



2017 Session in Review

*Measures passed during the First Session and First and Second Extraordinary Sessions
of the 56th Oklahoma Legislature
Charles McCall, Speaker
Oklahoma House of Representatives*



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On the cover The original state flag, which was approved and adopted in the spring of 1911 by then-Governor Lee Cruce, remained Oklahoma’s state flag until 1925, when a design very similar to today’s version was adopted. This summer, the original flag design flew on the south plaza of the State Capitol in recognition of the building’s centennial.



Table of Contents

| | |
|--|-----|
| Agriculture, Environment & Wildlife | 1 |
| <i>Agriculture</i> | 1 |
| <i>Environment</i> | 3 |
| <i>Wildlife</i> | 4 |
| Criminal Justice | 5 |
| <i>Victims' Rights</i> | 6 |
| <i>Miscellaneous Criminal Justice</i> | 7 |
| Economic Development & Financial Services | 9 |
| <i>Business and Labor</i> | 9 |
| <i>Insurance</i> | 11 |
| <i>Banking and Financial Services</i> | 13 |
| <i>Tourism</i> | 14 |
| Education | 15 |
| <i>Common Education</i> | 15 |
| <i>Teachers</i> | 18 |
| <i>Higher Education</i> | 19 |
| <i>Miscellaneous Education</i> | 19 |
| Energy & Utility Regulation | 20 |
| General Government | 22 |
| <i>State Government</i> | 22 |
| <i>County and Municipal Government</i> | 23 |
| <i>Retirement</i> | 25 |
| <i>Elections</i> | 26 |
| <i>Administrative Rules</i> | 26 |
| Health & Human Services | 27 |
| <i>Health</i> | 27 |
| <i>Children and Families</i> | 30 |
| <i>Juvenile Justice</i> | 31 |
| <i>Seniors and Persons with Disabilities</i> | 31 |
| <i>Miscellaneous Health and Human Services</i> | 31 |
| Judiciary | 34 |
| <i>Miscellaneous Judiciary</i> | 36 |
| Public Safety | 37 |
| <i>Firearms</i> | 37 |
| <i>Law Enforcement Education and Training</i> | 38 |
| <i>Drugs</i> | 38 |
| <i>Motor Vehicles</i> | 39 |
| <i>Alcohol Modernization</i> | 39 |
| <i>Miscellaneous Public Safety</i> | 41 |
| Revenue & Taxation | 42 |
| <i>Income Tax</i> | 42 |
| <i>State Fees</i> | 42 |
| <i>Budgeting and Collections</i> | 43 |
| <i>Incentives and Credits</i> | 44 |
| <i>Miscellaneous Revenue and Taxation</i> | 45 |
| Transportation | 46 |
| Veterans & Military Affairs | 48 |
| Appendix I | 49 |
| <i>Summary of Vetoes</i> | 49 |
| Appendix II | 52 |
| <i>Legislative Production</i> | 52 |
| Appendix III | 54 |
| <i>Special Sessions</i> | 54 |
| Bill Subject Index | 57 |
| Bill Number Index | 101 |



The Legislature passed several measures to enhance animal agriculture in the state by allowing exemptions for current setbacks for concentrated animal feeding operations and by strengthening the state's nuisance law. Legislators also addressed a variety of water issues.

for concentrated swine feeding operations. Likewise, **SB 147** allows a municipality's governing body to waive the 3-mile setback required for concentrated animal feeding operations (CAFOs), which include cattle and poultry. The map below shows the locations of CAFOs in the state.

production breaks of less than three years or changes in agricultural technology on a farm or ranch that has been in operation for at least two years.

HB 2324 allows those permitted by the Department of Agriculture, Food and Forestry (ODAFF) to shoot depredating animals from an aircraft and to authorize other unlicensed, unidentified persons to shoot from the aircraft, as well. It also requires that a permit holder who contracts

Total animals/county

- < 1,000 (2)
- 1,001 - 100,000 (23)
- 100,001 - 700,000 (11)
- 700,001 - 1,200,000 (2)
- 1,200,001 - 3,418,218 (1)

Legend:

- Chicken (9)
- Cattle (87)
- Swine (257)

Counties and Animal Production Data:

| County | Animal Type | Total Count |
|------------|-------------|-------------|
| Cimarron | Cattle | 1 |
| Texaco | Cattle | 1 |
| Beaver | Cattle | 1 |
| Harper | Cattle | 1 |
| Woods | Cattle | 1 |
| Alfalfa | Cattle | 1 |
| Grant | Cattle | 1 |
| Kay | Cattle | 1 |
| Osage | Cattle | 1 |
| Washington | Cattle | 1 |
| Nowata | Cattle | 1 |
| Craig | Cattle | 1 |
| Ottawa | Cattle | 1 |
| Garfield | Cattle | 1 |
| Noble | Cattle | 1 |
| Pawnee | Cattle | 1 |
| Payne | Cattle | 1 |
| Logan | Cattle | 1 |
| Lincoln | Cattle | 1 |
| Creek | Cattle | 1 |
| Cherokee | Cattle | 1 |
| Adair | Cattle | 1 |
| Kingfisher | Cattle | 1 |
| Blaine | Cattle | 1 |
| Canadian | Cattle | 1 |
| Caddo | Cattle | 1 |
| Grady | Cattle | 1 |
| McClain | Cattle | 1 |
| Garvin | Cattle | 1 |
| Jefferson | Cattle | 1 |
| Stephens | Cattle | 1 |
| Carter | Cattle | 1 |
| Love | Cattle | 1 |
| Marshall | Cattle | 1 |
| Bryan | Cattle | 1 |
| Cherokee | Cattle | 1 |
| Adair | Cattle | 1 |
| Sequoyah | Cattle | 1 |
| Haskell | Cattle | 1 |
| Le Flore | Cattle | 1 |
| Pushmataha | Cattle | 1 |
| McCurtain | Cattle | 1 |
| Cherokee | Cattle | 1 |
| Adair | Cattle | 1 |
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| Haskell | Cattle | 1 |
| Le Flore | Cattle | 1 |
| Pushmataha | Cattle | 1 |
| McCurtain | Cattle | 1 |
| Cherokee | Cattle | 1 |
| Adair | Cattle | |

Session in Review | 1

with or authorizes another person to shoot from the aircraft must have the authorized person sign a disclosure stating that they are aware of the dangers of aiming and shooting over the horizon. No specific pilot's license or liability insurance is required; however, federal pilot certifications apply.

SB 506 creates the Healthy Food Financing Act, which facilitates financing for grocery stores and small food retailers (new or existing) in underserved communities. A similar measure, **SB 749**, creates a grant program for community gardens that are in food deserts in low-income areas. The map below shows areas where a significant number of people have a low income and lack easy access to a grocery store; these areas are known as food deserts.

HB 1994 repeals the Oklahoma Oilseed Commission to allow the

industry to self-regulate. Any unexpended balance contained in the commission's revolving fund is transferred to the General Revenue fund.

HB 1431 makes the Oklahoma Sorghum Commission a private entity and transfers the balance of the agency's funds to the state's General Revenue Fund. The measure authorizes the Agricultural Extension Division of Oklahoma State University to designate voting places for a sorghum checkoff referendum, if needed.

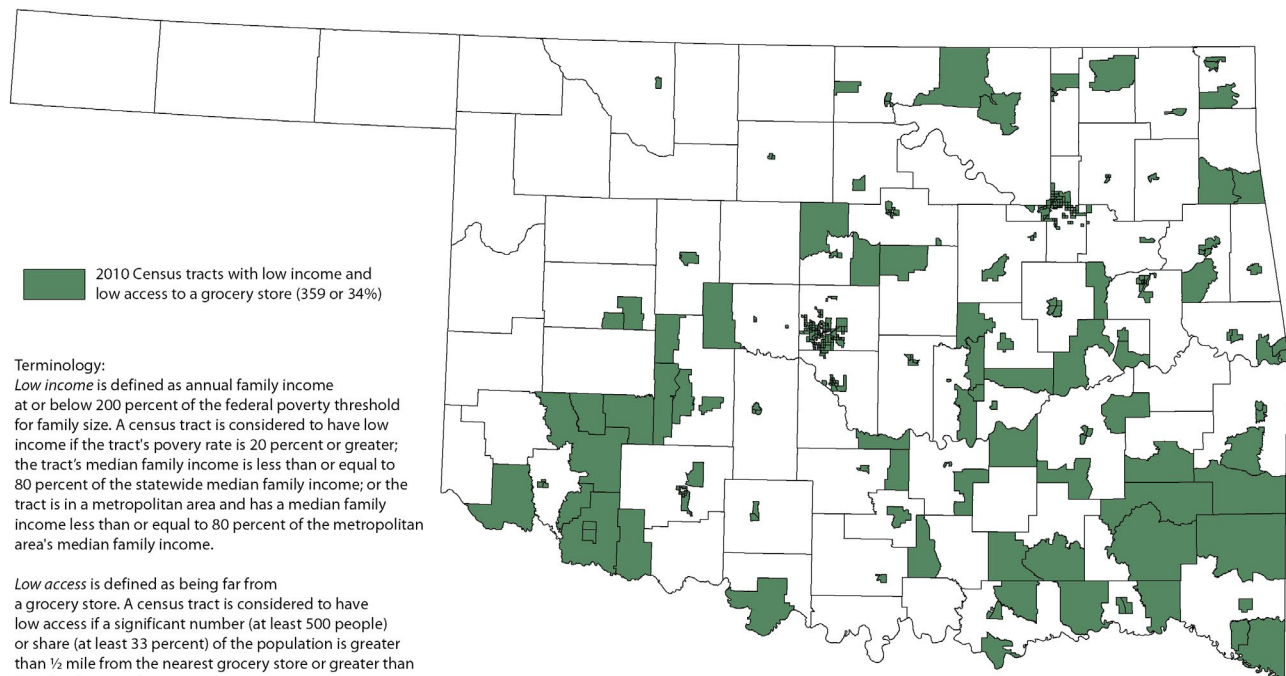
HB 1601 adds feral swine to the list of wildlife included in the wildlife damage management agreement between ODAFF and the U.S. Department of Agriculture Wildlife Services. In addition, the measure authorizes state and federal wildlife management agents to carry firearms in the course of their duties.

What is a checkoff organization?

Checkoff programs promote and provide research and information for a particular agricultural commodity. The term checkoff comes from historical programs that were not mandatory; producers marked a checkoff box if they wished to contribute to the program. Mandatory programs do not have such forms, but the name has remained. The programs are financed from assessments charged on a per unit basis of the marketed commodity. Federal checkoff programs may also exist, authorized by state legislation, to promote and market products within the state. Checkoff programs attempt to promote the covered commodity by expanding markets, increasing demand, and developing new uses and markets.

Source The National Agricultural Law Center

SB 506 and SB 749 Food Deserts



Source: USDA Economic Research Service Food Access Research Atlas; January 2017

HB 2392 modifies the Combined Pesticide Law by creating an additional \$100 penalty for late pesticide applicator license renewals. The measure also removes the fee exemption for governmental agencies; increases the annual registration fee from \$160 to \$210; and increases the cap from \$100,000 to \$300,000 for funds designated for the ODAFF Unwanted Pesticide Disposal Program.

HB 1193 updates obsolete language by transferring the statutory duties of approving livestock brands and publishing the State Brand Book from ODAFF to a statewide livestock organization selected by the State Board of Agriculture.

SB 326 prohibits the importation or possession of exotic swine of the family Suidae. The measure authorizes the State Veterinarian to grant exceptions to zoos accredited by the Association of Zoos and Aquariums.

SB 595 limits the liability of an operator of a registered farmers market by providing that persons buying, selling and attending a registered farmers market assume the inherent risk of being a participant.

Environment

HB 1485 clarifies that a permit from the executive director of the Department of Environmental Quality (DEQ) is required to begin construction or make changes to a system involving municipal water treatment, nonindustrial wastewater or sewage sludge. The measure also authorizes the department to issue permits for aquifer storage and recovery pilot projects.

HB 1492 allows a designee of the State Fire Marshal to serve on the Oklahoma Hazardous Materials Emergency Response Commission.

SB 287 authorizes the Corporation Commission and the DEQ to

seek delegation from the U.S. Environmental Protection Agency to administer programs regulating oil and gas discharges into the state's water bodies. If the agencies receive this authority, discharge permit wait times are anticipated to decrease.

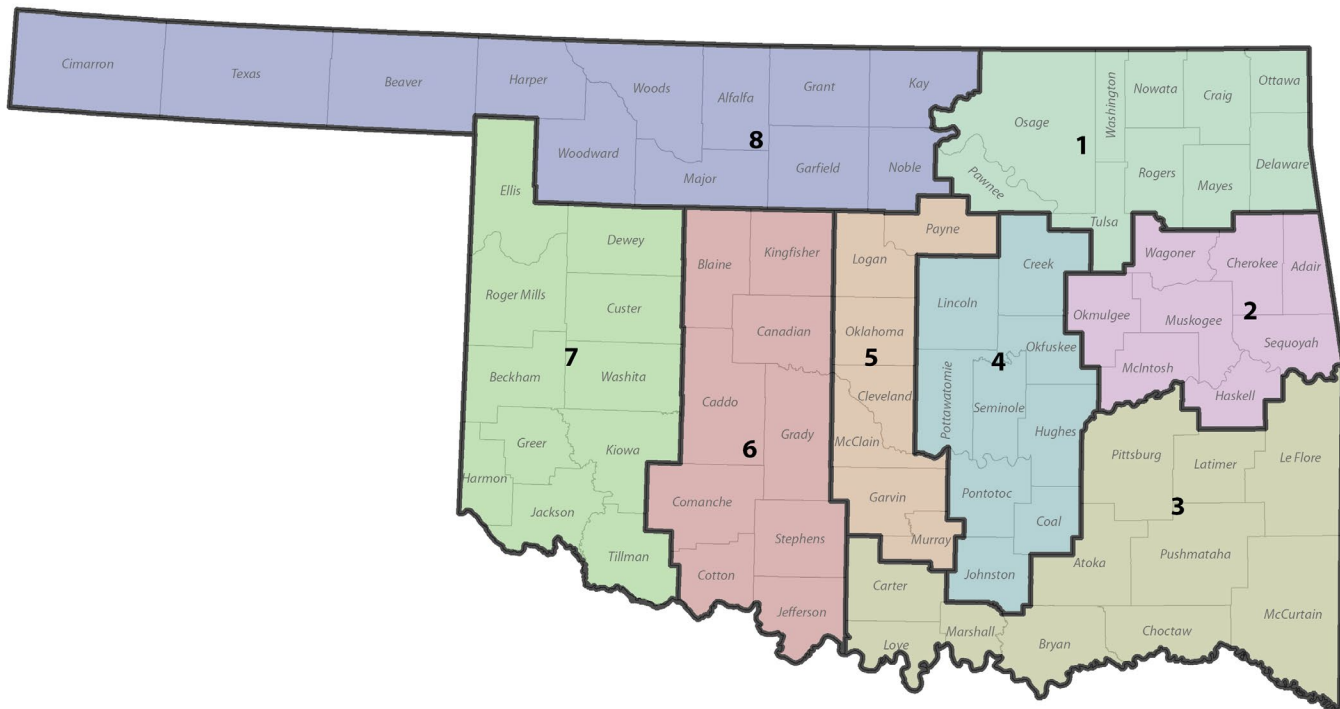
SB 426 modifies the Used Tire Recycling Act by adding definitions for a *reusable tire*, *trailer*, *semitrailer*, and *vehicle* and creates assessments for the latter three. The measure also removes the requirement that tire-derived fuel facilities collect and transport tires from farm equipment, but creates a new reimbursement rate to incentivize collection and transport of those tires. Lastly, the bill empowers any peace officer to issue citations for violations of the act and directs the allocation of penalties.

SB 668 declares the primary purpose of the Scenic Rivers Act is to encourage preservation of the designated rivers. The measure clarifies the Grand River Dam Authority's jurisdiction



A view of the north Capitol complex from the construction scaffolding.

HB 1501 Wildlife Commission Districts



Source: Oklahoma Department of Wildlife Conservation

over the state's scenic rivers and states that the Legislature recognizes the necessity of interagency and user cooperation in order to preserve them.

Wildlife

HB 1501 changes the required number of meetings of the Wildlife Commission from the first Monday of each month to at least nine times per year, with no more than one meeting per month and no more than two months between meetings.

The map above shows the Wildlife Commission's districts.

HB 2395 modifies the licenses and fees for operating commercial hunting areas. The measure requires a hunting license for nonresidents and residents hunting big game, combination big game and upland game, or exotic wildlife in a commercial hunting area. Current law requires tags for wildlife killed at commercial hunting areas; the measure caps this tag at \$10, with an

exception for female deer, whose tags have no fee.

SB 635 creates nonresident youth hunting licenses for the following deer seasons: gun, archery and primitive firearm.

HB 1392 reauthorizes the income tax checkoff for the Oklahoma Wildlife Diversity Program and creates an income tax checkoff for the Oklahoma Emergency Responders Assistance Program and a related revolving fund. ■



Criminal Justice

The Legislature enacted several measures dealing with the criminal justice system. **HB 1121** creates the Oklahoma Domestic Violence Court Act of 2017, which allows any district or municipal court to establish a domestic violence court program and appoint a judge to preside over matters that arise in the context of domestic violence. A related measure, **HB 1466**, creates a procedure to allow the victim of domestic violence to transfer wireless telephone accounts or household utility accounts to their name when the account was previously in someone else's name. A court order containing relevant information is sent to the wireless service provider or household utility provider to transfer the account.

HB 1468 creates the Hidden Predator Act. The measure provides that the prosecution of rape, forcible sodomy and other related sex crimes must be commenced by the 45th birthday of the alleged victim and deletes the requirement that the victim notify law enforcement within 12 years after the discovery of the crime. The measure provides that no prosecution may be based solely upon a victim's memories recovered through psychotherapy and establishes that any person who knowingly and willfully makes a false claim will be, upon conviction, guilty of a felony.

HB 1123 makes it a misdemeanor to trespass on property containing a critical infrastructure facility that is punishable by up to six months imprisonment, a fine of not less than

\$1,000, or both. If it is determined the intent of the trespasser is to willfully damage or tamper with equipment, or impede operations of the facility, the punishment rises to a felony punishable by up to one year imprisonment, a fine of not less than \$10,000, or both. If a trespasser actually damages or tampers with equipment, the crime becomes a felony, punishable by imprisonment of not more than 10 years, a fine of \$100,000, or both. If an organization is found to be a conspirator with persons who are found to have committed any of the trespassing crimes described, the conspiring organization is to be punished by a fine that is 10 times the amount of the fine authorized by the appropriate provision of law.

SB 342 creates a task force to oversee an analysis of existing laws, policies and practices relating to fines, fees and costs assessed on persons interacting with the criminal justice process. The 12-member task force is to examine the percentage of owed fines, fees and costs that are actually paid, as well as how local and state governmental budgets are supported by these fines, fees and costs. The task force is to submit a report of its findings and recommendations by November 30, 2019.

SB 603 requires the Department of Corrections (DOC) to administer a risk and needs assessment on each inmate and to develop an individualized case plan based on the results of the assessment to guide an inmate's rehabilitation while in

the department's custody in order to reduce the likelihood of recidivism. The measure also provides that a risk and needs assessment is not required for any inmate who had such an assessment administered by personnel certified by the Department of Mental Health and Substance Abuse Services within six months of being sentenced to the custody of the DOC.

HB 1324 permits the use of a private provider for a presentence investigation in certain circumstances and increases the maximum fee that the court may order the defendant to pay for a presentence investigation from \$250 to \$500.



A griffin stands watch over exterior scaffolding.

HB 1483 increases the timeframe from three to five days a county has to transmit the judgment and sentence document to the DOC. The department must establish a method for issuing receipts certifying that it has received the document and the department is required to notify the county if it includes inaccurate information. If a corrected judgment and sentence document is not received within five business days from the date of notification, the department will not be responsible for the cost of housing the inmate in the county jail until such time that an accurate judgment and sentence documents is received. The measure provides that the reimbursement rate is \$27 per day unless the actual daily cost exceeds \$27, in which case the county must notify the department no later than September 30. The department may

accept the additional cost and begin paying the reimbursement rate to the county beginning the next fiscal year. If the department does not accept the county rate, the State Auditor is to determine the actual daily cost.

SB 217 directs the court to require sex offenders to report to local law enforcement and the DOC probation and parole office where they reside. The measure requires the court clerk to transmit the judgment and sentence or any plea paperwork to the Sex and Violent Offender Registration Unit of the DOC within three business days after the court orders the judgment and sentence. The bill requires the DOC to verify the address of habitual or aggravated sex offenders and those assigned to Level 3 every 90 days. The measure requires any person subject to the

provisions of the Sex Offenders Registration Act who resides, or intends to reside, with a minor child to report to the statewide centralized hotline of the Department of Human Services the name and date of birth of any and all minor children residing in the same household, and the offenses for which the person is required to register, within three days.

Victims' Rights

SJR 46 sends to a vote of the people a proposed amendment to the state constitution that, if approved, would expand the rights of crime victims. The amendment requires crime victims to be informed of their rights and the courts to enforce these rights. Crime victims would have the following rights:



An aerial view of the exterior restoration project provides a sense of the project's scale.

- to be treated with fairness and respect for the victim's safety, dignity and privacy;
- upon request, to reasonable and timely notice of and to be present at all proceedings involving the criminal or delinquent conduct;
- to be heard in any proceeding involving release, plea, sentencing, disposition, parole and any proceeding during which a right of the victim is implicated;
- to reasonable protection;
- upon request, to reasonable notice of any release or escape of an accused;
- to refuse an interview or other request made by the accused or any person acting on behalf of the accused, other than a refusal to appear if subpoenaed by defense counsel;
- to full and timely restitution;
- to proceedings free from unreasonable delay and a prompt conclusion of the case;
- upon request, to confer with the attorney for the state; and
- to be informed of all rights.

HB 1680 provides that the district attorney's office must inform a crime victim that they have the right to utilize the Victim Information and Notification Everyday (VINE) service to receive information regarding the location of the defendant following an arrest, during a prosecution of the criminal case, during a sentence to probation or confinement, or when there is any release or escape of the defendant from confinement. The measure requires the Department of Corrections (DOC) to give notice of the projected date of release of the inmate to the designated Oklahoma service provider within 60 days, but not less than seven days, prior to the release of the inmate. The measure provides that opinions of the Court of Criminal Appeals designated for official publication must also be published on the Oklahoma State Courts Network website and must provide notice to all interested parties of the appeal not less than two business days prior to publication. The measure requires the DOC, rather than the district attorney, to make notifications prior to the placement of an inmate on the electronic monitoring program.

HB 1306 creates the Blue Lives Matter in Oklahoma Act of 2017 and provides that any person convicted of, or who pleads guilty or *nolo contendere* to, murder in the first degree of a law enforcement officer, correctional officer or corrections employee will be punished by death or by life without parole, absent an overwhelming amount of mitigating evidence.

HB 1394 removes the Domestic Violence Fatality Review Board within the Office of Attorney General from sunset review.

HB 1478 requires the name of the complainant to the Attorney General Office of Civil Rights Enforcement regarding alleged racial profiling be redacted from the annual report that is generated by the office. The measure also requires the Attorney General to allow for electronic submissions of the complaint form, make good-faith efforts to contact the complainant if

the complaint form is insufficient or incomplete, and provide two access numbers to the Office of Civil Rights Enforcement for persons who need assistance in completing or filing the complaint form.

Miscellaneous Criminal Justice

HB 1005 provides that the crime of rape by instrumentation is to be considered first degree rape.

HB 1127 requires the court to instruct the jury on the definition of *consent* in any criminal jury trial that involves sexual assault.

HB 1335 modifies the definition of *court*, as used in determining competency, to mean the court in the county where the person is found to be not guilty by reason of mental illness or guilty with mental defect.

HB 1679 clarifies the manner in which a death sentence is carried out and provides that the Uniform Controlled Dangerous Substances Act does not apply to the DOC or to any person who participates in the execution or administers one or more controlled dangerous substances.

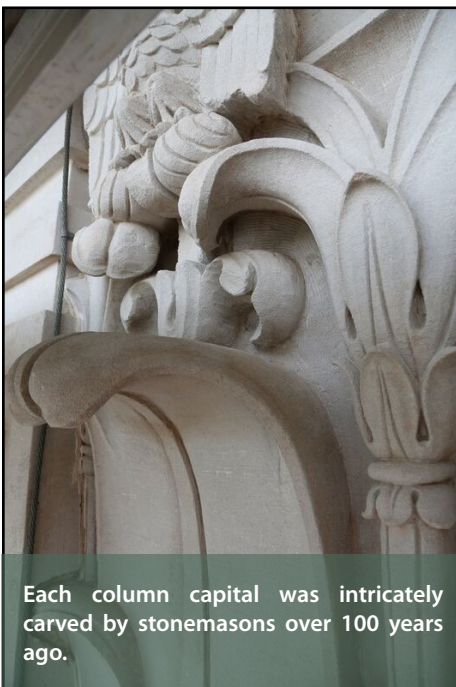
HB 1811 requires any entity in possession of or control of obscene material or child pornography receive consent from the district attorney prior to destroying the material.

SB 34 provides that lack of knowledge of the age of the victim does not constitute a defense to human trafficking of a minor.

SB 38 increases from \$5 to \$10 the forensic science improvement assessment for each conviction of any criminal offense, excluding traffic.

SB 39 increases from \$5 to \$10 per offense the fingerprint fee assessed on persons convicted of any misdemeanor or felony offense, excluding parking and standing violations. Nine dollars of the fee is to be paid directly to the Automated Fingerprint Identification System Fund and \$1 is to be paid to the General Revenue Fund.

SB 77 allows forensic laboratory personnel of the Oklahoma State



Each column capital was intricately carved by stonemasons over 100 years ago.

Bureau of Investigation (OSBI) to administer opiate antagonists without a prescription when encountering an individual exhibiting signs of an opiate overdose.

SB 273 provides that subcontractors can be charged with the crimes of *forcible sodomy, rape, and sexual battery* when committed against a person in the legal custody of the state or federal government, a county, a municipality or a political subdivision of this state.

SB 286 repeals several obsolete statutes relating to crimes against women. The measure repeals

the punishment for slandering a woman's virtue; the punishment for seducing an unmarried female with the promise of marriage; and lastly, the punishment for abandonment after seduction and marriage of a female who was initially a victim of seduction.

SB 692 provides that district attorneys are not required to submit narrative reports to the DOC and the Pardon and Parole Board describing the crime and any factors that might enhance or diminish the gravity of an offender's conduct when the offender has been sentenced to a term of incarceration of five years or less.

SB 834 makes an appropriation from the state's Special Cash Fund of \$710,731 to the Indigent Defense System for duties performed in the current and upcoming fiscal year. These funds will mainly be utilized for the hiring of attorneys in conflict cases and to provide for expert witnesses.

SB 840 increases from \$9 to \$10 the fee collected for Council on Law Enforcement Education and Training (CLEET) from any person convicted of an offense punishable by a fine of more than \$10. ■



Economic Development & Financial Services

Lawmakers authorized the creation and extension of several tax credits to bring new tourism attractions to the state and show their support and commitment to the growth of the aerospace industry.

HB 2131 creates the Oklahoma Economic Development Act of 2017, which establishes a framework for the Oklahoma Tourism and Recreation Department to offer inducements in the form of sales tax credits to companies for creating or expanding tourism attractions in the state. The credit reimburses between 10 to 25 percent of the approved costs for a project, which depends on the amount of qualified expenditures by the company for the project, and is capped \$15 million each year.

SB 120 extends the sunset date of three tax credits that benefit

aerospace engineers and their employers until tax year 2025. The extended credits provide an income tax credit equal to:

- 50 percent of the tuition reimbursed by an employer for a qualified employee;
- 10 percent of the compensation paid to a qualified employee who graduated from a state college for the first through fifth year of employment; and
- \$5,000 per year for up to five years for every qualified aerospace employee.

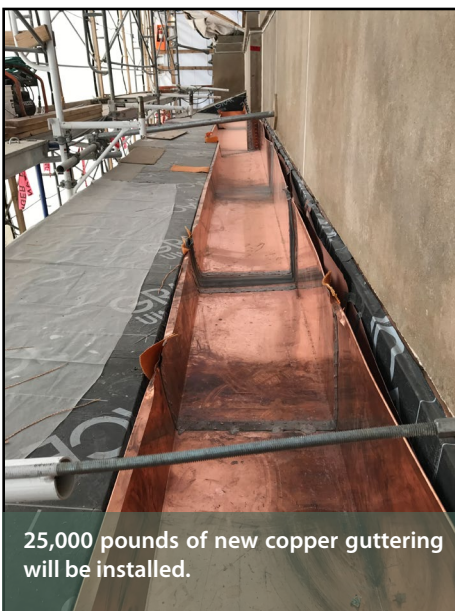
Business and Labor

HB 1110 makes several changes to the Employment Security Act by:

- clarifying the maximum weekly unemployment benefit amount;
- providing for a credit for taxable wages in the first calendar year in which a professional employer organization account is set up;
- providing for a rate reduction, offset by a technology reinvestment fee for the purpose of updating certain outdated equipment and software; and
- clarifying and updating statutory language.

SB 769 modifies the Oklahoma General Corporation Act (OGCA) by updating and establishing procedures relating to:

- actions taken on behalf of an incorporator by a person employed as or acting as an agent;
- interpretation and enforcement of corporate instruments and the OGCA;
- forum selection for corporate claims;
- registered agents located in state;
- indemnification of officers, directors, employees, agents and persons named in a lawsuit;
- issuance of stock and certification of stock certificates;
- ratification and proceedings regarding the validity of defective corporate acts and stock;
- determining shareholders of record;
- access to proxy solicitation materials and proxy reimbursement expenses;
- removal of directors due to criminal conviction in connection with duties to the corporation;
- amendments, restoration and revival of the certificate of incorporation;
- mergers, consolidations and dissolution of corporations;
- appraisal rights;
- foreign corporations; and



25,000 pounds of new copper guttering will be installed.

- service of process through the Secretary of State.

The measure also modifies the Oklahoma Limited Liability Company Act by updating procedures relating to:

- distribution of profits, losses and assets;
- withdrawal of membership from an LLC;
- mergers, consolidations and conversions; and
- reinstatement of an LLC that is not in good standing with the Secretary of State.

SB 493 provides an exemption to lumber and building material retailers from penalties associated with overcharging or the misrepresentation of prices and quantities in a retail store.

HB 1282 makes several changes to the statutes governing the licensure of professional engineers and surveyors, including:

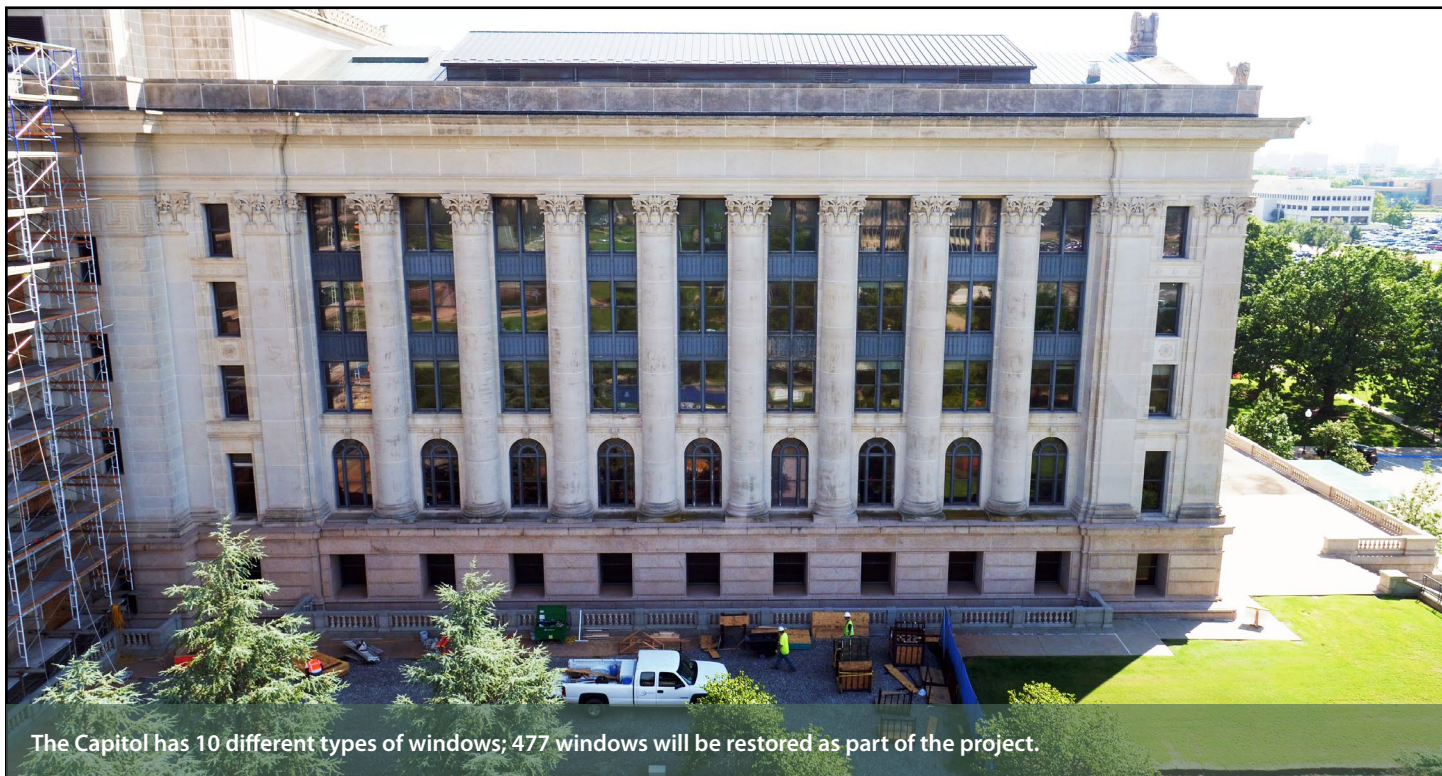
- adding *professional structural engineer* to the list of professions covered;

- modifying definitions relating to the practice of engineering and the practice of surveying;
- clarifying that certain provisions apply to professional engineers and surveyors;
- empowering the State Board of Licensure for Professional Engineers and Land Surveyors to create a scholarship program and to conduct instructional programs for currently licensed engineers and surveyors;
- placing all employees of the board in unclassified status;
- authorizing the board to deny or revoke a license, or otherwise penalize, in cases of failure to obtain required professional development hours as approved by the board. Further, the board is directly authorized to initiate an investigation concerning professional licensed activities of licensees; and
- requiring all firms applying for a certificate of authorization to designate a professional engineer or professional land surveyor to be the managing agent of the firm.

HB 1283 requires an applicant for a building inspector license to have successfully completed an approved examination and to have been employed by a political subdivision. The measure provides that inspector licenses, except for the two-year provisional license, are to be issued for one year and expire on the licensee's birth date. Finally, the bill allows for license renewal if the inspector is not employed at the time of renewal as long as all other requirements are met and the application reflects the change in employment.

HB 1169 authorizes the Labor Commissioner to determine the date and frequency of required inspections for amusement rides, depending on the classification of the ride, and provides that any permanent or temporary amusement device must receive an initial inspection prior to operation.

SB 469 authorizes the Oklahoma Funeral Board to approve course providers and curriculum required for licensure as a funeral director. The measure also modifies qualifications for licensure by requiring a passing score on the International Conference of Funeral Service Examining Board,



The Capitol has 10 different types of windows; 477 windows will be restored as part of the project.

National Board Science Examination and/or Arts Examination, or alternatively, completion of the board-approved course of study.

SB 531 provides that a licensee under the Alarm, Locksmith and Fire Sprinkler Industry Act is not required to obtain multiple licenses to install, repair or modify any component of an integrated security system. The measure also authorizes the Department of Labor to regulate advancements in technology that apply to the industries covered by the act.

SB 266 updates the real estate code to provide for a broker associate license, creates a path from broker associate to licensed broker, and clarifies education requirements for licensure.

HB 1233 transfers, from the Department of Labor to the courts, the authority to order employment agents to refuse service to an employer as well as to enforce violations of employment statutes.

HB 1621 makes unemployment benefits based on service with an educational service contractor payable on the same terms as other employment subject to the Employment Security Act. Time during the break between two successive academic years, if service was performed during the first year and there is assurance that the individual will perform service during the second year, is not eligible for benefit payments.

HB 2423 clarifies that any reference in statute to the Workers' Compensation Court refers to either the Workers' Compensation Court of Existing Claims or the Workers' Compensation Commission.

SB117 provides for the apportionment of \$6 million in federal funds made available to the Employment Security Administration Fund. The funds are to be distributed equally for the administration of the employment service program and unemployment insurance program.



Insurance

Faced with rising health insurance premiums and uncertainty regarding congressional action, the Legislature took action to shore up the individual health insurance market in Oklahoma by creating a framework for out-of-state insurers to sell their products to Oklahomans and a plan to help stabilize the market. Other measures passed this session allow insurance companies to incentivize tornado-proof housing and authorize electronic delivery of insurance policy documents.

SB 478 allows insurers authorized to sell in other states, but not authorized in Oklahoma, to apply for a limited exemption in order to issue accident and health policies in Oklahoma. The insurer must be domiciled in a state that has a legislatively-approved compact with the state of Oklahoma and must offer policies that contain all mandated health benefits required by Oklahoma law and comply with all other applicable laws pertaining to coverage. The Insurance Commissioner may only

grant written approval to an out-of-state insurer that is properly licensed in its state and has met market conduct requirements applicable to in-state insurers. Finally, the measure authorizes the commissioner to negotiate compacts with other states to allow insurers domiciled in those states to sell policies in Oklahoma.

HB 2406 creates the Oklahoma Individual Health Insurance Market Stabilization Act. The act is intended to lower health insurance premiums by instituting a stabilization program, which provides payments to health insurance plans, establishes a high-risk pool, and implements reinsurance or other programs as needed. The program is authorized to submit a waiver under Section 1332 of the Affordable Care Act, and upon approval of the waiver and receipt of federal funds, to implement the program with support from the Insurance Department. Any permanent resident of Oklahoma who is currently qualified for, and enrolled in, coverage through the market is eligible for coverage under the stabilization program except those

entitled to health care benefits under another federal or state program or an inmate in a state prison.

HB 2236 expands reporting requirements currently applied to small-employer health benefit plans, by removing the exception for insurers that provide coverage to employers with fewer than 50 full-time-equivalent employees. The measure also requires a carrier to notify an employer no later than 60 days before the deadline to submit changes to the health benefit plan, if the carrier requires an employer to submit those prior to the annual renewal date.

HB 1824 requires a health benefit plan to apply a prorated cost-sharing amount for a partial supply of a covered drug if the amount and intention are to synchronize the dates that the pharmacy dispenses the drug. The measure also allows a pharmacist to override a denial of coverage by the health benefit plan if the prescription is a partial supply being used to synchronize the medication and the basis for the denial is that the prescription is being refilled before the plan's guideline dates.

HB 1819 prohibits a health benefit plan that covers prescription eye drops from denying coverage for a refill prescription as long as enough time has passed that 70 percent of

the dosage should have been used, the prescription indicates that more is needed, the refill does not exceed the additional amount needed and the prescription is covered.

HB 1720 allows insurance companies to provide a discount, rate reduction or other related adjustments for new insurable property built to resist loss due to tornado or catastrophic windstorm events if the company determines the discount to be actuarially justified. The property must be a single-family home, certified as constructed according to certain industry standards.

