-1-06.

HB 2792 (Miller/Bass): Amends the "Compete with Canada" Act by modifying definitions and for production companies with a budget of \$30 million or more, suspends certain requirements for the film expenditure rebate program and guarantees a 15% rebate. Modifies certain eligibility requirements for the rebate. Requires all film productions in the state to register with the Oklahoma Film and Music Commission. Effective 7-1-06.

HB 2793 (Miller/Bass): Modifies existing income tax credit for profits from investment in an existing Oklahoma film or music project by clarifying certain definitions and by creating new definitions of "profit", "total production costs", "Oklahoma production costs", "investment" and "qualified vendor". Effective 7-1-06.

TAX COMMISSION FUNDING

The Tax Commission's FY'07 appropriation is \$47.7 million, a \$2.1 million increase from FY'06. This includes \$350,000 in additional money to provide staffing in the OTC Audit and Collection Divisions to ensure enforcement of the Tobacco Master Settlement.

SUNSET REVIEW MEASURES

SB 1076 (Easley/Wright): Recreates the Oklahoma Music Hall of Fame Board until 2012 and updates the omnibus list of entities up for Sunset Review in 2007 and 2012.

HB 2122 (Wright/Easley): Recreates the State Board of Registration for Foresters until 2012.

HB 2123 (Wright/Easley): Recreates the Board of Chiropractic Examiners until 2012.

HB 2124 (Wright/Easley): Recreates the Oklahoma Liquefied Petroleum Gas Research, Marketing and Safety Commission until 2012.

HB 2125 (Wright/Easley): Changes the name of the State Agency Review Committee to the Oversight Committee for State Employee Charitable Contributions and recreates the committee until 2012. Effective 11-1-06.

HB 2126 (Wright/Easley): Recreates the Child Death Review Board until 2012.

HB 2127 (Wright/Easley): Recreates the State Board of Licensed Social Workers until 2012.

HB 2128 (Wright/Easley): Recreates the State Capitol Preservation Commission until 2012.

HB 2129 (Wright/Easley): Recreates the Oklahoma Wheat Utilization, Research and Market Development Commission until 2012.

HB 2130 (Wright/Easley): Recreates the Sheep and Wool Utilization, Research and Market Development Commission until 2007.

HB 2131 (Wright/Easley): Recreates the Oklahoma Peanut Commission until 2012.

HB 2132 (Wright/Easley): Recreates the State Board of Veterinary Medical Examiners until 2012.

HB 2133 (Wright/Easley): Recreates the Board of Examiners for Speech-Language Pathology and Audiology until 2012.

HB 2149 (Wright/Easley): Recreates the Wellness Council until 2012.

HB 2150 (Wright/Easley): Recreates the Oklahoma Climatological Survey until 2012.

HB 2151 (Wright/Easley): Recreates the Commission on County Government Personnel Education and Training until 2012.

HB 2152 (Wesselhoft/Easley): Recreates the Board of Examiners in Optometry until 2012.

HB 2153 (Wright/Easley): Recreates the State Anatomical Board until 2012.

HB 2154 (Wright/Easley): Recreates the Board of Tests for Alcohol and Drug Influence until 2012.

TELECOMMUNICATIONS & TECHNOLOGY MEASURES

SB 1040 (Riley/Peters): Requires certain state agencies that provide services to maintain an Internet web site upon which application forms for the services they provide to be accessed and downloaded by individuals wishing to apply for the services. Requires each agency to provide a link to the other agencies required to provide application forms on their web sites. Effective 11-1-06.

SB 1697 (Coffee/Cargill): Provides that a municipality may, as part of awarding or renewing a cable television franchise, require a cable operator to provide assurance it will provide public, educational, and governmental access channel capacity, facilities or financial support. However, a cable operator may exercise the option to provide a "family friendly" tier of video services in lieu of public, educational and governmental access channel capacity, facilities or financial support as a condition of any franchise or renewal. A "family friendly" tier of services consists of a group of channels, offered to cable customers pursuant to Federal Communications Commission (FCC) regulations, that primarily contains programming with a TV-Y, TV-Y7 or TV-G television viewing rating. Effective 11-1-06.