SB 495 requires an insurer to obtain evidence that the owner of insured property in a rural fire district is current on annual dues or subscription payments to the fire district or department.

HB 2303 requires an abstract company to release an abstract without delay upon request from the owner or another party to the transaction. The measure also requires release of information regarding previously issued title insurance upon request of the owner or authorized agent.

HB 2234 adopts the current Model Holding Company Act from the National Association of Insurance Commissioners, including:

- adding new definitions for group-wide supervisor and internationally active insurance group;
- clarifying authority of an insurer to invest in a subsidiary;
- providing additional reporting requirements in cases of acquisition of, or merger with, a domestic insurer;
- clarifying notice requirements in acquisition of certain insurers;
- requiring all insurers to report dividends and other distributions to shareholders within two days of declaration;
- authorizing the Insurance Commissioner to order an insurer to produce information that is not in the insurer's possession, but to which it has the ability to gain access;
- authorizing the commissioner to suspend, revoke, or refuse to renew an insurer's license for violations of the act;
- increasing certain penalties and fines; and
- providing that the Oklahoma County district court is to hear appeals.

SB 372 provides that electronic delivery of required notice or documents related to an insurance transaction is considered equivalent to delivery by mail, subject to the requirements of the Uniform Electronic Transactions Act.

SB 438 exempts an insurance policy sold to a city or town in Oklahoma from the surplus lines premium tax.

SB 673 clarifies the duties of the Attorney General as they relate to proceedings before the Insurance Commissioner, and updates statutory language.

SB 115 transfers the online verification system for vehicle insurance and the uninsured vehicle enforcement program from the Department of Public Safety to the



A worker cuts toe boards to install on the scaffolding as a safety measure.

Oklahoma Insurance Department. The bill also authorizes the Insurance Commissioner to initiate an administrative proceeding against an insurance company found to not be providing vehicle insurance policy information to the online verification system.

SB 427 makes a number of changes to the Service Warranty Act, including changing references from *service contract* to *service warranty*. The measure clarifies exemptions from financial reporting requirements and removes a requirement that the Insurance Commissioner approve service warranty forms prior to use. Finally, the bill expands the definition of *Misrepresentation and False Advertising of Service Warranties* by including additional types of false, deceptive or misleading statements.

The Service Warranty Act governs most contracts for repair or replacement of property due to a defect or failure in materials or workmanship, with some exceptions. A service warranty is not considered insurance or governed by the Insurance Code.

SB 431, the insurance omnibus bill, makes several changes to the insurance code, including:

- clarifying that the Insurance Commissioner may set all compensation of Insurance Department employees and appointees;
- allowing for data calls and Market Conduct Annual Statements to be considered confidential and not subject to subpoena;
- prohibiting an insurance company from investing more than an aggregate of 35 percent of its assets in certain types of investments;
- permitting an insurance company to sell or lease real property to any purchaser or lessee, rather than only another corporation; and

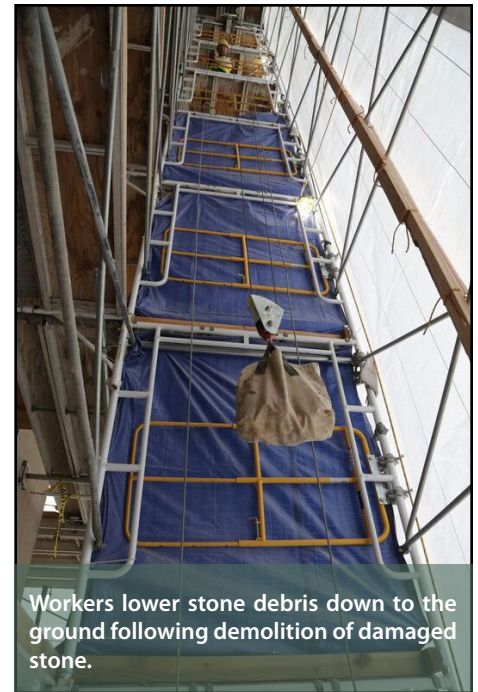
- removing exemptions provided to HMOs that contract with the Oklahoma Health Care Authority relating to minimum net worth and risk-based capital requirements.

SB 525, the bail bonds omnibus bill, makes several changes to the bail bond code, including:

- requiring two sets of fingerprints and photographs to be submitted with an application for a bondsman license;
- prohibiting operation of a bail bonds office or business in the presence of anyone disqualified by statute from serving as a bail bondsman, except as necessary for that person to obtain a bail bond;
- providing that marriage or cohabitation with a bail bondsman does not violate the prohibition on disqualified individuals receiving benefits from the execution of a bail bond;
- requiring a bail bondsman to notify the court clerk of a change in residence or business address within 5 days;
- requiring law enforcement to post a list of all bondsmen permitted to write bonds within the county near telephones used by prisoners, and that the county clerk update and distribute the list to law enforcement monthly; and
- adding two new causes for a bond to be exonerated by operation of law.

Banking and Financial Services

HB 1395 allows financial institutions to release the contents of a safety deposit box to a person who has authorized access immediately following the death of the lessee. The individual must submit an affidavit to the financial institution, take possession of all contents within the box and may terminate the lease on the box. The measure also eliminates



Workers lower stone debris down to the ground following demolition of damaged stone.

notice requirements to the Oklahoma Tax Commission.

SB 64 increases, from \$20,000 to \$50,000, the amount of funds held by a bank that may be transferred to the known heirs of a deceased person using an affidavit. A person who knowingly submits and signs a false affidavit may be punished by a fine of up to \$3,000, up to six months of imprisonment, or both.

HB 2178 allows private K-12 schools to assess a service fee for sales or services paid by a credit or debit card.

SB 358 modifies the auditing standards for any public trust with more than \$50,000 in revenue or assets by removing the fieldwork and reporting standards.

SB 467 modifies the allocation of fees and civil penalties collected by the Department of Consumer Credit. Currently, 80 percent of the fees and fines collected are deposited into the Consumer Credit Administrative Expense Revolving Fund and the remaining 20 percent is allocated to the General Revenue Fund. The measure changes the allocation percentages to 90 and 10 percent, respectively.

SB 468 makes the State Banking Commissioner a voting member of



the Commission on Consumer Credit and strikes language that requires the commission to meet monthly.

Tourism

SB 872 allows the director of the Office of Management and Enterprise Services to certify that at least \$10 million has been deposited into the American Indian Cultural Center and

Museum Completion Fund, satisfying the requirement for the Oklahoma Capitol Improvement Authority to issue bonds funding construction of the museum. This will lead to the transfer of the center and museum to the city of Oklahoma City.

SB 17 creates the 1921 Tulsa Race Riot Centennial Memorial

Revolving Fund for use by the Oklahoma Historical Society (OHS) to commemorate the centennial of the Tulsa race riot.

SB 153 deletes the requirement that the Oklahoma Tourism and Recreation Commission use monies collected from entrance or day-use charges for capital improvements and provides that the commission may establish other kinds of passes in addition to or in place of an annual pass.

SB 237 authorizes the Board of Directors of the Oklahoma Historical Society to trade, sell or barter certain collection items that do not conform to OHS collection policies. Proceeds from these transactions may only be used for the acquisition, conservation or use of collections at other OHS facilities.

HB 1836 removes the limitations on the total number of hours allowed for authorized gaming to take place at licensed facilities. ■



Education

The Legislature adopted several measures affecting common education including overhauling the A-F Grading System by bringing it into compliance with federal law and modifying eligibility for Oklahoma's Promise scholarship program.

Common Education

HB 1693 puts into place the framework and components for a new A-F School Grading System that brings Oklahoma into compliance with the federal Every Student Succeeds Act. Grades will be provided for each indicator as well as a summative grade of all indicators. Indicators include, but are not limited to, statewide assessments, graduation rates and English language proficiency for English language learners. The State Board of Education may adopt alternate systems of accountability for statewide virtual charter schools, alternative education programs and schools serving only grades prekindergarten or kindergarten through second grade.

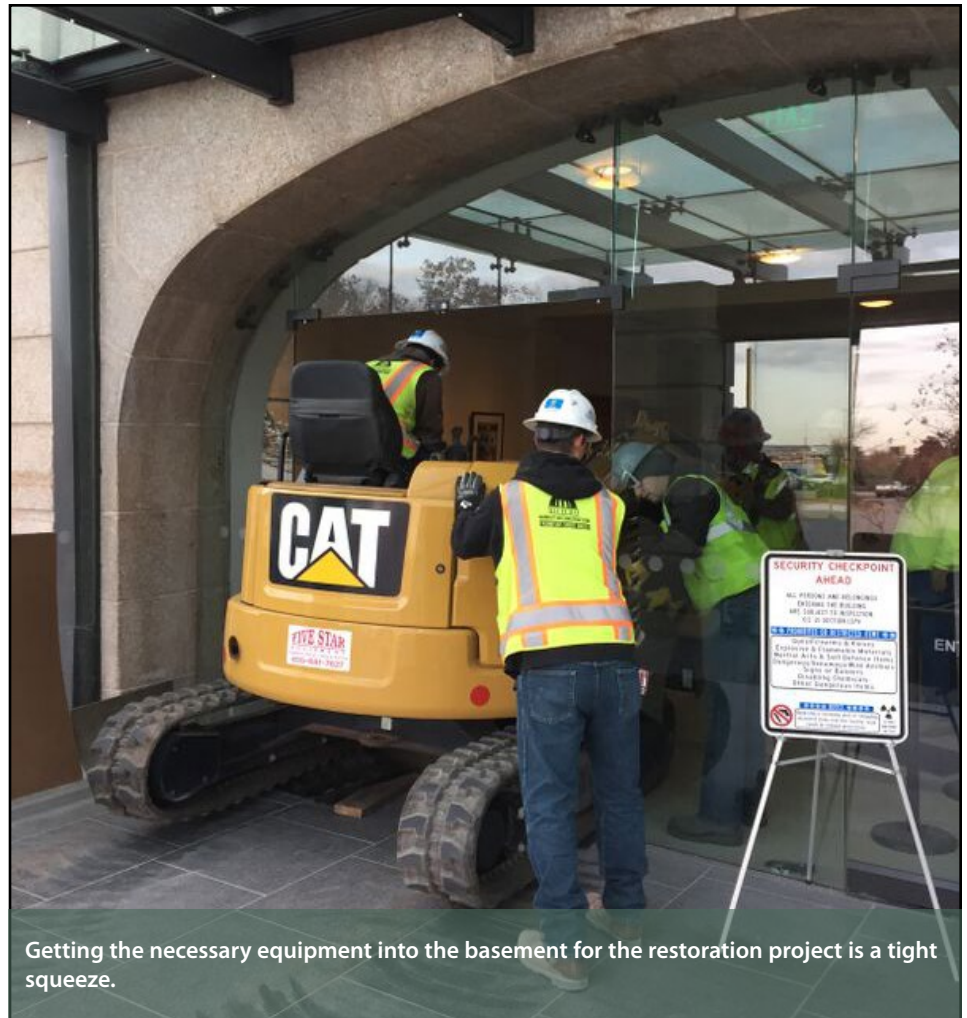
HB 2155 directs the State Board of Education to adopt a new statewide system of college and career planning tools to be known as the Individual Career Academic Plan (ICAP). Students entering the ninth grade during the 2019-20 school year will be required to complete an ICAP in order to graduate. The bill specifies the contents of an ICAP including career- and college-interest surveys and an intentional sequence of courses that reflect progress toward a

postsecondary goal. Implementation of the system will begin during the 2017-18 school year.

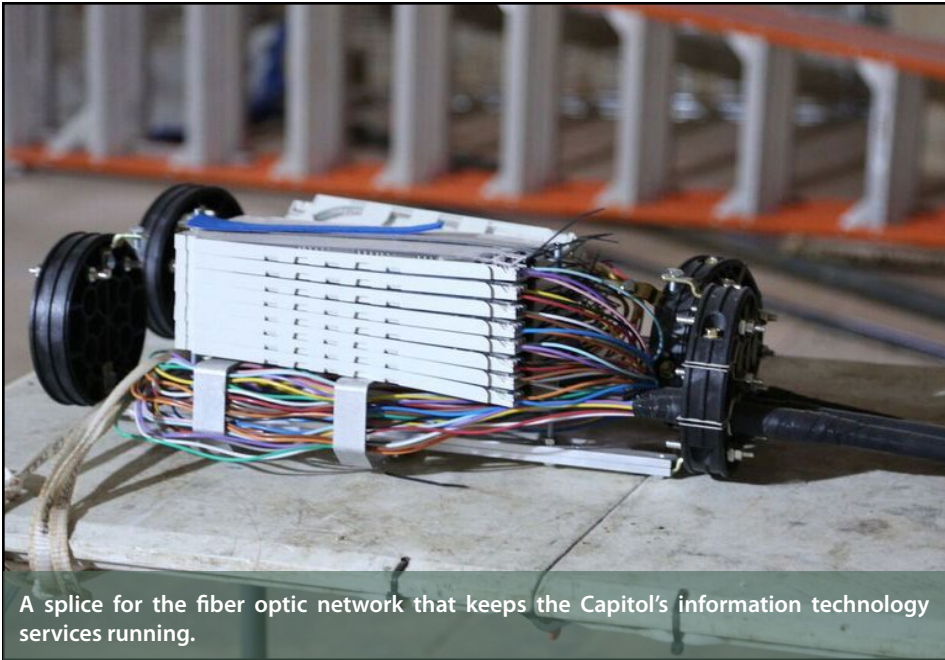
HB 1789 requires early childhood, elementary, and special education teachers to receive specific training in research-based instructional strategies for instruction, assessment and intervention for literacy

development of all students including advanced readers, English Language Learners and students with learning disabilities such as dyslexia.

HB 1622 requires school districts to notify teachers in writing if the district intends to provide retirement benefits to a teacher in a way that would be less than the amounts



Getting the necessary equipment into the basement for the restoration project is a tight squeeze.



A splice for the fiber optic network that keeps the Capitol's information technology services running.

set forth in the minimum teacher salary schedule. New teachers must be notified prior to employment and current teachers must be notified no later than 30 days prior to the date that the district elects to provide retirement benefits that would lower the teacher's salary below the minimum salary schedule.

SB 244 requires virtual charter schools to adopt an attendance policy and to keep full and complete attendance records for all enrolled students by July 1, 2018. Additionally, the measure directs virtual charter schools to notify the parent or legal guardian of a student who has been withdrawn for truancy or is approaching truancy.

SB 529 modifies the Oklahoma Higher Learning Access Program (OHLAP) by:

- allowing awards to be made to eligible students enrolled in a career technology program that is supervised by the state and that would meet the requirements to be eligible for federal student financial aid;
- requiring students to meet retention and degree completion requirements established by the institution;

- prohibiting the use of award monies to pay for remedial coursework beginning in the 2018-19 academic year;
- adjusting the parental income cap for students who apply in the eighth, ninth or tenth grade beginning in the 2017-18 school year from \$50,000 to \$55,000 and from \$55,000 to \$60,000 in the 2021-22 school year;
- specifying how income qualification will be determined for students who are independent of their parents, in the custody of the Department of Human Services or in the court-ordered custody of a federally recognized Indian tribe; and
- specifying under what conditions the Oklahoma State Regents for Higher Education will review the determination of financial qualification.

HB 1694 modifies the Passport to Financial Literacy Act to include managing a bank account and understanding the Free Application for Federal Student Aid. Beginning with the 2020-21 school year, all teachers who are assigned the responsibility for teaching personal financial literacy must complete ongoing professional development

in the areas of personal financial literacy instruction. The bill also requires payday lenders to deposit eight cents for each deferred deposit into the Consumer Credit Counseling Revolving Fund and 22 cents into the Personal Financial Literacy Education Revolving Fund.

SB 301 modifies the Lindsey Nicole Henry Scholarship program by providing eligibility for a child who has been adjudicated deprived and is in the custody of DHS. Additionally, it exempts from the attendance, individualized education program and individualized service plan requirements, students who were in out-of-home placement or adopted while in the permanent custody of DHS, or were in out-of-home placement with the Office of Juvenile Affairs.

SB 632 streamlines the process for the timely transfer and/or enrollment of students placed in state care, including the timely delivery of temporary and permanent student records in accordance with the foster care state plan developed by the State Department of Education (SDE) in collaboration with the DHS, as required by federal law. Additionally, it creates the Education Compact for Students in State Care Advisory Committee.

The bill provides that power of attorney issued pursuant to Title 10 of the Oklahoma Statutes and an out-of-home care placement agreement executed on a form provided by DHS are sufficient documents for the purposes of enrollment. It provides a timeline for students to obtain the necessary immunizations for school attendance and provides that upon enrollment the receiving school must verbally notify the parent, legal guardian or legal custodian about the immunization exemptions provided for in statute.

Students who are placed in state care during the ninth through twelfth grades will be automatically enrolled in the core curriculum, but students who are enrolled in the OHLAP

must be given the opportunity to complete the program's curriculum requirements.

HB 1760 and **SB 84** both provide that students who score below the proficiency level may be evaluated for probationary promotion, beginning with the 2017-18 school year, and remove the sunset clause on probationary promotion. The map below shows which states require or allow for retention in the third grade.

HB 2008 creates the Dyslexia and Education Task Force, which will create a dyslexia handbook that will provide schools, students and parents with the tools to identify, intervene and provide support to students with dyslexia. A final report must be provided to the Legislature and Governor by December 1, 2018.

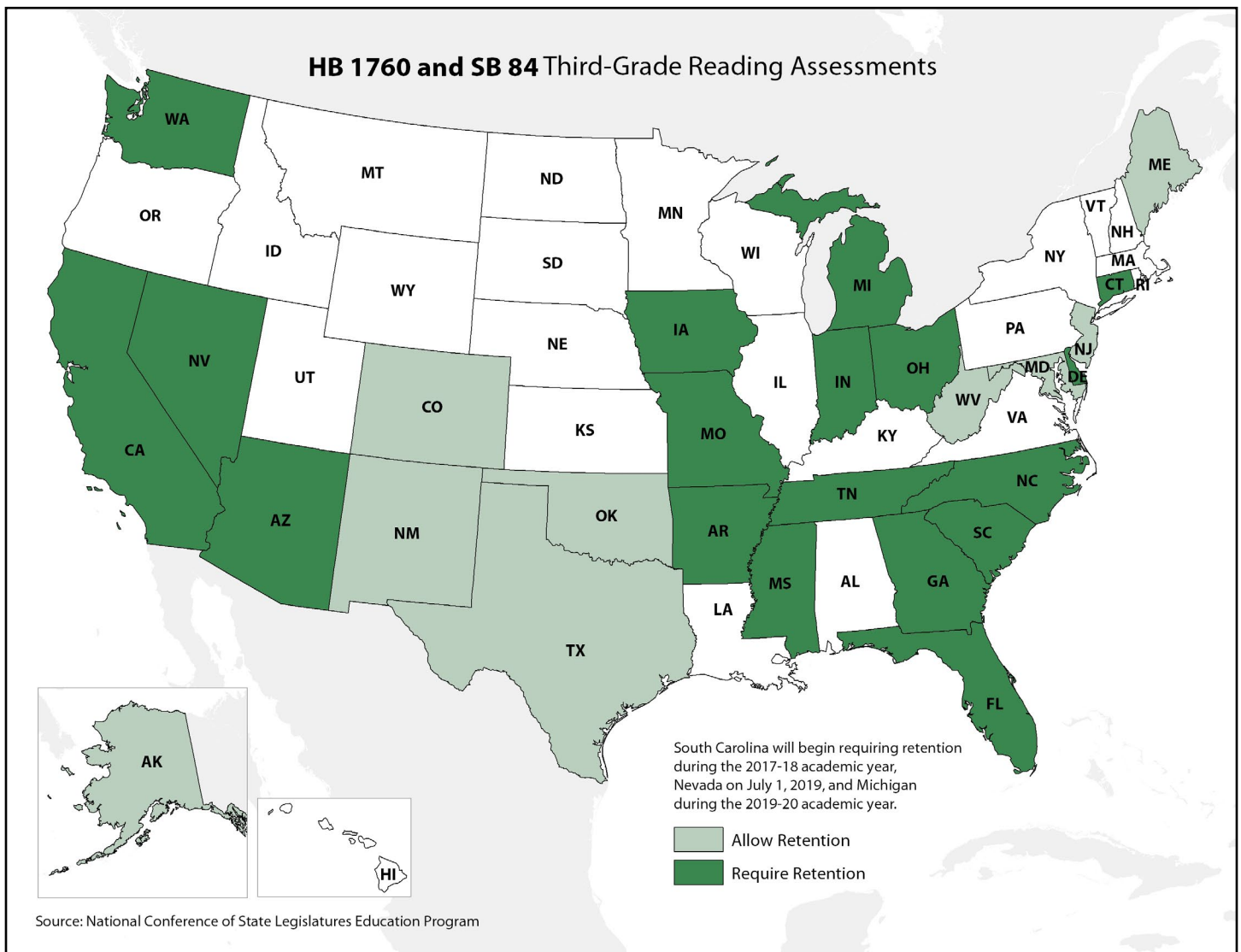
HB 1623 prohibits the use of corporal punishment on students identified as having the most significant cognitive disabilities, unless exceptions are addressed in the student's individualized education plan developed in accordance with the Individuals with Disabilities Education Act. A parent or guardian may waive the provisions of this bill by providing written consent.

HB 1668 removes the requirement that high school staff advise student athletes on future eligibility in intercollegiate athletics if they receive money or things of value.

HB 1715 permits the use of school buildings and property by youth groups listed in U.S. Code 36, such as Big Brothers-Big Sisters, Boy Scouts or Girl Scouts, outside of instructional

time. Beginning with the 2017-18 school year, school principals must allow representatives of these types of groups the opportunity to speak with and recruit students to participate in their organizations during school hours. A group must provide written notice to the school principal that they wish to speak to students and the principal will notify the group of a specific date and time.

HB 1875 allows school districts to donate food to a nonprofit organization through an authorized on-campus nonprofit representative who is directly affiliated with the school as a teacher, counselor or PTA member. Food may be received, stored and redistributed at the school at any time. School employees may assist in preparing and distributing the



food as volunteers for the nonprofit organization. School districts and the nonprofit organizations that receive a good-faith donation of food that is fit for human consumption at the time of the donation are exempt from civil and criminal liability.

HJR 1028 approves new statewide student assessment requirements adopted by the State Board of Education.

HB 2156 stipulates that world languages may be counted as core curriculum unit.

HB 1202 defines *per pupil expenditure* and lists the categories for aggregate current expenditures. This definition applies when related to the expenditure of public funds by educational and governmental entities. Aggregate current expenditures will not include expenditures for adult and community education, facilities acquisition and construction services, debt services, property and other expenditures not related to day-to-day operations.

HB 1201 modifies the School District Transparency Act by excluding copies of all credit card statements from the school district expenditure database and clarifies that per-pupil expenditure will be calculated using total current expenditures.

HB 1578 creates a task force to study and make recommendations to the Legislature on improving the State Aid formula. Recommendations must be provided by December 31, 2018. The bill also creates the School Finance Review Commission. The commission will conduct a review of all matters related to school finance, including teacher compensation, benefits and administrative costs. An initial report must be submitted to the Legislature and Governor by December 31, 2023, and every four years onward by December 31.

SB 514 establishes a task force to study and make recommendations to the Legislature regarding administrative costs, eliminating duplicative overhead costs and

improving efficiency among school district operations. A final report must be submitted to the Legislature and Governor by August 1, 2018.

SB 12 authorizes private schools to establish campus police departments.

Teachers

HB 2386 restores the definition of *teacher*, which was modified last session, to include a district superintendent, principal, supervisor, school nurse, or any other person employed in a supervisory or administrative capacity by a district.

HB 1952 offers whistleblower protection to teachers who publicly or otherwise report what they believe is a violation of the Oklahoma Constitution or state or federal law or a rule promulgated pursuant to law. School districts must post the provisions of the bill in locations where it is reasonably assumed it will come to the attention of all teachers.

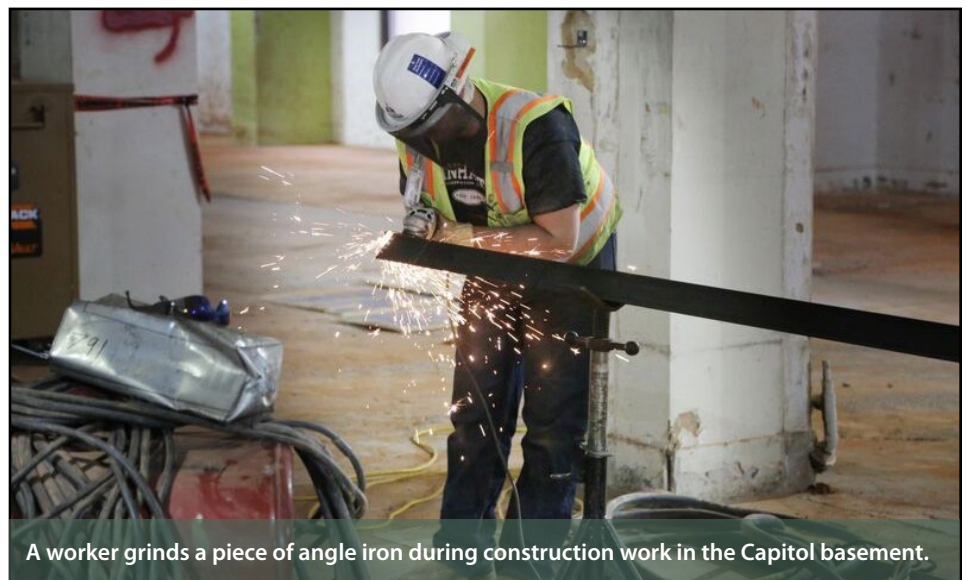
HB 2157 clarifies that teacher compensation does not include one-time incentive pay or retention incentive pay provided by a school district. It also gives local school boards the authority to extend an existing contract with a paraprofessional who compensates them for services rendered during the same time period the paraprofessional is also assigned to a school district as a student teacher.

SB 45 authorizes the State Department of Education (SDE) to directly contract with educators who are current or retired employees of Oklahoma school districts when their expertise is needed by the department. These contracts are not subject to competitive bidding requirements and may not be included in the calculation of the educator's salary for purposes of meeting the district or statutory minimum salary schedule or for calculating teachers' retirement contributions or benefits.

HB 1188 makes unused sick leave for teachers portable to the Oklahoma School for the Blind and the Oklahoma School for the Deaf.

HB 1576 directs the Commission for Educational Quality and Accountability to adopt rules requiring coursework or training in the use of digital technologies as a requisite for teacher education program accreditation by November 1, 2017. Similarly, teacher professional development procedures must incorporate digital teaching and learning standards.

Upon successful completion of the subject area portion of the competency examination, **HB 1206** allows any special education teacher to be certified in elementary or early childhood education for the purpose of providing direct instruction and serving as the teacher of record for



A worker grinds a piece of angle iron during construction work in the Capitol basement.

grading purposes in special education settings only.

HB 1957 removes the requirement that a person with a bachelor's degree enrolled in an alternative teaching program document at least two years of related work experience in the subject area of specialization.

SB 15 directs the SDE and the state regents to collaborate on establishing teacher recruitment programs, subject to the availability of funds. The bill creates the Oklahoma Teacher Recruitment Revolving fund, which will receive \$20 from the fee associated with the Oklahoma License to Educate license plate.

Higher Education

SB 600 modifies institutional eligibility requirements for the Oklahoma Tuition Equalization Grant. To be eligible for the grant an institution must have received not-for-profit status by the IRS and the U.S. Department of Education by July 1, 2012.

SB 425 allows any public or private institution of higher education that is a member of a governing authority, such as the NCAA, to have a cause of action against a third party who

engages in conduct that would violate the rules of the governing authority and cause the educational institution to incur sanctions or other economic penalties or losses.

SB 690 directs the state regents, the Oklahoma Military Department and the state's schools of social work to develop a Guard Advocacy Program for Oklahoma National Guard soldiers and airmen.

SB 357 authorizes the state regents to promulgate rules and procedures pertaining to repayment agreements executed in accordance with Student Educational Assistance Fund and deletes the regent's ability to notify licensing boards of a defaulted student loan.

Miscellaneous Education

HB 1219 repeals three obsolete education-related entities: the P-20 Data Coordinating Council, the Educational Quality and Accountability Board and the Teacher and Leader Effectiveness Commission.

HB 1506 specifies that student records may be stored in either a single or multiple file format and makes the inclusion of academic

extracurricular honors and awards optional.

HB 1755 modernizes language pertaining to out-of-country teaching certification documentation.

HB 1790 allows school districts to offer a remediation course for high school students who score below 19 on the ACT exam or below an equivalent score on the SAT exam.

HB 2181 modifies the timeframe for minutes of a local school board meeting to be provided to legal newspapers from within five days to no later than the end of the fourth business day.

SB 29 provides that local school boards will not be required to obtain a new criminal history background check for an individual who has obtained certification from the SDE within in the past 12 months.

SB 151 exempts employees of the Oklahoma State Bureau of Investigation who are elected to a local school board from the prohibition against dual office holding.

SB 231 repeals the School Health Coordinators Pilot Program. ■



Energy & Utility Regulation

Nearly all new oil and gas wells in Oklahoma are horizontal wells. The major energy-related focus this session was reform of horizontal drilling regulation, including a process to allow horizontal wells as long as 2 miles. Lawmakers also modified or ended numerous incentives for the oil, gas and wind industry.

SB 867, known as the “long-lateral bill,” authorizes the Corporation Commission to create well spacing units for horizontal oil or gas wells of up to 1,280 acres. An application for a horizontal spacing unit larger than 640 acres must include the basis for the request and propose a horizontal lateral of at least 7,500 feet unless reasonable cause is shown. Further, the drilling of a multiunit horizontal well as the initial well for a horizontal spacing unit is not allowable unless the lateral is to exceed 10,560 feet.

The measure also allows for horizontal spacing units to be established for a common source of supply for which there are already non-horizontal drilling and spacing units. The horizontal spacing unit may exist concurrently with any previous units so that each may be separately developed, with production from each well governed by the applicable unit.

HB 2429 changes the incentive rate from 1 to 4 percent for production from a horizontally drilled well that started producing between the period of July 1, 2011, through July 1, 2015. Currently, production from a horizontally drilled well spudded

during the aforementioned time frame is taxed at 1 percent for the first 48 months of production. This change in the incentive rate is expected to bring in \$95 million in increased gross production tax collections for FY 2018.

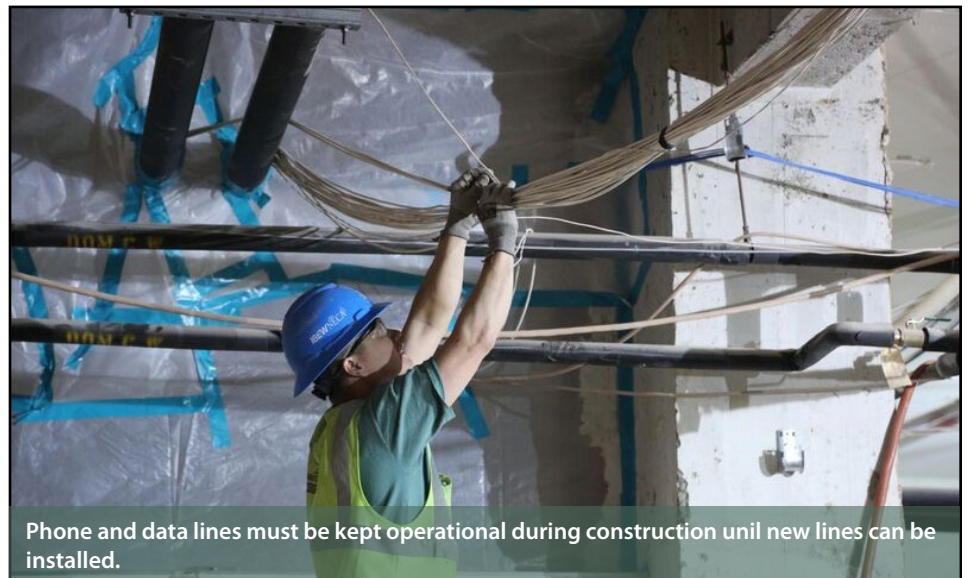
HB 2377 moves up the sunset date for numerous gross production tax incentives to July 1, 2017; requires claims for rebates to be made by September 30, 2017; and delays rebate payments until after July 1, 2018. The affected incentives relate to:

- incremental production from secondary and tertiary recovery projects;
- re-established production from an inactive well;
- production from production enhancement projects;

- production from deep wells with a depth between 12,500 and 14,999 feet;
- production from new discovery wells; and
- production using 3D seismic technology.

The measure also sunsets the incentive for production from an economically at-risk oil and gas lease on December 31, 2016; requires claims for rebates to be made by June 30, 2017, and delays rebate payments until after July 1, 2018. By placing a one-year moratorium on the rebate payments, collections are expected to increase by \$46 million for FY 2018.

SB 287 authorizes the Corporation Commission and the Department of Environmental Quality to seek delegation from the U.S. Environmental Protection Agency to



Phone and data lines must be kept operational during construction until new lines can be installed.

administer programs regulating oil and gas discharges into the state's water bodies. If the agencies receive this authority, discharge permit wait times are anticipated to decrease.

SB 593 requires notice of intent to construct a wind energy facility to be sent to oil and gas operators or holders of oil and gas leases within the same proximity as the proposed facility. The measure also removes a restriction on the proximity of a proposed wind energy facility to a private-use airport.

HB 2298 modifies a tax credit for electricity generated by zero-emission facilities. The measure changes the date in which assets must be placed in operation from January 1, 2021, to July 1, 2017. While there is no

immediate positive fiscal impact, passage ensures that the state will not be liable for hundreds of millions in tax credits in future years.

HB 1376 excludes cities, towns and counties from the definition of *public agency* within the Oklahoma Underground Facilities Damage Prevention Act. The measure also requires any person who causes damage to underground facilities to notify the facility operator.

HB 1844 increases from \$0.01 to \$0.0125 the fee charged by the Department of Mines per ton of mineral produced in non-coal mining operations.

SB 370 applies existing rules and procedures governing the use of

explosives in surface mining to operations governed by the Coal Mining Reclamation Act. Persons who use explosives, blasting agents or detonators must be certified by the Oklahoma Mining Commission.

SB 479 repeals several obsolete sections of law related to mines and mining.

HB 1860 directs \$200,000 from the amount raised by the Corporation Commission fee on public utilities to the Office of the Attorney General for use by the Public Utilities Division.

SB 85 requires a municipal utility to match any federal funds used to relocate or remove its facilities during construction on an Interstate highway in a city of 5,000 or more. ■



General Government

This session, the Legislature enacted measures to ensure greater fiscal responsibility and accountability in state government; maintained its focus on reducing the size of government; made additional changes to strengthen the state's retirement systems; and granted greater administrative authority to counties.

State Government

HB 2311 creates the Agency Performance and Accountability Act. The act creates a commission to conduct independent comprehensive performance audits (ICPA) of the top 20 appropriated state agencies. The scheduled ICPAs will be conducted at least once every four fiscal years, and the commission is authorized to conduct audits of other executive branch agencies at its discretion.

An ICPA "includes, but is not limited to, a review and analysis of the economy, efficiency, effectiveness and compliance of the policies, management, fiscal affairs and operations of state agencies, divisions, programs and accounts."

Further, the measure permits the commission to contract, through a bidding process, with a private company, nonprofit organization, or academic institution to assist with conducting the ICPA, or the commission may contract with the Office of State Auditor and Inspector. The costs of the contracts will be paid by the Legislative Services Bureau.

The measure requires the commission to submit audit results to the Governor and legislative leaders and be made publicly available on ok.gov and requires the state agency that was audited to implement the commission's recommendations.

HB 1533 directs the State Bond Advisor in collaboration with the Office of Management and Enterprise Services (OMES) to produce an annual affordability study. The study will be used to determine the state's debt position relative to its benchmark debt ratio of debt service as a percentage of revenues. The measure requires the report to be presented to the Governor and the Legislature by January 15 of each year.

HB 1583 transfers the process of selecting the State Bond Advisor from the Council of Bond Oversight to the State Treasurer. The measure also requires an annual disclosure by public finance providers with the State Bond Advisor by January 15 that includes an itemized list of all direct financial contributions made to certain entities.

SB 532 requires state agencies to provide counseling through the State Employee Assistance Program to employees who are involved in or are exposed to a violent or traumatic event in the workplace. The measure directs that employees who are affected be encouraged to participate in debriefing or counseling services and paid administered leave be provided.

SB 191 modifies a portion of the Open Records Act by stating that the only acceptable excuse for delaying reasonable access to a records request can be attributable to the amount of time required for preparing the requested documents and to avoid excessive disruptions of the public body's essential functions. The measure also states that under no circumstance can a production of a current request for records be unreasonably delayed until after completion of a prior records request that will take much longer than the current request.

HB 1599 modifies the public competitive bidding process by amending the time period that certain bonds are required. The bill changes the time period from a period of one year after acceptance of the project to a period of one year after completion of the project.

SB 292 authorizes the Oklahoma Tax Commission, Oklahoma Department of Human Services and Oklahoma Employment Security Commission to require agency employees who are in positions to review certain tax information and data to supply all information necessary to be subjected to a criminal history search conducted by the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation.

HB 1555 transfers the administration of the State Employee Assistance Program from the Office of Management and Enterprise Services

SB 105 directs the Chief Information Officer to approve the purchasing of all information technology and telecommunication services for all state agencies with the following exceptions:

- using a state purchase card, the product is listed on an information technology or telecommunication statewide contract, and the product is listed on either the Approved Hardware or Approved Software list located on the Office of Management and Enterprise Services website.

SB 321 modifies the Public Competitive Bidding Act by increasing the time period for posting certain bid notices from 20 to 21 days.

SB 833 merges duplicate sections of law enacted during the 2016 legislative session.

HB 1305 authorizes county governments to issue permits to regulate the harvesting of hay along the right-of-ways of county highways and requires permit fees to be credited to the county highway fund.

HB 1464 County Population



that authorization. The map on the previous page highlights which counties can now construct or maintain their streets.

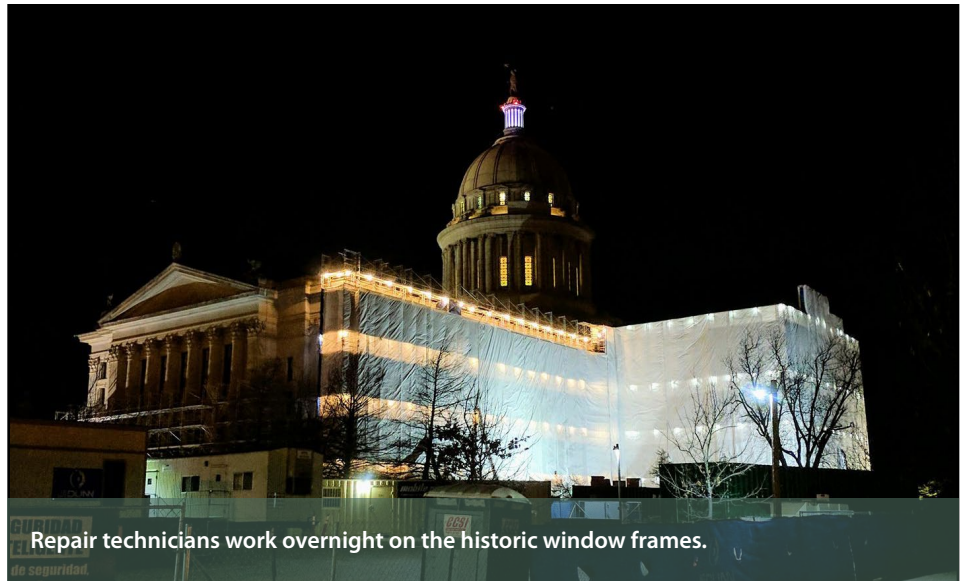
HB 1516 authorizes the sale of property and materials to tribal governments and changes the procedure for declaring county property as surplus. Currently, no property may be declared surplus beginning 30 days prior to the filing period for the election of any county commissioner until after the commissioner is sworn into office. The measure allows a board of county commissioners to declare surplus property if only one of three commissioners is up for re-election.

HB 1949 requires a local government to publish, within 30 days prior to a bond election, in a local newspaper and on a website maintained by the local entity a description of the projects or assets that will be acquired, improved or repaired with the proceeds from the bonds.

HB 1108 transfers the Transportation County Advisory Board member selection process from the Association of County Commissioners of Oklahoma (ACCO) to the Oklahoma Cooperative Circuit Engineering Districts Board. Board members will be selected from the eight districts that make up the Cooperative Circuit Engineering Districts Board rather than the ACCO. Finally, the measure outlines additional responsibilities that will be transferred from ACCO to the board.

HB 1534 creates the Oklahoma Local Public and Private Facilities and Infrastructure Act, which creates a framework that allows a local governmental entity to execute a public-private partnership contract to provide public services and to generate additional resources in support of a public project.

A similar measure, **SB 430**, creates the Oklahoma Public and Private Facilities and Infrastructure Act, which establishes a framework that would allow a governmental entity to contract with a private entity to



finance, maintain, improve, equip, modify, repair or operate a qualifying project.

HB 1759 extends an exemption previously only available to state officers from the prohibition against dual office holding, to county officers who are also reserve force deputy sheriffs, reserve special agents with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, or reserve municipal police officers.

HB 2232 allows a county sheriff department to keep audio or video recordings from body cameras that depict anything other than an officer-involved shooting, use of lethal force, incidents involving medical treatment, incidents where a written application is received for the preservation of the specific event, or upon request of the district attorney for up to one year.

HB 2211 authorizes the Metropolitan Area Planning Commission to adopt regulations to permit staff to approve or deny plats of land, subdivisions and other matters.

HB 2231 authorizes a county sheriff department to employ outside counsel to provide immediate representation to a deputy who has been involved in a deputy-involved shooting incident.

HB 2251 authorizes county purchasing agents to solicit bid proposals by email.

SB 48 updates obsolete technical references relating to county records to reflect current technology. Also, in addition to the newspaper, the bill requires county audit reports to be posted on the county website and the State Auditor and Inspector's website.

Additionally, the measure requires the same of any bond projects within the preceding five years and a detailed description of the use of the proceeds. Further, a physical address must be included if the proceeds were used to acquire real property.

SB 312 requires churches that temporarily accommodate overnight visitors to have a hardwired stand-alone fire and smoke alarm in the area of the overnight accommodations as well as illuminated exit signs. Additionally, the measure requires the facility to include a way out of the building free of obstructions in case of a fire emergency. Finally, the measure changes the definition of *temporary* from meaning at least seven consecutive days lasting no more than 40 days, to no more than 75 days in a calendar year.

With the approval of the Secretary of the State Election Board, **SB 347** authorizes the secretary of the county election board in counties with 25,000

or more registered voters, or with an area greater than 1,500 square miles, to designate more than one location as an in-person absentee polling place for an election.

SB 354 modifies procedures related to auditing requirements for cities and towns by removing fieldwork and reporting standards in Government Auditing Standards from the list of required auditing standards to which municipalities must adhere.

SB 403 allows a public body to post meeting notices on its website 24 hours prior to a regularly scheduled meeting and 48 hours prior to a special meeting. Previously, these notices were required to be prominently posted at the office of the public body. The measure clarifies that the 24 hour and 48 hour notice requirements do not include Saturdays, Sundays and holidays legally declared by the State of Oklahoma.

SB 563 authorizes school districts, including technology school districts, to participate in or administer a cooperative purchasing agreement for the acquisition of any commodities or services with one or more public agencies.

HB 1381 provides an exception to the prohibition that prevents municipalities from registering

real property. The exception allows municipalities to register dilapidated and abandoned property.

HB 1189 modernizes the following references as used in county government: *microfilming* to *digitizing*; and *viewer scope* to *computer*.

HB 1337 prohibits the adoption or enforcement of policies that restrict or prevent the reasonable display of the American flag on property owned or leased by a member of any owners, real estate, cooperative or condominium association.

Retirement

The Legislature made several changes to strengthen the state's retirement systems. Most notably, legislators increased the vesting requirement for new members of the Oklahoma Teachers' Retirement System (OTRS). Legislators also made temporary changes to post-retirement earnings limits for retired teachers who want to return to work.

HB 1162 modifies OTRS by increasing the vesting requirement from five years to seven years for members who first begin service on or after November 1, 2017.

SB 428 modifies OTRS by clarifying that the last day of pre-retirement

employment includes those who are on paid leave; previously, this was defined as the last day that an employee is physically present on the job.

Additionally, the measure modifies post-retirement earnings limitations for certain retired teachers. For a period of three years beginning July 1, 2017, the measure allows teachers who have retired as active teachers, have been receiving benefits for at least one year and have not been employed by any public school during that period to return to work with no limitations on earnings. Teachers who have returned during this period will not be subject to earning limitations at the end of the three-year period.

HB 1163 clarifies the definition of *top salary* for members of the Oklahoma Law Enforcement Retirement System who retire with a service related disability. The measure authorizes members to have their retirement benefit determined using the greater of the final average salary or top pay amount.

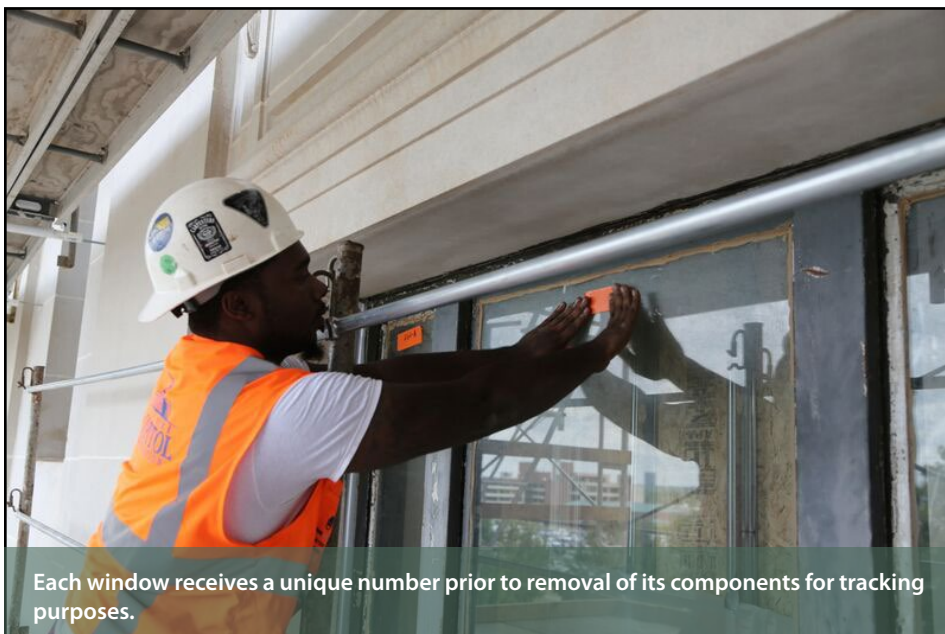
SB 242 adds the State Treasurer to the board of trustees of both the OTRS and Oklahoma Public Employees Retirement System.

HB 2034 requires legislative appointees to the State Pension Commission to have demonstrated experience in private or public investment.

SB 423 reduces from 90 days to 30 the window in which an eligible employee must make a one-time irrevocable written election to participate in OTRS or the alternate retirement plan.

HB 1704 specifies how benefits will be determined for retirees of the Uniform Retirement System for Justices and Judges who return to covered employment.

HB 1119 modifies the Oklahoma Police Pension and Retirement System by allowing rollovers from the system to a SIMPLE IRA.



Each window receives a unique number prior to removal of its components for tracking purposes.

HB 1705 brings the Oklahoma Firefighters Pension and Retirement System into IRS compliance by modifying language related to distributions.

HB 1706 contains IRS compliance language for the Oklahoma Law Enforcement Retirement System.

Elections

Two measures enacted this session will make it easier for registered voters to update their voter registration information.

SB 148 provides that a change of address for an Oklahoma driver license or state identification card submitted by a registered voter will also serve as a change of address for voting purposes if the new address is in the same county, unless the individual states the change is not for voter registration purposes. If the new address is in another county, the voter will be sent instructions for registering to vote at the new address.

SB 360 authorizes the Secretary of the State Election Board to establish a process by which a registered voter can electronically submit a change to his or her voter registration information, such as name, political party affiliation or address.

SB 323 lowers the signature requirement for a petition accompanying a declaration of candidacy from 4 percent to 2 percent of the number of registered voters in the district, county or state, depending on the office sought. The bill also increases the amount of filing fees paid in lieu of a petition for various offices, as detailed in the chart below.

SB 145 provides that the nominees for presidential electors are to be certified by the party's chair to the Secretary of the State Election Board no later than July 15 and requires a recognized political party to certify its nominees for President and Vice President to the Secretary of the State Election Board no later

than 75 days prior to the date of the General Election. The measure also modifies the procedures for independent candidates for President and candidates for an unrecognized political party to appear on the General Election ballot. The bill also repeals the existing procedures for the names of presidential electors pledged to a nominee of an unrecognized political party to be printed on the ballot.

Administrative Rules

In addition to receiving the proposed permanent rules submitted by state governmental entities, the Legislature approved the sunset extension of several boards and commissions, detailed in the chart below. ■

| Office | Current Filing Fee | Effective November 1, 2017 |
|--------------------------------|--------------------|----------------------------|
| Governor | \$1,500 | \$2,000 |
| Other statewide offices | \$500 | \$1,000 |
| U.S. Senator | \$1,000 | \$2,000 |
| U.S. Congress | \$750 | \$1,000 |
| State House | \$200 | \$500 |
| State Senate | \$200 | \$750 |
| District/Assoc. District Judge | \$200 | \$500 |
| District Attorney | \$200 | \$500 |
| County offices | \$200 | \$300 |

| Legislation | Entity | Extension Date |
|----------------|---|----------------|
| HB 1991 | Archives and Records Commission | 2021 |
| HB 1992 | State Accrediting Agency | 2018 |
| HB 1993 | State Board of Cosmetology and Barbering | 2021 |
| HB 1995 | Oklahoma Energy Resources Board | 2021 |
| HB 1996 | Oklahoma Partnership for School Readiness Board | 2021 |
| HB 1998 | Oklahoma Real Estate Commission | 2021 |



Health & Human Services

The Legislature enacted measures designed to better protect children, elevate the use of telemedicine and increase competition in the health insurance market.

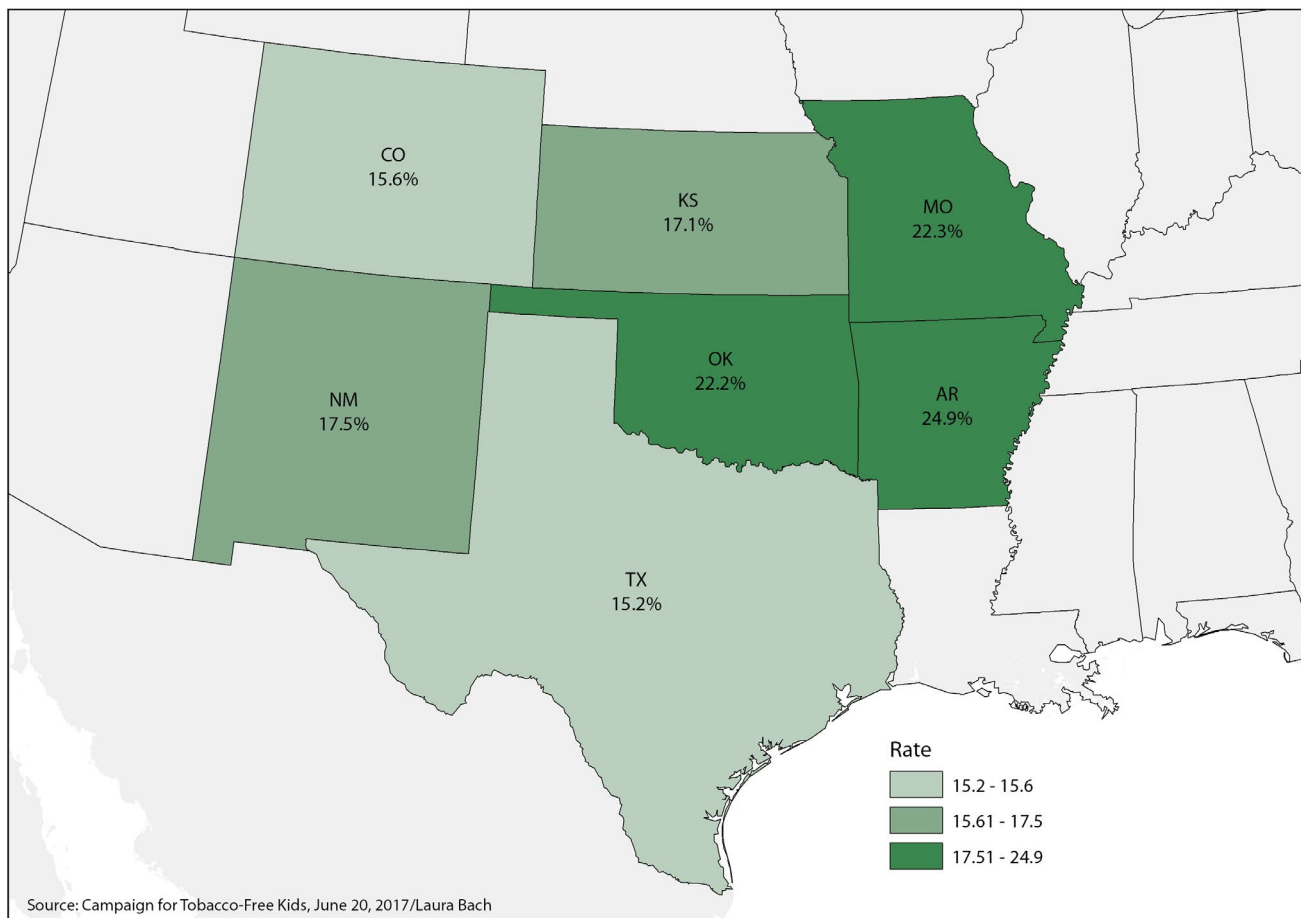
Health

In an effort to reduce the prevalence of smoking in the state, legislators enacted **SB 845**, the Smoking Cessation and Prevention Act of

2017. The measure establishes a smoking cessation fee equal to \$1.50 per pack of cigarettes. The fee is expected to generate approximately \$258 million in FY 2018 with the majority going to the newly created Health Care Enhancement Fund. The map below shows adult smoking rates for Oklahoma and surrounding states.

On August 10, 2017, the Oklahoma Supreme Court ruled SB 845 unconstitutional, which resulted in the loss of \$215 million in appropriated funds for FY 2018 to various health agencies. The justices were unanimous in their decision, saying that lawmakers failed to follow the constitutional requirements for revenue-raising measures. The action prompted the Governor to

SB 845 Adult Smoking Rates



issue an executive order to convene a special session and recall lawmakers to the State Capitol to deal with the resulting budget hole. Please see [Appendix III](#) for a summary of measures enacted in Special Session.

Due to concerns about the skyrocketing rates of melanoma in young adults, the Legislature enacted **SB 765**, which prohibits the use of tanning facilities by minors and creates a civil penalty for operators who violate the prohibition.

SB 726 provides that a valid physician-patient relationship may be established between an allopathic or osteopathic physician and a patient located in the state through telemedicine, provided that the physician:

- is licensed to practice in the state;
- confirms the patient's identity and physical location; and
- provides the patient with the treating physician's identity and professional credentials.

Telemedicine and store-and-forward technology encounters must comply with HIPAA and such a relationship cannot be used for the purpose of prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisoprodol.

Due to the looming threat of the loss of accreditation by the College of American Pathologists, the Legislature passed **HB 2389**, which authorizes the Oklahoma Capitol Improvement Authority to issue up to \$58.6 million in bonds to pay for the construction of a new state health laboratory at the State Department of Health (OSDH).

HB 2039 provides that no dispensing protocol will be required for the prescribing and dispensing of naloxone, which is used to treat an opiate overdose, as long as it is dispensed by or under the supervision of a licensed pharmacist. Additionally, if a prescriber determines periodic refills of maintenance medication is not medically necessary then

a pharmacist may exercise their professional judgment to dispense varying quantities of the medication per fill-up to the total number of dosage units as provided by the original prescription. This will not apply to scheduled medications or medications for which a report is required under the controlled substance database.

SB 508 modifies the Home Bakery Act to allow for the sale of prepared foods at farmers' markets, on site, delivery, cooperatives and through membership-based buying clubs. In the event of a consumer complaint, the Oklahoma Department of Agriculture, Food and Forestry may request written documentation to verify the gross annual sales of a home food establishment.

HB 1894 lists in order of priority the classes of persons authorized to make life-preserving health care decisions for a patient who is persistently unconscious or otherwise mentally or physically incapable of communicating and prohibits persons convicted of certain crimes from being eligible to make these decisions on behalf of a patient. The bill specifies who may petition the court to seek an order directing a different health care

decision on the basis that the decision or decisions made on behalf of a patient do not reflect their intentions, personal views, or the best interests of the patient. Pending a decision, the court will order life-sustaining care to be provided to the patient unless doing so would deny another patient the same health care.

SB 30 amends the Humanity of the Unborn Child Act by adding language to public signage currently required by the act. The bill removes a provision that requires the posting of certain signage within public restrooms, but directs the OSDH to use its official online social media platforms to promote the website created by the act utilizing funds appropriated by the Legislature for this purpose.

HB 1703 directs the OSDH to provide funds to a grant-supervising entity to reimburse eligible private organizations for program expenses that assist women in carrying their child to term. Funding is contingent upon appropriations made by the Legislature for this specific purpose.

HB 2273 provides for the procurement of organs and tissues for donation purposes from persons testing positive for HIV infection, provided it



Lead paint is stripped off screws in the cast iron window assembly in preparation for restoration work.

is done in accordance with the federal HIV Organ Policy Equity (HOPE) Act and regulations promulgated by the Organ Procurements and Transplantation Network and the U.S. Food and Drug Administration.

SB 816 provides that medical students who reside in the state or who are in good academic standing with an accredited medical college in the state will receive priority consideration for clinical rotation assignments at health care facilities participating in the Oklahoma Hospital Residency Training Program. For purposes of the Oklahoma Hospital Residency Training Program Act, *resident* means an individual who resided in this state at the time of graduation from an Oklahoma high school.

HB 1886 updates the Nursing Practice Act to give the nursing board the power to suspend a license if it is deemed necessary to protect the health, safety or welfare of the public prior to a complaint being filed with the board. The summary suspension of licensure or certification is not subject to the provisions of the Open Meeting Act. The licensee must be notified by letter within seven days after the summary suspension and it must include the date of the proposed disciplinary hearing. The hearing

must be held within 90 days of the date of summary suspension letter.

SB 773 directs the Oklahoma Health Care Authority (OKHCA), with assistance from the Department of Human Services (DHS) and the Department of Mental Health and Substance Abuse Services, to initiate a request for information for care coordination models for children up to 18 years of age who are in the custody of DHS. The request must take into consideration the goals of the Pinnacle Plan. A summary of the responses received must be provided to the Legislature and Governor by January 1, 2018.

SB 741 allows the OKHCA and the Department of Health to collaborate with city-county and county health departments and other relevant stakeholders in the development of a pilot program that seeks to encourage the appropriate use of primary care services in lieu of emergency room utilization. A report on the program must be submitted to the Legislature and Governor by January 1, 2019.

HB 1620 directs the State Board of Health to promulgate rules that require all medical and direct care staff of nursing and specialized facilities, adult day care centers,

assisted living centers, home health agencies and licensed hospice agencies to complete at least one hour of in-service training per year in care related to Alzheimer's and dementia. Rules also must be established for appropriate training requirements for support staff who work in these facilities but do not provide direct care.

SB 787 clarifies that the Board of Dentistry may authorize or direct the executive director to perform certain duties already provided for by law and removes the age restriction for retired volunteer dental licenses.

The bill permits dental student interns with a valid permit to work under the direct supervision of a licensed dentist for compensation. It lowers the amount of an intern permit from \$100 to \$50 and lowers the renewal fee from \$100 to \$50. The bill expands the timeframe for a newly hired school of dentistry faculty member to show proof of passing an appropriate clinical board examination from within the first year to within two years of employment. The Board of Dentistry may grant a limited faculty permit that will be valid for up to one year and may be renewed at the written request of the dean or director of an accredited dental or dental hygiene program.

Lastly, it allows courses for advanced procedures for dental assistants to be taught in an online, interactive online, in-classroom, lab or blended format. Expanded duty courses must include a dentist or dental hygienist who is employed full- or part-time by a program approved by the Commission on Dental Accreditation.

SB 682 modifies eligibility requirements for podiatric medicine licensure. Beginning March 1, 2018, an applicant for licensure must complete a three-year podiatric surgical residency to be eligible for licensure and within 90 days of completion of a residency to be eligible for temporary licensure.



A stoneworker carves a replacement wing for an eagle that was previously damaged.

HB 1448 requires applicants to the Board of Chiropractic Medical Examiners to submit to an FBI background check with the cost to be paid by the applicant.

SB 746 permits the State Board of Examiners of Perfusionists to review and verify medical credentials and screen applicant records through recognized national information services.

SB 180 clarifies that a certified nurse aide meets the requirements to work as a home health aide and that a hospice is not required to employ a home health aide as a condition of licensure.

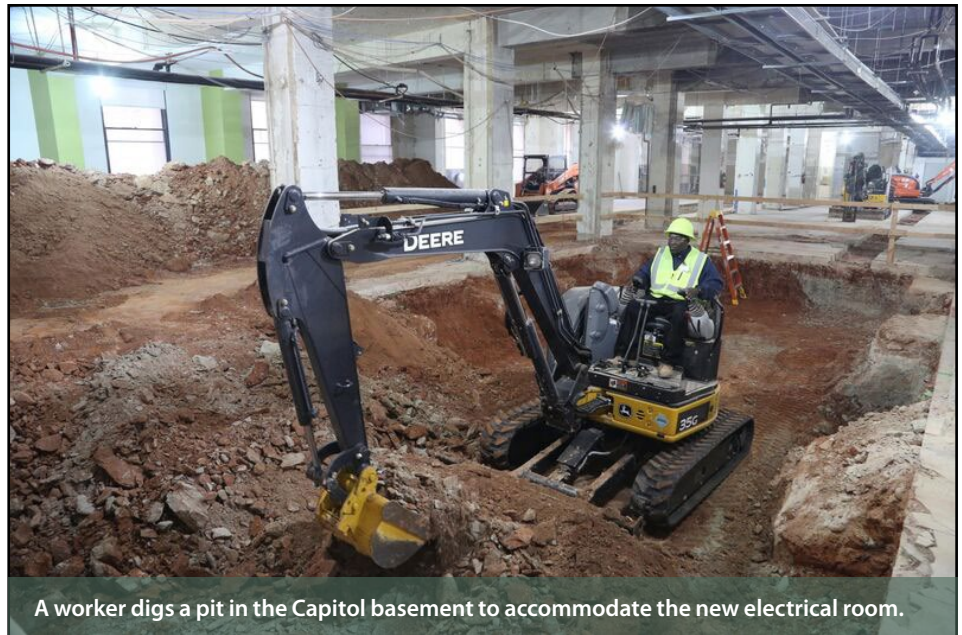
HB 1843 allows a passenger of a stretcher van to use oxygen if the passenger has a standing medical order.

HB 1912 provides that an application for disinterment permit must include the consent of the next of kin. A permit will not be required for disinterment and re-internment if it occurs in the same cemetery; however, a notice of the move must be completed, signed by the funeral director and next of kin, and then submitted to the State Registrar within five days.

SB 813 raises the cap on program certification application and renewal fees for the Department of Mental Health and Substance Abuse Services (ODMHSAS) from no more than \$300 to no more than \$1,000.

SB 229 modifies the definition of *assisted outpatient* by removing the age limitation and by including persons being discharged from a residential placement by the Office of Juvenile Affairs and juveniles who are on a specialized treatment plan for the treatment of mental illness in a secure juvenile facility or placement in a specialized residential program for juveniles.

SB 734 directs the ODMHSAS to include in the rules and standards for certification behavioral health case managers who are employed by a tribe, tribal facility, Oklahoma Department of Veterans Affairs



A worker digs a pit in the Capitol basement to accommodate the new electrical room.

or a U.S. Department of Veterans Affairs facility. The bill directs the department to do the same for peer recovery support specialists and removes the two-year history of addiction limit placed on an opioid substitution treatment program.

SB 652 directs the Secretary of Health and Human Services to apply for grants from the U.S. Department of Health and Human Services for the purposes of identifying health disparities related to sickle cell disease.

Children and Families

SB 727 requires the Department of Human Services (DHS) to utilize a collaborative decision-making process while conducting an investigation or assessment in response to a report of abuse or neglect of a child. The purpose of the process is to assess each child's needs and whether the conditions warrant a safety intervention by the department. If the department determines that immediate removal of the child is necessary prior to completing the investigation or assessment, DHS is directed to utilize the collaborative decision-making process prior to the emergency custody hearing, if feasible. Additional provisions of the measure include:

- requiring the department to disseminate information about a child in its custody who becomes eligible for adoption to licensed child-placing agencies that have requested to receive such notice;
- requiring the department to submit an annual report to the Governor and Legislature including the number of custody children placed in non-family settings, a census of approved foster homes and number of children placed, and information regarding child welfare caseloads and salaries; and
- exempting foster parents acting in good faith from liability for property damage or injuries caused by the child or to the child when engaged in appropriate activities and the damage or injuries are a result of inherent risks associated with the activity.

HB 1887 reduces the length of time that a child must live in a prospective adoptive parent's home, from at least two years to 12 months, in order for the child's unedited medical and social history to be disclosed to the parent.

HB 2247 authorizes the initiation of guardianship proceedings for

incapacitated minors who are at least 17 ½ years of age and provides that the court may accept a professional evaluation of the minor conducted within 60 days prior to the filing of the petition in lieu of ordering any additional evaluation.

Several bills make changes to child care licensing requirements:

SB 723 changes the name of the Child Care Restricted Registry maintained by DHS to Restricted Registry and modifies the types of records searches that must be conducted prior to DHS issuing a license to an individual to operate a child care facility and prior to a facility hiring an employee. The measure requires that a search includes the:

- child abuse and neglect registry in a state where the individual has lived in the last five years;
- nontechnical services worker abuse registry maintained by the State Health Department; and
- community services worker registry maintained by DHS.

Lastly, the bill provides that anyone who refuses to consent to the criminal background check or who knowingly makes a false statement in connection with the background check will be ineligible to own, work in or reside in a child care facility.

A related measure, **SB 717**, expands the Restricted Registry maintained by DHS to include the names of individuals with a substantiated finding of abuse or neglect of a child in a facility operated or overseen by the Office of Juvenile Affairs (OJA).

HB 1968 requires that DHS be notified of any change of ownership of a licensed child care facility by the next business day and prior to the new owner assuming operations, and allows the new owner to continue to operate the facility at the same star level as the previous owner for 90 days if the same personnel are employed. If, at the end of 90 days, the owners have met all the requirements established for facility owners, they may continue

to operate at the same star rating. If the requirements are not met, the facility will be prohibited from caring for children until authorized to do so by the department.

HB 1491 modifies the current exemption to the Oklahoma Child Care Facilities Licensing Act for summer youth camps that care for children 5 years of age and younger by lowering the age to 4. The bill also exempts facilities in counties with a population of less than 100,000 that provide care for school-aged children for 21 hours per week or less.

Juvenile Justice

HB 2387 authorizes new facilities for the Office of Juvenile Affairs (OJA). The measure allows OJA to determine whether to enter into an agreement with the Commissioners of the Land Office to acquire land on which to build a new facility, or to issue bond obligations for construction or refurbishment of a secure campus. Finally, OJA is directed to develop plans for repurposing the Southwest Oklahoma Juvenile Center and the Oklahoma Juvenile Center for Girls campuses.

SB 228 requires OJA to certify community intervention centers established by municipalities, counties or juvenile bureaus, rather than to operate the centers themselves. The measure also adds a notification requirement when a child is in a juvenile detention facility pending placement. If the child is ordered or requested to remain in OJA custody until 19 years of age, OJA is required to notify the facility at least five days before the child's 18th birthday that the child will remain in the facility pending placement.

SB 870 allows a court to order the parent or legal guardian of a child in custody of OJA to pay part of an incentive payment to a provider who achieves positive outcomes for the child.

Seniors and Persons with Disabilities

SB 819 authorizes the Oklahoma Health Care Authority (OKHCA) to file a lien on the homestead of a Medicaid recipient for care received in an intermediate care facility for individuals with intellectual disabilities (ICF/IID). The measure also specifies that the lien filed for care received in an ICF/IID or a nursing facility will be effective from the date the recipient entered the facility.

SB 774 reduces the minimum number of times, from three a year to once a year, that the State Health Department is required to inspect residential care homes and provides that the inspections may be announced. The measure also makes it optional that an individual representing a statewide organization of older adults or persons with disabilities be invited to attend an inspection and makes it optional for the department to require homes to submit periodic reports.

HB 1357 directs DHS to work with caregiver groups across the state, using existing resources, to increase the availability and awareness of support services for individuals caring for an elderly or disabled loved one.

SB 733 authorizes the Department of Rehabilitation Services (DRS) to direct all or some of the funds received for services to Older Individuals that are Blind (OIB) to accredited community-based nonprofit organizations to provide services to those with vision impairments. The measure also allows the department to use federal funds received for OIB rehabilitation services to fund the Older Independent Blind program.

Miscellaneous Health and Human Services

HB 1006 repeals several defunct task forces related to promoting children's health, eliminating health disparities, and accessing nursing home insurance, as well as the

Advisory Council on Cord Blood Donations.

HB 1243 provides an exception to the statutory requirements regarding how money can be invested by a guardian on behalf of a ward when the guardian contracts with an individual registered as an investment advisor representative and is a certified financial planner and such investments are authorized by the court.

HB 1579 requires the Department of Public Safety to cooperate with the OKHCA to establish procedures for the secure electronic transmission of an applicant's individual identification data.

HB 1696 describes specific tracts of land that may be sold by the Department of Mental Health and Substance Abuse Services.

HB 1708 modifies the membership of the Board of Mental Health and Substance Abuse Services by removing one allopathic physician and by adding one osteopathic physician and by stipulating that at least one physician appointed to the board must be a psychiatrist.

SB 50 requires that written reports submitted to the court by a *guardian ad litem* regarding the best interests of a child be factual and that a determination of what constitutes best interest of a child is the decision of the court.

SB 80 authorizes DRS to transfer monies between funds and provides that the agency's receipt and expenditure of unanticipated federal funds will be exempt from spending limitations. Finally, the director is authorized to request the early transfer of tax collections to the General Revenue Fund for allocation to the agency's disbursing funds to alleviate cash-flow problems.

SB 322 provides an exception to the tribal notice requirements under the Oklahoma Indian Child Welfare Act if the tribe is present when the review hearing is scheduled and consents to the date. Otherwise, notice is to be

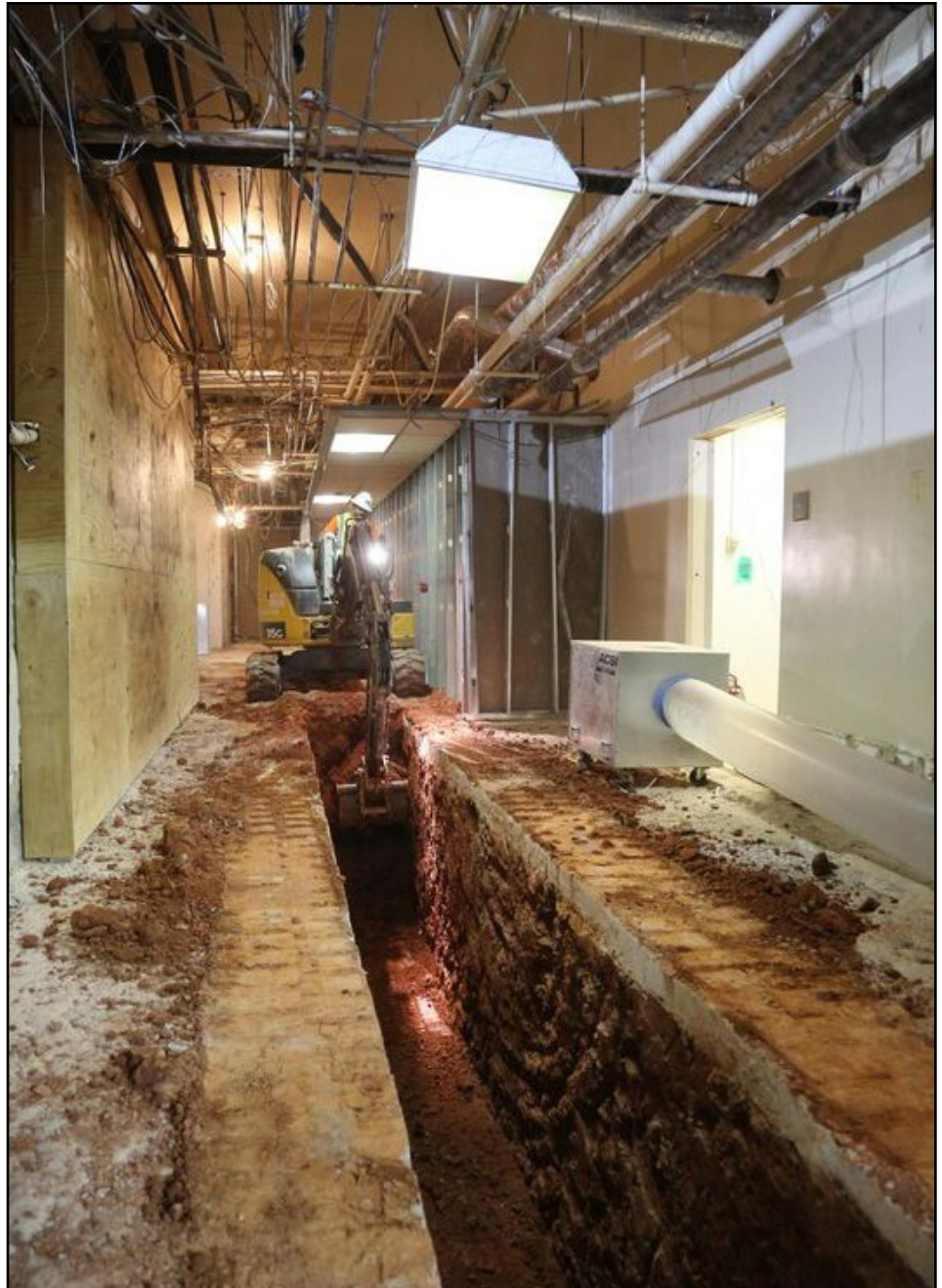
sent through regular first-class mail. The measure also provides that a tribe's right to notice is not dependent on intervention into the case.

SB 645 amends the Oklahoma Medicaid False Claims Act by making the civil penalty consistent with federal law.

SB 688 removes the requirement directing the ODMHSAS and the Department of Corrections to jointly provide firefighting services for the

Northwest Center for Behavioral Health, the William S. Key Correctional Center at Fort Supply, and the surrounding community.

SB 718 defines *children's emergency support center*, as used in the Oklahoma Children's and Juvenile Codes, as a community-based program that may provide emergency care and a safe and homelike environment for children as well as tutoring, counseling, family



Work crews begin digging trenches for utilities and plumbing in the basement.

reunification, transportation and other related services.

SB 748 authorizes DHS to create a pilot program to improve socioeconomic outcomes for children in state custody, if funds are available, and provides for an evaluation team to monitor the effectiveness of the program.

SB 811 clarifies that the terms *transitional living facility* and *halfway house* do not include residential substance abuse centers, which are facilities that provide treatment for consumers in a live-in

setting consisting of 24 treatment hours per week.

SB 828 creates the Nursing Facility Supplemental Payment Program Revolving Fund for the OKHCA consisting of monies received from nonstate governmental organizations for the purpose of transferring funds for the:

- state share of supplemental payments for the Medicaid program;
- state share of administrative expenses incurred by the agency in administering the program; and

- maintenance of nursing facility reimbursement rates.

The bill also allows OKHCA to assess penalties and interest, not exceeding 5 percent, against any nonstate governmental organization that fails to pay the quarterly intergovernmental transfer.

SB 829 increases, from 0.5 to 5.0 percent, the amount the Oklahoma Commission on Children and Youth is authorized to receive in administrative costs from the Child Abuse Multidisciplinary Team Account Fund. ■



Judiciary

The Legislature modified judicial districts to bring an additional judge to Canadian County; enacted measures that give victims of childhood sexual abuse additional time to file an action against their abusers; modifies the scope and limits of discovery; and makes paid protesters liable for damages to property.

HB 1470 extends the statute of limitations for alleged victims of childhood sexual abuse or exploitation by allowing them to sue for civil damages until their 45th birthday. The measure also removes the requirement that evidence of the alleged abuse include proof that the victim had psychologically repressed the memory of the facts upon which the claim was predicated and that there is corroborating evidence that the sexual abuse, exploitation or incest

actually occurred. Furthermore, the measure creates a two-year grace period to allow victims that were previously barred from filing a civil suit due to the expiration of the statute of limitations to commence an action between the period of November 1, 2017, and Oct 31, 2019.

A related bill, **HB 1570**, removes the requirement that there be a finding of gross negligence in order to be awarded damages in a childhood sexual abuse lawsuit and removes the requirement that the court award court cost and attorney fees to the prevailing party in most civil cases.

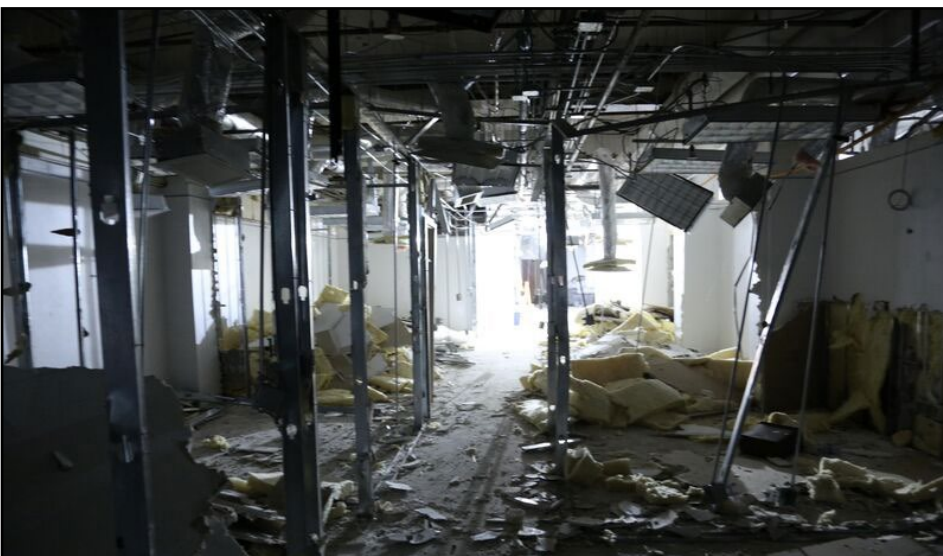
The measure also makes several changes to the Oklahoma Discovery Code, including:

- modifying the scope and limits of discovery;

- allowing the court to limit the frequency or extent of discovery if a request is outside the scope of any party's claim or defense;
- modifying the sequence and timing of discovery by allowing the parties to stipulate methods of discovery;
- clarifying the scope of items, particularly items stored in electronic format, for production and authorizing a responding party to provide copies of discoverable items in lieu of inspection; and
- allowing parties to use existing procedures to motion the court for an order compelling discovery when a responding party fails to produce requested documents.