HB 2185 (Benge/Crutchfield): Adds a definition for "plant research science" to the Oklahoma Science and Technology Research and Development Act (OSTRaD). "Plant science research" is defined as research activities occurring at institutions of higher education, non-profit research institutions, and in private enterprises, which have potential commercial application and concern plant productivity, renewable biomass, plant-based environmental applications and chemical platforms, plant-

based solutions to improve nutrition, human and/or animal health or performance, process applications, and seed management and the development of new products and services that shall form the basis of new, high-technology plant science/agriculture industry for Oklahoma.

This bill also provides for certain levels of funding for proposed centers of excellence for five (5) years through the Oklahoma Center for the Advancement of Science and Technology (OCAST). In addition, HB 2185 sets forth the process for OCAST to carry out the purposes of the Oklahoma Science and Technology Research and Development Act (OSTRaD), and specifies requirements for awarding professional service contracts to support a basic or applied plant science research project. Effective 11-1-06.

HB 2356 (Liotta/Capps): Adds the definition for nanotechnology to the Oklahoma Science and Technology Research and Development Act. Nanotechnology is defined as the technological development at the molecular range (1 nanometer to 100 nanometers) to create and use structures, devices, and systems that have properties because of their small size.

This bill also authorizes the Oklahoma Center for the Advancement of Science and Technology (OCAST) to implement the Oklahoma Nanotechnology Applications Project (ONAP), which is a pilot project to assist Oklahoma companies in the process of applying nanotechnology through research, development and manufacturing. ONAP is designed to provide Oklahoma with the ability to take advantage of technological opportunities focusing on: advanced materials and nanotechnology; agricultural sciences; aviation and aerospace; biotechnology and life sciences; energy and energy related technologies; information technology and telecommunications; sensors and sensor related research and development; and meteorological science. ONAP awards will enable new and existing applications in nanotechnology to encourage collaboration between industry, institutions of higher education and non-profit research institutions. Effective 7-1-06.

HB 2357 (DePue/Nichols): Requires that any state agency, board, commission or other unit or subdivision of state government to disclose any breach of the security of computerized data to persons whose personal information may have been acquired by unauthorized persons. Such personal information is the first name or first initial and last name of an individual in combi-

nation with any one or more of the following data elements: social security number, driver license number, or account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to the financial account of an individual. Publicly available information that is lawfully made available to the general public from federal, state or local public records is exempt from the requirements of this act. The provisions of HB 2357 also set forth the requirements for providing notice of a security breach to the effected person(s). Effective 6-8-06.

HB 2473 (Perry/Coffee): Creates the "Anti-Phishing Act," which makes it illegal for any person to use the Internet with the intent to engage in the fraudulent use or possession of certain identifying and personal information of another person. Such information includes name, social security number, date of birth, government-issued identification number, unique electronic identification number, address, financial institution account number and biometric data, such as finger prints, voice prints, and retina or iris images of an individual.

Specific actions for unlawfully soliciting data consist of: (1) Creating a web page or Internet domain name that is represented as a legitimate online business without the authorization of the registered owner of the business; and (2) Use the web page or a link to the web page, the domain name, or another Internet site to induce, request, or solicit another person to provide identifying information for a purpose the person has been led to believe is legitimate.

HB 2473 also sets forth who may bring civil actions against a person who violates the Anti-Phishing Act and relief that may be granted by a court. Further, all acts and practices declared to be unlawful under this Act are also considered to be violations of the Oklahoma Consumer Protection Act. Effective 11-1-06.

HB 2819 (Banz/Capps): Authorizes the creation of the Oklahoma Aerospace Institute (OAI) within the Oklahoma Center for the Advancement of Science and Technology (OCAST) to promote business opportunities for more than 300 companies in the state. The institute would improve small-business access to contracts at Tinker Air Force Base and other military installations.