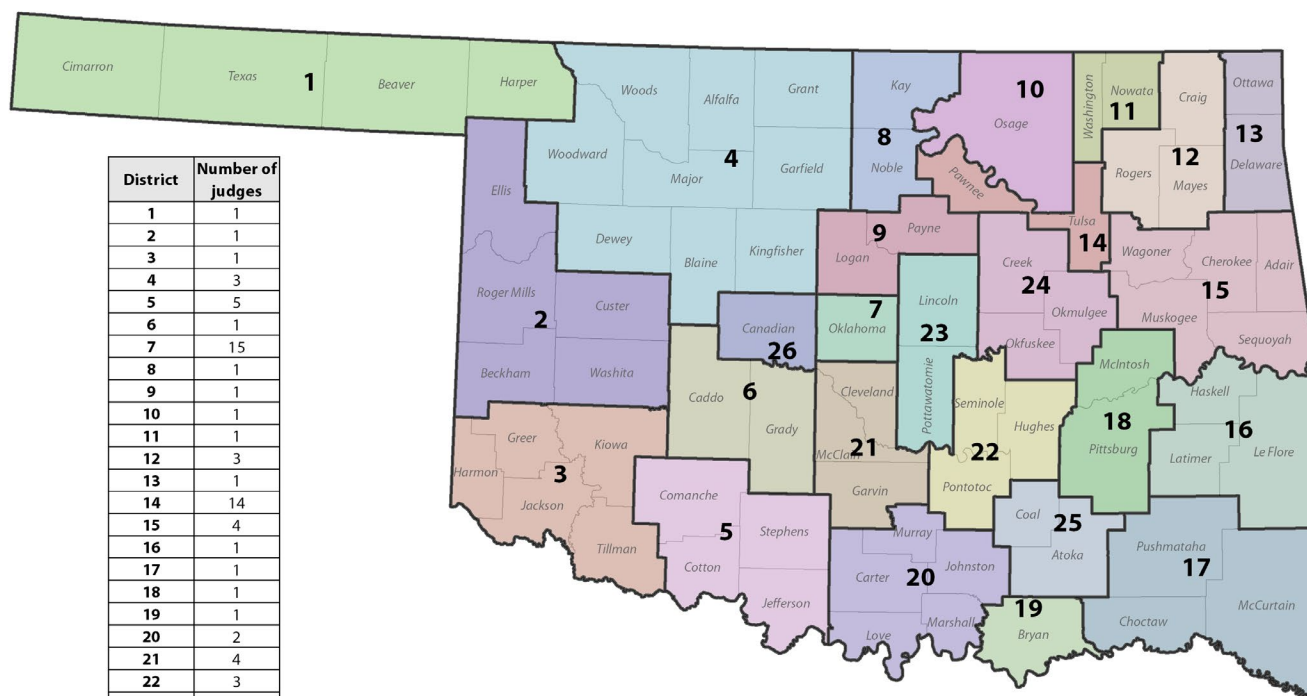
Lastly, the measure gives an officer, director or managing agent of a corporation, or a government official who has been served with a notice of a deposition or subpoena, the ability to submit an affidavit stating the individual has no knowledge regarding the matter at issue and to identify a person within the corporation or government who does have knowledge of the subject matter.

In response to the concerns regarding paid protesters, **HB 2128** holds an individual arrested or convicted of trespassing, including a person or entity that compensates an individual for trespassing, liable for damages to personal or real property while trespassing.



A section of the Capitol basement awaits further demolition.

HB 1823 District Court Judicial Districts



*changes implemented by legislation

Source: Oklahoma State Courts Network

HB 1823 decreases from five to four the number of district judges for judicial district No. 24 (Okfuskee, Okmulgee and Creek counties) and increases from one to two the number of district judges for judicial district No. 26 (Canadian County) for elections occurring after January 1, 2018. District courts are the trial courts of general jurisdiction in Oklahoma and the number of judges assigned to each district is dictated by state statutes. The above map shows the boundaries of the 26 judicial districts that serve the 77 counties in the state and the number of judges assigned to each district after the passage of HB 1823.

SB 661 increases the damage limit for small claims suits from \$7,500 to \$10,000 and gives the court discretion to award attorney fees up to 25 percent of the judgment awarded.

HB 1429 outlines civil procedure for actions based on a website accessibility claim. The measure requires a plaintiff to send notice to the defendant 120 days prior to filing an action on allegations that the defendant's website does not conform with applicable laws, codes and standards for websites for the visually or hearing impaired. The court must dismiss any action filed by a plaintiff if the website defects are corrected prior to the filing of a petition and award court costs and reasonable attorney fees to the defendant.

SB 160 provides business owners who are in compliance with the Oklahoma Vessel and Motor Registration Act legal immunity from injuries or damages caused solely by the negligent operation of a vessel by someone renting or leasing the equipment.

SB 595 limits the liability of an operator of a registered farmers market by providing that persons buying, selling and attending a registered farmers market assume the inherent risk of being a participant.

SB 835 authorizes funds of the Oklahoma Supreme Court to be transferred from one account to another at the request of the Administrative Director of the Courts until June 30, 2018. The measure affects the following revolving funds: Law Library Fund, Supreme Court Revolving Fund, State Judicial Revolving Fund, Supreme Court Administrative Revolving Fund and Lengthy Trial Fund.

HB 2284 requires training and continuing legal education provided to attorneys employed by a public defender's office to include nationally recognized defense seminars and

evidence-based practices regarding behavioral health and treatment of defendants with substance abuse or mental health needs. The measure also requires training on the following subjects to be provided to members of the judiciary, district attorneys and assistant district attorneys:

- dynamics of domestic violence;
- the impact of domestic violence to victims and their children including victim trauma and the neurobiology of trauma;
- identifying dominant aggressors;
- tactics and behavior of batterers;
- victim protection orders and full faith and credit under the Violence Against Women Act of 1994;
- rights of victims; and
- evidence-based practices regarding behavioral health and treatment of defendants with substance abuse or mental health needs.

Any new training mandated by the bill is subject to the availability of funds.

Miscellaneous Judiciary

HB 1003 repeals several sections of obsolete law relating to the conduct of message carriers and liability of telegraph companies.

HB 1235 relates to situations where service by court order is acceptable

because notice cannot be given to the defendant by personal delivery or mail. The measure requires the filing of an affidavit by the plaintiff or plaintiff's attorney to show that with due diligence service cannot be made upon the defendant. The measure also allows service of process to be made upon an inmate incarcerated in a county jail or detention center. It would be the responsibility of the receiving jail or detention center to promptly deliver a summons and petition to the inmate named. If the inmate is not actually present at the jail or detention center, the documents must be rejected.

HB 1371 modifies the Oklahoma Child Supervised Visitation Program by removing references to a date requirement for the appointment of a judicial district supervised visitation team by an associate judge.

HB 1825 amends the Deployed Parents Custody and Visitation Act by making the act applicable to civilian personnel employed by the Department of Defense and contractors serving in a designated combat zone.

HB 1888 gives the Inspector General the authority to issue subpoenas to compel any person or corporation to produce records that relate to Medicaid fraud or a crime committed against or in the course of any program administered by the Department of Human Services.

HB 2275 makes the filing procedure for designation of record and counter-designation of record the same by requiring a signed acknowledgment by the court reporter when a transcript is requested or an acknowledgement by the attorney for the appellant when a transcript is not requested.

HB 2276 provides that nothing in the Oklahoma Consumer Protection Act may be applicable to the collection of mixed beverages tax, sales tax or use tax that has been collected and remitted to the Oklahoma Tax Commission or any other governmental taxing authority.

HB 2314 extends the amount of time for resubmission of a denied title application from 15 to 30 days.

SB 102 prohibits contracts for the rental of goods or rental-related services from including automatic renewal provisions that extend the term of the contract for a period longer than six months. The measure also allows administrative actions and civil proceedings relating to the Oklahoma Rental-Purchase Act to be heard in the county of the aggrieved party.

SB 116 clarifies language relating to judgments issued by a court dealing with the sale of land and tenements.

SB 653 directs the court to exclude from its consideration any service-related military disability compensation received by a party in a divorce proceeding. ■



Public Safety

One of the most pressing issues for Oklahomans was the validity of their driver licenses given the impending final implementation of the federal REAL ID Act of 2005. **HB 1845** allows persons to obtain a REAL ID-compliant driver license or identification card for purposes of boarding an airplane or entering a federal facility or to maintain a REAL ID-noncompliant license or ID card. No person can hold more than one state-issued ID or driver license. The fee for a compliant or noncompliant driver license is increased by \$5 for each class of license issued by the Department of Public Safety (DPS). Motor license agents that do not process applications or renewals for REAL ID-compliant licenses and cards are to remit \$2 of the fee to the Public Safety Enhancement Fund. Motor license agents that process REAL ID-compliant applications can keep \$2 of the fee. The new fee schedule for

driver license and ID cards is shown below.

A related measure, **HB 1465** prohibits the sharing of personal information or biometric data with the federal government directly, except as required by the REAL ID Act of 2005. Data also may be shared between agencies, boards, commissions or political subdivisions or as otherwise permitted by law.

SB 643 creates the Impaired Driving Elimination Act 2 and makes numerous changes to laws regulating drunk driving. The measure requires any deferred prosecution agreement related to DUIs entered into in any municipal, state or federal court, which would result in mandatory revocation of a driver license, to be forwarded to the DPS within five days. The measure deletes language requiring the automatic revocation of licensure due to a test result or test refusal. The bill allows a person to maintain driving privilege by

participating in an Impaired Driver Accountability Program (IDAP), which DPS is required to establish by June 30, 2018. The department may revoke the driving privilege of a person upon notice of a violation of ignition interlock and may issue a restricted driver license upon payment of fees and the IDAP fee. The measure establishes a \$50 fee allowing a person subject to restricted license to drive a vehicle with an ignition interlock. Additionally, the court is to require, as a condition of bond, that an ignition interlock device be placed upon the vehicle of any person charged with a second or subsequent DUI. The measure also establishes a misdemeanor offense punishable by a fine of not more than \$1,000 and up to 10 days in jail for refusing to submit to a breathalyzer test and requires the seizure and destruction of the driver license upon arrest for DUI. Finally, the measure does away with DPS administrative appeal hearings related to DUIs.

SB 252 modifies the definition of *victims impact panel* to mean a program conducted by a non-profit corporation registered with the Secretary of State solely for the purpose of operating a victims impact panel. The measure also allows the panel to include presentations on the dangers of operating a motor vehicle while using an electronic communication device.

Firearms

SB 36 modifies the definition of *pistols*, *concealed handgun* and

| Compliant or Noncompliant License or Card Type | Previous Fee | New Fee |
|--|--------------|---------|
| Class A Commercial Learner Permit | \$51.50 | \$56.50 |
| Class A Commercial License | \$51.50 | \$56.50 |
| Class B Commercial License Learner Permit | \$51.50 | \$56.50 |
| Class B Commercial License | \$51.50 | \$56.50 |
| Class C Commercial License Learner Permit | \$41.50 | \$46.50 |
| Class D License | \$33.50 | \$38.50 |
| Identification Card | \$20 | \$25 |

unconcealed handgun as they relate to the Firearms Act and Oklahoma Self Defense Act (SDA).

HB 1104 allows elected county officials, who are in possession of a valid handgun license, while acting in the performance of their duties, to carry a firearm within the courthouse of the county in which he or she was elected, but will not be allowed to carry into a courtroom.

HB 1428 allows a person who is at least 18 years of age who is a member of, a veteran of, or honorably discharged from the United States Armed Forces, the Reserves or National Guard to apply for a carry license.

HB 1550 modifies the definition of *motor vehicle* as it is used regarding the carrying and storage of firearms to include motorcycles equipped with a locked accessory container within or affixed to the motorcycle.

HB 1609 removes misdemeanor crimes related to the unlawful carry of a firearm, illegal transport of a firearm, and discharging a firearm, from the requirement that a person convicted of such a crime has to submit DNA samples.

SB 35 allows a person 21 years of age or older who is active military or a member of the Reserve or National Guard to carry a handgun without a license. The measure also exempts a reserve duty law enforcement officer from SDA training requirements.

SB 288 provides immunity to a person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon from any liability arising from the carrying of a concealed or unconcealed weapon, while in the scope of employment, on the property or in or about a business entity vehicle.

SB 397 allows the carrying of a firearm by a person licensed under the SDA on public buses.

Law Enforcement Education and Training

HB 1259 requires a person who is seeking election to sheriff to have served as a certified peace officer, in a full-time capacity, for at least four years prior to filing for the office.

HB 1263 allows any reserve peace officer who has completed the 240-hour reserve peace officer certification program, and has been in active service in that capacity for the past six months, to be eligible to attend a 360-hour basic full-time training academy to become certified as a full-time peace or police officer.

HB 1671 requires Council on Law Enforcement Education and Training (CLEET) certified peace officers or reserve peace officers to self-report any criminal proceedings, including victim protective orders, initiated against them to CLEET immediately after arrest or discovery of the filing of such criminal proceeding.

SB 27 deletes the requirement that commissioned officer positions within DPS must have completed at least 32 college hours. The measure lowers the minimum age for employment in the communications division from 20 to 18 and removes the requirement to have six months of previous experience as a dispatcher or have completed 15 college hours.

SB 40 allows armed security guards licensed by CLEET to point their weapons while performing their duties. The measure also provides that a person pointing a weapon at a perpetrator in self-defense or in order to thwart a felony will not be deemed guilty of committing a criminal act.

SB 88 provides that inactive reserve peace officers must meet all the training requirements as full-time peace officers. Upon reentry to active reserve status, the peace officer is required to complete at least eight hours of continuing law enforcement training, which must include one hour on mental health issues.

SB 89 increases the CLEET registration fee from \$20 to \$30 per day to cover the costs of breakfast, lunch and dinner meals provided by CLEET.

SB 90 increases from 160 hours to 240 hours the number of hours a reserve force deputy sheriff must undergo before being allowed to work unaccompanied and requires that the 240 hours of training be completed within six months of the deputy being commissioned. The measure also requires reserve special agents of OSBI receive 240 hours of training.

SB 604 requires CLEET to include training on personal safety planning within the hours for domestic violence and stalking investigation training.

Drugs

HB 1559 exempts any federal Food and Drug Administration approved cannabidiol oil based drug or substance from the meaning of the word *marihuana* as used in the Uniform Controlled Dangerous Substances Act.



The scaffolding is an integral part of the exterior restoration project.

HB 1606 removes the requirement that species of plants from which controlled substances are derived be eradicated by a specific substance in a specific way. Instead, the Bureau of Narcotics and Dangerous Drugs Control (OBNDD) can use any herbicide approved and registered for use in Oklahoma.

SB 770 increases from 160 to 240 the number of training hours required of reserve special agents of OBNDD. The measure provides that any employee of the OBNDD in a classified position, who is appointed director, deputy director, acting director or acting deputy director, has a right to return to the highest previously held classified position without any loss of rights, privileges or benefits immediately upon completion of the duties of the employee. The measure also modifies the list of Schedule I and II opiate drugs. Lastly, the measure provides that the director of OBNDD may designate noncommissioned personnel as compliance inspectors to conduct inspections of controlled premises.

Motor Vehicles

HB 1449 establishes a \$100 registration fee upon every electric-drive motor vehicle registered and a \$30 registration fee upon every hybrid-drive motor vehicle registered. The fees are credited to the State Highway Construction and Maintenance Fund. The measure allows the lesser of \$10,000 or 1.5 percent of the proceeds from the fee to be used for the development of alternative fuel corridors. For FY 2018 the fee is expected to generate \$506,000, as explained in the adjacent text box.

On October 24, 2017, the Oklahoma Supreme Court ruled HB 1449 unconstitutional, which resulted in the loss of \$506,000 in appropriated funds for FY 2018 that were to be used for highway construction and maintenance. In the 6-3 decision, the Court found that HB 1449 was a revenue bill and did not conform to the mandates of Article V, Section 33.

HB 2433 modifies the sales tax exemption for motor vehicles. Currently, sales of motor vehicles or any optional equipment or accessories attached to a motor vehicle are exempt from state and local sales tax and subject to an in lieu motor vehicle excise tax. The measure keeps the sales tax exemption for motor vehicles, but reduces it from a full exemption to all but 1.25 percent of the gross receipts for such sales. As a result, motor vehicle sales will now be subject to both motor vehicle excise tax equal to 3.25 percent and state sales tax equal to 1.25 percent. The change in the exemption treatment is expected to generate \$123 million in increased sales tax collections for the state in FY 2018.

HB 1683 requires the Department of Public Safety (DPS) to provide a motor license agent with a camera without charge if the agent is located in a municipality with a population greater than 500 and the municipality is located 15 miles or more from any other motor license agency.

HB 1842 relates to the assessment of fees by the Corporation Commission upon wreckers or towing service providers who are on the official rotation log to perform nonconsensual tows. Those failing to pay the assessment will face an additional penalty of 25 percent per vehicle, unless good cause for failure to pay is shown.

HB 2312 clarifies that upon a roadway divided into four or more lanes, a vehicle shall not be driven in

the left lane except when overtaking and passing another vehicle, or when traffic conditions require the use of the left lane to maintain safe traffic conditions.

SB 24 allows an acting agent of an employer or an employer of a person who operates a commercial, company-owned or personal motor vehicle during the course of business in the course of his or her employment to be notified when the driving record of the employee reflects a traffic conviction or an administrative action has been taken by the DPS that alters the status of the commercial driving privilege of the employee. For each driving record furnished electronically, the department is to collect \$25, with \$18 deposited to the General Revenue Fund, \$5 deposited in the DPS Revolving Fund, and \$2 to be retained by the department for development and maintenance of the electronic notification system.

SB 474 deletes a penalty that required motor vehicle dealers who were in violation of their dealer license to be responsible for the payment of all taxes due on sales of vehicles.

Alcohol Modernization

Several measures became law this session in anticipation of the major changes in how Oklahoma addresses alcoholic beverage sales in 2018. **SB 646** provides an exception to the Low-Point Beer Distribution Act for a licensed wholesaler to sell low-point beer to a retailer who holds a permit from the Oklahoma Tax Commission, regardless of whether or not the

Oklahoma Tax Commission (OTC) records indicate that there are currently 1,102 low-speed and 218 medium-speed electric vehicles registered in Oklahoma. According to the U.S. Department of Energy Office of Energy Efficiency and Renewable Energy, approximately 806 plug-electric vehicles (PEVs) are owned in OK, bringing the total to an estimated 2,126 vehicles that would be subject to the \$100 registration fee proposed in HB 1499. 2,126 vehicles at \$100 each results in additional estimated motor vehicle revenues of \$212,600. According to the U.S. Department of Energy Office of Energy Efficiency and Renewable Energy, approximately 26,642 hybrid vehicles at \$30 each results in additional estimated motor vehicle revenues of \$799,260. Fees for both vehicle types results in annual revenue of \$1,011,860; however, new registration fees do not apply until January 1, 2018, resulting in FY 2018 six-month revenue of \$505,930.

retailer holds a valid permit from the district court. No licensee has an obligation to independently determine the validity of another business' license that has been issued by the Alcoholic Beverage Laws Enforcement Commission (ABLE). The measure also allows winemaker license-holders to sell their products for either on-premises or off-premises consumption. No licensee is to be held liable for engaging in business with any other retailer, mixed beverage, beer and wine, caterer, public event or special event licensee, bottle club, manufacturer, wholesaler or Class B wholesaler solely because the other party has failed to pay any occupational tax due. The bill states that a manufacturer is permitted to sell beer or cider to a beer distributor holding a valid interim license after

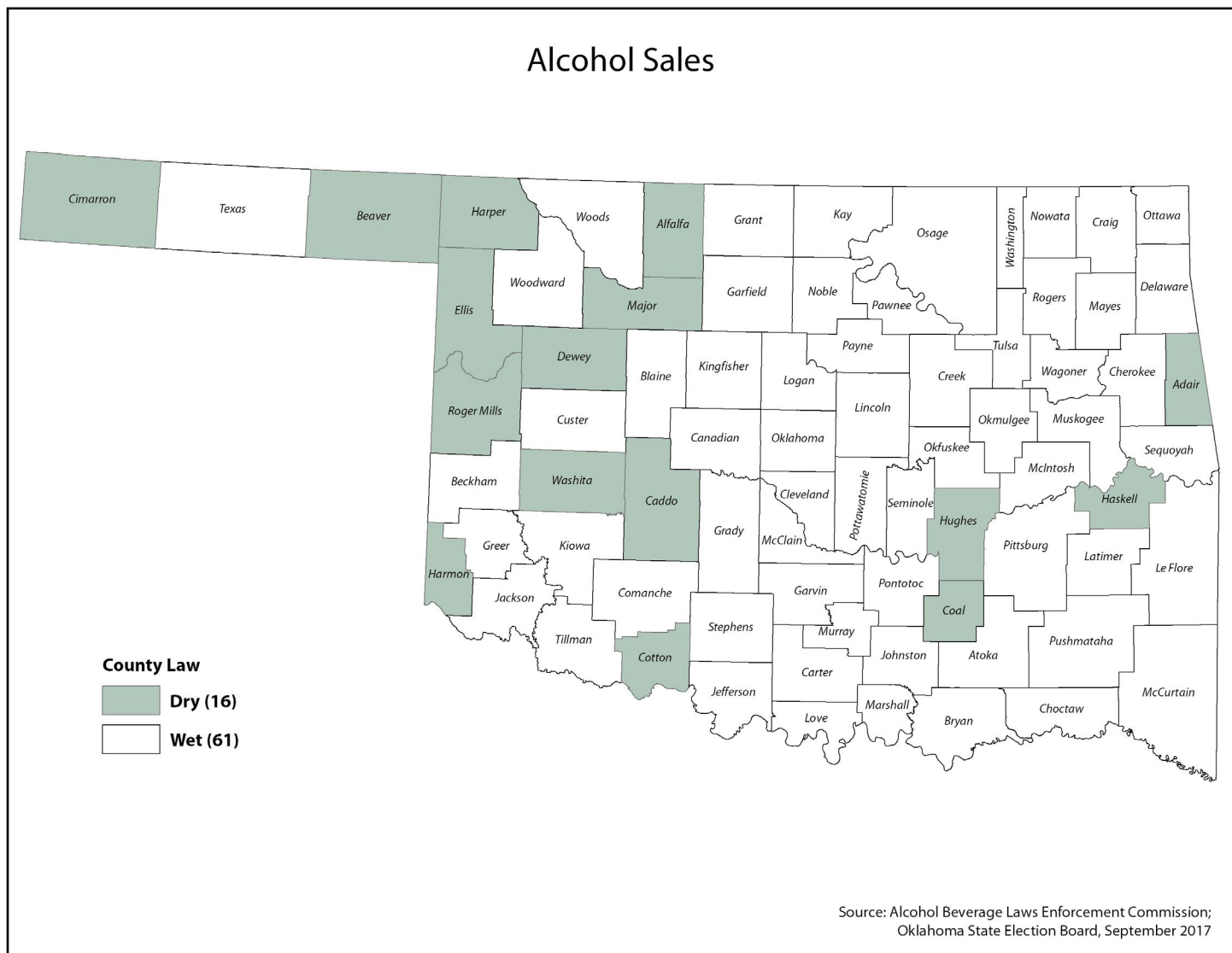
September 1, 2018. Wholesaler license-holders are restricted to not more than three self-owned or leased bonded warehouses. The measure provides additional requirements for nonresident manufacturers or sellers to sell its products in the state.

HB 1540 allows a person possessing a winemaker license to sell wine produced at the winery for either on-premises or off-premises consumption. The measure allows the winemaker license-holder to sell and serve Oklahoma-manufactured wine mixed with nonalcoholic beverages or food items such as water, sugar, fruits and vegetables, at any temperature for either on-premises or off-premises consumption. The measure deletes the requirement that a person obtain a Direct Wine Consumer's Permit

and requires that the permit-holder verify electronically or otherwise that the consumer is at least 21 years of age.

SB 411 authorizes the sale and sampling of beer at licensed breweries between the hours of 10 a.m. and 2 a.m. The measure allows retail spirit license-holders to sell alcoholic beverages between the hours of 8 a.m. and midnight, and retail wine and retail beer license-holders to sell beer or wine between the hours of 6 a.m. and 2 a.m.

SB 211 provides that sales of alcoholic beverages on Sundays by retail spirits licensees will be unlawful in any county of this state, unless approved by a majority of registered voters of the county at a special election called by the board of county commissioners



or a General Election. If approved, sales may occur on Sundays between noon and midnight.

SB 174 provides that a spouse of a retail spirits license holder may hold a separate interest in up to two package stores.

HB 2186 allows motion picture theaters to be licensed to sell low-point beer. The measure requires that, upon proof of legal age to consume alcohol, the patrons being served are required to wear a wrist bracelet or hand stamp.

SB 486 addresses several sections of the Alcoholic Beverage Code that were amended or repealed in SB 383, which modernized Oklahoma's alcohol laws last session, by cleaning up duplicate section problems and providing a mechanism for the collection of excise taxes until such time as SB 383 takes effect in 2018.

HB 1302 prohibits the sale, use or possession of powdered alcohol. The first offense is a misdemeanor punishable by a fine of up to \$300, up to 30 days in jail or both fine and imprisonment. The measure also provides that no special event or charitable alcoholic beverage license from ABLE is required for an organization, association or nonprofit corporation which is an economic development chamber or similar entity, provided the event is not conducted primarily for fundraising purposes, and provided the services of a licensed caterer are used to provide and distribute the alcoholic beverages at the event.

SB 297 requires every carrier, firm or corporation that transports wine for delivery to a person to prepare and file quarterly reports of known wine shipments to ABLE.

SB 712 clarifies that no spirits are to be stored, possessed or consumed at the location of an on-premises beer and wine license, unless the premises also has a mixed beverage license. The measure also allows persons under 21 years of age to be in a designated bar area that is a concessions stand

serving beer and wine in addition to food and non-alcoholic beverages when the concessions stand is on the premises of a sports, music or entertainment venue, convention center, fairgrounds or similar facility.

The legislative effort to modernize Oklahoma's liquor laws has had an effect on how local communities deal with liquor sales in their respective counties. There are currently 17 dry counties in Oklahoma, meaning the restaurants and bars in these counties that sell low-point beer by the drink to its patrons will no longer be legally allowed to offer this service on October 1, 2018, as all beer in Oklahoma will be regulated the same regardless of alcohol content by the ABLE Commission. The map on the previous page shows these counties.

Miscellaneous Public Safety

HB 1833 abolishes the Oklahoma Council on Firefighter Training and transfers all duties and responsibilities to the Office of the State Fire Marshal. The measure apportions the levy from fire insurance gross premiums and creates the Firefighter Training Advisory Committee within the Office of the State Fire Marshal.

HB 2230 exempts commissaries for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff from the requirements of being operated by persons licensed by the State Department of Rehabilitation Services.

SB 21 provides a definition of *tillerman* as used in Title 47 of the Oklahoma Statutes and requires a tillerman to possess a proper license.

SB 22 provides a definition of *steerman* as used in Title 47 of the Oklahoma Statutes and requires a steerman to possess a proper license.

SB 23 modifies the definition of *taxicabs* to mean a vehicle carrying eight or fewer persons. The measure also provides that motor vehicles operating pursuant to the Oklahoma

Transportation Network Company Act are to be considered taxicabs.

SB 26 modifies the definition of *bus* to exclude a vehicle authorized for use pursuant to the Oklahoma Transportation Network Company Services Act.

SB 25 deletes language to allow the sale of fireworks in buildings, tents or vehicles that are open to the public.

SB 28 requires the Commissioner of Public Safety to assess and collect costs and fees from subscribers to the Oklahoma Law Enforcement Telecommunications System (OLETS). The collections are to be used for personnel, recurring user fees, necessary hardware and accessories, installation of equipment, maintenance and operational expenses for OLETS.

SB 52 requires that a driver present their physical driver license upon the request of a peace officer.

SB 53 authorizes additional auxiliary lighting for motorcycles.

SB 60 removes the requirement that the license plate decal contain an indication of county. The measure also deletes obsolete language relating to license plate design.

SB 207 directs the Chief Medical Examiner to release copies of the full and complete report of the facts developed by an autopsy to the public in the most expedient manner available; however, the report may be withheld under certain circumstances.

SB 303 authorizes the OSBI to submit and retain fingerprints submitted to the FBI Rap Back System and to collect all program fees from eligible agencies wishing to participate and remit such fees to the FBI.

SB 324 creates the Oklahoma State Award Committee to administer the awarding of the Oklahoma Medal of Valor for meritorious service and the Oklahoma Purple Heart for serious line of duty injuries for law enforcement and public safety members. ■



Revenue & Taxation

After four consecutive years of budget shortfalls and repeated declarations of revenue failure, there was immense pressure to add recurring revenue through the creation of new or increased taxes and fees and repeal a trigger mechanism that was put in place in 2014 to reduce the top marginal personal income tax rate. The Legislature also passed measures to incentivize delinquent taxpayers to come forward and remit unpaid taxes, reduce or end numerous tax incentives and improve the budgeting and tax collection process.

Income Tax

SB 170 nullifies actions taken by the State Board of Equalization to determine if revenue growth is sufficient to warrant a reduction in the top marginal individual income tax rate for future tax years and repeals the trigger mechanism for the rate reduction to 4.85 percent.

In response to the President's proposal to significantly increase standard deduction limits for federal income tax purposes, **HB 2348** unties the state standard deduction limits from the limits established and adjusted annually by the IRS. For tax year 2017 and all future tax years, the following standard deduction amounts would apply:

- \$6,350 for single or married filing separately;
- \$12,700 for married filing jointly or qualifying widower with dependent child; and
- \$9,350 for head of household.

This change is expected to increase income tax collections by \$4.4 million in FY 2018.

State Fees

SB 845 establishes a smoking cessation fee equal to \$1.50 per pack of cigarettes.

On August 10, 2017, the Oklahoma Supreme Court ruled **SB 845** unconstitutional, which resulted in the loss of \$215 million in appropriated funds for FY 2018 to various health agencies. The justices were unanimous in their decision, saying that lawmakers failed to follow the constitutional requirements for revenue-raising measures. The action prompted the Governor to issue an executive order to convene a special session and recall lawmakers to the State Capitol to deal with the resulting budget hole. Please see [Appendix III](#) for a summary of measures enacted in Special Session.

HB 2433 modifies the sales tax exemption for motor vehicles. Currently, sales of motor vehicles or any optional equipment or accessories attached to a motor vehicle are exempt from state and local sales tax and subject to an in lieu motor vehicle excise tax. The measure keeps the sales tax exemption for motor vehicles, but reduces it from a full exemption to all but 1.25 percent of the gross receipts for such sales. As a result, motor vehicle sales will now be subject to both motor vehicle excise tax equal to 3.25 percent and state sales tax equal to 1.25 percent. The change in the exemption treatment is expected to generate \$123 million in increased sales tax collections for the state in FY 2018.

HB 1449 establishes a \$100 registration fee upon every electric-drive motor vehicle registered and a \$30 registration fee upon every hybrid-drive motor vehicle



registered. The fees are credited to the State Highway Construction and Maintenance Fund. The measure allows the lesser of \$10,000 or 1.5 percent of the proceeds from the fee to be used for the development of alternative fuel corridors. For FY 2018 the fee is expected to generate \$506,000.

On October 24, 2017, the Oklahoma Supreme Court ruled HB 1449 unconstitutional, which resulted in the loss of \$506,000 in appropriated funds for FY 2018 that were to be used for highway construction and maintenance. In the 6-3 decision, the Court found that HB 1449 was a revenue bill and did not conform to the mandates of Article V, Section 33.

HB 2361 establishes a new fee on the initial sale of tickets to professional sporting events involving ice hockey, baseball, basketball, football, arena football and soccer. The fee is \$1 for tickets costing less than \$50 and \$2 for tickets costing more than \$50. Proceeds from the fee will go to the General Revenue Fund. The fee is expected to bring in \$2.6 million in new revenue for FY 2018.

HB 2357 increases, from \$15 to \$150, the fee to reinstate suspended corporate instruments because of a corporation's failure to file an annual franchise tax return and remit franchise taxes due to the Oklahoma Tax Commission (OTC).

Budgeting and Collections

HB 2252 allows qualifying taxpayers to enter into a voluntary disclosure agreement with the OTC and be eligible for penalty and interest waivers. By reporting any tax liabilities owed by the taxpayer and making arrangements with the commission for the repayment of principal taxes due, the commission will limit the lookback period to three years for annually filed taxes or 36 months for taxes that do not have an annual filing frequency. Other qualifying taxpayers may also be eligible to enter into modified voluntary disclosure agreements with the commission. With a modified

disclosure agreement, penalty and interest waivers are at the discretion of the commission and the lookback period is unlimited. The measure also increases, from \$10,000 to \$25,000, the amount of interest and penalty that can be waived by the commission without judicial approval.

HB 2380 directs the OTC to establish a voluntary disclosure initiative to encourage payment of unpaid mixed beverage tax, gasoline and diesel tax, gross production and petroleum excise tax, sales and use tax, income tax and withholding tax owed to the state. In exchange for voluntary disclosure and payment of these taxes, any interest, penalties and collection fees owed will be waived. The initiative is expected to generate \$14.6 million in increased tax collections.

HB 1427 allows the OTC to establish an out-of-state tax collections enforcement division and employ private auditors or audit firms to pursue the collection of unpaid taxes owed to the state by remote sellers or out-of-state individuals, firms and corporations.

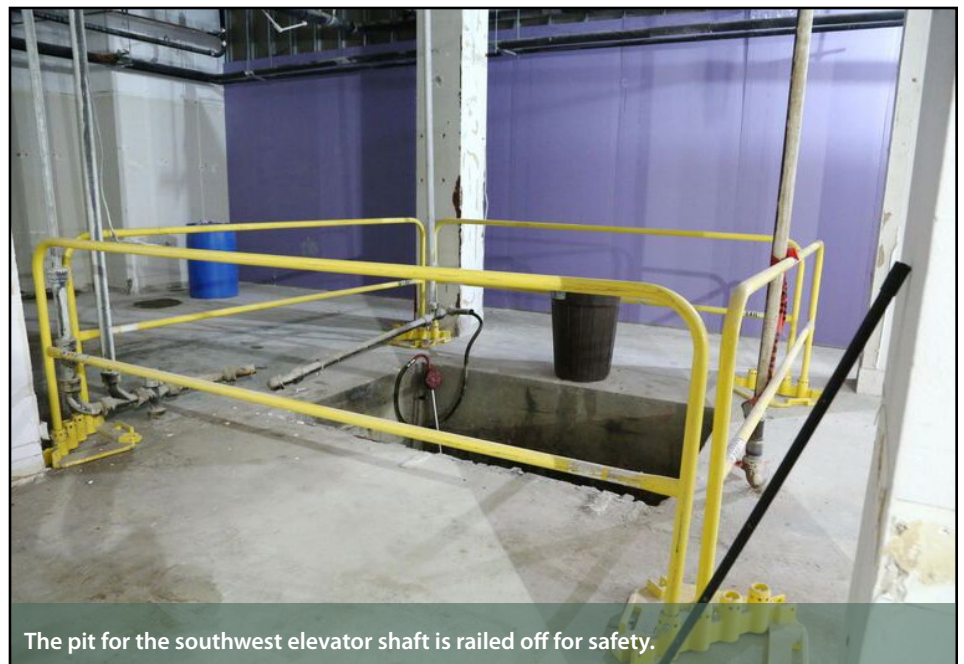
HB 1856 creates the Task Force for the Study of the Oklahoma Tax Code to review all potential incoming revenue to state government and all

potential budget cuts that could be made to all levels of state government.

HB 2209 tasks the OTC with preparing an incidence impact analysis on any bill or proposal that would increase, decrease or redistribute taxes by more than \$20 million.

HB 2343 modifies the definition of *noncompliant taxpayer* to mean any taxpayer operating under a sales tax permit who fails to file two reports or remit tax dues for any two-month period within a 24 month period as required under the provisions of any tax law. The expanded definition would increase taxpayer compliance by extending the procedures for noncompliance currently used in the sales tax code to other tax types and is expected to help increase tax collection by \$17 million for FY 2018.

HB 1837 modifies the apportionment of net proceeds from the Oklahoma Lottery to the Oklahoma Education Lottery Trust Fund. Instead of the current 35 percent of net proceeds, the first \$50 million of net proceeds will be transferred to the fund. Any remaining proceeds will also be transferred to the fund eventually, but will be appropriated by the Legislature on a cash basis for the purpose of implementing



The pit for the southwest elevator shaft is railed off for safety.

pre-K through third grade reading initiative or STEM programs. The measure also limits the annual cost of administration, marketing, contracts and commissions to no more than 3 percent of sales. The combined impact of these changes is estimated to provide \$110 million for educational programs over the next five years.

SB 476 changes guidelines for allocating motor vehicle collections to schools and counties by removing language that requires allocations to school district and counties to be at least equal to the amount received in the preceding month and year. Instead, all revenue from motor vehicle taxes and fees will be allocated in proportion to the school district's average daily membership and the county's population when compared to the statewide average

daily membership and statewide population.

HB 1858 creates the Oklahoma Horse Racing Commission Operational Expenses Revolving Fund and redirects revenue going to the General Revenue Fund from various sources to the newly created fund. The measure makes the commission a nonappropriated agency and limits its budget to \$3.3 million for the next fiscal year; however, it allows the budget to be increased in future years to catch up with inflation.

HB 2356 changes the annual due date, from July 1 to May 1, for the payment of corporate franchise tax to the OTC for taxpayers who were required to remit the maximum amount of franchise tax allowed by state law for the preceding tax year. This change allows the commission

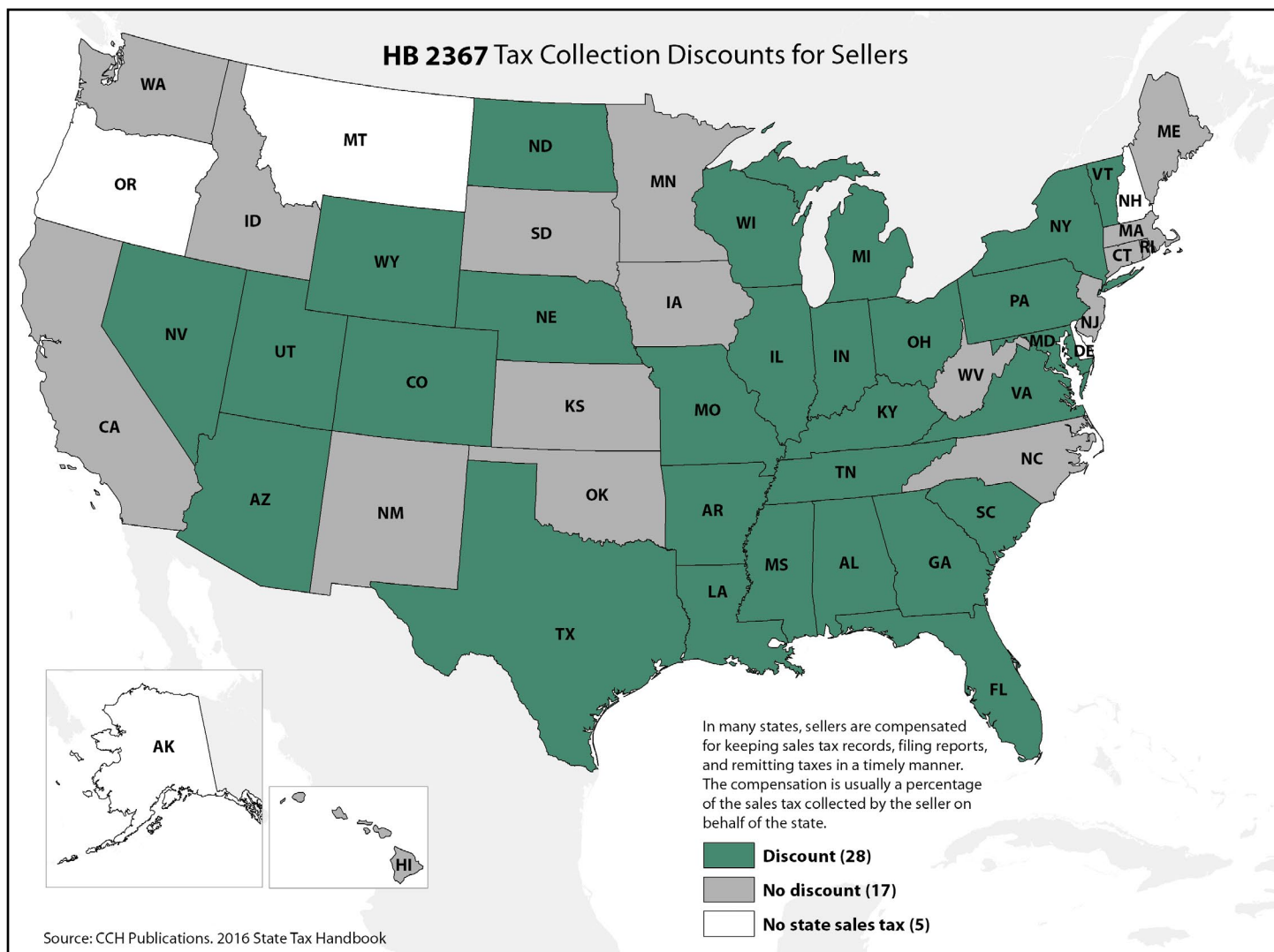
to pre-collect taxes due two months earlier than was previously allowed.

HB 2360 transfers \$18 million from the Rainy Day Fund to the State Board of Education for the support of public schools.

Incentives and Credits

HB 2344 reduces the funds available annually for the Film Rebate Enhancement Program from \$5 million to \$4 million.

HB 2351 modifies a property tax exemption provided to eligible manufacturing facilities by establishing procedures and requirements that will allow certain manufacturing facilities to delay the five-year exemption period. The bill effectively allows a company to take advantage of incentives that might be offered at the local level under the



Local Development Act and still be able to take advantage of the benefits of the five year ad valorem exemption.

SB 445 amends a tax credit for contributions to scholarship granting organizations and educational improvement grant organizations by modifying the allocation of the \$5 million annual cap. Beginning tax year 2016, any credits earned, but not allowed due to the annual cap, will be applied towards the following year's statewide annual cap.

HB 2358 ends a discount on motor fuel taxes for eligible purchasers on July 1, 2022. Currently, these purchasers only pay 98.4 percent of taxes due on gasoline and 98.1 percent of taxes due on diesel fuel.

HB 2367 repeals a section of law that allowed retail vendors to deduct 1 percent of the sales tax due to the OTC as compensation for the seller keeping sales tax records, filing reports and remitting the tax when due. The deduction is limited to \$2,500 per month per sales tax permit. This change is estimated to increase sales and use tax collections by \$14.1 million. The map on the previous page shows which states have tax collection discounts for retailers.

SB 154 requires original and modified versions of an incentive evaluation to be published in the annual report submitted by the Incentive

Evaluation Commission (IEC). The measure also requires the report to be uploaded to and made available on the IEC's website.

SB 189 establishes a sales tax exemption for goods and services purchased by any 501(c)(3) organization that operates as a collaborative model connecting community agencies whose purpose is to serve individuals and families affected by violence at no cost to the victim.

SB 353 establishes a sales tax exemption for the National Guard Association of Oklahoma.

SB 235 clarifies a sales tax exemption provided for the benefit of the Oklahoma Tourism and Recreation Department. The exemption is provided to persons who have a public contract with the department to carry out and assist in the development and production of advertising, promotion, publicity and public relations programs.

SB 293 repeals a section of law that outlines the investment requirements for a paper manufacturing facility to be eligible for a five-year exemption from ad valorem tax.

Miscellaneous Revenue and Taxation

HB 1327 releases any estate tax liens attached to a property that is part of

the estate of an individual that was deceased prior to January 1, 2010 following 10 years after the death of the individual. For reference, the estate tax was previously repealed effective January 1, 2010.

HB 1423 reauthorizes the income tax check off for the Folds of Honor Scholarship Program and makes the check off permanent regardless of the amount of contributions received each year. Current law provides that check offs that generate less than \$15,000 in contributions for three consecutive years are to be removed from income tax forms in subsequent tax years.

SB 91 requires notice of delinquent personal property taxes on a manufactured home to also be mailed by the county treasurer to the last-known address of the owner of the real property on which the manufactured home is located.

SB 225 exempts oil and gas royalty payments made to publicly traded partnerships or their affiliates from state income tax withholding requirements.

SB 841 clarifies how funds received by Oklahoma Historical Society and Oklahoma Department of Agriculture for the 1921 Tulsa Race Riot Centennial Memorial Revolving Fund and Urban Gardens Grant Revolving Fund are to be spent. ■



Transportation

The Legislature honored 23 Choctaw Code Talkers from World Wars I and II by designating in their name a series of memorial bridges near their hometowns in eastern Oklahoma. Additionally, the Legislature passed a measure clarifying contractual relationships between rideshare companies, such as Uber and Lyft, and their drivers.

SB 631 modifies the Oklahoma Transportation Network Company Services Act by clarifying that a transportation network company (TNC) requirement that TNC drivers display a company logo will not

change the contractual relationship between the driver and the company. The bill also clarifies that TNC drivers must maintain insurance that covers the driver while logged into the application and available to receive ride requests.

HB 1681 directs the Oklahoma Aeronautics Commission to administer an airport inspection program for all public-use airports within the state of Oklahoma. The measure requires all airport owners to provide access to airport facilities for conducting inspections. Finally, the measure requires the commission to submit a written report to each airport detailing the findings of the inspections.

HB 2179 modifies the Aircraft Pilot and Passenger Protection Act by specifying that surveying standards are to be made in accordance with the Federal Aviation Administration (FAA) standards. Also, the measure amends the definition of *incompatible purpose* to include:

- places of public assembly;
- transportation facilities;
- storage facilities; and
- above-ground utility facilities.

Likewise, the measure amends *total-structure height* to specify the use of FAA standards and provides that no permit will be required for temporary structures that will be in place for less than 24 months. Furthermore, the measure increases the number of days that a permit applicant has to record an issued permit to the local

county clerk from 30 to 60. Finally, the measure provides the conditions under which a permittee may request to amend a permit.

SB 254 requires the Oklahoma Aeronautics Commission to administer an airport inspection program for public-use airports on a three-year cycle and to provide a written report to each airport detailing the findings of the inspections.

HB 1149 created the following highway and bridge designations:

- Jennifer Lea Briggs and Heather Wilson Memorial;
- James Everett Clark III Memorial Bridge;
- Keith Alan Copeland Memorial Bridge;
- RM3 Bill Lester Driver, US Navy, Memorial Bridge;
- Lt. Lowry Douglas Durrington Memorial Highway;
- CPL Eldon Ervin Memorial Bridge;
- Officer Nathan B. Graves Memorial Highway;
- Col Noble A. Miller, USAF – WWII, Korea and Vietnam Memorial Highway;
- SSG Jack Morgan Memorial Bridge;
- SPC Sonny Gene Sampler Memorial Highway; and
- HM3 (FMF) Eric “Doc” Warren Memorial Highway.

Additionally, the measure also designated a memorial highway for the following Pearl Harbor veterans:



Workers installed new condensing water equipment for the geothermal climate control system.

- S2c Donald G. Loe;
- BM1c Jerry E. Roop; and
- CBM Doyle E. Winters.

Finally, the measure designated a series of memorial bridges for the following World War I and World War II Choctaw Code Talkers:

- Forreston Baker;
- Albert Billy;
- Schlicht Billy;
- Mitchell Bobb;
- Victor Brown;
- Ben Carterby;
- Ben Colbert;
- George E. Davenport;
- Joseph H. Davenport;
- James M. Edwards;
- Tobias W. Frazier;
- Benjamin Hampton;
- Noel Johnson;
- Otis Leader;
- Solomon Bond Louis;
- Pete Maytubby;
- Jeff Nelson;
- Joseph Oklahombi;
- Andrew Perry;
- Davis Pickens;
- Robert Taylor;

- Charles Walter Veach; and
- Calvin Wilson.

Similarly, **SB 94**, **SB 166** and **SB 642** created the following memorial designations:

- SPC Cody Levi Cookson Memorial Bridge;
- Bobby Jo Cudd Memorial Highway;
- CPL Wilfred Flores Jr. Memorial Bridge;
- LCPL Trevor A. Roberts Memorial Highway;
- Patrolman Justin Terney Memorial Highway.

HB 1510, **SB 14**, **SB 55**, **SB 408** and **SB 565** created or modified the following license plates:

- Bixby Spartans;
- Clinton Public School Foundation;
- Collinsville Cardinals Supporter;
- Disabled American Veterans;
- Ducks Unlimited;
- East Central Cardinals Supporter;

- Jenks Trojans;
- Oklahoma Aeronautics Commission;
- Oklahoma Fallen and Living Firefighters Memorial;
- Oklahoma License to Educate;
- Owasso Rams Supporter;
- Piedmont Education Foundation;
- Prisoner of War and Missing in Action;
- Rejoice Christian Eagles Supporter;
- Skiatook Bulldogs Supporter;
- Sooner ABATE;
- Sperry Pirates Supporter;
- The Pride of Oklahoma; and
- Woodward Boomers.

SB 47 establishes August 19 as Aviation and Aerospace Day in Oklahoma.

SB 230 establishes December 9 as Women in Aviation and Aerospace Day in Oklahoma.

SB 433 increases certain aircraft registration fees. ■



Veterans & Military Affairs

Along with taking steps to establish a state veterans cemetery system and clarifying who qualifies as a veteran, the Legislature began to work toward a more accurate count of honorably discharged veterans in the state.

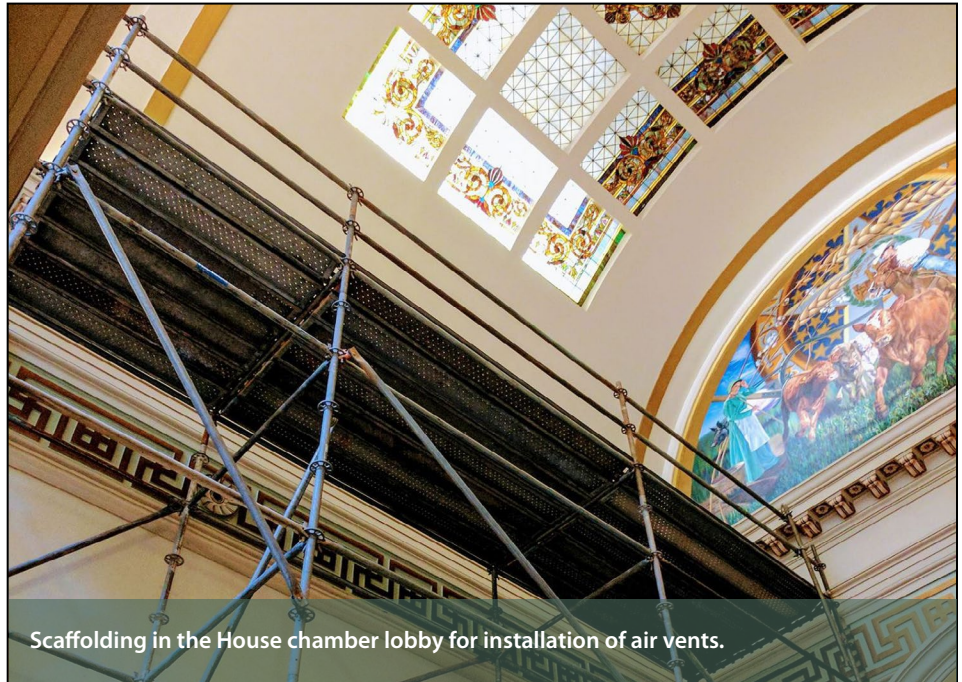
HB 1198 directs the Oklahoma Department of Veterans Affairs to create and maintain a registry of all veterans in the state. This measure requires that those qualified for certain veterans' benefits must demonstrate their eligibility via the registry, unless it had been previously determined by the agency responsible for the benefit. A related measure, **SB 456**, provides that the registry include 100 percent service-disabled status, if applicable.

SB 543 authorizes the Oklahoma Department of Veterans Affairs to construct and operate a State Veterans' Cemetery System.

HB 1197 broadens the definition of *veteran* to include anyone who has served the full obligation for an active duty, reserve or National Guard military service, or has received an early discharge for medical, hardship or reduction in force reasons, and has been separated or discharged from service under honorable conditions.

SB 57 prohibits admission of a veteran to an Oklahoma veterans center from being limited or conditioned by lack of ability to pay.

SB 730 deletes the requirement that Oklahoma veterans centers be entirely smoke-free by January 1, 2018.



Scaffolding in the House chamber lobby for installation of air vents.

SB 227 allows a member of the armed services to terminate or suspend certain services, including telecommunications, Internet, or TV services, and gym memberships without penalty. The service member must provide proof of official orders showing a call into active service.

SB 33 authorizes the Director of the Oklahoma Department of Veterans Affairs, with the approval of the Oklahoma Veterans Commission, to approve a change order on a construction contract as long as the order does not exceed \$40,000.

SB 42 clarifies when federal law applies to members of the Oklahoma National Guard, when ordered to

active or full-time National Guard duty.

SB 59 authorizes the Adjutant General to enter into reciprocal agreements with a political subdivision of the state for mutual aid in fire protection.

SB 233 clarifies that employees of the state or a political subdivision who are also members of the National Guard or a reserve component of any branch may take a leave of absence when called into active service while receiving regular pay and no loss of status or seniority. The leave is limited to 30 days or 240 hours.

SB 234 creates a petty cash fund for programs of the Oklahoma Military Department. ■



Appendix I

Summary of Vetoes

HB 1210 would have created the Commission on Independence and Ability to develop a plan to provide a comprehensive system of service delivery for Oklahomans with disabilities.

Governor's Veto Message

"... on its face, [it] conflicts with the spirit of the *Olmstead* decision ... the mission of this proposed Commission is not only unclear, but how it intends to serve persons with disabilities and [intellectual/developmental disabilities] is equally unclear ... this bill is confusing and is not sufficiently well thought out to replace the current work being performed by various state agencies to assist and accommodate persons ... in need of community-based integrated assistance."

HB 1552 would have required any proposed rule that modifies the scope of practice of any occupation contained within Title 59 of the Oklahoma Statutes to be approved by a joint resolution before becoming effective.

Governor's Veto Message

"The bill is not consistent with my commitment to create a more productive and efficient state government."

HB 1553 would have required any rule that establishes or increases fees to be approved by a joint resolution separate and apart from the omnibus resolution.

Governor's Veto Message

"The bill is not consistent with my commitment to create a more

productive and efficient state government."

HB 1607 would have provided an exception to transporting a child in a rear-facing child passenger restraint system when the child is being transported by a driver with a valid physical disability.

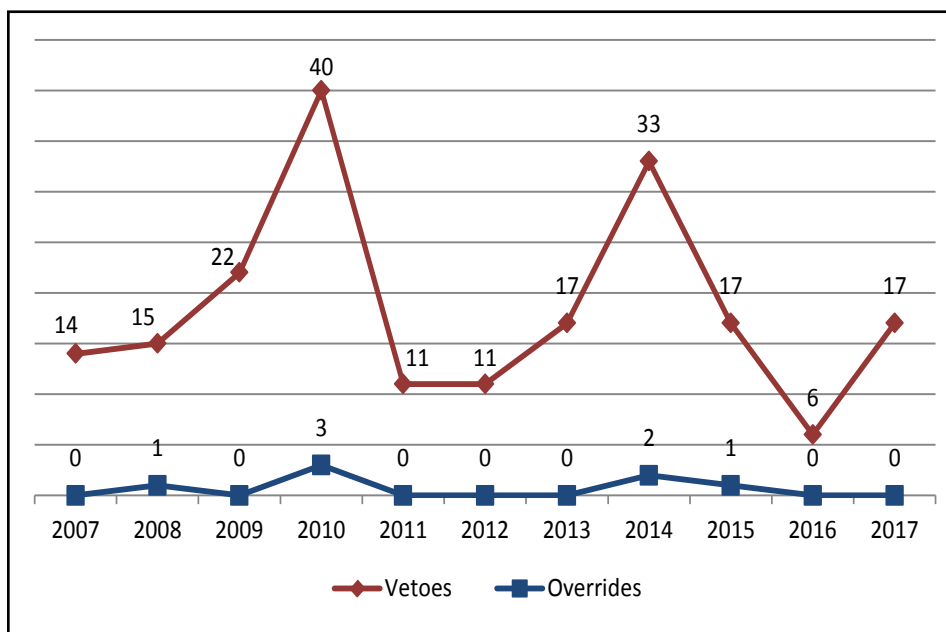
Governor's Veto Message

"I cannot sign this bill in its current form due to an issue with the sentence structure in Section G, which I believe causes some confusion with regards to the intent of the bill."

HB 1667 would have removed the requirement for the Secretary of State to publish the education subject matter standards in the same manner as agency rules. The measure would have required state assessments to be reviewed for alignment with subject matter standards the following year after adoption and would have aligned the textbook adoption cycle with the standards adoption cycle. Lastly, the measure waived the deadline for preliminary and final assessment results in years when new cut scores are to be determined by the Commission for Educational Quality and Accountability.

Governor's Veto Message

"This bill takes authority from the Board [State Board of Education] and directs that authority to the Superintendent of Public Instruction and the State Department of Education. By giving this authority to the State Board of Education the



Legislature previously worked to ensure a fair and objective competitive bidding process. It is my opinion that the competitive bidding process benefits the citizens of Oklahoma because it encourages transparency and competition among a wide range of nationally recognized vendors.”

HB 1670 increases from \$9 to \$10 the CLEET fee collected from a person convicted of any offense punishable by a fine of more than \$10.

Governor’s Veto Message

“HB 1670 creates a \$1.00 increase on an existing OSBI fee that is per offense, with the increase designated for deposit into the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund. However, in 1994, HB 2169 was passed and signed by the Governor, which terminated the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund.

Therefore, there is no mechanism to deposit the new funds.”

This analysis by the Governor was in error, and SB 840 was enacted and signed by the Governor at a later date to implement the language contained in HB 1670.

HB 1913 would have created the Oklahoma Small Loan Act to establish a framework to license and regulate small loan moneylenders through the Department of Consumer Credit.

Governor’s Veto Message

“House Bill 1913 adds yet another level of high interest borrowing (over 200% APR) without terminating or restricting access to existing payday loan products.”

SB 2 would have removed the requirement to administer a statewide assessment in U.S. History and would have updated statutory references to reflect the adoption of new statewide assessments.

Governor’s Veto Message

“Senate Bill 2 moves Oklahoma backwards. United States History is a vital component of a student’s academic coursework. ... Our students need to be grounded in our history and equipped to meet our nation’s future challenges.”

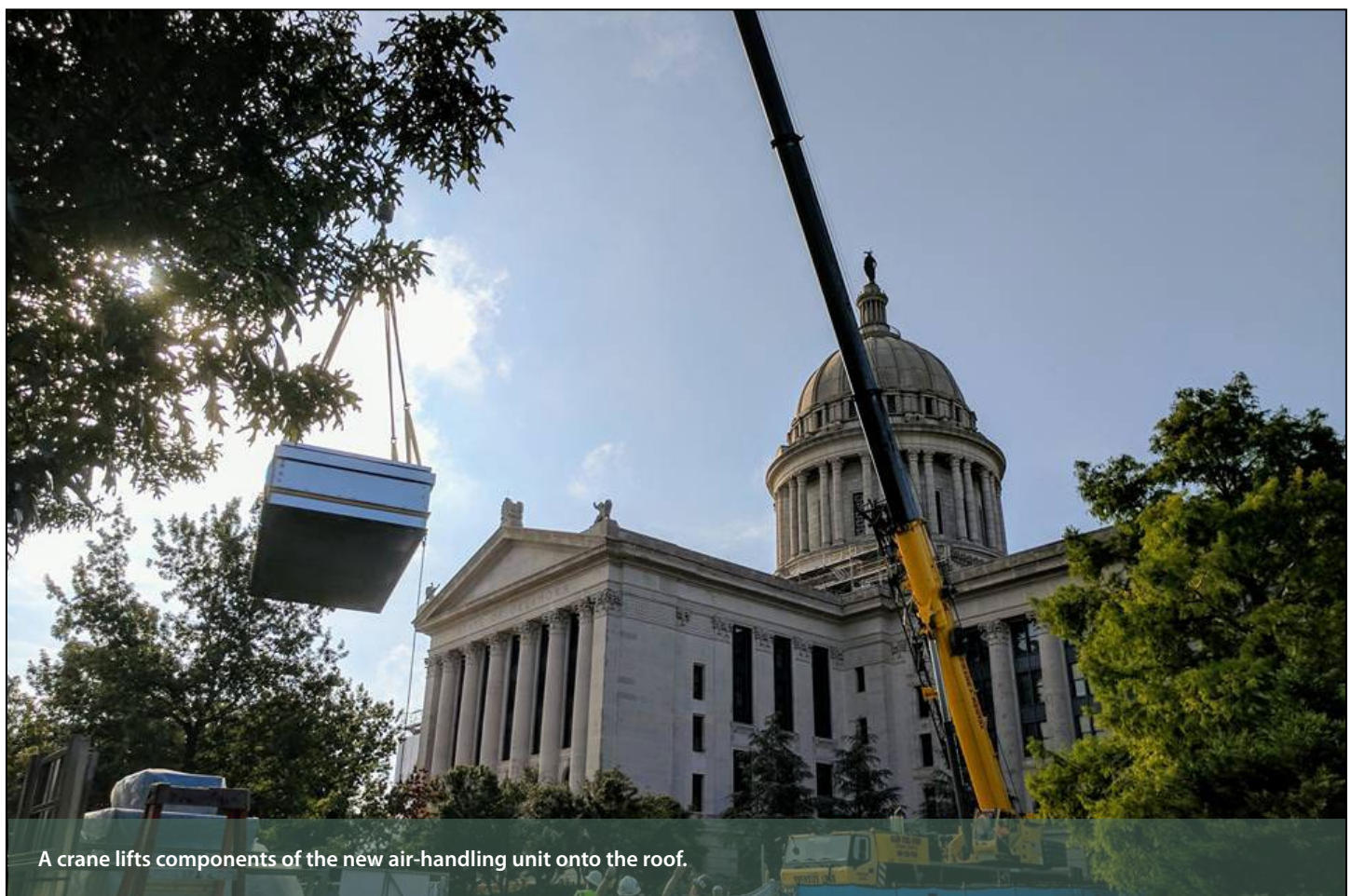
SB 46 would have extended the sunset date of the Public Employees Relations Board to 2018 in accordance with the provisions of the Oklahoma Sunset law.

The Governor vetoed the measure without comment.

SB 206 would have created the Task Force on Merit Protection to study and evaluate the feasibility and efficacy of transferring the oversight of the Merit Protection Commission.

Governor’s Veto Message

“While possible reform of merit protection is an important issue worthy of review, this issue can be



A crane lifts components of the new air-handling unit onto the roof.

addressed through a non-statutory avenue, rather than passing legislation and adding statutory provisions to our already lengthy legal code.”

SB 245 would have required virtual charter schools to maintain a quorum of members for the entire duration of a board meeting whether using an in-person site, videoconferencing or any combination of sites to achieve a quorum.

Governor’s Veto Message

“SB 245 allows [an] undefined set of individuals to create a quorum for a virtual charter school meeting. Conversely, this bill does not treat boards, commissions, and committees equally.”

SB 424 would have made all parties in a civil suit subject to the same timeline for interrogatories, requests to produce, permit inspection or copying of documents and requests for admission.

Governor’s Veto Message

“Senate Bill 424 creates a change in the Oklahoma discovery code by amending the rules of service on interrogatories. This amendment creates a conflict between the Oklahoma discovery code and the Federal discovery code. Additionally, these changes could create a delay for litigants in the final outcome of a lawsuit.”

SB 637 would have created the Governor’s Transparency Act of 2017 to require that any appropriated agency that entered into a memorandum of understanding or memorandum of agreement with any agency, department or

organization receiving appropriated money, grants, contracts from the State of Oklahoma, another state or the federal government to publish a report on its website and the documents.ok.gov website within 15 business days of the memorandum’s effective date.

Governor’s Veto Message

“...Senate Bill 637 places an enormous administrative burden on these state agencies by requiring this lengthy and cumbersome accounting for every MOU, whether significant or insignificant. Senate Bill 637 imposes a burdensome and needless administrative mandate on state agencies, which diminishes a state agency’s ability to achieve its core mission and delays delivery of important services.”

SB 697 would have provided that all rulemaking authority delegated by the Legislature to executive branch agencies is to be used only to implement law or policy as set by the Legislature. Within three years of the effective date of the act, all administrative rules, including those already in existence, must include a specific reference to the statutory provision or federal regulation that delegates the authority for promulgation of the rule.

Governor’s Veto Message

“This creates a significant unfunded financial burden to all state agencies with administrative rules.”

SB 715 would have made several changes to the Speech-Language Pathology and Audiology licensing Act.

Governor’s Veto Message

“These amendments grant the Board of Examiners for Speech-Language Pathology and Audiology subjective discretion as to whether a candidate passes or fails a required licensure examination. Although this may not have been the intent of the authors, I cannot in good faith sign legislation granting the Board this level of subjective authority when it comes to licensing.”

SB 784 would have clarified several definitions within the Oklahoma Pharmacy Act and gave the State Board of Pharmacy the authority to approve certain pilot projects designed to utilize new or expanded technology or processes or provide services in a more safe and efficient manner. Lastly, it removed the Board from the State Employment Review Board.

Governor’s Veto Message

“Senate Bill 784 removes the statutory limitations on full-time employees hired by the State Board of Pharmacy, removing essential state oversight on the number of full-time employees hired by the Agency. This would result in an increased financial burden imposed upon the employee benefit programs and the state pension system.”

SB 799 would have authorized any agency, board, commission or office of the executive branch to adopt policies allowing full-time employees to use administrative leave for the purposes of physical fitness and wellness for up to three hours a week.

Governor’s Veto Message

The Governor vetoed the measure without comment. ■



Appendix II

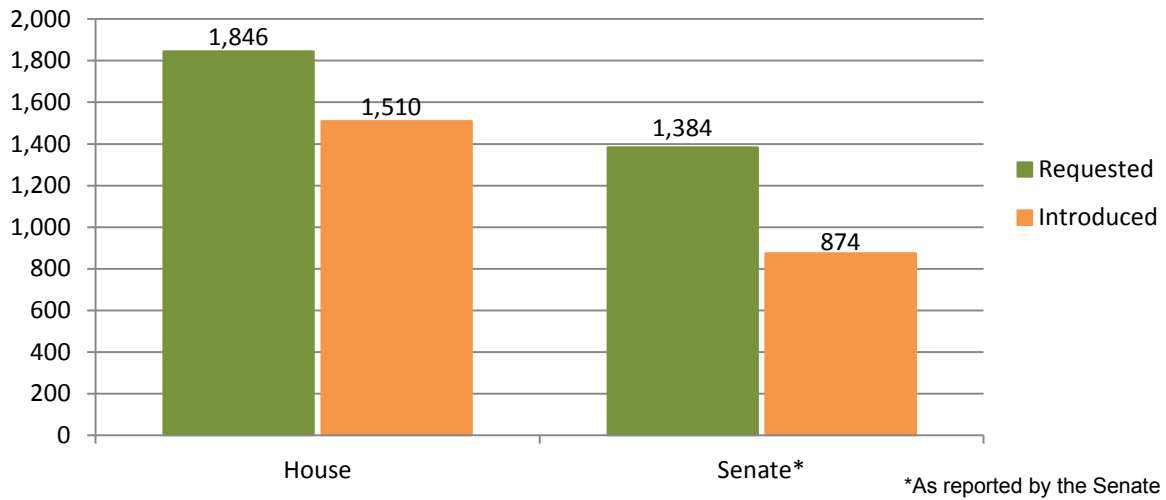
Legislative Production

| | House Bills | House Joint Resolutions | Senate Bills | Senate Joint Resolutions |
|--------------------------------------|-------------|-------------------------|--------------|--------------------------|
| Requested | 1,846 | 49 | 1,384* | ** |
| Introduced | 1,510 | 30 | 874 | 47 |
| Sent to Opposite Chamber | 341 | 4 | 352 | 7 |
| Conference Granted | 59 | 0 | 48 | 0 |
| Sent to Governor | 202 | 1 | 207 | 0 |
| Approved by Governor | 195 | 1 | 197 | 0 |
| Filed with Secretary of State | 0 | 0 | 0 | 1 |
| Vetoed | 7 | 0 | 10 | 0 |

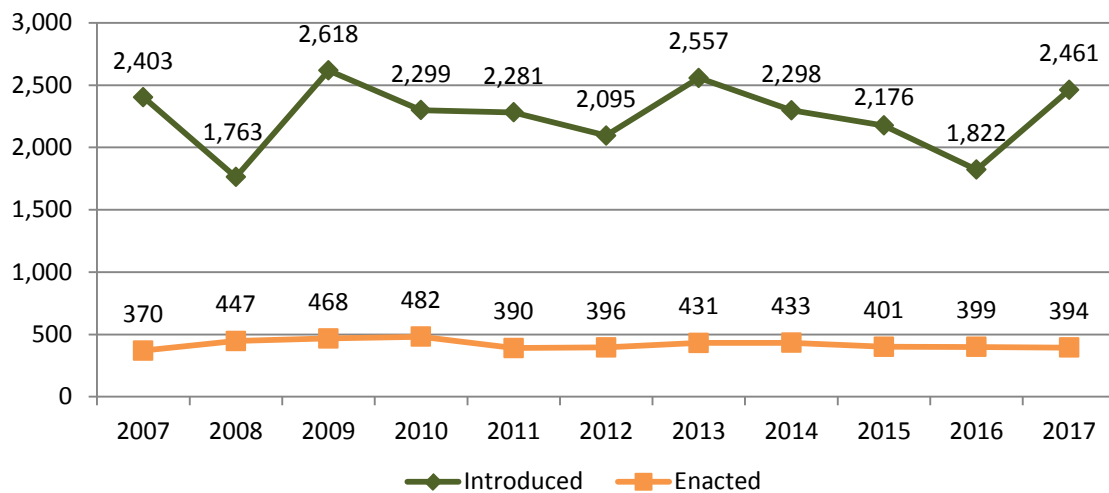
*As reported by the Senate

**SJR requests included in number of Senate Bill requests

Measures Requested and Introduced During the 2017 Legislative Session



House and Senate Measures and Joint Resolutions





Appendix III

Summary of Measures Enacted in the First and Second Extraordinary Sessions of the 56th Legislature

First Extraordinary Session

Convened September 25, 2017

Adjourned November 17, 2017

The Governor's call for the First Extraordinary Session included addressing:

- the budget shortfall created by the loss of the cigarette fee revenue;
- long-term solutions to the state's repeated budget shortfalls;
- consolidation and efficiencies in state government; and
- a pay increase for teachers.

On November 17, 2017, the Governor line-item vetoed the bulk of **HB 1019X**, the general appropriations bill that would have imposed \$60 million in cuts to most state agencies to provide funding for the Oklahoma Health Care Authority (OHCA), the Department of Mental Health and Substance Abuse Services (ODMHSAS), the Department of Human Services (DHS) and the State Department of Health (OSDH).

Other measures enacted during the First Special Session include:

HB 1028X, part of the ongoing investigation into financial mismanagement at the OSDH, directs that the department submit a corrective action report to the Legislature by January 1, 2018, that provides for a 15 percent reduction in state appropriations by June 30, 2019.

HB 1058X states that it is the intent of the Legislature that DHS fund the following programs for the remainder of FY 2018 as initially budgeted: Advantage Home and Community-Based Waiver, Money Follows the Person, Homeward Bound Waiver, In-Home Supports, Personal Care, state-funded community residential and vocational services, Adult Day Services and the Senior Nutrition Program. It is also the intent of the Legislature that DHS set the rates for foster care, residential care, intensive in-home services, group home care and the adoption subsidy program for the remainder of FY 2018 that were in effect at the beginning of the year.

HB 1081X appropriates \$23.3 million from the Constitutional Reserve Fund to the ODMHSAS.

HB 1085X increases the gross production tax rate on legacy wells currently taxed at 4 percent to 7 percent. The increased rate will take effect for production occurring on or after the first full month of the effective date of the act and is expected to increase collections by \$51 million in FY 2018 and \$101.5 million in FY 2019.

Second Extraordinary Session

Convened December 18, 2017

Adjourned April 19, 2018

Following the veto of HB 1019X, the Governor called a Second Special Session for the purpose of providing funding for the OHCA to avoid provider rate cuts. The original call was amended six times to include:

- providing additional funding for DHS and OHCA;
- providing a long-term revenue solution to the state's repeated budget shortfalls;
- creating an office to expose waste, fraud and abuse of taxpayer dollars;
- giving the Governor the authority to appoint agency heads;
- providing a teacher pay raise; and
- providing supplemental funding for the Graduate Medical Education Program.

Below is a summary of measures enacted during the Second Special Session.

Education

HB 1023XX increases the minimum salary schedule for teachers; stipulates that teachers currently making above the minimum salary schedule will be included in the raise; and requires school districts to notify teachers if they intend to provide retirement benefits that would lower a teacher's salary below the minimum.

HB 1026XX provides a pay raise of \$1,250 for school support employees. The raise will be in addition to any other compensation and fringe benefits provided by the district, or mandated by law or a collective bargaining agreement, unless their hours or duties are reduced proportionately.

Health and Human Services

HB 1016XX creates the State Health Care Enhancement Fund that will consist of monies received from the increased tobacco tax pursuant to HB 1010XX.

HB 1021XX states that it is the intent of the Legislature that DHS fund the following programs for the remainder of FY 2018 as initially budgeted: Advantage Home and Community-Based Waiver, Money Follows the Person, Homeward Bound Waiver, In-Home Supports, Personal Care, state-funded community residential and vocational services, Adult Day Services and Senior Nutrition Program. It is also the intent of the Legislature that DHS set the rates for foster care, residential care, intensive in-home services, group home care and the adoption subsidy program for the remainder of FY 2018 that were in effect at the beginning of the year.

Due to the recent loss of federal funding for the state's medical schools, **HB 1022XX** appropriates \$31.8 million to the OHCA to fund the Deans Graduate Medical Education Program for the fourth quarter of FY 2017 and \$110 million to the OHCA to be distributed to Oklahoma State University and the University of Oklahoma for the benefit of the program in FY 2019.

SB 1XX appropriates \$17.7 million to OHCA.

SB 2XX appropriates \$26.5 million to DHS.

Revenue and Taxation

HB 1010XX creates new and modifies existing taxes. The measure establishes an additional tax on cigarettes equal to 50 mills per cigarette and taxes little cigars at the same rate as cigarettes. For a standard package of 20 cigarettes, the tax amounts to \$1 per pack. Revenue from the new tax on cigarettes collected prior to July 1, 2019, will go to General Revenue Fund. Revenue collected on or after July 1, 2019, will go to the newly created State

Health Care Enhancement Fund. The measure also:

- establishes an additional 3 cent per gallon tax on gasoline and 6 cent per gallon tax on diesel fuel purchased in the state. Revenue collected from the additional motor fuel taxes prior to July 1, 2019, will go to the General Revenue Fund. Revenue collected on or after July 1, 2019, will go to the Rebuilding Oklahoma Access and Driver Safety Fund;
- taxes all production of oil and gas from wells spudded prior to, and after the effective date of the act, at 5 percent for the first 36 months of production and 7 percent thereafter. In the event that State Question 795 is approved by voters, the statutory gross production tax rate for the initial 36-month production period will be reduced to 2 percent while the constitutional gross production tax rate at 5 percent for the initial 36 month production period is in effect (on April 23, 2018, the organizers of the petition announced they were withdrawing the petition);
- outlines the apportionment structure for gross production tax on oil and gas levied at the 5 percent rate; and
- creates the Oklahoma Occupancy Tax Act to establish a hotel occupancy tax equal to \$5 per night for each calendar day a hotel room is rented or leased (the occupancy tax was later repealed by the passage of HB 1012XX).

In total, after the repeal of the occupancy tax, the tax revisions are expected to increase state revenue collections by approximately \$429 million in FY 2019.

HB 1011XX establishes a cap on the amount of itemized deductions allowed on a state income tax return. The cap is \$17,000 per return and excludes any amount attributable to

charitable contributions and medical expenses that are deductible for federal income tax purposes. The measure is expected to increase income tax collections by \$94 million in FY 2019.

HB 1012XX repeals all provisions related to the enactment of the Oklahoma Occupancy Tax Act in HB 1010XX. The act created a hotel tax equal to \$5 per day per room. The tax would have provided an additional \$46 million in FY 2019 and \$50 million in FY 2020 to the General Revenue Fund.

HB 1015XX affirms that existing motor fuel tax exemptions will apply to the additional taxes on gasoline and diesel fuel enacted in HB 1010XX.

HB 1018XX directs the Oklahoma Tax Commission (OTC) to impose a limit on the amount of cigarette excise tax stamps purchased by a wholesaler to no more than the monthly average amount of stamps sold to the wholesaler during the preceding calendar year, unless supporting documentation of greater probable sales can be provided. The purpose of the limit is to prevent hoarding of stamps in anticipation of the additional cigarette tax levy enacted in HB 1010XX.

HB 1019XX requires any remote seller, marketplace facilitator or referrer with aggregate sales in the state of at least \$10,000 to do one of two things:

- file an election with the OTC to collect and remit sales and use tax due on tangible personal property sold in the state; or
- comply with notice and reporting requirements established in statute and any required by the OTC.

The measure also outlines the notice and reporting requirements, and establishes a noncompliance penalty that is the lesser of \$20,000 or 20 percent of total sales in Oklahoma during the previous 12 months.

Lastly, the measure provides priority funding to the Education Reform

Revolving Fund (1017 Fund) from use tax collections. For FY 2019, \$19.6 million will be apportioned to the 1017 fund and for FY 2020 and each year thereafter, \$20.5 million will be apportioned to the fund.