To carry out the provisions of this legislation the OAI will consist of two initiatives. The Center of Excellence for Aerospace Technology (COEAT) will primarily undertake applied research, development and technology transfer that has long-term potential for commercial development. The Center for Aerospace Supplier Quality (CASQ) will serve as a conduit between Oklahoma's military installations and aerospace industry to promote quick response to certain economic opportunities that will, among other activities, increase Department of Defense contracts in Oklahoma. Effective 7-1-06.

HB 2877 (Case/Hobson): Creates the "Nine-One-One Voice over Internet Protocol (VoIP) Emergency Service Act." This bill provides for the operation of 9-1-1 service response for emergency calls originating via a computer with interconnected VoIP capability. Interconnected VoIP capability is an Internet Protocol (IP) enabled service offering real-time, multidirectional voice functionality similar to traditional land line or wireless telephones. In order to establish VoIP 9-1-1 services, a board of county commissioners, a city council or other governing board of a municipality may, by resolution or ordinance, impose an Enhanced 9-1-1 VoIP emergency fee in the amount of fifty cents per month for each VoIP service user.

Provisions are also included in HB 2877 for citizens to petition and bring to a vote of the people in the affected county or municipalities to approve or disapprove the 9-1-1 VoIP emergency fee. If approved, the fee will be imposed and the interconnected VoIP service provider will collect the fees from its VoIP service customers. The interconnected VoIP service provider may retain an administrative service fee of up to 2% of the amount collected. The remaining proceeds will be remitted to the governing body to pay for the operation of the VoIP 9-1-1 emergency response services. Effective 11-1-06.

TOURISM & WILDLIFE MEASURES

SB 1296 (Shurden/Walker): Relates to the powers of the Wildlife Conservation Commission; authorizes the Commission to declare an open season on mountain lions, black bears, and river otters. Effective 7-1-06.

SB 1453 (Wilson/Brown): Relates to the Oklahoma Tourism, Parks and Recreation Enhancement Act; provides access to photo-

graphs, film recordings, digital records and like recordings or records produced for the Division of Travel and Tourism to the public during Division business hours; adds certain positions in the tourism information centers to unclassified service. Effective 4-24-06.

SB 1593 (Kerr/Miller): Amends the power of the Native American Cultural and Educational Authority to include authorization to construct, maintain repair and operate commercial facilities along with a Native American cultural center, museum and theme park. Provides that no state appropriations shall be used to pay the costs of financing or constructing commercial facilities, except for commercial elements within and incidental to the Cultural Center. Defines "commercial facilities". Effective 11-1-06.

SJR 63 (Morgan/Walker): A Joint Resolution commemorating the life of Senator Robert M. Kerr; designates the Performance Hall of Quartz Mountain Arts and Conference Center and Nature Park as the "Robert M. Kerr Performing Arts Center. Effective 6-6-06.

HB 1757 (Miller/Justice): Relates to seasonal employees of the Oklahoma Tourism and Recreation Department; exempts season employees employed by the Oklahoma Tourism and Recreation Department who work less than 1600 hours in any 12 month period from classified service. Effective 11-1-06.

HB 2431 (Piatt/Crutchfield): Provides for certain employees of Lake Murray Lodge and Murray State Park with employment opportunities with successor operations; and creates the Oklahoma State Park Trust Fund. Effective 4-20-04.

HB 2878 (Glenn/Johnson): Modifies the membership of the Oklahoma Tourism Signage Advisory Task Force; requires the task force to review any administrative rules regulating tourist-oriented directional signs; requires the task force to meet and develop recommendations prior to January 1, 2007. Effective 11-1-06.

HB 3016 (Armes/Capps): Relates to permission to hunt or fish upon land belonging to another person; creates the presumption that consent to hunt or fish is valid for not more than one year unless the owner, lessee or occupant specifically grants consent for a specified period of time. Effective 11-1-06.

TRANSPORTATION MEASURES

SB 266 (Hobson/Perry): Raises the amount of certain special maintenance projects which may be performed by the Department of Transportation from \$200,000 to \$250,000. Projects costing more than \$250,000 must be let by contract. Effective 6-6-06.