HB1034XX sets a \$5 million annual cap for coal tax credits effective tax year 2018 and directs the OTC to use a percentage adjustment formula to determine a percentage by which the credits authorized are to be reduced to satisfy the \$5 million annual cap. In the event that the total tax credits authorized exceed the annual cap, the commission will permit any excess, but must factor the excess into the percentage adjustment formula for subsequent years. Any credit that is unused, because of the cap, may be carried forward until it is fully used.

HB 1036XX sets a \$2 million annual cap for the railroad rehabilitation tax credit effective tax year 2018 and

directs the OTC to use a percentage adjustment formula to determine a percentage by which the credits authorized are to be reduced to satisfy the \$2 million annual cap. In the event that the total authorized tax credits exceed the annual cap, the commission will permit any excess, but must factor the excess into the percentage adjustment formula for subsequent years.

State Government

HB 1020XX makes a midyear adjustment to general appropriations for state agencies by cutting approximately \$44.7 million from the FY 2018 budget. The cuts are to be equally absorbed by appropriated agencies and averages .66 percent less than the original budget passed in the 2017 Regular Session.

HB 1024XX provides salary increases to state employees as follows:

Transportation

HB 1014XX modifies the apportionment structure for various transportation funds to change the sources of revenue for the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund. Beginning FY 2020 and each fiscal year thereafter, the ROADS Fund will accept gasoline and diesel fuel tax revenue apportioned pursuant to HB 1010XX and motor vehicle collections currently apportioned to the General Revenue Fund until the ROADS Fund meets a \$575 million fiscal year cap. When the cap is met, any excess apportionments to the ROADS Fund will be credited to the General Revenue Fund. The measure also redirects various apportionments that currently go to the State Transportation Fund to State Highway Construction and Maintenance Fund, which is limited to accepting \$120 million each fiscal year. ■



Bill Subject Index

This does not include vetoed or Special Session measures, which may be found on [page 49](#) and [page 54](#), respectively.

ABUSE

Child

Childhood sexual abuse; deleting time limitations for civil actions based on childhood sexual abuse incidents; requiring the award of court costs and attorneys fees to prevailing party. **HB 1470**

Children; Child Abuse Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Foster care; Children's Code; expanding scope of definition; investigations of abuse or neglect; placement; guidelines; annual credit report for youth in custody of DHS. **SB 727**

Domestic

Domestic abuse; authorizing transfer of wireless telephone number under certain circumstance. **HB 1466**

Domestic Violence Fatality Review Board; eliminating sunset termination date. **HB 1394**

Domestic violence; creating the Domestic Violence Court Act of 2017; authorizing counties to establish and maintain domestic violence courts; defining terms; Administrative Office of Courts to promulgate rules, procedures and forms. **HB 1121**

Drug and Alcohol

Mental health treatment; definitions; deleting certain age limitation for certain treatment. **SB 229**

Mental health; Alcohol and Drug Abuse Services Act; modifying definition of transitional living facility. **SB 811**

Neglect

Children; Child Abuse Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Sexual

Childhood sexual abuse; deleting time limitations for civil actions based on childhood sexual abuse incidents; requiring the award of court costs and attorneys fees to prevailing party. **HB 1470**

Rape; modifying elements of first and second degree rape. **HB 1005**

Sexual assault definition; courts to instruct jury on definition of consent. **HB 1127**

ADMINISTRATIVE PROCEDURES ACT

Rule Making

Child Care Facilities Licensing Act; requiring records searches of certain persons prior to licensure, employment or certain access; promulgation of rules related to record searches. **SB 723**

Dementia care training; directing State Board of Health to promulgate

rules requiring certain dementia training; contents of curricula.

HB 1620

Department of Human Services; permitting pilot program; directing evaluation of certain information. **SB 748**

Domestic violence; creating the Domestic Violence Court Act of 2017; authorizing counties to establish and maintain domestic violence courts; defining terms; Administrative Office of Courts to promulgate rules, procedures and forms. **HB 1121**

Elections; procedures for voter registration in connection with issuance of driver license. **SB 148**

Guaranteed student loans; removing language regarding notification of certain licensing boards. **SB 357**

Home Bakery Act of 2013; home bakeries; modifying definition; authorizing home food establishments to sell prepared food at certain locations; Department to promulgate rules. **SB 508**

Insurance; creating the Health Care Choice Act; requiring compacting out-of-state insurers to abide by certain requirements in order to offer health and accident policies; conditions required for Commissioner to approve certain out-of-state insurers. **SB 478**

Military Department; permitting Adjutant General to enter into mutual aid agreements; command and control procedures; promulgation of rules. **SB 59**

Mines; updating regulations related to explosives; defining term; adding rules. **SB 370**

Nurse aides; certification requirements for nurse aides; promulgating rules. **SB 180**

Oklahoma Health Care Authority; creating Nursing Facility Supplemental Payment Program Revolving Fund; authorizing expenditures; Health Care Authority to promulgate rules. **SB 828**

Oklahoma Medicaid Program; directing Health Care Authority to initiate certain procedures. **SB 773**

Property insurance; instructing insurance companies to provide certain discounts and rate reductions; submit certain rating plans; defining term; Insurance Department to promulgate rules. **HB 1720**

Public health; directing Secretary of Health and Human Services to seek funds for certain purposes; promulgation of rules. **SB 652**

Residential Care Act; applications for licensure; inspections and investigations; reducing required annual inspections; providing for announced inspections; directing promulgation of rules. **SB 774**

Scenic rivers; declaring purpose of Scenic Rivers Act; updating statutory references. **SB 668**

Social work; directing Regents for Higher Education, Adjutant General and schools of social work to collaborate for certain purposes; promulgation of rules. **SB 690**

Tanning facilities; prohibiting use of facilities by minors; requiring posting of signage. **SB 765**

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules; definitions; hunting and fishing licenses. **HB 1198**

Veterans; directing the Department of Veterans Affairs to create a registry for all service-disabled veterans every four years. **SB 456**

Virtual charter schools; providing for the keeping of attendance records. **SB 244**

AGRICULTURE

Hay harvesting; authorizing counties to issue permits to harvest hay along the right-of-way of highways and roads; requiring certain consent; providing exemption from permit fee. **HB 1305**

Nuisances; providing requirements to determine established date of operation for certain agricultural activities. **HB 1388**

Oilseed Resources Act; definitions; collection of assessment fee; modifying referendum to continue assessment. **HB 1994**

Animal Feeding Operations
Concentrated Animal Feeding Operations Act, updating statutory references; providing exemption from setback requirements. **SB 147**

Swine Feeding Operations Act; modifying definition; removing language regarding operations subject to the Act; setback requirement. **HB 1304**

Crops
Controlled dangerous substances; deleting specific herbicide application methods. **HB 1606**

Sorghum Resources Act; requiring unexpended balance to transfer to General Revenue Fund at certain date; modifying definitions; updating references; repealer. **HB 1431**

Dept. of Agriculture, Food and Forestry
Agriculture; creating the Urban Gardens Grant Act; creating fund; granting certain provisions. **SB 749**

Agriculture; weights and measures; exemption of certain building material retailer from penalty for price/label discrepancy. **SB 493**

Controlled dangerous substances; deleting specific herbicide application methods. **HB 1606**

Depredating animals; management by aircraft; authorizing permit and

license holders to contract with other persons. **HB 2324**

Healthy food consumption; creating the Healthy Food Financing Act; creating fund; Department of Agriculture, Food, and Forestry to administer program. **SB 506**

Home Bakery Act of 2013; home bakeries; modifying definition; authorizing home food establishments to sell prepared food at certain locations; Department to promulgate rules. **SB 508**

Sorghum Resources Act; requiring unexpended balance to transfer to General Revenue Fund at certain date; modifying definitions; updating references; repealer. **HB 1431**

Wildlife services; including feral swine in wildlife damage management; specifying type of firearm certain agents authorized to carry. **HB 1601**

Food
Agriculture; creating the Farmers Market Liability Limitation Act; limiting liability of farmers market under certain circumstances. **SB 595**

Agriculture; weights and measures; exemption of certain building material retailer from penalty for price/label discrepancy. **SB 493**

Healthy food consumption; creating the Healthy Food Financing Act; creating fund; Department of Agriculture, Food, and Forestry to administer program. **SB 506**

Home Bakery Act of 2013; home bakeries; modifying definition; authorizing home food establishments to sell prepared food at certain locations; Department to promulgate rules. **SB 508**

Schools; permitting food donated to a nonprofit organization to be redistributed on the school site. **HB 1875**

Forestry
Agriculture; weights and measures; exemption of certain building material retailer from penalty for price/label discrepancy. **SB 493**

Depredating animals; management by aircraft; authorizing permit and license holders to contract with other persons. **HB 2324**

Sorghum Resources Act; requiring unexpended balance to transfer to General Revenue Fund at certain date; modifying definitions; updating references; repealer. **HB 1431**

Livestock

Livestock brands; transferring certain branding duties to organization designated by the State Board of Agriculture. **HB 1193**

Pesticide

Pesticide applications licenses; penalty; fees; portion of fees used for pesticide disposal. **HB 2392**

Swine, Feral

Depredating animals; management by aircraft; authorizing permit and license holders to contract with other persons. **HB 2324**

Swine Feeding Operations Act; modifying definition; removing language regarding operations subject to the Act; setback requirement. **HB 1304**

Swine; prohibition import or possession of exotic swine; State Veterinarian to grant exemption for zoos. **SB 326**

Wildlife services; including feral swine in wildlife damage management; specifying type of firearm certain agents authorized to carry. **HB 1601**

AIRCRAFTS AND AIRPORTS

Aeronautics Commission; mandating airport inspection program. **HB 1681**

Aircraft Pilot and Passenger Protection Act; specifying standards; permit requirements. **HB 2179**

Aircraft registration fees; increasing. **SB 433**

Depredating animals; management by aircraft; authorizing permit and license holders to contract with other persons. **HB 2324**

Oklahoma Aeronautics Commission; adding administrative inspection

duties; updating statutory language. **SB 254**

ALCOHOLIC BEVERAGES

Alcoholic beverages; merging, reenacting and repealing duplicate sections. **SB 486**

Alcoholic Beverage Laws Enforcement Commission (ABLE)

Alcoholic beverages; modifying provisions relating to sale, regulation, licensing, distribution, marketing and taxation of alcoholic beverages. **SB 646**

Beer/Low-Point Beer

Alcoholic beverages; allowing sale in movie theaters; definitions; licensing; repealer. **HB 2186**

Alcoholic beverages; modifying hours during which certain beverages may be sold; updating statutory references. **SB 411**

Alcoholic beverages; modifying provisions relating to sale, regulation, licensing, distribution, marketing and taxation of alcoholic beverages. **SB 646**

Alcoholic beverages; providing exception relating to beer and wine licenses. **SB 712**

Licenses

Alcoholic beverage licenses; defining term; exempting special events and charitable alcoholic beverage event license from certain licensure requirements. **HB 1302**

Alcoholic beverages; allowing sale in movie theaters; definitions; licensing; repealer. **HB 2186**

Alcoholic beverages; licensing and permitting; modifying acts authorized by hold of winemaker license; Direct Wine Consumer's Permit; modifying acts required or prohibited for holder of permit. **HB 1540**

Alcoholic beverages; modifying provisions relating to sale, regulation, licensing, distribution, marketing and taxation of alcoholic beverages. **SB 646**

Alcoholic beverages; providing exception relating to beer and wine licenses. **SB 712**

Allowing spouse of retail spirits license holder to have certain interest and licenses. **SB 174**

Wine sales and shipments; modifying requirements applicable to holders of Direct Wine Shipper permits. **SB 297**

Retailers

Alcoholic beverages; allowing sale in movie theaters; definitions; licensing; repealer. **HB 2186**

Alcoholic beverages; authorizing sales on Sundays upon county voter approval; hours of sales. **SB 211**

Alcoholic beverages; modifying hours during which certain beverages may be sold; updating statutory references. **SB 411**

Alcoholic beverages; modifying provisions relating to sale, regulation, licensing, distribution, marketing and taxation of alcoholic beverages. **SB 646**

Allowing spouse of retail spirits license holder to have certain interest and licenses. **SB 174**

Wholesaler

Alcoholic beverages; modifying provisions relating to sale, regulation, licensing, distribution, marketing and taxation of alcoholic beverages. **SB 646**

Wine

Alcoholic beverages; licensing and permitting; modifying acts authorized by hold of winemaker license; Direct Wine Consumer's Permit; modifying acts required or prohibited for holder of permit. **HB 1540**

Alcoholic beverages; providing exception relating to beer and wine licenses. **SB 712**

Wine sales and shipments; modifying requirements applicable to holders of Direct Wine Shipper permits. **SB 297**

AMUSEMENTS AND SPORTS

Amusement rides; creating different classes of amusement rides; providing for definition; authorizing Commissioner of Labor to determine date of inspections; requiring annual registration for certain devices. **HB 1169**

Horse Racing Commission; creating revolving fund; funding; apportionments. **HB 1858**

Fireworks

Fireworks; storage requirements; expanding facilities to be inspected. **SB 25**

Gambling/Gaming

State-Tribal Gaming Act; organization licensees; modifying provisions related to authorized gaming; operating hours. **HB 1836**

Lotteries

Education Lottery Act; providing for disposition of net proceeds in excess of designated amount; requiring appropriation. **HB 1837**

Sports

Professional sporting event tickets; assessing fee; requiring fees be deposited in General Revenue Fund. **HB 2361**

Student athletes; prohibition of persons giving money or thing of value; removing requirement that high schools advise student athletes of certain information. **HB 1668**

ANIMALS

Depredating animals; management by aircraft; authorizing permit and license holders to contract with other persons. **HB 2324**

Livestock brands; transferring certain branding duties to organization designated by the State Board of Agriculture. **HB 1193**

APPROPRIATIONS

Ad valorem tax; authorizing specified facilities to delay start of ad valorem exemption period; requirements; procedures; beginning date. **HB 2351**

Commercial hunting and licenses fees; fee for nonresident hunting licenses; tag fees for animals hunted for sport in commercial hunting areas. **HB 2395**

Compete with Canada Film Act; modifying maximum amount of incentive payments. **HB 2344**

Courts; extending date for transfer of monies from specified court revolving funds to the Supreme Court Administrative Revolving Fund. **SB 835**

Definition of teacher; modifying the definition. **HB 2386**

Education Lottery Act; providing for disposition of net proceeds in excess of designated amount; requiring appropriation. **HB 1837**

Employment Security Administration Fund; making appropriation; specifying source; requiring compliance with Social Security Act. **SB 117**

Enforcement of state tax laws; noncompliance procedures; scope of procedures by the Tax Commission. **HB 2343**

Franchise tax payments and reporting; modifying due date and delinquency date. **HB 2356**

Franchise tax procedures; reinstatement fee amount for suspension of certain rights. **HB 2357**

Gross production taxes; limiting period where certain exemptions and rebates may be claimed; economically at-risk oil or gas leases; payment schedule. **HB 2377**

Gross production taxes; reduced rate; apportionment applicable to certain rate. **HB 2429**

Health laboratory; authorizing issuance of certain net amount of obligations by Capitol Improvement Authority for funding construction of a new state health laboratory for the State Department of Health. **HB 2389**

Individual Health Insurance Market Stabilization Act; creating act. **HB 2406**

Motor Fuel Tax Code; deferral of remittance by eligible purchase; increasing remittance percentage basis. **HB 2358**

Motor vehicle tax; sales tax exemptions for motor vehicle sales; exemptions subject to other tax; reducing exemption amount. **HB 2433**

Office of Juvenile Affairs; expending uses for revolving fund. **SB 870**

Oklahoma Indigent Defense System; making appropriation nonfiscal; making appropriation exempt from certain limits. **SB 834**

Pesticide applications licenses; penalty; fees; portion of fees used for pesticide disposal. **HB 2392**

Professional sporting event tickets; assessing fee; requiring fees be deposited in General Revenue Fund. **HB 2361**

Public health; creating the Smoking Cessation and Prevention Act of 2017. **SB 845**

Sales and use tax deductions; repealing certain deductions from sales tax collections and use tax collections. **HB 2367**

Tax Code; provisions related to standard deduction; income tax return filing; requirements. **HB 2348**

Voluntary Disclosure Initiative; authorizing Tax Commission to establish; prescribing requirements; tax compliance and education program. **HB 2380**

Rainy Day Fund (Constitutional Reserve Fund)

Constitutional Reserve Fund; making an appropriation for public schools. **HB 2360**

ATTORNEYS

County employment of legal counsel; authorizing outside counsel in a deputy-involved shooting incident. **HB 2231**

Statute of limitations for civil actions; striking gross negligence standard for certain damages; court costs and attorney fees; Discovery Code; limitations on scope of discovery. **HB 1570**

Attorney General

Discrimination; Office of Civil Rights Enforcement prohibiting forwarding of names on complaints; requiring Attorney General perform certain actions for complaints. **HB 1478**

Insurance; duties of the Attorney General; updating statutory references. **SB 673**

District Attorneys

Crime victims; directing notification of inmate release to designated service provider; time limitation for notice; Electronic Monitoring Program; updating reference; changing agency responsible for certain notification. **HB 1680**

Legal practitioner training; modifying duties to include certain training and continuing legal education requirements. **HB 2284**

Office of the Chief Medical Examiner; autopsy reports; requiring redaction of certain information for certain period; providing exceptions. **SB 207**

Online verification of motor vehicle insurance; transferring certain responsibilities and duties for online verification system from DPS to Insurance Department; adding district attorneys to list of entities allowed access verification system. **SB 115**

Oklahoma Indigent Defense System (OIDS)

Legal practitioner training; modifying duties to include certain training and continuing legal education requirements. **HB 2284**

BOARDS AND COMMISSIONS

Aeronautics Commission; mandating airport inspection program. **HB 1681**

Agency Performance and Accountability Act; creating act;

creating commission; providing for certain agency audits. **HB 2311**

Agriculture; creating the Urban Gardens Grant Act; creating fund; granting certain provisions. **SB 749**

Archives and Records Commission; re-creating Commission. **HB 1991**

Children; Child Abuse Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Chiropractic Examiners, Board of; powers of the Board; requiring certain applicants to submit to national criminal history record check. **HB 1448**

Cooperative Circuit Engineering Districts Board; modifying various board appointment, plan development and consultation authorities. **HB 1108**

County officers and public records; updating language regarding storage of records; county audits; publication on website. **SB 48**

Creating the School Finance Review Commission Act; creating act; creating task force; creating Commission. **HB 1578**

Dementia care training; directing State Board of Health to promulgate rules requiring certain dementia training; contents of curricula. **HB 1620**

Department of Rehabilitation Services; directing certain use of Rehabilitation Services Disbursing Fund; use of funds. **SB 733**

Domestic Violence Fatality Review Board; eliminating sunset termination date. **HB 1394**

Education; repealing certain council, board, commission and associated funds. **HB 1219**

Energy Resources Board; re-creating Board; modifying termination date. **HB 1995**

Engineering and land surveying; licensure; modifying various

provisions of Board, definitions. **HB 1282**

Hazardous Materials Emergency Response Commission; adding designee for State Fire Marshall. **HB 1492**

Horse Racing Commission; creating revolving fund; funding; apportionments. **HB 1858**

Incentive Evaluation Act; evaluation procedures; expanding actions which may be taken by Incentive Evaluation Commission. **SB 154**

Income tax; certain actions declared null and void; marginal income tax rate change subject to certain requirement; repealing specified rate change. **SB 170**

J.M. Davis Memorial Commission; authority of Commission. **HB 2310**

Livestock brands; transferring certain branding duties to organization designated by the State Board of Agriculture. **HB 1193**

Mental Health and Substance Abuse Services, Board of; modifying Board membership. **HB 1708**

Mental health and substance abuse services; peer recovery support specialist; directing Board of Mental Health and Substance Abuse to include certain employees rules for certification. **SB 734**

Nursing Practice Act; modifying certain definitions; disciplinary action for person guilty of deceit or material misrepresenting of a license. **HB 1886**

Occupational Health and Safety Standards Act; clarifying payment and requirement procedures apply to the Workers' Compensation Commission. **HB 2423**

Office of Juvenile Affairs; removing certain requirements; directing certification of certain facilities; permitting juvenile bureaus to enter into certain contracts. **SB 228**

Oilseed Resources Act; definitions; collection of assessment fee;

modifying referendum to continue assessment. **HB 1994**

Oklahoma Aeronautics Commission; adding administrative inspection duties; updating statutory language. **SB 254**

Oklahoma Funeral Board; providing alternative qualifications for licensure; license fees. **SB 469**

Oklahoma Licensed Perfusionists Act; State Board of Examiners of Perfusionists; permitting certain screening of documents through certain methods. **SB 746**

Partnership for School Readiness Board; re-creating Board; modifying termination date. **HB 1996**

Plats and subdivision of land; authorizing the Metropolitan Area Planning Commission to adopt regulations. **HB 2211**

Real Estate Commission; re-creating Commission; modifying termination date. **HB 1998**

Retirement boards; adding State Treasurer to OPERS and OTRS Board of Trustees. **SB 242**

Schools; requiring Commission for Teacher Preparation to adopt rules relating to digital technologies for program accreditation. **HB 1576**

Sorghum Resources Act; requiring unexpended balance to transfer to General Revenue Fund at certain date; modifying definitions; updating references; repealer. **HB 1431**

State Banking Commissioner; making a voting member of Consumer Credit Commission; authorizing certain meetings; relating to the Securities Commission; modifying references. **SB 468**

State Dental Act; modifying various sections. **SB 787**

State fire marshal; redirecting certain amount of tax on fire insurance premiums; abolishing the Council on Firefighter Training; transferring duties and equipment to the State Fire Marshal. **HB 1833**

State parks; rates for services; removing requirement for certain fee allocation. **SB 153**

State Pension Commission; appointees. **HB 2034**

Sunset; State Board of Cosmetology and Barbering; re-creating Board; modifying termination date. **HB 1993**

Veterans; directing the Department of Veterans Affairs to create a registry for all service-disabled veterans every four years. **SB 456**

Wildlife Conservation Commission; decreasing the frequency of required regular session meetings. **HB 1501**

BONDS

Bond Transparency Act of 2017; publication by local governments; bond issues; use of proceeds; Internet access. **HB 1949**

Debt affordability study; requiring study; presentation to Legislature and to Governor. **HB 1533**

Health laboratory; authorizing issuance of certain net amount of obligations by Capitol Improvement Authority for funding construction of a new state health laboratory for the State Department of Health. **HB 2389**

Public competitive bidding procedures and requirements; bond requirements; time period. **HB 1599**

Issuance

Juvenile Affairs Office; imposing duty; assets; issuance of obligations; authorizing to sell certain property. **HB 2387**

State Bond Advisor

Consolidation of the Office of the State Bond Advisor with the Office of the State Treasurer; Council of Bond Oversight; modifying membership and selection. **HB 1583**

BUSINESS AND LABOR

Ad valorem tax exemptions; repealing exemption of pulp, paper, tissue and paper board. **SB 293**

Agriculture; weights and measures; exemption of certain building material retailer from penalty for price/label discrepancy. **SB 493**

Alcoholic beverages; allowing sale in movie theaters; definitions; licensing; repealer. **HB 2186**

Business entities; authorizing actions to determine validity of certain corporate instruments. **SB 769**

Education service contractors; providing that benefits of education service contractor shall be payable in same amount, terms and conditions of other service subject to certain act. **HB 1621**

Infrastructure development; Local Public and Private Facilities and Infrastructure Act; enacting. **HB 1534**

Tanning facilities; prohibiting use of facilities by minors; requiring posting of signage. **SB 765**

Tourism Development Act; creating; establishing framework for Tourism and Recreation Department to offer sales tax credits to companies for creating or expanding tourism attractions in the state. **HB 2131**

Employees

Private employment agencies; authorizing courts to issue certain order; modifying and repealing various provisions. **HB 1233**

Employers

Employment Security Act of 1980; providing for credit for taxable wages; updating language and statutory citations; creating fund; repealing provision relating to group employer accounts; creating the OESC. **HB 1110**

Information required from employer carriers; modifying applicability to employers. **HB 2236**

Private employment agencies; authorizing courts to issue certain order; modifying and repealing various provisions. **HB 1233**

Employment Security Commission

Employment Security Act of 1980; providing for credit for taxable wages; updating language and statutory citations; creating fund; repealing provision relating to group employer accounts; creating the OESC. **HB 1110**

Employment Security Administration Fund; making appropriation; specifying source; requiring compliance with Social Security Act. **SB 117**

Tax administration; certain state agencies to require certain employees to undergo specified criminal history and record searches. **SB 292**

Labor Commissioner

Amusement rides; creating different classes of amusement rides; providing for definition; authorizing Commissioner of Labor to determine date of inspections; requiring annual registration for certain devices. **HB 1169**

Occupational Health and Safety Standards Act; clarifying payment and requirement procedures apply to the Workers' Compensation Commission. **HB 2423**

Private employment agencies; authorizing courts to issue certain order; modifying and repealing various provisions. **HB 1233**

Labor Department

Occupational Health and Safety Standards Act; clarifying payment and requirement procedures apply to the Workers' Compensation Commission. **HB 2423**

Small Business

Allowing spouse of retail spirits license holder to have certain interest and licenses. **SB 174**

Firearms; business owner's rights; clarifying civil liability provision. **SB 288**

Unemployment

Employment Security Administration Fund; making appropriation; specifying source; requiring compliance with Social Security Act. **SB 117**

Wages

Employment Security Act of 1980; providing for credit for taxable wages; updating language and statutory citations; creating fund; repealing provision relating to group employer accounts; creating the OESC. **HB 1110**

CEMETERIES

Burial permits; amending procedure for disinterment and re-interment permits. **HB 1912**

Department of Veterans; establishing a State Veterans' Cemetery System. **SB 543**

CHILDREN

Childhood sexual abuse; deleting time limitations for civil actions based on childhood sexual abuse incidents; requiring the award of court costs and attorneys fees to prevailing party. **HB 1470**

Department of Human Services; permitting pilot program; directing evaluation of certain information. **SB 748**

Hidden Predator Act; creating act; modifying time limitations for prosecuting sexual crimes against children. **HB 1468**

Human trafficking; prohibiting defense through lack of knowledge of age of victim. **SB 34**

REAL ID; limiting the sharing of certain information; child passenger restraint system requirements; exception for rear-facing requirement for children of physically disabled parent under certain conditions. **HB 1465**

Adoption

Children; decreasing length of time minor shall live in prospective adoptive home in order for certain medical and social history to be disclosed. **HB 1887**

Child Care Facilities

Child Care Facilities Licensing Act; requiring records searches of certain persons prior to licensure, employment or certain access;

promulgation of rules related to record searches. **SB 723**

Child care facilities; authorizing persons taking over facility to operate and retain certain rating for certain time period if operating with same personnel under previous owner; requiring notice; conditions under which operations may continue. **HB 1968**

Department of Human Services; criminal history checks; requiring search of certain registries prior to issuance of certain licensing; broadening scope of Child Care Restricted Registry. **SB 717**

Oklahoma Children's Code; including new definitions. **SB 718**

Summer youth camp; lowering age of children at summer youth camp exempt from Child Care Facilities Licensing Act; adding exemption for certain child care facilities. **HB 1491**

Child Custody

Child Supervised Visitation Program; deleting date requirement for certain appointments. **HB 1371**

Deployed Parents Custody and Visitation Act; modifying definitions to include civilian personnel and contractor serving in designated combat zones. **HB 1825**

Indian child custody proceedings; certain notice requirements. **SB 322**

Modifying certain responsibility of guardian ad litem; clarifying party to make certain determination; updating statutory reference. **SB 50**

Child Welfare

Children; Child Abuse Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Foster care; Children's Code; expanding scope of definition; investigations of abuse or neglect; placement; guidelines; annual credit report for youth in custody of DHS. **SB 727**

Guardianship proceedings; authorizing initiation of guardianship proceedings for incapacitated minors approaching adulthood. **HB 2247**

Delinquents and Juveniles

Mental health treatment; definitions; deleting certain age limitation for certain treatment. **SB 229**

Office of Juvenile Affairs; removing certain requirements; directing certification of certain facilities; permitting juvenile bureaus to enter into certain contracts. **SB 228**

Deprived

Children; Child Abuse
Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Oklahoma Children's Code; including new definitions. **SB 718**

Foster

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Foster care; Children's Code; expanding scope of definition; investigations of abuse or neglect; placement; guidelines; annual credit report for youth in custody of DHS. **SB 727**

Juvenile Affairs Office (OJA)

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Mental health treatment; definitions; deleting certain age limitation for certain treatment. **SB 229**

Office of Juvenile Affairs; expending uses for revolving fund. **SB 870**

Office of Juvenile Affairs; removing certain requirements; directing certification of certain facilities;

permitting juvenile bureaus to enter into certain contracts. **SB 228**

Oklahoma Children's Code; including new definitions. **SB 718**

Juvenile Bureaus

Office of Juvenile Affairs; removing certain requirements; directing certification of certain facilities; permitting juvenile bureaus to enter into certain contracts. **SB 228**

Neglect

Children; Child Abuse
Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Foster care; Children's Code; expanding scope of definition; investigations of abuse or neglect; placement; guidelines; annual credit report for youth in custody of DHS. **SB 727**

Oklahoma Children's Code; including new definitions. **SB 718**

CITIES AND TOWNS

Bond Transparency Act of 2017; publication by local governments; bond issues; use of proceeds; Internet access. **HB 1949**

Municipal streets and roads; modifying certain population requirement. **HB 1464**

Oklahoma Aeronautics Commission; adding administrative inspection duties; updating statutory language. **SB 254**

Real property within municipalities; providing exception to prohibition from registering real property; abatement. **HB 1381**

School board and municipal meeting minutes; specifying days required to furnish requested meeting minutes are business days. **HB 2181**

Fire Departments/Volunteer Firefighters

State fire marshal; redirecting certain amount of tax on fire insurance premiums; abolishing the Council on Firefighter Training;

transferring duties and equipment to the State Fire Marshal. **HB 1833**

Land Use (Planning and Zoning)

Plats and subdivision of land; authorizing the Metropolitan Area Planning Commission to adopt regulations. **HB 2211**

Utility relocation in rights-of-way; right-of-way acquisition; adding certain exemption for certain fund match. **SB 85**

Local Taxation

Municipal finances; procedures related to auditing requirement. **SB 354**

CIVIL PROCEDURE

Appeals to the Supreme Court; modifying appeal filing procedures. **HB 2275**

Childhood sexual abuse; deleting time limitations for civil actions based on childhood sexual abuse incidents; requiring the award of court costs and attorneys fees to prevailing party. **HB 1470**

Institutions of higher education; creating certain cause of action; authorizing recovery of damages. **SB 425**

Oklahoma Medicaid False Claims Act; modifying award of certain civil penalty; clarifying certain dismissal and relief requirements. **SB 645**

Damages

Real property documentation; retention of abstract; requiring release of abstract upon written request; title insurance; copy of schedules. **HB 2303**

Statute of limitations for civil actions; striking gross negligence standard for certain damages; court costs and attorney fees; Discovery Code; limitations on scope of discovery. **HB 1570**

Trespassing; liability for damages committed by a trespasser; vicarious liability for person or entity that compensates trespasser. **HB 2128**

Discovery Code

Statute of limitations for civil

actions; striking gross negligence standard for certain damages; court costs and attorney fees; Discovery Code; limitations on scope of discovery. **HB 1570**

Judgments

Waiver of appraisal; clarifying requirement for issuance of certain order of sale. **SB 116**

Lawsuit

Commencement of action based on website accessibility claim; petitions; requirements. **HB 1429**

Liability

Firearms; business owner's rights; clarifying civil liability provision. **SB 288**

Foster care; Children's Code; expanding scope of definition; investigations of abuse or neglect; placement; guidelines; annual credit report for youth in custody of DHS. **SB 727**

Real property documentation; retention of abstract; requiring release of abstract upon written request; title insurance; copy of schedules. **HB 2303**

Pleading Code

Service of process; procedure upon certain inmates; requiring filing of an affidavit if alternative method of process is necessary. **HB 1235**

Process Servers,

Service of process; procedure upon certain inmates; requiring filing of an affidavit if alternative method of process is necessary. **HB 1235**

Small Claims

Small claims procedure; expanding jurisdiction and transfer; requirements and procedures for transfer from small claims docket. **SB 661**

Torts

Operation of vessels; negligent operation and liability; establishing exemption from liability under certain circumstances. **SB 160**

Trespassing; liability for damages committed by a trespasser; vicarious

liability for person or entity that compensates trespasser. **HB 2128**

COMMITTEES, COUNCILS AND TASK FORCES

Alarm and Locksmith Industry Committee and licenses; updating definitions to address technology advancements; statutory references. **SB 531**

Consolidation of the Office of the State Bond Advisor with the Office of the State Treasurer; Council of Bond Oversight; modifying membership and selection. **HB 1583**

Creating the School Finance Review Commission Act; creating act; creating task force; creating Commission. **HB 1578**

Criminal justice reform; creating task force to analyze fines, fees and court costs assessed throughout process. **SB 342**

Dyslexia and Education Task Force; creating; purpose to create handbook for guidance for schools, students and parents in identification, intervention and support. **HB 2008**

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Education; repealing certain council, board, commission and associated funds. **HB 1219**

Infrastructure development; creating Oklahoma Public and Private Facilities and Infrastructure Act. **SB 430**

Promotion of Children's Health, Task Force on the; repealing. **HB 1006**

Public Safety awards; creating the Oklahoma State Award Program Committee; establishing meeting requirements. **SB 324**

Schools; creating a task force to study and make recommendations on school district operations;

subjecting to Open Meetings Act. **SB 514**

State fire marshal; redirecting certain amount of tax on fire insurance premiums; abolishing the Council on Firefighter Training; transferring duties and equipment to the State Fire Marshal. **HB 1833**

Task Force for the Study of the Oklahoma Tax Code; membership; duties. **HB 1856**

CONSUMER CREDIT

Consumer Credit Code; disposition of fees and penalties collected; modifying apportionment of; increasing certain deposit percentage rates. **SB 467**

State Banking Commissioner; making a voting member of Consumer Credit Commission; authorizing certain meetings; relating to the Securities Commission; modifying references. **SB 468**

Credit Cards

Credit card transactions; allowing private schools to charge a service fee. **HB 2178**

CONTRACTS

Competitive Bidding Act of 1974; bid notices; modifying certain time period for posting certain bid notices. **SB 321**

Contracts; establishing procedures for termination and reinstatement for certain contracts by service members. **SB 227**

Educator contracts; allowing the State Department of Education to contract with educators for certain services; exemptions. **SB 45**

Historical societies and associations; authorizing OHS Board of Directors to enter into certain contracts and create endowment; limiting use of proceeds. **SB 237**

Insurance; amending certain requirements related to service warranties. **SB 427**

Veterans; modifying authority to approve certain construction

contracts; Veterans Commission to delegate to Director of Department of Veterans Affairs. **SB 33**

Consumer Protection

Consumer Protection Act; modifying exceptions. **HB 2276**

Service warranties; prohibiting automatic renewal provision in rental; exception; Rental-Purchase Act; modifying jurisdiction and venue for review. **SB 102**

CORPORATION COMMISSION

Nonconsensual Towing Act of 2011; creating penalty for failure to pay certain fee; deadlines for payment; budgetary standards. **HB 1842**

Oil and Gas

Environmental agencies; authorizing DEQ and Corporation Commission to administer oil and gas programs. **SB 287**

Oil and gas; creating Oklahoma Energy Jobs Act of 2017; well spacing and drilling units; definitions; Corporation Commission jurisdiction to permit horizontal wells. **SB 867**

Public Utilities

Corporation Commission assessments; utility regulation; assessments; budgetary limits. **HB 1860**

Wind energy; specifying certain terms, intent of building a wind facility. **SB 593**

CORPORATIONS

Business entities; authorizing actions to determine validity of certain corporate instruments. **SB 769**

Franchise tax procedures; reinstatement fee amount for suspension of certain rights. **HB 2357**

Non-Profit Corporations

Alcoholic beverage licenses; defining term; exempting special events and charitable alcoholic beverage event license from certain licensure requirements. **HB 1302**

Sales tax; providing exemption for certain nonprofit organizations providing services to victims of violence. **SB 189**

Schools; permitting food donated to a nonprofit organization to be redistributed on the school site. **HB 1875**

COUNTIES AND COUNTY OFFICERS

Ad valorem tax; notice of delinquent taxes; requiring county treasurer to provide specified notice under certain circumstances. **SB 91**

County documents; microfilming of certain documents. **HB 1189**

County jail reimbursement rate; establishing notification procedure when incarceration costs exceed minimum reimbursement rate; State Auditor to determine daily incarceration costs under certain circumstances; DOC to distribute monthly reimbursements. **HB 1483**

Dual office holding; exemptions; county officers and positions. **HB 1759**

Firearms; providing an exception for elected county officials. **HB 1104**

Motor vehicle taxes and fees; apportionment; conforming basis for apportionment to schools and counties with specified limitations. **SB 476**

Assessor

County officers and public records; updating language regarding storage of records; county audits; publication on website. **SB 48**

Boards

Cooperative Circuit Engineering Districts Board; modifying various board appointment, plan development and consultation authorities. **HB 1108**

Municipal streets and roads; modifying certain population requirement. **HB 1464**

Vending facilities on state or county property; exempting county jail commissaries from requirement

to have licensed blind operators operate vending facilities. **HB 2230**

Commissioner

County property; authorizing the sale of property and agreements with tribal governments. **HB 1516**

County Roads and Bridges

Cooperative Circuit Engineering Districts Board; modifying various board appointment, plan development and consultation authorities. **HB 1108**

Hay harvesting; authorizing counties to issue permits to harvest hay along the right-of-way of highways and roads; requiring certain consent; providing exemption from permit fee. **HB 1305**

Elections

Elections; in-person absentee voting; counties in which additional voting polling places may be designated. **SB 347**

Property

County property; authorizing the sale of property and agreements with tribal governments. **HB 1516**

Plats and subdivision of land; authorizing the Metropolitan Area Planning Commission to adopt regulations. **HB 2211**

Purchasing

Bid proposals; authorizing county purchasing agents to solicit bid proposals by email. **HB 2251**

Sheriff

County employment of legal counsel; authorizing outside counsel in a deputy-involved shooting incident. **HB 2231**

County records; providing time period that certain recordings from equipment attached to law enforcement officer shall be kept. **HB 2232**

County sheriffs; modifying requirement of prior service as peace officer; removing population threshold to expand certain required qualification; defining peace officer. **HB 1259**

Law enforcement training; modifying CLEET training requirements for reserve deputy sheriffs. **SB 90**

Service of process; procedure upon certain inmates; requiring filing of an affidavit if alternative method of process is necessary. **HB 1235**

Vending facilities on state or county property; exempting county jail commissaries from requirement to have licensed blind operators operate vending facilities. **HB 2230**

COURTS

Commencement of action based on website accessibility claim; petitions; requirements. **HB 1429**

Courts; extending date for transfer of monies from specified court revolving funds to the Supreme Court Administrative Revolving Fund. **SB 835**

Criminal acts committed by persons with mental illness or mental defect; adding definition; authorizing videoconferencing of certain proceedings. **HB 1335**

Evidence Code; authorizing the admissibility of statements made by vulnerable or incapacitated persons in certain circumstances; exemption of offenders sentenced to five years or less. **SB 692**

Fees for persons convicted of criminal offenses; increasing storage fee amount for biological specimens; updating statutory reference; modifying inclusions. **SB 840**

Fines and fees; fingerprinting fee; modifying certain fees. **SB 39**

Guardianship proceedings; authorizing initiation of guardianship proceedings for incapacitated minors approaching adulthood. **HB 2247**