SB 1074 (Corn/Brannon): Creates a special license plate to demonstrate support for the American Quarter Horse in Oklahoma. SB 1074 also designates memorial bridges to honor Private First Class Herman Bullard and Senator Larry Dickerson. The bill further designates memorial highways for Destry Horton, Judy Davis and W.R. Shaver. Effective 7-1-06.

SB 1364 (Hobson/Perry): Staggers the terms of office for appointees to the Highway Construction Materials Technician Certification Board and eliminates the requirement for Senate confirmation. Effective 11-1-06.

SB 1365 (Hobson/Perry): Provides for compliance with federal requirements regarding over-size and overweight vehicles, specifically saddle-mount trucks which are now allowed to reach an overall length of ninety-seven feet on interstate highways. Effective 4-17-06.

SB 1368 (Hobson/Hilliard): Allows the transfer of the Chickasaw Turnpike to the Department of Transportation. Effective 5-4-06.

SB 1390 (Leftwich/Case): Allows the Department of Transportation to transfer certain monies in a county's Bridge and Road Improvement Fund to such county's highway fund when needed to repair damaged bridges. The bill repeals a requirement for an annual bridge repair plan to be submitted to the Department of Transportation. The reimbursement limit on force account county bridge projects was raised from \$100,000.00 to \$200,000.00 and the bill further requires the Department of Transportation to maintain drainage structures within the state's right-of-way at the intersections of county roads and state highways. Effective 5-15-06.

SB 1412 (Laughlin/Hickman): Creates the following special license plates honoring: Korea Defense Service Medal Recipients, United States Air Force Academy, the Oklahoma City Zoo, and the March of Dimes. The bill further designates the Agent Choc Ericsson Memorial Highway, the USMC Sgt. James R. Graham, III,

Memorial Highway, the James E. and Rose H. Benson Memorial Highway and the Representative Elmer Maddux Highway and directs the Department of Transportation to create permanent markers bearing those names. Effective 6-7-06.

SB 1752 (Rabon/Liotta): Continues to amend statutes governing the creation of the Trucking One-Stop Shop program which began several years ago and attempts to consolidate employees and programs from the Oklahoma Tax Commission, the Department of Public Safety and the Corporation Commission in an effort to improve the registration and regulation of interstate and intrastate motor carriers. Most of the amendments in SB 1752 are updating statutes to reflect the transfer of duties from the Tax Commission to the Corporation Commission and clarifying specific duties under the jurisdiction of each agency. SB 1752 also allows the Corporation Commission to require enforcement officers to be fingerprinted and submit to a national criminal history check. Effective 6-6-06.

SB 1938 (Corn/Blackwell): Modifies a section of law enacted earlier this session relating to the regulation of custom grain harvesters. The amendment was requested by the Department of Public Safety to clarify the location of official weigh stations within two miles of any commercial grain elevator. In addition, SB 1938 creates the "Oklahoma Highway Remediation and Cleanup Services Act" to authorize the Department of Environmental Quality to issue licenses to operators of highway remediation and cleanup services businesses who are called to remediate highway accident scenes where spills may have occurred. The program will be funded by licensing fees and the DEQ will be required to check for insurance and other requirements they deem necessary and relay such operator information to the Department of Public Safety. Effective 6-6-06.

SJR 55 (Leftwich/Perry): Celebrates the 50th Anniversary of the federal interstate system of highways. Effective 5-4-06.

HB 2474 (Perry/Hobson): Authorizes the Oklahoma Turnpike Authority to use derivative financing products to hedge interest rate risks associated with bonding projects. Any transactions involving such financing must be approved by the Oklahoma State Bond Advisor and the Council of Bond Oversight. Effective 4-10-06.

HB 3019 (Armes/Bass): Designates bridges and highways honoring the following: Medicine Park Trail, Newt Sexton, Judy Davis, Historic Platt National Parkway, T.A. Olivo, and David Gray. This bill also authorizes the Turnpike Authority to create an on and off ramp on the Cimarron Turnpike in the vicinity of the north side of Glencoe, Oklahoma, municipal limits. Effective 11-1-06.

**DEPARTMENT OF TRANSPORTATION
FUNDING**

ODOT's FY'07 appropriation is \$285,411,848, a \$10,263,711 increase from FY'06. This additional money comes from changing the State Transportation fund into a revolving fund.

- In addition to this increase, another \$55 million will be apportioned to the ROADS fund pursuant to HB 1078 of the 2005 session.
- HB 1176 builds upon HB 1078 from last year to dramatically increase funding for the State's transportation infrastructure. This bill:
 - Changes the State Transportation Fund into a revolving fund;
 - Apportions 5% of all fees, taxes and penalties collected or received pursuant to the Oklahoma Vehicle License and Registration Act to the County Improvements for Roads and Bridges Fund for the fiscal year beginning July 1, 2007 (FY'08). This apportionment will grow to 10% in FY'09 and 15% in FY'10 for a total annual fiscal impact of approximately \$85 million;
 - Increases the cap on the ROADS fund from \$170 million to \$200 million and increases yearly apportionment growth from a maximum of \$35 million a year to \$50 million a year.

**VETERANS & MILITARY AFFAIRS
MEASURES**

SB 1088 (Bass/Coody): Increases the number of days of paid leave a state employee can receive while deployed to a branch of the federal military from 20 days to 30 days. Effective 5-23-06.

SB 1333 (Reynolds/Kern): Modifies the definition of "stretcher aid van" to include all stretcher aid van transports to federal or state veteran's facilities. Effective 5-15-06.

SB 1361 (Leftwich/Terrill): Includes state employees deployed to active service in any branch of the federal military with those state employees deployed to the Oklahoma National Guard who can receive up to 30 days paid leave. Effective 10-1-06.

SB 1505 (Leftwich/Wesselhoft): Designates the 25th of March of each year as the "Medal of Honor Day". Effective 4-13-06.

SB 1675 (Bass/Armes): Enacts the Oklahoma Military Base Protection Grant Program. This act creates a program which local communities may apply to the State for a matching grant for critical infrastructure issues, transportation, utilities, communications, housing and security in order to prevent adverse realignment or military base closure. Effective 7-1-06.

HB 2412 (Jackson/Bass): Authorizes any municipality in the state, that is within an Air Installation Compatible Use Zone study area, Joint Land Use Study area, Army Compatible Use Buffer, or an Environmental Noise Management Plan of an active duty, National Guard or Reserve military installation, to enact a city ordinance restricting or prohibiting future uses for that area which lies within such areas and which may expose residents to noise greater than 65 Day-Night Noise level or that could affect the public health, safety, and welfare or interfere with military operations, including aircraft operations. Effective 11-1-06.

HB 2587 (Duncan/Brogdon): Modifies the qualifications for eligibility for the position of Adjutant General of this state. Also deletes procedures for the appointment to an armory board and for the promulgation of rules and regulations for the use and operation of armories. This act also modifies the leasing of armory facilities and authorizes the Adjutant General to direct how armory funds are controlled, deposited, expended and accounted for. Effective 7-1-06.

HB 2643 (Brown/Wilson): Prohibits the use of names or pictures of service members, either in the military or deceased, in advertising for the sale of goods, etc., unless such person or the survivors of such person gives prior consent for the picture or name to be used. Effective 11-1-06.

VETERANS FUNDING

SB 80XX (Crutchfield/Benge): It provides for \$39.3 million to the Oklahoma Department of Veteran Affairs, a \$3.2 million or 9.1% increase over the prior year. Within SB 80XX, \$1 million was appropriated to the Department for the operation of its veteran centers.

VETOED BILLS

SB 5XX (Crutchfield/Benge): Repeals all language regarding the establishment of tuition and fees by the State Regents for Higher Education for Oklahoma's Colleges and Universities and requires the Legislature to set tuition and fees for state higher education institutes beginning with the 2007-2008 academic year.

Vetoed 6-26-06: Veto message states that "This legislation exceeds the scope of the special session call. Additionally, this measure subjects the regulation of tuition to the uncertainties of the political process and, without due discussion or debate, reverses action taken by the legislature three years ago after careful and lengthy discussion and debate."