Office of Juvenile Affairs; removing certain requirements; directing certification of certain facilities; permitting juvenile bureaus to enter into certain contracts. **SB 228**

Office of the Chief Medical Examiner; autopsy reports; requiring

redaction of certain information for certain period; providing exceptions. **SB 207**

Presentence investigations; modifying requirements of presentence investigations for certain felony offenders; increasing fee. **HB 1324**

Private employment agencies; authorizing courts to issue certain order; modifying and repealing various provisions. **HB 1233**

Sex offender registration; courts to utilize level assignment categorizations; reporting procedures; offenders to provide certain information to DHS. **SB 217**

Small claims procedure; expanding jurisdiction and transfer; requirements and procedures for transfer from small claims docket. **SB 661**

Statute of limitations for civil actions; striking gross negligence standard for certain damages; court costs and attorney fees; Discovery Code; limitations on scope of discovery. **HB 1570**

Subpoena power; crimes against the Department of Human Services; providing subpoena power. **HB 1888**

Child Custody

Child Supervised Visitation Program; deleting date requirement for certain appointments. **HB 1371**

Indian child custody proceedings; certain notice requirements. **SB 322**

District

Child Supervised Visitation Program; deleting date requirement for certain appointments. **HB 1371**

Judicial districts; modifying composition of judges in certain districts. **HB 1823**

Victims' impact panel programs; sentencing powers of the court; attendance requirements; program requirements; expanding scope. **SB 252**

Judges

Child Supervised Visitation

Program; deleting date requirement for certain appointments. **HB 1371**

Domestic violence; creating the Domestic Violence Court Act of 2017; authorizing counties to establish and maintain domestic violence courts; defining terms; Administrative Office of Courts to promulgate rules, procedures and forms. **HB 1121**

Judicial districts; modifying composition of judges in certain districts. **HB 1823**

Juries and Jurors

Sexual assault definition; courts to instruct jury on definition of consent. **HB 1127**

Supreme

Appeals to the Supreme Court; modifying appeal filing procedures. **HB 2275**

CRIMES AND PUNISHMENTS

Affidavits of heirship; increasing allowable amount for certain transfers by banks or credit unions; creating offense; punishment for certain violation. **SB 64**

County employment of legal counsel; authorizing outside counsel in a deputy-involved shooting incident. **HB 2231**

Evidence Code; authorizing the admissibility of statements made by vulnerable or incapacitated persons in certain circumstances; exemption of offenders sentenced to five years or less. **SB 692**

Public health; smoking in public places; removing certain provisions relating to veteran centers. **SB 730**

Subpoena power; crimes against the Department of Human Services; providing subpoena power. **HB 1888**

Victims' impact panel programs; sentencing powers of the court; attendance requirements; program requirements; expanding scope. **SB 252**

Assault and Battery

Crime and punishment; forcible sodomy; inclusions; updating language; definitions. **SB 273**

Domestic abuse; authorizing transfer of wireless telephone number under certain circumstance. **HB 1466**

Domestic violence; creating the Domestic Violence Court Act of 2017; authorizing counties to establish and maintain domestic violence courts; defining terms; Administrative Office of Courts to promulgate rules, procedures and forms. **HB 1121**

DNA

DNA samples; deleting specific misdemeanor crimes from DNA fee requirement. **HB 1609**

DUI

Impaired driving; amending provisions; creating the Impaired Driving Elimination Act 2 (IDEA2); requiring surrender of driver license under certain circumstances. **SB 643**

Felony

Bus Passenger Safety Act; removing certain prohibitions; making exception. **SB 397**

Fees for persons convicted of criminal offenses; increasing storage fee amount for biological specimens; updating statutory reference; modifying inclusions. **SB 840**

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

Presentence investigations; modifying requirements of presentence investigations for certain felony offenders; increasing fee. **HB 1324**

Fines

Bus Passenger Safety Act; removing certain prohibitions; making exception. **SB 397**

Criminal justice reform; creating task force to analyze fines, fees and court costs assessed throughout process. **SB 342**

Fees for persons convicted of criminal offenses; increasing storage fee amount for biological specimens; updating statutory reference; modifying inclusions. **SB 840**

Fines and fees; Forensic Science Improvement Revolving Fund; modifying certain fees. **SB 38**

Presentence investigations; modifying requirements of presentence investigations for certain felony offenders; increasing fee. **HB 1324**

Public health; creating the Smoking Cessation and Prevention Act of 2017. **SB 845**

Trespassing on property containing a critical infrastructure facility without permission; making certain acts of trespassing and vandalism unlawful; providing penalties. **HB 1123**

Firearms and Weapons

Bus Passenger Safety Act; removing certain prohibitions; making exception. **SB 397**

Firearms; allowing valid military id for certain license requirements; modifying reciprocal inclusions. **SB 35**

Firearms; business owner's rights; clarifying civil liability provision. **SB 288**

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

Firearms; modifying definitions. **SB 36**

Handgun Carry Military Age Exemption Act; modifying age eligibility requirement for military. **HB 1428**

Homicide

First degree murder; modifying penalty for conviction of first degree murder of law enforcement officer. **HB 1306**

Misdemeanor

DNA samples; deleting specific misdemeanor crimes from DNA fee requirement. **HB 1609**

Trespassing on property containing a critical infrastructure facility without permission; making certain acts of trespassing and vandalism

unlawful; providing penalties. **HB 1123**

Pornography

Child pornography or obscene material; clarifying procedures related to the destruction of obscene material or child pornography. **HB 1811**

Property Crimes

Trespassing on property containing a critical infrastructure facility without permission; making certain acts of trespassing and vandalism unlawful; providing penalties. **HB 1123**

Trespassing; liability for damages committed by a trespasser; vicarious liability for person or entity that compensates trespasser. **HB 2128**

Sex Crimes

Childhood sexual abuse; deleting time limitations for civil actions based on childhood sexual abuse incidents; requiring the award of court costs and attorneys fees to prevailing party. **HB 1470**

Crime and punishment; forcible sodomy; inclusions; updating language; definitions. **SB 273**

Crimes and punishments; repealing statutes relating to imputing unchastity to females and seduction. **SB 286**

Hidden Predator Act; creating act; modifying time limitations for prosecuting sexual crimes against children. **HB 1468**

Human trafficking; prohibiting defense through lack of knowledge of age of victim. **SB 34**

Rape; modifying elements of first and second degree rape. **HB 1005**

Sexual assault definition; courts to instruct jury on definition of consent. **HB 1127**

Sex Offenders

Crime and punishment; forcible sodomy; inclusions; updating language; definitions. **SB 273**

Statute of Limitations

Childhood sexual abuse; deleting

time limitations for civil actions based on childhood sexual abuse incidents; requiring the award of court costs and attorneys fees to prevailing party. **HB 1470**

Traffic Violations

Driving on roadways; use of the left-hand lane; adding restrictions. **HB 2312**

CRIMINAL PROCEDURE

Constitutional amendment; expanding certain rights of victims of criminal acts. Ballot title. **SJR 46**

Discrimination; Office of Civil Rights Enforcement prohibiting forwarding of names on complaints; requiring Attorney General perform certain actions for complaints. **HB 1478**

Domestic Violence Fatality Review Board; eliminating sunset termination date. **HB 1394**

Human trafficking; prohibiting defense through lack of knowledge of age of victim. **SB 34**

Subpoena power; crimes against the Department of Human Services; providing subpoena power. **HB 1888**

Arrests

CLEET-certified officers; directing to submit notification of criminal proceedings initiated against peace officer. **HB 1671**

Background or Criminal History Checks

Child Care Facilities Licensing Act; requiring records searches of certain persons prior to licensure, employment or certain access; promulgation of rules related to record searches. **SB 723**

Chiropractic Examiners, Board of; powers of the Board; requiring certain applicants to submit to national criminal history record check. **HB 1448**

Criminal history records; modifying requirements; submission of fingerprints to FBI Rap Back System. **SB 303**

Department of Human Services; criminal history checks; requiring

search of certain registries prior to issuance of certain licensing; broadening scope of Child Care Restricted Registry. **SB 717**

Tax administration; certain state agencies to require certain employees to undergo specified criminal history and record searches. **SB 292**

Teachers; providing for criminal history record check to not be required if certified within certain time period. **SB 29**

Death Sentences

Death penalty; provisions of the Uniform Controlled Dangerous Substances Act inapplicable to certain entity or persons participating in the execution process. **HB 1679**

First degree murder; modifying penalty for conviction of first degree murder of law enforcement officer. **HB 1306**

Evidence

Evidence Code; authorizing the admissibility of statements made by vulnerable or incapacitated persons in certain circumstances; exemption of offenders sentenced to five years or less. **SB 692**

Probation and Parole

Crime victims; directing notification of inmate release to designated service provider; time limitation for notice; Electronic Monitoring Program; updating reference; changing agency responsible for certain notification. **HB 1680**

Prosecutions

Childhood sexual abuse; deleting time limitations for civil actions based on childhood sexual abuse incidents; requiring the award of court costs and attorneys fees to prevailing party. **HB 1470**

Hidden Predator Act; creating act; modifying time limitations for prosecuting sexual crimes against children. **HB 1468**

Protective Orders

CLEET-certified officers; directing to submit notification of criminal

proceedings initiated against peace officer. **HB 1671**

Domestic abuse; authorizing transfer of wireless telephone number under certain circumstance. **HB 1466**

Sentencing

Criminal acts committed by persons with mental illness or mental defect; adding definition; authorizing videoconferencing of certain proceedings. **HB 1335**

Domestic violence; creating the Domestic Violence Court Act of 2017; authorizing counties to establish and maintain domestic violence courts; defining terms; Administrative Office of Courts to promulgate rules, procedures and forms. **HB 1121**

First degree murder; modifying penalty for conviction of first degree murder of law enforcement officer. **HB 1306**

Presentence investigations; modifying requirements of presentence investigations for certain felony offenders; increasing fee. **HB 1324**

Victims' impact panel programs; sentencing powers of the court; attendance requirements; program requirements; expanding scope. **SB 252**

DEFINITIONS AND GENERAL PROVISIONS

Definitions; establishing Oklahoma Women in Aviation and Aerospace Day. **SB 230**

Freedom to Display the American Flag Act; creating. **HB 1337**

School board and municipal meeting minutes; specifying days required to furnish requested meeting minutes are business days. **HB 2181**

Definitions

Agriculture; creating the Farmers Market Liability Limitation Act; limiting liability of farmers market under certain circumstances. **SB 595**

Agriculture; creating the Urban Gardens Grant Act; creating fund; granting certain provisions. **SB 749**

Alarm and Locksmith Industry Committee and licenses; updating definitions to address technology advancements; statutory references. **SB 531**

Alcoholic beverage licenses; defining term; exempting special events and charitable alcoholic beverage event license from certain licensure requirements. **HB 1302**

Alcoholic beverages; allowing sale in movie theaters; definitions; licensing; repealer. **HB 2186**

Alcoholic beverages; modifying provisions relating to sale, regulation, licensing, distribution, marketing and taxation of alcoholic beverages. **SB 646**

Alternative Retirement Plan for Comprehensive Universities Act; modifying definitions; election time period of employees; procedures with respect to termination of participation; modifying provisions related to the treatment of certain service credit in the Teachers' Retirement System. **SB 423**

Amusement rides; creating different classes of amusement rides; providing for definition; authorizing Commissioner of Labor to determine date of inspections; requiring annual registration for certain devices. **HB 1169**

Building codes; church accommodations; adding requirement. **SB 312**

Bus Passenger Safety Act; removing certain prohibitions; making exception. **SB 397**

Campus security; Campus Security Act; modifying definitions. **SB 12**

Choosing Childbirth Act; creating; defining term; requiring State Department of Health to make grants to certain entities under certain conditions; specifying services for reimbursement. **HB 1703**

Contracts; establishing procedures for termination and reinstatement

for certain contracts by service members. **SB 227**

Corporal punishment; prohibiting school district personnel from using corporal punishment on students with disabilities; waiver; definition. **HB 1623**

County sheriffs; modifying requirement of prior service as peace officer; removing population threshold to expand certain required qualification; defining peace officer. **HB 1259**

Crime and punishment; forcible sodomy; inclusions; updating language; definitions. **SB 273**

Definition of teacher; modifying the definition. **HB 2386**

Definitions and general provisions; establishing "Oklahoma Aviation and Aerospace Day." **SB 47**

Domestic violence; creating the Domestic Violence Court Act of 2017; authorizing counties to establish and maintain domestic violence courts; defining terms; Administrative Office of Courts to promulgate rules, procedures and forms. **HB 1121**

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Engineering and land surveying; licensure; modifying various provisions of Board, definitions. **HB 1282**

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

Firearms; modifying definitions. **SB 36**

Foster care; Children's Code; expanding scope of definition; investigations of abuse or neglect; placement; guidelines; annual credit report for youth in custody of DHS. **SB 727**

Healthy food consumption; creating the Healthy Food Financing Act;

creating fund; Department of Agriculture, Food, and Forestry to administer program. **SB 506**

Income tax; certain actions declared null and void; marginal income tax rate change subject to certain requirement; repealing specified rate change. **SB 170**

Infrastructure development; creating Oklahoma Public and Private Facilities and Infrastructure Act. **SB 430**

Inspectors Act; modifying definitions and licensing requirements; authorizing license renewal of unemployed inspectors; defining terms. **HB 1283**

Insurance; allowing for electronic delivery of insurance policy documents; defining terms. **SB 372**

Marihuana definition; modifying scope. **HB 1559**

Mental health treatment; definitions; deleting certain age limitation for certain treatment. **SB 229**

Mental health; Alcohol and Drug Abuse Services Act; modifying definition of transitional living facility. **SB 811**

Mines; updating regulations related to explosives; defining term; adding rules. **SB 370**

Motor vehicles; amending definition of bus. **SB 26**

Motor vehicles; providing definition of steerman; requiring certain license. **SB 22**

Motor Vehicles; providing definition of tillerman; requiring certain license. **SB 21**

Oil and gas; creating Oklahoma Energy Jobs Act of 2017; well spacing and drilling units; definitions; Corporation Commission jurisdiction to permit horizontal wells. **SB 867**

Oklahoma Children's Code; including new definitions. **SB 718**

Oklahoma Health Care Authority; homestead liens; modifying names of certain entities. **SB 819**

Out-of-State Tax Collections Enforcement Act of 2017; establishment and maintenance of out-of-state field offices within the Tax Commission; staffing levels; defining term. **HB 1427**

Property insurance; instructing insurance companies to provide certain discounts and rate reductions; submit certain rating plans; defining term; Insurance Department to promulgate rules. **HB 1720**

Public buildings and public works; state purchasing procedures; establishing certain purchasing provisions for school districts. **SB 563**

Residency programs; powers and duties; specifying priority for certain considerations. **SB 816**

Sexual assault definition; courts to instruct jury on definition of consent. **HB 1127**

Sorghum Resources Act; requiring unexpended balance to transfer to General Revenue Fund at certain date; modifying definitions; updating references; repealer. **HB 1431**

Student records; providing that certain information be stored in single- or multiple-file format; transcript definition. **HB 1506**

Tanning facilities; prohibiting use of facilities by minors; requiring posting of signage. **SB 765**

Taxicabs; modifying definition. **SB 23**

Telemedicine; defining terms; providing confidentiality standards for delivery of services; prohibiting telemedicine encounters to prescribe certain drugs. **SB 726**

Transportation network companies; transportation network drives; providing that certain displays shall not alter certain relationships; modifying online status. **SB 631**

Used tires; Used Tire Recycling Indemnity Fund; definitions; used tire fees; removing requirement for Department of Environmental Quality. **SB 426**

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules; definitions; hunting and fishing licenses. **HB 1198**

Veterans; modifying definition of ex-service person, veteran or war veteran. **HB 1197**

Victims' impact panel programs; sentencing powers of the court; attendance requirements; program requirements; expanding scope. **SB 252**

Water quality; adding definitions; state agencies to issue permits for wastewater; modifying prohibitions against construction work; DEQ to issue permits for certain pilot projects. **HB 1485**

Discrimination

Discrimination; Office of Civil Rights Enforcement prohibiting forwarding of names on complaints; requiring Attorney General perform certain actions for complaints. **HB 1478**

Holidays

Definitions and general provisions; establishing "Oklahoma Aviation and Aerospace Day." **SB 47**

Open Meetings Act

Creating the School Finance Review Commission Act; creating act; creating task force; creating Commission. **HB 1578**

Public meetings; establishing provisions for certain notice on internet sites. **SB 403**

DISABLED PERSONS

Corporal punishment; prohibiting school district personnel from using corporal punishment on students with disabilities; waiver; definition. **HB 1623**

Evidence Code; authorizing the admissibility of statements made by vulnerable or incapacitated persons in certain circumstances; exemption

of offenders sentenced to five years or less. **SB 692**

Investment of monies belonging to estates; providing exemption from investment requirements for guardians of minors or incapacitated persons if they are a registered investment advisor representative. **HB 1243**

Lindsey Nicole Henry Scholarships for Students with Disabilities Program; eligibility; providing exemption for students in certain out-of-home placements. **SB 301**

REAL ID; limiting the sharing of certain information; child passenger restraint system requirements; exception for rear-facing requirement for children of physically disabled parent under certain conditions. **HB 1465**

Vending facilities on state or county property; exempting county jail commissaries from requirement to have licensed blind operators operate vending facilities. **HB 2230**

DRUGS

Abuse

Mental health treatment; definitions; deleting certain age limitation for certain treatment. **SB 229**

Controlled Dangerous Substances

Controlled dangerous substances; deleting specific herbicide application methods. **HB 1606**

Death penalty; provisions of the Uniform Controlled Dangerous Substances Act inapplicable to certain entity or persons participating in the execution process. **HB 1679**

Marihuana definition; modifying scope. **HB 1559**

Uniform Controlled Dangerous Substances Act; powers and duties of the Director of the Bureau of Narcotics and Dangerous Drugs Control; increasing hours of mandatory training for reserve special agents; expanding schedules

to include certain substances.

SB 770

Legal Drugs

Health benefit plans; requiring plans to prorate cost-sharing charges for prescription drugs; fees based on number of prescriptions filled or refilled. **HB 1824**

Opiate antagonists; permitting certain employees of the OSBI to administer. **SB 77**

Pharmacists; authorizing pharmacist to prescribe and dispense naloxone; protocol; dispensing refill medications; quantity limitations. **HB 2039**

Prescription eye drops; providing health insurance coverage and benefits for prescription eye drops under certain conditions. **HB 1819**

Uniform Controlled Dangerous Substances Act; powers and duties of the Director of the Bureau of Narcotics and Dangerous Drugs Control; increasing hours of mandatory training for reserve special agents; expanding schedules to include certain substances. **SB 770**

Narcotics and Dangerous Drugs Control Bureau

Controlled dangerous substances; deleting specific herbicide application methods. **HB 1606**

Uniform Controlled Dangerous Substances Act; powers and duties of the Director of the Bureau of Narcotics and Dangerous Drugs Control; increasing hours of mandatory training for reserve special agents; expanding schedules to include certain substances. **SB 770**

Pharmacies

Pharmacists; authorizing pharmacist to prescribe and dispense naloxone; protocol; dispensing refill medications; quantity limitations. **HB 2039**

Prescription eye drops; providing health insurance coverage and benefits for prescription eye drops under certain conditions. **HB 1819**

ECONOMIC DEVELOPMENT

Infrastructure development; Local Public and Private Facilities and Infrastructure Act; enacting. **HB 1534**

Aerospace

Definitions and general provisions; establishing "Oklahoma Aviation and Aerospace Day." **SB 47**

Definitions; establishing Oklahoma Women in Aviation and Aerospace Day. **SB 230**

Income tax; extending time period during which certain tax credits for aerospace industry may be claimed. **SB 120**

Film and/or Music Production

Compete with Canada Film Act; modifying maximum amount of incentive payments. **HB 2344**

Incentives

Compete with Canada Film Act; modifying maximum amount of incentive payments. **HB 2344**

Incentive Evaluation Act; evaluation procedures; expanding actions which may be taken by Incentive Evaluation Commission. **SB 154**

Tourism Development Act; creating; establishing framework for Tourism and Recreation Department to offer sales tax credits to companies for creating or expanding tourism attractions in the state. **HB 2131**

EDUCATION

Education service contractors; providing that benefits of education service contractor shall be payable in same amount, terms and conditions of other service subject to certain act. **HB 1621**

Education; repealing certain council, board, commission and associated funds. **HB 1219**

Law enforcement training; making certified reserve peace officers eligible for full-time training academy under certain circumstances. **HB 1263**

Law enforcement training; modifying inclusions. **SB 604**

Accountability

Creating the School Finance Review Commission Act; creating act; creating task force; creating Commission. **HB 1578**

Student and school performance level accountability; requiring school grade to be based on multimeasures approach based upon certain indicators. **HB 1693**

Attendance

Virtual charter schools; providing for the keeping of attendance records. **SB 244**

Blind, School for

Teachers' leave benefits; providing that unused sick leave of teachers may be transferrable to the School for the Blind or the School for the Deaf. **HB 1188**

Boards of Education

Education personnel compensation; modifying type of retention pay that is not included in total compensation of teachers; authorizing board to extend an existing contract with a paraprofessional for specified compensation. **HB 2157**

School board and municipal meeting minutes; specifying days required to furnish requested meeting minutes are business days. **HB 2181**

Statewide system of college and career planning tools; requiring State Board of Education to adopt certain planning tools. **HB 2155**

Teachers; providing for criminal history record check to not be required if certified within certain time period. **SB 29**

Career and Technology Education

Oklahoma Higher Learning Access Act; modifying certain income qualification; directing the State Regents for Higher Education to establish maximum limit on courses; updating references. **SB 529**

Public buildings and public works; state purchasing procedures; establishing certain purchasing provisions for school districts. **SB 563**

Charter Schools

Virtual charter schools; providing for the keeping of attendance records. **SB 244**

Continuing Education

Dementia care training; directing State Board of Health to promulgate rules requiring certain dementia training; contents of curricula. **HB 1620**

Legal practitioner training; modifying duties to include certain training and continuing legal education requirements. **HB 2284**

Curriculum

Oklahoma Funeral Board; providing alternative qualifications for licensure; license fees. **SB 469**

Passport to Financial Literacy Act; modifying areas of instruction of personal financial literacy education; updating statutory language. **HB 1694**

Reading instruction programs; process for developing; probationary promotion; modifying beginning of school year during which certain students are to be retained under certain circumstance; adding certain information to report card. **HB 1760**

Student competency standards; permitting world language to be a set of competencies. **HB 2156**

Deaf, Oklahoma School for

Teachers' leave benefits; providing that unused sick leave of teachers may be transferrable to the School for the Blind or the School for the Deaf. **HB 1188**

Discipline

Corporal punishment; prohibiting school district personnel from using corporal punishment on students with disabilities; waiver; definition. **HB 1623**

Districts

Disciplinary action against teachers; prohibiting school district from taking disciplinary action against teachers for certain reasons. **HB 1952**

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Education personnel compensation; modifying type of retention pay that is not included in total compensation of teachers; authorizing board to extend an existing contract with a paraprofessional for specified compensation. **HB 2157**

Public buildings and public works; state purchasing procedures; establishing certain purchasing provisions for school districts. **SB 563**

Remediation courses; permitting school districts to offer remediation course to high school students with certain score on ACT and SAT exam. **HB 1790**

School District Transparency Act; information to be included in certain database; calculation for certain information. **HB 1201**

Schools; creating a task force to study and make recommendations on school district operations; subjecting to Open Meetings Act. **SB 514**

Schools; permitting food donated to a nonprofit organization to be redistributed on the school site. **HB 1875**

Teacher salaries; requiring school district to provide notification to teacher if providing retirement benefits such that the salary would be less than set in schedule. **HB 1622**

Teachers; providing for criminal history record check to not be required if certified within certain time period. **SB 29**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Education Department/Board

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Educator contracts; allowing the State Department of Education to contract with educators for certain services; exemptions. **SB 45**

Lindsey Nicole Henry Scholarships for Students with Disabilities Program; eligibility; providing exemption for students in certain out-of-home placements. **SB 301**

Passport to Financial Literacy Act; modifying areas of instruction of personal financial literacy education; updating statutory language. **HB 1694**

School health coordinators; repealing language related to School Health Coordinators Pilot Program. **SB 231**

Student and school performance level accountability; requiring school grade to be based on multimeasures approach based upon certain indicators. **HB 1693**

Teacher salaries; requiring certain out-of-county certification documentation to be analyzed in accordance with industry standards and guidelines and approved by State Department of Education. **HB 1755**

Teachers; providing for criminal history record check to not be required if certified within certain time period. **SB 29**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Funding

Constitutional Reserve Fund; making an appropriation for public schools. **HB 2360**

Creating the School Finance Review Commission Act; creating

act; creating task force; creating Commission. **HB 1578**

Education Lottery Act; providing for disposition of net proceeds in excess of designated amount; requiring appropriation. **HB 1837**

Motor vehicle taxes and fees; apportionment; conforming basis for apportionment to schools and counties with specified limitations. **SB 476**

Oklahoma Tuition Equalization Grant Act; replacing certain institution as eligible for Grant; requiring participating institutions to have certain not-for-profit status. **SB 600**

Per-pupil expenditure; defining; listing expenditure categories; excluding certain expenditures; application; requiring reporting. **HB 1202**

Schools; creating a task force to study and make recommendations on school district operations; subjecting to Open Meetings Act. **SB 514**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Graduation

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Statewide system of college and career planning tools; requiring State Board of Education to adopt certain planning tools. **HB 2155**

Health and Safety

Campus security; Campus Security Act; modifying definitions. **SB 12**

Corporal punishment; prohibiting school district personnel from using corporal punishment on students with disabilities; waiver; definition. **HB 1623**

School health coordinators; repealing language related to School Health Coordinators Pilot Program. **SB 231**

Schools; permitting food donated to a nonprofit organization to be redistributed on the school site. **HB 1875**

Higher Education

Guaranteed student loans; removing language regarding notification of certain licensing boards. **SB 357**

Institutions of higher education; creating certain cause of action; authorizing recovery of damages. **SB 425**

Oklahoma Higher Learning Access Act; modifying certain income qualification; directing the State Regents for Higher Education to establish maximum limit on courses; updating references. **SB 529**

Oklahoma Tuition Equalization Grant Act; replacing certain institution as eligible for Grant; requiring participating institutions to have certain not-for-profit status. **SB 600**

Residency programs; powers and duties; specifying priority for certain considerations. **SB 816**

Schools; requiring Commission for Teacher Preparation to adopt rules relating to digital technologies for program accreditation. **HB 1576**

Social work; directing Regents for Higher Education, Adjutant General and schools of social work to collaborate for certain purposes; promulgation of rules. **SB 690**

Statewide system of college and career planning tools; requiring State Board of Education to adopt certain planning tools. **HB 2155**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Higher Learning Access Program (OHLAP)

Oklahoma Higher Learning Access Act; modifying certain income

qualification; directing the State Regents for Higher Education to establish maximum limit on courses; updating references. **SB 529**

K-12

Credit card transactions; allowing private schools to charge a service fee. **HB 2178**

Lindsey Nicole Henry Scholarships for Students with Disabilities Program; eligibility; providing exemption for students in certain out-of-home placements. **SB 301**

Schools; permitting food donated to a nonprofit organization to be redistributed on the school site. **HB 1875**

Teachers; providing for criminal history record check to not be required if certified within certain time period. **SB 29**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Medical Schools

Podiatric Medicine Practice Act; increasing required residency time for qualification. **SB 682**

Residency programs; powers and duties; specifying priority for certain considerations. **SB 816**

Online Education

Virtual charter schools; providing for the keeping of attendance records. **SB 244**

Professional Development

Schools; requiring Commission for Teacher Preparation to adopt rules relating to digital technologies for program accreditation. **HB 1576**

Reading

Dyslexia and Education Task Force; creating; purpose to create handbook for guidance for schools, students and parents in identification, intervention and support. **HB 2008**

Reading instruction programs; process for developing; probationary promotion; modifying beginning of school year during which certain

students are to be retained under certain circumstance; adding certain information to report card. **HB 1760**

Reading Sufficiency Act; modifying school years during which students who score at certain level on the third-grade assessment may be evaluated for probationary promotion; modifying school year for which reading proficiency requirements apply; updating statutory citation. **SB 84**

Reading Sufficiency Act; requiring certain teachers to receive quality education in certain instructional strategies. **HB 1789**

Regents for Higher Education

Guaranteed student loans; removing language regarding notification of certain licensing boards. **SB 357**

Oklahoma Higher Learning Access Act; modifying certain income qualification; directing the State Regents for Higher Education to establish maximum limit on courses; updating references. **SB 529**

Oklahoma Tuition Equalization Grant Act; replacing certain institution as eligible for Grant; requiring participating institutions to have certain not-for-profit status. **SB 600**

Social work; directing Regents for Higher Education, Adjutant General and schools of social work to collaborate for certain purposes; promulgation of rules. **SB 690**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Residency

Residency programs; powers and duties; specifying priority for certain considerations. **SB 816**

Scholarships

Income tax checkoff donations; Folds of Honor Scholarship Program; reauthorization. **HB 1423**

Income tax credit; allocation and calculation of caps for Oklahoma

Equal Opportunity Education Scholarship Act. **SB 445**

Lindsey Nicole Henry Scholarships for Students with Disabilities Program; eligibility; providing exemption for students in certain out-of-home placements. **SB 301**

School Employees

Alternative Retirement Plan for Comprehensive Universities Act; modifying definitions; election time period of employees; procedures with respect to termination of participation; modifying provisions related to the treatment of certain service credit in the Teachers' Retirement System. **SB 423**

Corporal punishment; prohibiting school district personnel from using corporal punishment on students with disabilities; waiver; definition. **HB 1623**

Definition of teacher; modifying the definition. **HB 2386**

Education personnel compensation; modifying type of retention pay that is not included in total compensation of teachers; authorizing board to extend an existing contract with a paraprofessional for specified compensation. **HB 2157**

Educator contracts; allowing the State Department of Education to contract with educators for certain services; exemptions. **SB 45**

Teachers; providing for criminal history record check to not be required if certified within certain time period. **SB 29**

School Year

Reading instruction programs; process for developing; probationary promotion; modifying beginning of school year during which certain students are to be retained under certain circumstance; adding certain information to report card. **HB 1760**

Reading Sufficiency Act; modifying school years during which students who score at certain level on the third-grade assessment may be evaluated for probationary promotion; modifying school year

for which reading proficiency requirements apply; updating statutory citation. **SB 84**

Schools

Campus security; Campus Security Act; modifying definitions. **SB 12**

Creating the School Finance Review Commission Act; creating act; creating task force; creating Commission. **HB 1578**

Dyslexia and Education Task Force; creating; purpose to create handbook for guidance for schools, students and parents in identification, intervention and support. **HB 2008**

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Guaranteed student loans; removing language regarding notification of certain licensing boards. **SB 357**

Lindsey Nicole Henry Scholarships for Students with Disabilities Program; eligibility; providing exemption for students in certain out-of-home placements. **SB 301**

Motor vehicle taxes and fees; apportionment; conforming basis for apportionment to schools and counties with specified limitations. **SB 476**

Oklahoma Higher Learning Access Act; modifying certain income qualification; directing the State Regents for Higher Education to establish maximum limit on courses; updating references. **SB 529**

Oklahoma Tuition Equalization Grant Act; replacing certain institution as eligible for Grant; requiring participating institutions to have certain not-for-profit status. **SB 600**

Per-pupil expenditure; defining; listing expenditure categories; excluding certain expenditures; application; requiring reporting. **HB 1202**

Public buildings and public works; state purchasing procedures; establishing certain purchasing provisions for school districts. **SB 563**

Reading Sufficiency Act; modifying school years during which students who score at certain level on the third-grade assessment may be evaluated for probationary promotion; modifying school year for which reading proficiency requirements apply; updating statutory citation. **SB 84**

School health coordinators; repealing language related to School Health Coordinators Pilot Program. **SB 231**

Schools; creating a task force to study and make recommendations on school district operations; subjecting to Open Meetings Act. **SB 514**

Student and school performance level accountability; requiring school grade to be based on multimeasures approach based upon certain indicators. **HB 1693**

Student athletes; prohibition of persons giving money or thing of value; removing requirement that high schools advise student athletes of certain information. **HB 1668**

Teachers; providing for criminal history record check to not be required if certified within certain time period. **SB 29**

Use of school buildings and property; providing that board of education may encourage increased community involvement in public schools; allowing patriotic societies speak to and recruit students. **HB 1715**

Virtual charter schools; providing for the keeping of attendance records. **SB 244**

Special Education

Competency examinations; providing for additional certification of special education teachers in certain instances. **HB 1206**

Lindsey Nicole Henry Scholarships for Students with Disabilities

Program; eligibility; providing exemption for students in certain out-of-home placements. **SB 301**

State Aid

Creating the School Finance Review Commission Act; creating act; creating task force; creating Commission. **HB 1578**

Student Loans

Guaranteed student loans; removing language regarding notification of certain licensing boards. **SB 357**

Students

Corporal punishment; prohibiting school district personnel from using corporal punishment on students with disabilities; waiver; definition. **HB 1623**

Dyslexia and Education Task Force; creating; purpose to create handbook for guidance for schools, students and parents in identification, intervention and support. **HB 2008**

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Guaranteed student loans; removing language regarding notification of certain licensing boards. **SB 357**

Lindsey Nicole Henry Scholarships for Students with Disabilities Program; eligibility; providing exemption for students in certain out-of-home placements. **SB 301**

Oklahoma Higher Learning Access Act; modifying certain income qualification; directing the State Regents for Higher Education to establish maximum limit on courses; updating references. **SB 529**

Reading instruction programs; process for developing; probationary promotion; modifying beginning of school year during which certain students are to be retained under certain circumstance; adding certain information to report card. **HB 1760**

Reading Sufficiency Act; modifying school years during which students

who score at certain level on the third-grade assessment may be evaluated for probationary promotion; modifying school year for which reading proficiency requirements apply; updating statutory citation. **SB 84**

Remediation courses; permitting school districts to offer remediation course to high school students with certain score on ACT and SAT exam. **HB 1790**

Statewide system of college and career planning tools; requiring State Board of Education to adopt certain planning tools. **HB 2155**

Student and school performance level accountability; requiring school grade to be based on multimeasures approach based upon certain indicators. **HB 1693**

Student athletes; prohibition of persons giving money or thing of value; removing requirement that high schools advise student athletes of certain information. **HB 1668**

Student competency standards; permitting world language to be a set of competencies. **HB 2156**

Student records; providing that certain information be stored in single- or multiple-file format; transcript definition. **HB 1506**

Use of school buildings and property; providing that board of education may encourage increased community involvement in public schools; allowing patriotic societies speak to and recruit students. **HB 1715**

Virtual charter schools; providing for the keeping of attendance records. **SB 244**

Superintendents

Definition of teacher; modifying the definition. **HB 2386**

Teacher Certification/Licensure

Alternative placement teaching certificates; removing requirement that persons enrolled in alternative placement program document certain number of years of work experience. **HB 1957**

Competency examinations; providing for additional certification of special education teachers in certain instances. **HB 1206**

Teacher salaries; requiring certain out-of-county certification documentation to be analyzed in accordance with industry standards and guidelines and approved by State Department of Education. **HB 1755**

Teacher Preparation

Schools; requiring Commission for Teacher Preparation to adopt rules relating to digital technologies for program accreditation. **HB 1576**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Teacher Retirement

Alternative Retirement Plan for Comprehensive Universities Act; modifying definitions; election time period of employees; procedures with respect to termination of participation; modifying provisions related to the treatment of certain service credit in the Teachers' Retirement System. **SB 423**

Teacher salaries; requiring school district to provide notification to teacher if providing retirement benefits such that the salary would be less than set in schedule. **HB 1622**

Teachers retirement; allowing certain retired teachers to return at full pay. **SB 428**

Teacher Salaries

Education personnel compensation; modifying type of retention pay that is not included in total compensation of teachers; authorizing board to extend an existing contract with a paraprofessional for specified compensation. **HB 2157**

Teacher salaries; requiring certain out-of-county certification documentation to be analyzed in accordance with industry standards and guidelines and approved by

State Department of Education. **HB 1755**

Teacher salaries; requiring school district to provide notification to teacher if providing retirement benefits such that the salary would be less than set in schedule. **HB 1622**

Teachers retirement; allowing certain retired teachers to return at full pay. **SB 428**

Teachers

Competency examinations; providing for additional certification of special education teachers in certain instances. **HB 1206**

Definition of teacher; modifying the definition. **HB 2386**

Disciplinary action against teachers; prohibiting school district from taking disciplinary action against teachers for certain reasons. **HB 1952**

Educator contracts; allowing the State Department of Education to contract with educators for certain services; exemptions. **SB 45**

Passport to Financial Literacy Act; modifying areas of instruction of personal financial literacy education; updating statutory language. **HB 1694**

Reading Sufficiency Act; requiring certain teachers to receive quality education in certain instructional strategies. **HB 1789**

Teacher salaries; requiring certain out-of-county certification documentation to be analyzed in accordance with industry standards and guidelines and approved by State Department of Education. **HB 1755**

Teachers retirement; allowing certain retired teachers to return at full pay. **SB 428**

Teachers' leave benefits; providing that unused sick leave of teachers may be transferrable to the School for the Blind or the School for the Deaf. **HB 1188**

Teachers; providing for criminal history record check to not be required if certified within certain time period. **SB 29**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Testing

Assessment requirements adopted by the State Board of Education; approving. **HJR 1028**

Reading instruction programs; process for developing; probationary promotion; modifying beginning of school year during which certain students are to be retained under certain circumstance; adding certain information to report card. **HB 1760**

Reading Sufficiency Act; modifying school years during which students who score at certain level on the third-grade assessment may be evaluated for probationary promotion; modifying school year for which reading proficiency requirements apply; updating statutory citation. **SB 84**

Remediation courses; permitting school districts to offer remediation course to high school students with certain score on ACT and SAT exam. **HB 1790**

Student and school performance level accountability; requiring school grade to be based on multimeasures approach based upon certain indicators. **HB 1693**

Student competency standards; permitting world language to be a set of competencies. **HB 2156**

Transfers

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Tuition

Oklahoma Tuition Equalization Grant Act; replacing certain institution as eligible for Grant;

requiring participating institutions to have certain not-for-profit status. **SB 600**

ELECTIONS

Absentee

Elections; in-person absentee voting; counties in which additional voting polling places may be designated. **SB 347**

Candidates

Elections; requirements for candidate filing petitions and fees for certain offices. **SB 323**

County

Alcoholic beverages; authorizing sales on Sundays upon county voter approval; hours of sales. **SB 211**

County sheriffs; modifying requirement of prior service as peace officer; removing population threshold to expand certain required qualification; defining peace officer. **HB 1259**

Election Board

Elections; authorizing system for electronically updating voter registration information. **SB 360**

Elections; requirements for candidate filing petitions and fees for certain offices. **SB 323**

Electoral College

Presidential elections; modifying procedures and dates for nomination of Presidential Electors by political party. **SB 145**

Fees

Elections; requirements for candidate filing petitions and fees for certain offices. **SB 323**

Special

Alcoholic beverages; authorizing sales on Sundays upon county voter approval; hours of sales. **SB 211**

Voting

Elections; authorizing system for electronically updating voter registration information. **SB 360**

Elections; in-person absentee voting; counties in which additional voting polling places may be designated. **SB 347**

Elections; procedures for voter registration in connection with issuance of driver license. **SB 148**

ENERGY

Natural Gas

Gross production taxes; limiting period where certain exemptions and rebates may be claimed; economically at-risk oil or gas leases; payment schedule. **HB 2377**

Wind

Wind energy; specifying certain terms, intent of building a wind facility. **SB 593**

ENVIRONMENT AND NATURAL RESOURCES

Income tax credits; credits for electricity generated by zero-emission facilities. **HB 2298**

Environmental Quality Department/Board

Environmental agencies; authorizing DEQ and Corporation Commission to administer oil and gas programs. **SB 287**

Used tires; Used Tire Recycling Indemnity Fund; definitions; used tire fees; removing requirement for Department of Environmental Quality. **SB 426**

Water quality; adding definitions; state agencies to issue permits for wastewater; modifying prohibitions against construction work; DEQ to issue permits for certain pilot projects. **HB 1485**

Hazardous Waste

Hazardous Materials Emergency Response Commission; adding designee for State Fire Marshall. **HB 1492**

Recycling

Used tires; Used Tire Recycling Indemnity Fund; definitions; used tire fees; removing requirement for Department of Environmental Quality. **SB 426**

Water

Environmental agencies; authorizing DEQ and Corporation Commission to administer oil and gas programs. **SB 287**

Water quality; adding definitions; state agencies to issue permits for wastewater; modifying prohibitions against construction work; DEQ to issue permits for certain pilot projects. **HB 1485**

FEDERAL GOVERNMENT (UNITED STATES)

Criminal history records; modifying requirements; submission of fingerprints to FBI Rap Back System. **SB 303**

Employment Security Administration Fund; making appropriation; specifying source; requiring compliance with Social Security Act. **SB 117**

Wildlife services; including feral swine in wildlife damage management; specifying type of firearm certain agents authorized to carry. **HB 1601**

FEES

Aircraft registration fees; increasing. **SB 433**

Commercial hunting and licenses fees; fee for nonresident hunting licenses; tag fees for animals hunted for sport in commercial hunting areas. **HB 2395**

Consumer Credit Code; disposition of fees and penalties collected; modifying apportionment of; increasing certain deposit percentage rates. **SB 467**

Credit card transactions; allowing private schools to charge a service fee. **HB 2178**

Department of Mental Health and Substance Abuse Services; increasing limit on certain fees. **SB 813**

DNA samples; deleting specific misdemeanor crimes from DNA fee requirement. **HB 1609**

Elections; requirements for candidate filing petitions and fees for certain offices. **SB 323**

Franchise tax procedures; reinstatement fee amount for

suspension of certain rights.