SB 752 (Eason McIntyre/Wright): Brings OSEEGIB in compliance with federal law regarding the coverage of dependents. Increases from 15 to 30 minutes the minimum amount of time a state agency must give its employees to attend employee benefit information meetings. Eliminates the annual election requirement for vision plans.

Vetoed 6-6-06: Veto message states that the bill is vetoed "because it is a duplicate. All of the language contained in this bill is also contained in SB 1601, which I have signed".

SB 1346 (Crain/Sullivan): Authorizes court clerks or court reporters to destroy exhibits in felony and misdemeanor cases after specific time periods.

Vetoed 6-9-06: Veto message states that "This legislation sets an arbitrary date for the destruction of exhibits that may be too short in many felony cases and could impede both the defense and the prosecution. This could cause difficulties for the defense and prosecution in the case of newly-discovered evidence or newly-developed forensic techniques or when a new trial is ordered or a prior felony is used to enhance sentencing for a sub-

sequent felony. A better solution would be to set a timeline for destruction of exhibits based on a fixed time after the completion of a sentence."

SB 1974 (Corn/Blackwell): Limits the State Board of Corrections from making or enforcing any policy that has a fiscal impact without filing a detailed written fiscal impact statement with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The bill requires the Board of Corrections to maintain property and infrastructure for the health and safety of the employees and prisoners and to establish and maintain programs and services for prisoners.

Vetoed 6-9-06: Veto message states that "This legislation, at a minimum, encroaches on the constitutionally protected separation of powers, makes it more difficult and burdensome for the State Board of Corrections to timely respond to dangerous emergency situations and potentially endangers the safety of corrections employees and the public."

HB 2083 (Liebmann/Jolley): Makes void and unenforceable any contract provision in a construction agreement that requires an entity to indemnify another entity for liability for damage that arises out of negligence or fault of the indemnitee. Effective 11-1-06.

Vetoed 6-9-06: Veto message states that "it is duplicative of SB 324. All of the language in this bill is contained in SB 324, which I have signed."

HB 2387 (Benge/Crutchfield): Changes the name of the Legislative Oversight Committee on State Budget Performance to the Fiscal Analysis Investigation and Review Committee, and changes the purpose from oversight of a system of program performance-based budgeting to directing performance review and budget oversight within selected agencies or programs. Additional duties are specified, and the committee is funded through a line-item in the budget of the Legislative Service Bureau.

Vetoed 5-5-06. Veto message states that "This bill is duplicative, unnecessarily increases the size and cost of government, and overlaps and conflicts with the constitutional duties of the State Auditor and Inspector. This legislation unconstitutionally violates the separation of powers by placing oversight of budgetary expenditures within selected state agencies

or selected state agency programs in a legislative committee.”

HB 2755 (Blackwell/Laughlin): Transfers monies accruing in the Public Building Fund to the State Land Reimbursement Fund beginning July 1, 2007. Modifies the method for apportioning funds from the State Land Reimbursement Fund by providing for each county to receive a portion of the fund equal to the amount of ad valorem tax revenue it would have received if the state-owned land were not exempt from ad valorem taxes. Requires each county assessor to prepare specified reports for each property eligible for reimbursement pursuant to this section.

Vetoed 6-9-06: Veto message states that “this legislation would unconstitutionally transfer funds held in sacred trust in the Public Building Fund – money to be used solely on public buildings – to the State Land Reimbursement Fund for other, impermissible purposes. The effective date of this Act is July 1, 2007. Thus, legislators will have ample time to appropriately address this issue next session.”

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SUMMARY OF APPROPRIATIONS

Agency	FY'06 Final Appropriation	FY'07 Appropriation	\$ Change	% Change
Subcommittee on Education				
Arts Council	\$4,243,338	\$4,442,810	\$199,472	4.7%
Career and Technology Education	\$130,287,358	\$147,287,358	\$17,000,000	13.0%
Education, State Department of	\$2,175,982,684	\$2,348,041,255	\$172,058,571	7.9%
Educational Television Authority	\$4,624,059	\$5,164,350	\$540,291	11.7%
Higher Education, Regents for	\$894,033,880	\$1,019,433,880	\$125,400,000	14.0%
Land Office, Commissioners of	\$4,719,497	\$4,828,535	\$109,038	2.3%
Libraries, Department of	\$6,681,355	\$6,847,731	\$166,376	2.5%
Physician Manpower Training Commission	\$5,361,490	\$5,470,499	\$109,009	2.0%
Private Vocational Schools, Board of	\$171,879	\$0	(\$171,879)	-100.0%
Science & Math, School of	\$7,020,513	\$7,230,508	\$209,995	3.0%
Science & Technology, Center for	\$12,400,942	\$22,442,616	\$10,041,674	81.0%
Teacher Preparation, Commission on	\$2,022,875	\$2,050,705	\$27,830	1.4%
Subtotal	\$3,247,549,870	\$3,573,240,247	\$325,690,377	10.0%
Subcommittee on General Government and Transportation				
Auditor and Inspector	\$5,988,786	\$6,219,622	\$230,836	3.9%
Bond Advisor	\$181,212	\$185,117	\$3,905	2.2%
Central Services, Department of	\$12,263,035	\$13,639,156	\$1,376,121	11.2%
Election Board	\$6,621,839	\$7,709,951	\$1,088,112	16.4%
Emergency Management Department	\$2,201,561	\$756,843	(\$1,444,718)	-65.6%
Ethics Commission	\$492,277	\$504,039	\$11,762	2.4%
Finance, Office of State	\$22,756,515	\$23,000,204	\$243,689	1.1%
Governor	\$2,578,710	\$2,641,163	\$62,453	2.4%
House of Representatives	\$18,629,154	\$19,176,434	\$547,280	2.9%
Legislative Service Bureau	\$2,415,783	\$2,995,021	\$579,238	24.0%
Lt. Governor	\$592,436	\$592,436	\$0	0.0%
Merit Protection Commission	\$565,684	\$611,434	\$45,750	8.1%
Military, Department of	\$12,546,432	\$12,898,334	\$351,902	2.8%
Personnel Management	\$4,633,249	\$4,848,371	\$215,122	4.6%
Secretary of State	\$510,184	\$525,434	\$15,250	3.0%
Senate	\$13,146,893	\$13,561,067	\$414,174	3.2%
Space Industry Development Authority	\$523,264	\$528,571	\$5,307	1.0%
Tax Commission	\$45,626,291	\$47,711,604	\$2,085,313	4.6%
Transportation, Department of	\$375,148,137	\$285,411,848	(\$89,736,289)	-23.9%
Treasurer	\$4,524,498	\$4,632,697	\$108,199	2.4%
Subtotal	\$531,945,940	\$448,149,346	(\$83,796,594)	-15.8%
Subcommittee on Health and Social Services				
Health, Department of	\$61,790,819	\$71,234,131	\$9,443,312	15.3%
Health Care Authority	\$634,786,355	\$701,964,163	\$67,177,808	10.6%
J.D. McCarty Center	\$3,792,283	\$4,278,944	\$486,661	12.8%
Mental Health & Substance Abuse Services	\$171,810,647	\$194,703,800	\$22,893,153	13.3%
University Hospitals Authority	\$40,549,342	\$41,665,342	\$1,116,000	2.8%
Veterans Affairs, Department of	\$36,040,332	\$39,324,159	\$3,283,827	9.1%
Subtotal	\$948,769,778	\$1,053,170,539	\$104,400,761	11.0%

Agency	FY'06 Final Appropriation	FY'07 Appropriation	\$ Change	% Change
Subcommittee on Human Services				
Children and Youth, Commission on	\$1,722,018	\$2,101,609	\$379,591	22.0%
Handicapped Concerns, Office of	\$372,944	\$381,813	\$8,869	2.4%
Human Rights Commission	\$686,563	\$704,310	\$17,747	2.6%
Human Services, Department of	\$487,382,177	\$535,797,324	\$48,415,147	9.9%
Indian Affairs, Commission of	\$255,530	\$257,732	\$2,202	0.9%
Juvenile Affairs	\$98,323,348	\$104,219,585	\$5,896,237	6.0%
Rehabilitation Services, Department of	\$27,265,925	\$29,213,250	\$1,947,325	7.1%
Subtotal	\$616,008,505	\$672,675,623	\$56,667,118	9.2%
Subcommittee on Natural Resources and Regulatory Services				
Agriculture, Food and Forestry, Dept. of	\$38,696,069	\$28,314,906	(\$10,381,163)	-26.8%
Centennial Commission	\$17,049,630	\$1,062,291	(\$15,987,339)	-93.8%
Commerce, Department of	\$23,179,663	\$25,082,836	\$1,903,173	8.2%
Conservation Commission	\$7,403,928	\$8,953,795	\$1,549,867	20.9%
Consumer Credit, Department of	\$637,925	\$661,263	\$23,338	3.7%
Corporation Commission	\$12,354,190	\$14,083,860	\$1,729,670	14.0%
Environmental Quality, Department of	\$8,166,580	\$9,525,217	\$1,358,637	16.6%
Historical Society	\$12,231,387	\$14,480,963	\$2,249,576	18.4%
Horse Racing Commission	\$2,360,889	\$2,618,898	\$258,009	10.9%
Insurance Commissioner	\$2,231,595	\$2,444,856	\$213,261	9.6%
J.M. Davis Memorial Commission	\$347,454	\$382,166	\$34,712	10.0%
Labor, Department of	\$3,224,721	\$3,613,893	\$389,172	12.1%
Mines, Department of	\$849,165	\$997,981	\$148,816	17.5%
Scenic Rivers Commission	\$323,041	\$339,752	\$16,711	5.2%
Tourism and Recreation, Department of	\$25,955,959	\$27,073,374	\$1,117,415	4.3%
Water Resources Board	\$6,573,896	\$6,744,617	\$170,721	2.6%
Will Rogers Memorial Commission	\$830,679	\$925,196	\$94,517	11.4%
Subtotal	\$162,416,771	\$147,305,864	(\$15,110,907)	-9.3%
Subcommittee on Public Safety and Judiciary				
Alcoholic Beverage Laws Enforcement	\$3,738,839	\$3,965,159	\$226,320	6.1%
Attorney General	\$11,786,462	\$12,798,702	\$1,012,240	8.6%
Corrections, Department of	\$433,443,403	\$456,004,876	\$22,561,473	5.2%
Court of Criminal Appeals	\$2,828,160	\$3,083,013	\$254,853	9.0%
District Attorneys and DAC	\$30,592,742	\$39,092,742	\$8,500,000	27.8%
District Courts	\$47,300,000	\$54,403,272	\$7,103,272	15.0%
Fire Marshal	\$1,685,180	\$2,052,561	\$367,381	21.8%
Indigent Defense System	\$15,633,001	\$16,206,256	\$573,255	3.7%
Investigation, State Bureau of	\$11,610,628	\$13,351,567	\$1,740,939	15.0%
Judicial Complaints, Council on	\$278,826	\$282,503	\$3,677	1.3%
Law Enforcement Education and Training	\$2,758,783	\$3,265,473	\$506,690	18.4%
Medicolegal Investigations, Board of	\$3,922,904	\$4,587,380	\$664,476	16.9%
Narcotics and Dangerous Drugs, Bureau of	\$5,368,595	\$6,320,763	\$952,168	17.7%
Pardon and Parole Board	\$2,316,329	\$2,555,018	\$238,689	10.3%
Public Safety, Department of	\$82,539,343	\$90,051,236	\$7,511,893	9.1%
Supreme Court	\$19,871,585	\$16,878,678	(\$2,992,907)	-15.1%
Workers' Compensation Court	\$4,365,564	\$4,888,334	\$522,770	12.0%
Subtotal	\$680,040,344	\$729,787,533	\$49,747,189	7.3%
Rural Economic Action Plan	\$15,500,000	\$15,500,000	\$0	0.0%
GRAND TOTAL	\$6,202,231,208	\$6,639,829,152	\$437,597,944	7.1%

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