HB 2357

Hunting license fees for certain nonresident youth; modifying fees; Department of Wildlife to submit report. **SB 635**

Law enforcement training; modifying CLEET fees to attendees for meals. **SB 89**

Mining operator's fees; modifying fee. **HB 1844**

Nonconsensual Towing Act of 2011; creating penalty for failure to pay certain fee; deadlines for payment; budgetary standards. **HB 1842**

Oklahoma Funeral Board; providing alternative qualifications for licensure; license fees. **SB 469**

Pesticide applications licenses; penalty; fees; portion of fees used for pesticide disposal. **HB 2392**

Professional sporting event tickets; assessing fee; requiring fees be deposited in General Revenue Fund. **HB 2361**

Public health; creating the Smoking Cessation and Prevention Act of 2017. **SB 845**

Real Estate License Code; requirements for broker license; registrations; fee. **SB 266**

Residential Care Act; applications for licensure; inspections and investigations; reducing required annual inspections; providing for announced inspections; directing promulgation of rules. **SB 774**

State parks; rates for services; removing requirement for certain fee allocation. **SB 153**

Used tires; Used Tire Recycling Indemnity Fund; definitions; used tire fees; removing requirement for Department of Environmental Quality. **SB 426**

Court

Criminal justice reform; creating task force to analyze fines, fees and court costs assessed throughout process. **SB 342**

Fees for persons convicted of criminal offenses; increasing storage fee amount for biological specimens; updating statutory reference; modifying inclusions. **SB 840**

Fines and fees; fingerprinting fee; modifying certain fees. **SB 39**

Fines and fees; Forensic Science Improvement Revolving Fund; modifying certain fees. **SB 38**

Presentence investigations; modifying requirements of presentence investigations for certain felony offenders; increasing fee. **HB 1324**

Small claims procedure; expanding jurisdiction and transfer; requirements and procedures for transfer from small claims docket. **SB 661**

Statute of limitations for civil actions; striking gross negligence standard for certain damages; court costs and attorney fees; Discovery Code; limitations on scope of discovery. **HB 1570**

Motor Vehicle

Motor vehicle license plates; creating Sooner State ABATE special plate; creating specified and designating use of fee. **SB 55**

Motor vehicle registrations; creating the Motor Fuels Tax Fee; establishing fee; State Highway Construction and Maintenance Fund; apportionment. **HB 1449**

Motor vehicle taxes and fees; apportionment; conforming basis for apportionment to schools and counties with specified limitations. **SB 476**

FINANCIAL INSTITUTIONS

Investment of monies belonging to estates; providing exemption from investment requirements for guardians of minors or incapacitated persons if they are a registered investment advisor representative. **HB 1243**

Banks and Trust Companies

Affidavits of heirship; increasing allowable amount for certain

transfers by banks or credit unions; creating offense; punishment for certain violation. **SB 64**

Safe deposit boxes; providing for release of safe deposit box contents to affiant; authorizing termination of lease. **HB 1395**

Credit Cards

Credit card transactions; allowing private schools to charge a service fee. **HB 2178**

Credit Unions

Affidavits of heirship; increasing allowable amount for certain transfers by banks or credit unions; creating offense; punishment for certain violation. **SB 64**

Loans

Guaranteed student loans; removing language regarding notification of certain licensing boards. **SB 357**

Various duties of Insurance Commissioner; modifying earnings of certain employees; giving certain documents confidential privilege; prohibiting more than a certain percentage of a company's assets from being invested in certain mortgage loans, money mortgages, and real property. **SB 431**

Mortgages

Real property documentation; retention of abstract; requiring release of abstract upon written request; title insurance; copy of schedules. **HB 2303**

Various duties of Insurance Commissioner; modifying earnings of certain employees; giving certain documents confidential privilege; prohibiting more than a certain percentage of a company's assets from being invested in certain mortgage loans, money mortgages, and real property. **SB 431**

Securities Commission

State Banking Commissioner; making a voting member of Consumer Credit Commission; authorizing certain meetings; relating to the Securities Commission; modifying references. **SB 468**

FIREARMS AND WEAPONS

Firearms; business owner's rights; clarifying civil liability provision. **SB 288**

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

Firearms; modifying definitions. **SB 36**

Wildlife services; including feral swine in wildlife damage management; specifying type of firearm certain agents authorized to carry. **HB 1601**

License

Firearms; allowing valid military id for certain license requirements; modifying reciprocal inclusions. **SB 35**

Firearms; providing an exception for elected county officials. **HB 1104**

Handgun Carry Military Age Exemption Act; modifying age eligibility requirement for military. **HB 1428**

Schools and Government Property

Firearms; modifies the definition of motor vehicle as used regarding the carrying and storage of firearms to include motorcycles equipped with a locked accessory container. **HB 1550**

Firearms; providing an exception for elected county officials. **HB 1104**

Transporting

Bus Passenger Safety Act; removing certain prohibitions; making exception. **SB 397**

Firearms; modifies the definition of motor vehicle as used regarding the carrying and storage of firearms to include motorcycles equipped with a locked accessory container. **HB 1550**

FUNDS

1921 Tulsa Race Riot; creating Centennial Memorial revolving fund. **SB 17**

Agriculture; creating the Urban Gardens Grant Act; creating fund; granting certain provisions. **SB 749**

American Indian Cultural Center and Museum; financing of; updating statutory reference; modifying requirements for issuance of certain obligations; deleting date requirement for deposit into American Indian Cultural Center and Museum Completion Fund. **SB 872**

Authorizing creation of a petty cash fund for the Military Department; director of OMES to establish certain procedures. **SB 234**

Children; Child Abuse Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Courts; extending date for transfer of monies from specified court revolving funds to the Supreme Court Administrative Revolving Fund. **SB 835**

Department of Rehabilitation Services; authorizing transfer of funds; providing procedures; certain exemption. **SB 80**

Department of Rehabilitation Services; directing certain use of Rehabilitation Services Disbursing Fund; use of funds. **SB 733**

Education; repealing certain council, board, commission and associated funds. **HB 1219**

Employment Security Act of 1980; providing for credit for taxable wages; updating language and statutory citations; creating fund; repealing provision relating to group employer accounts; creating the OESC. **HB 1110**

Fines and fees; Forensic Science Improvement Revolving Fund; modifying certain fees. **SB 38**

Healthy food consumption; creating the Healthy Food Financing Act; creating fund; Department of Agriculture, Food, and Forestry to administer program. **SB 506**

Horse Racing Commission; creating revolving fund; funding; apportionments. **HB 1858**

Income tax refund donations; reauthorizing income tax checkoff for Wildlife Diversity Program; creates an income tax checkoff for the Emergency Responders Assistance Program; revolving fund; providing for fund expenses. **HB 1392**

Motor vehicle registration; creating various special license plates. **SB 14**

Motor vehicle registrations; creating the Motor Fuels Tax Fee; establishing fee; State Highway Construction and Maintenance Fund; apportionment. **HB 1449**

Office of Juvenile Affairs; expending uses for revolving fund. **SB 870**

Oilseed Resources Act; definitions; collection of assessment fee; modifying referendum to continue assessment. **HB 1994**

Oklahoma Health Care Authority; creating Nursing Facility Supplemental Payment Program Revolving Fund; authorizing expenditures; Health Care Authority to promulgate rules. **SB 828**

Oklahoma Law Enforcement Telecommunication System; Department of Public Safety Restricted Revolving Fund; assessment and collection of certain costs and fees; authorizing certain expenditures. **SB 28**

Passport to Financial Literacy Act; modifying areas of instruction of personal financial literacy education; updating statutory language. **HB 1694**

Public finance; clarifying monies to be deposited to certain revolving funds; creating the 1921 Tulsa Race Riot Centennial Memorial Revolving Fund. **SB 841**

Public health; creating the Smoking Cessation and Prevention Act of 2017. **SB 845**

Sorghum Resources Act; requiring unexpended balance to transfer to General Revenue Fund at certain

date; modifying definitions; updating references; repealer. **HB 1431**

State fire marshal; redirecting certain amount of tax on fire insurance premiums; abolishing the Council on Firefighter Training; transferring duties and equipment to the State Fire Marshal. **HB 1833**

Teachers; State Department of Education and the State Regents for Higher Education to develop and implement teacher recruitment programs; creating fund. **SB 15**

Used tires; Used Tire Recycling Indemnity Fund; definitions; used tire fees; removing requirement for Department of Environmental Quality. **SB 426**

Utility relocation in rights-of-way; right-of-way acquisition; adding certain exemption for certain fund match. **SB 85**

FUNERALS

Oklahoma Funeral Board; providing alternative qualifications for licensure; license fees. **SB 469**

GAME AND FISH

Fishing

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules; definitions; hunting and fishing licenses. **HB 1198**

Hunting

Commercial hunting and licenses fees; fee for nonresident hunting licenses; tag fees for animals hunted for sport in commercial hunting areas. **HB 2395**

Depredating animals; management by aircraft; authorizing permit and license holders to contract with other persons. **HB 2324**

Hunting license fees for certain nonresident youth; modifying fees; Department of Wildlife to submit report. **SB 635**

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules;

definitions; hunting and fishing licenses. **HB 1198**

Licenses

Commercial hunting and licenses fees; fee for nonresident hunting licenses; tag fees for animals hunted for sport in commercial hunting areas. **HB 2395**

Depredating animals; management by aircraft; authorizing permit and license holders to contract with other persons. **HB 2324**

Hunting license fees for certain nonresident youth; modifying fees; Department of Wildlife to submit report. **SB 635**

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules; definitions; hunting and fishing licenses. **HB 1198**

Wildlife

Depredating animals; management by aircraft; authorizing permit and license holders to contract with other persons. **HB 2324**

Income tax refund donations; reauthorizing income tax checkoff for Wildlife Diversity Program; creates an income tax checkoff for the Emergency Responders Assistance Program; revolving fund; providing for fund expenses. **HB 1392**

Wildlife services; including feral swine in wildlife damage management; specifying type of firearm certain agents authorized to carry. **HB 1601**

Wildlife Conservation Department/Commission

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules; definitions; hunting and fishing licenses. **HB 1198**

Wildlife Conservation Commission; decreasing the frequency of required regular session meetings. **HB 1501**

GOVERNOR

Debt affordability study; requiring study; presentation to Legislature and to Governor. **HB 1533**

GRAND RIVER DAM AUTHORITY

Scenic rivers; declaring purpose of Scenic Rivers Act; updating statutory references. **SB 668**

GUARDIAN AND WARD

Guardianship proceedings; authorizing initiation of guardianship proceedings for incapacitated minors approaching adulthood. **HB 2247**

Investment of monies belonging to estates; providing exemption from investment requirements for guardians of minors or incapacitated persons if they are a registered investment advisor representative. **HB 1243**

Modifying certain responsibility of guardian ad litem; clarifying party to make certain determination; updating statutory reference. **SB 50**

Nondiscrimination in Treatment Act; permitting certain classes in certain order of priority to make health care decisions for patient; permitting health care provider or class member to petition court. **HB 1894**

HEALTH

Burial permits; amending procedure for disinterment and re-interment permits. **HB 1912**

Caregiver Support Act; creating; requiring Department of Human Services to work with certain groups. **HB 1357**

Emergency Response Systems Development Act; exempting oxygen use from definition of stretcher van passenger. **HB 1843**

Home Bakery Act of 2013; home bakeries; modifying definition; authorizing home food establishments to sell prepared food at certain locations; Department to promulgate rules. **SB 508**

Marihuana definition; modifying scope. **HB 1559**

Nondiscrimination in Treatment Act; permitting certain classes in certain order of priority to make health care decisions for patient; permitting

health care provider or class member to petition court. **HB 1894**

Oklahoma Medicaid False Claims Act; modifying award of certain civil penalty; clarifying certain dismissal and relief requirements. **SB 645**

Public health; directing Secretary of Health and Human Services to seek funds for certain purposes; promulgation of rules. **SB 652**

Tanning facilities; prohibiting use of facilities by minors; requiring posting of signage. **SB 765**

Uniform Controlled Dangerous Substances Act; powers and duties of the Director of the Bureau of Narcotics and Dangerous Drugs Control; increasing hours of mandatory training for reserve special agents; expanding schedules to include certain substances. **SB 770**

Abortion

Choosing Childbirth Act; creating; defining term; requiring State Department of Health to make grants to certain entities under certain conditions; specifying services for reimbursement. **HB 1703**

State Department of Health; expanding required signage; contents to include certain notice; pregnancy assistance; deleting certain funding provisions; directing Department to publish certain information online. **SB 30**

Alzheimer's

Dementia care training; directing State Board of Health to promulgate rules requiring certain dementia training; contents of curricula. **HB 1620**

Children

Children; decreasing length of time minor shall live in prospective adoptive home in order for certain medical and social history to be disclosed. **HB 1887**

Promotion of Children's Health, Task Force on the; repealing. **HB 1006**

Disabled Persons

Evidence Code; authorizing the admissibility of statements made by vulnerable or incapacitated persons in certain circumstances; exemption of offenders sentenced to five years or less. **SB 692**

Lindsey Nicole Henry Scholarships for Students with Disabilities Program; eligibility; providing exemption for students in certain out-of-home placements. **SB 301**

Diseases

Organ donation and procurement; permitting procurement of donations from persons with HIV under certain circumstances. **HB 2273**

Health Department

Choosing Childbirth Act; creating; defining term; requiring State Department of Health to make grants to certain entities under certain conditions; specifying services for reimbursement. **HB 1703**

Health laboratory; authorizing issuance of certain net amount of obligations by Capitol Improvement Authority for funding construction of a new state health laboratory for the State Department of Health. **HB 2389**

Nurse aides; certification requirements for nurse aides; promulgating rules. **SB 180**

Public health; creating the Smoking Cessation and Prevention Act of 2017. **SB 845**

Residential Care Act; applications for licensure; inspections and investigations; reducing required annual inspections; providing for announced inspections; directing promulgation of rules. **SB 774**

State Department of Health; expanding required signage; contents to include certain notice; pregnancy assistance; deleting certain funding provisions; directing Department to publish certain information online. **SB 30**

Medical Records

Office of the Chief Medical

Examiner; autopsy reports; requiring redaction of certain information for certain period; providing exceptions. **SB 207**

Telemedicine; defining terms; providing confidentiality standards for delivery of services; prohibiting telemedicine encounters to prescribe certain drugs. **SB 726**

Mental Health

Criminal acts committed by persons with mental illness or mental defect; adding definition; authorizing videoconferencing of certain proceedings. **HB 1335**

Evidence Code; authorizing the admissibility of statements made by vulnerable or incapacitated persons in certain circumstances; exemption of offenders sentenced to five years or less. **SB 692**

Mental Health and Substance Abuse Services Department; real property trust; allowing certain tracts to be sold if certain determination is made. **HB 1696**

Mental health and substance abuse services; peer recovery support specialist; directing Board of Mental Health and Substance Abuse to include certain employees rules for certification. **SB 734**

Mental health treatment; definitions; deleting certain age limitation for certain treatment. **SB 229**

Mental health; Alcohol and Drug Abuse Services Act; modifying definition of transitional living facility. **SB 811**

Mental health; removing certain requirements from Department of Mental Health and Substance Abuse Services. **SB 688**

Oklahoma Children's Code; including new definitions. **SB 718**

State employees; counseling for state employees; requiring certain agencies to provide employees with paid leave affected by violent or traumatic workplace events. **SB 532**

Mental Health and Substance Abuse Services

Department of Mental Health and Substance Abuse Services; increasing limit on certain fees. **SB 813**

Mental Health and Substance Abuse Services, Board of; modifying Board membership. **HB 1708**

Mental health and substance abuse services; peer recovery support specialist; directing Board of Mental Health and Substance Abuse to include certain employees rules for certification. **SB 734**

Mental health treatment; definitions; deleting certain age limitation for certain treatment. **SB 229**

Mental health; Alcohol and Drug Abuse Services Act; modifying definition of transitional living facility. **SB 811**

Mental health; removing certain requirements from Department of Mental Health and Substance Abuse Services. **SB 688**

Organ Donations, Anatomical Gifts, and Transplants

Organ donation and procurement; permitting procurement of donations from persons with HIV under certain circumstances. **HB 2273**

Pharmacies

Pharmacists; authorizing pharmacist to prescribe and dispense naloxone; protocol; dispensing refill medications; quantity limitations. **HB 2039**

Pregnancy

Choosing Childbirth Act; creating; defining term; requiring State Department of Health to make grants to certain entities under certain conditions; specifying services for reimbursement. **HB 1703**

State Department of Health; expanding required signage; contents to include certain notice; pregnancy assistance; deleting certain funding provisions; directing Department to publish certain information online. **SB 30**

Prescriptions

Health benefit plans; requiring plans to prorate cost-sharing charges for prescription drugs; fees based on number of prescriptions filled or refilled. **HB 1824**

Prescription eye drops; providing health insurance coverage and benefits for prescription eye drops under certain conditions. **HB 1819**

Rehabilitation Services

Department of Rehabilitation Services; directing certain use of Rehabilitation Services Disbursing Fund; use of funds. **SB 733**

Tobacco

Public health; creating the Smoking Cessation and Prevention Act of 2017. **SB 845**

Public health; smoking in public places; removing certain provisions relating to veteran centers. **SB 730**

HEALTH CARE

Caregiver Support Act; creating; requiring Department of Human Services to work with certain groups. **HB 1357**

Individual Health Insurance Market Stabilization Act; creating act. **HB 2406**

Insurance; creating the Health Care Choice Act; requiring compacting out-of-state insurers to abide by certain requirements in order to offer health and accident policies; conditions required for Commissioner to approve certain out-of-state insurers. **SB 478**

State employees; counseling for state employees; requiring certain agencies to provide employees with paid leave affected by violent or traumatic workplace events. **SB 532**

Veterans; clarifying certain standards relating to collection of payments from patients. **SB 57**

Ambulance and Emergency Services

Emergency Response Systems Development Act; exempting oxygen use from definition of stretcher van passenger. **HB 1843**

Opiate antagonists; permitting certain employees of the OSBI to administer. **SB 77**

Dentists and Dentistry

State Dental Act; modifying various sections. **SB 787**

Facilities

Dementia care training; directing State Board of Health to promulgate rules requiring certain dementia training; contents of curricula. **HB 1620**

Mental health treatment; definitions; deleting certain age limitation for certain treatment. **SB 229**

Mental health; Alcohol and Drug Abuse Services Act; modifying definition of transitional living facility. **SB 811**

Oklahoma Health Care Authority; creating Nursing Facility Supplemental Payment Program Revolving Fund; authorizing expenditures; Health Care Authority to promulgate rules. **SB 828**

Oklahoma Health Care Authority; homestead liens; modifying names of certain entities. **SB 819**

Residency programs; powers and duties; specifying priority for certain considerations. **SB 816**

Residential Care Act; applications for licensure; inspections and investigations; reducing required annual inspections; providing for announced inspections; directing promulgation of rules. **SB 774**

State Department of Health; expanding required signage; contents to include certain notice; pregnancy assistance; deleting certain funding provisions; directing Department to publish certain information online. **SB 30**

Telemedicine; defining terms; providing confidentiality standards for delivery of services; prohibiting telemedicine encounters to prescribe certain drugs. **SB 726**

Health Care Authority

Medicaid; requiring Department of Public Safety to cooperate with

Health Care Authority to establish procedures for secure electronic transmission of applicant's data. **HB 1579**

Oklahoma Health Care Authority; creating Nursing Facility Supplemental Payment Program Revolving Fund; authorizing expenditures; Health Care Authority to promulgate rules. **SB 828**

Oklahoma Health Care Authority; homestead liens; modifying names of certain entities. **SB 819**

Oklahoma Medicaid Program; directing Health Care Authority to initiate certain procedures. **SB 773**

Oklahoma Medicaid Program; pilot program; permitting Health Care Authority and Department of Health to collaborate to develop certain program; providing standards. **SB 741**

Public health; directing Secretary of Health and Human Services to seek funds for certain purposes; promulgation of rules. **SB 652**

Residency programs; powers and duties; specifying priority for certain considerations. **SB 816**

Health Department

Oklahoma Medicaid Program; pilot program; permitting Health Care Authority and Department of Health to collaborate to develop certain program; providing standards. **SB 741**

Public health; directing Secretary of Health and Human Services to seek funds for certain purposes; promulgation of rules. **SB 652**

Hospice

Nurse aides; certification requirements for nurse aides; promulgating rules. **SB 180**

Medicaid

Medicaid; requiring Department of Public Safety to cooperate with Health Care Authority to establish procedures for secure electronic transmission of applicant's data. **HB 1579**

Oklahoma Medicaid False Claims Act; modifying award of certain civil penalty; clarifying certain dismissal and relief requirements. **SB 645**

Oklahoma Medicaid Program; directing Health Care Authority to initiate certain procedures. **SB 773**

Oklahoma Medicaid Program; pilot program; permitting Health Care Authority and Department of Health to collaborate to develop certain program; providing standards. **SB 741**

Subpoena power; crimes against the Department of Human Services; providing subpoena power. **HB 1888**

Nursing Homes

Dementia care training; directing State Board of Health to promulgate rules requiring certain dementia training; contents of curricula. **HB 1620**

Oklahoma Health Care Authority; creating Nursing Facility Supplemental Payment Program Revolving Fund; authorizing expenditures; Health Care Authority to promulgate rules. **SB 828**

Residential Care Act; applications for licensure; inspections and investigations; reducing required annual inspections; providing for announced inspections; directing promulgation of rules. **SB 774**

Providers

Dementia care training; directing State Board of Health to promulgate rules requiring certain dementia training; contents of curricula. **HB 1620**

Mental health; Alcohol and Drug Abuse Services Act; modifying definition of transitional living facility. **SB 811**

Nondiscrimination in Treatment Act; permitting certain classes in certain order of priority to make health care decisions for patient; permitting health care provider or class member to petition court. **HB 1894**

Nurse aides; certification requirements for nurse aides; promulgating rules. **SB 180**

Oklahoma Health Care Authority; creating Nursing Facility Supplemental Payment Program Revolving Fund; authorizing expenditures; Health Care Authority to promulgate rules. **SB 828**

Opiate antagonists; permitting certain employees of the OSBI to administer. **SB 77**

Residency programs; powers and duties; specifying priority for certain considerations. **SB 816**

State Department of Health; expanding required signage; contents to include certain notice; pregnancy assistance; deleting certain funding provisions; directing Department to publish certain information online. **SB 30**

Telemedicine; defining terms; providing confidentiality standards for delivery of services; prohibiting telemedicine encounters to prescribe certain drugs. **SB 726**

Senior Citizens

Residential Care Act; applications for licensure; inspections and investigations; reducing required annual inspections; providing for announced inspections; directing promulgation of rules. **SB 774**

HISTORICAL SOCIETIES

J.M. Davis Museum

J.M. Davis Memorial Commission; authority of Commission. **HB 2310**

HUMAN SERVICES DEPARTMENT

Caregiver Support Act; creating; requiring Department of Human Services to work with certain groups. **HB 1357**

Sex offender registration; courts to utilize level assignment categorizations; reporting procedures; offenders to provide certain information to DHS. **SB 217**

Tax administration; certain state agencies to require certain

employees to undergo specified criminal history and record searches. **SB 292**

Children

Child Care Facilities Licensing Act; requiring records searches of certain persons prior to licensure, employment or certain access; promulgation of rules related to record searches. **SB 723**

Child care facilities; authorizing persons taking over facility to operate and retain certain rating for certain time period if operating with same personnel under previous owner; requiring notice; conditions under which operations may continue. **HB 1968**

Children; Child Abuse Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Department of Human Services; criminal history checks; requiring search of certain registries prior to issuance of certain licensing; broadening scope of Child Care Restricted Registry. **SB 717**

Department of Human Services; permitting pilot program; directing evaluation of certain information. **SB 748**

Foster care; Children's Code; expanding scope of definition; investigations of abuse or neglect; placement; guidelines; annual credit report for youth in custody of DHS. **SB 727**

Oklahoma Children's Code; including new definitions. **SB 718**

Oklahoma Medicaid Program; directing Health Care Authority to initiate certain procedures. **SB 773**

Medicaid

Education of students in state care; creating the Education Compact for Students in State Care Act; creating Education Compact for Students in State Care Advisory Committee. **SB 632**

Medicaid; requiring Department of Public Safety to cooperate with Health Care Authority to establish procedures for secure electronic transmission of applicant's data. **HB 1579**

Oklahoma Medicaid Program; directing Health Care Authority to initiate certain procedures. **SB 773**

Oklahoma Medicaid Program; pilot program; permitting Health Care Authority and Department of Health to collaborate to develop certain program; providing standards. **SB 741**

Subpoena power; crimes against the Department of Human Services; providing subpoena power. **HB 1888**

INSURANCE

Insurance; duties of the Attorney General; updating statutory references. **SB 673**

Real property documentation; retention of abstract; requiring release of abstract upon written request; title insurance; copy of schedules. **HB 2303**

Fire

Fire insurance; reduced rates; requiring insurers to obtain evidence of certain payments annually. **SB 495**

State fire marshal; redirecting certain amount of tax on fire insurance premiums; abolishing the Council on Firefighter Training; transferring duties and equipment to the State Fire Marshal. **HB 1833**

Health

Health benefit plans; requiring plans to prorate cost-sharing charges for prescription drugs; fees based on number of prescriptions filled or refilled. **HB 1824**

Individual Health Insurance Market Stabilization Act; creating act. **HB 2406**

Information required from employer carriers; modifying applicability to employers. **HB 2236**

Prescription eye drops; providing health insurance coverage and benefits for prescription eye drops under certain conditions. **HB 1819**

Health Exchanges

Insurance; creating the Health Care Choice Act; requiring compacting out-of-state insurers to abide by certain requirements in order to offer health and accident policies; conditions required for Commissioner to approve certain out-of-state insurers. **SB 478**

Insurance Code

Insurance; allowing for electronic delivery of insurance policy documents; defining terms. **SB 372**

Insurance Commissioner

Insurance; amending certain requirements related to service warranties. **SB 427**

Insurance; creating the Health Care Choice Act; requiring compacting out-of-state insurers to abide by certain requirements in order to offer health and accident policies; conditions required for Commissioner to approve certain out-of-state insurers. **SB 478**

Property insurance; instructing insurance companies to provide certain discounts and rate reductions; submit certain rating plans; defining term; Insurance Department to promulgate rules. **HB 1720**

Service warranties; prohibiting automatic renewal provision in rental; exception; Rental-Purchase Act; modifying jurisdiction and venue for review. **SB 102**

Subsidiaries of insurers; investment authority; confidential notice of proposed divestiture to the Insurance Commissioner; various duties of the Commissioner; repealers. **HB 2234**

Various duties of Insurance Commissioner; modifying earnings of certain employees; giving certain documents confidential privilege; prohibiting more than a certain percentage of a company's assets

from being invested in certain mortgage loans, money mortgages, and real property. **SB 431**

Insurance Department

Online verification of motor vehicle insurance; transferring certain responsibilities and duties for online verification system from DPS to Insurance Department; adding district attorneys to list of entities allowed access verification system. **SB 115**

Property insurance; instructing insurance companies to provide certain discounts and rate reductions; submit certain rating plans; defining term; Insurance Department to promulgate rules. **HB 1720**

Insurer

Insurance; creating the Health Care Choice Act; requiring compacting out-of-state insurers to abide by certain requirements in order to offer health and accident policies; conditions required for Commissioner to approve certain out-of-state insurers. **SB 478**

Property insurance; instructing insurance companies to provide certain discounts and rate reductions; submit certain rating plans; defining term; Insurance Department to promulgate rules. **HB 1720**

Subsidiaries of insurers; investment authority; confidential notice of proposed divestiture to the Insurance Commissioner; various duties of the Commissioner; repealers. **HB 2234**

Premium

Insurance premium tax; exemption of certain entities from surplus lines coverage. **SB 438**

Property insurance; instructing insurance companies to provide certain discounts and rate reductions; submit certain rating plans; defining term; Insurance Department to promulgate rules. **HB 1720**

Property and Casualty

Property insurance; instructing insurance companies to provide certain discounts and rate reductions; submit certain rating plans; defining term; Insurance Department to promulgate rules. **HB 1720**

LICENSES

Alarm and Locksmith Industry Committee and licenses; updating definitions to address technology advancements; statutory references. **SB 531**

Alcoholic beverage licenses; defining term; exempting special events and charitable alcoholic beverage event license from certain licensure requirements. **HB 1302**

Alcoholic beverages; allowing sale in movie theaters; definitions; licensing; repealer. **HB 2186**

Alcoholic beverages; licensing and permitting; modifying acts authorized by hold of winemaker license; Direct Wine Consumer's Permit; modifying acts required or prohibited for holder of permit. **HB 1540**

Alcoholic beverages; modifying provisions relating to sale, regulation, licensing, distribution, marketing and taxation of alcoholic beverages. **SB 646**

Alcoholic beverages; providing exception relating to beer and wine licenses. **SB 712**

Child Care Facilities Licensing Act; requiring records searches of certain persons prior to licensure, employment or certain access; promulgation of rules related to record searches. **SB 723**

Department of Human Services; criminal history checks; requiring search of certain registries prior to issuance of certain licensing; broadening scope of Child Care Restricted Registry. **SB 717**

Engineering and land surveying; licensure; modifying various

provisions of Board, definitions. **HB 1282**

Guaranteed student loans; removing language regarding notification of certain licensing boards. **SB 357**

Hay harvesting; authorizing counties to issue permits to harvest hay along the right-of-way of highways and roads; requiring certain consent; providing exemption from permit fee. **HB 1305**

Hunting license fees for certain nonresident youth; modifying fees; Department of Wildlife to submit report. **SB 635**

Inspectors Act; modifying definitions and licensing requirements; authorizing license renewal of unemployed inspectors; defining terms. **HB 1283**

Motor vehicles; providing definition of steerman; requiring certain license. **SB 22**

Motor Vehicles; providing definition of tillerman; requiring certain license. **SB 21**

Nursing Practice Act; modifying certain definitions; disciplinary action for person guilty of deceit or material misrepresenting of a license. **HB 1886**

Oklahoma Funeral Board; providing alternative qualifications for licensure; license fees. **SB 469**

Oklahoma Licensed Perfusionists Act; State Board of Examiners of Perfusionists; permitting certain screening of documents through certain methods. **SB 746**

Pesticide applications licenses; penalty; fees; portion of fees used for pesticide disposal. **HB 2392**

Real Estate License Code; requirements for broker license; registrations; fee. **SB 266**

Residential Care Act; applications for licensure; inspections and investigations; reducing required annual inspections; providing for announced inspections; directing promulgation of rules. **SB 774**

State Dental Act; modifying various sections. **SB 787**

LIENS

Estate tax liens; extinguishment certain lien after a certain time period. **HB 1327**

Liens for service of personal property; modifying time for resubmission of title application. **HB 2314**

Oklahoma Health Care Authority; homestead liens; modifying names of certain entities. **SB 819**

MARRIAGE AND FAMILIES

Child Supervised Visitation Program; deleting date requirement for certain appointments. **HB 1371**

Deployed Parents Custody and Visitation Act; modifying definitions to include civilian personnel and contractor serving in designated combat zones. **HB 1825**

Divorce

Dissolution of marriage; excluding disability compensation from consideration in property division. **SB 653**

Guardian

Investment of monies belonging to estates; providing exemption from investment requirements for guardians of minors or incapacitated persons if they are a registered investment advisor representative. **HB 1243**

Modifying certain responsibility of guardian ad litem; clarifying party to make certain determination; updating statutory reference. **SB 50**

MILITARY AND VETERANS

Benefits

Dissolution of marriage; excluding disability compensation from consideration in property division. **SB 653**

Social work; directing Regents for Higher Education, Adjutant General and schools of social work to collaborate for certain purposes; promulgation of rules. **SB 690**

Veterans; clarifying certain standards relating to collection of payments from patients. **SB 57**

Military

Authorizing creation of a petty cash fund for the Military Department; director of OMES to establish certain procedures. **SB 234**

Contracts; establishing procedures for termination and reinstatement for certain contracts by service members. **SB 227**

Deployed Parents Custody and Visitation Act; modifying definitions to include civilian personnel and contractor serving in designated combat zones. **HB 1825**

Dissolution of marriage; excluding disability compensation from consideration in property division. **SB 653**

Firearms; allowing valid military id for certain license requirements; modifying reciprocal inclusions. **SB 35**

Handgun Carry Military Age Exemption Act; modifying age eligibility requirement for military. **HB 1428**

Income tax checkoff donations; Folds of Honor Scholarship Program; reauthorization. **HB 1423**

Sales tax; modifying sales exempt from taxation; exempting sales to or by certain organizations; modifying application of sales tax exemption for purposes of promotion of the state by Oklahoma Tourism and Recreation Department. **SB 353**

Social work; directing Regents for Higher Education, Adjutant General and schools of social work to collaborate for certain purposes; promulgation of rules. **SB 690**

Soldiers and sailors; specifying certain leave of absence from civil employment. **SB 233**

National Guard

Firearms; allowing valid military id for certain license requirements; modifying reciprocal inclusions. **SB 35**

Handgun Carry Military Age Exemption Act; modifying age eligibility requirement for military. **HB 1428**

Militias; Oklahoma National Guard; updating reference to federal law. **SB 42**

Sales tax; modifying sales exempt from taxation; exempting sales to or by certain organizations; modifying application of sales tax exemption for purposes of promotion of the state by Oklahoma Tourism and Recreation Department. **SB 353**

Social work; directing Regents for Higher Education, Adjutant General and schools of social work to collaborate for certain purposes; promulgation of rules. **SB 690**

Soldiers and sailors; specifying certain leave of absence from civil employment. **SB 233**

Veterans

Department of Veterans; establishing a State Veterans' Cemetery System. **SB 543**

Dissolution of marriage; excluding disability compensation from consideration in property division. **SB 653**

Handgun Carry Military Age Exemption Act; modifying age eligibility requirement for military. **HB 1428**

Motor vehicle license plate; providing for Disabled American Veteran plate; providing for design, issue and distribution of revenue. **SB 565**

Public health; smoking in public places; removing certain provisions relating to veteran centers. **SB 730**

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules; definitions; hunting and fishing licenses. **HB 1198**

Veterans; clarifying certain standards relating to collection of payments from patients. **SB 57**

Veterans; directing the Department of Veterans Affairs to create a registry for all service-disabled veterans every four years. **SB 456**

Veterans; modifying authority to approve certain construction contracts; Veterans Commission to delegate to Director of Department of Veterans Affairs. **SB 33**

Veterans; modifying definition of ex-service person, veteran or war veteran. **HB 1197**

MINES AND MINING

Mines; updating regulations related to explosives; defining term; adding rules. **SB 370**

Mining operator's fees; modifying fee. **HB 1844**

Coal Mines

Mines and mining; repealing various sections, provisions. **SB 479**

MOTOR VEHICLES

Motor vehicle tax; sales tax exemptions for motor vehicle sales; exemptions subject to other tax; reducing exemption amount. **HB 2433**

Motor vehicle taxes and fees; apportionment; conforming basis for apportionment to schools and counties with specified limitations. **SB 476**

Online verification of motor vehicle insurance; transferring certain responsibilities and duties for online verification system from DPS to Insurance Department; adding district attorneys to list of entities allowed access verification system. **SB 115**

Transportation network companies; transportation network drives; providing that certain displays shall not alter certain relationships; modifying online status. **SB 631**

Used tires; Used Tire Recycling Indemnity Fund; definitions; used tire fees; removing requirement for Department of Environmental Quality. **SB 426**

Buses

Bus Passenger Safety Act; removing certain prohibitions; making exception. **SB 397**

Motor vehicles; amending definition of bus. **SB 26**

Dealers

Motor vehicle dealers; removing certain penalty regarding dealer license plates. **SB 474**

Driver License

Cameras for motor license agents; expanding eligibility for camera to be furnished. **HB 1683**

Driver licenses; relating to records to be kept by Department of Public Safety; modifying inclusions; directing certain charges be collected; directing disbursement. **SB 24**

Driver licenses; requiring licenses to be carried and exhibited on demand; modifying certain action. **SB 52**

Elections; procedures for voter registration in connection with issuance of driver license. **SB 148**

Impaired driving; amending provisions; creating the Impaired Driving Elimination Act 2 (IDEA2); requiring surrender of driver license under certain circumstances. **SB 643**

Motor vehicles; providing definition of steerman; requiring certain license. **SB 22**

Motor Vehicles; providing definition of tillerman; requiring certain license. **SB 21**

REAL ID; limiting the sharing of certain information; child passenger restraint system requirements; exception for rear-facing requirement for children of physically disabled parent under certain conditions. **HB 1465, HB 1845**

DUI

Impaired driving; amending provisions; creating the Impaired Driving Elimination Act 2 (IDEA2); requiring surrender of driver license under certain circumstances. **SB 643**

License Plates

Motor vehicle dealers; removing certain penalty regarding dealer license plates. **SB 474**

Motor vehicle license plate; providing for Disabled American Veteran plate; providing for design, issue and distribution of revenue. **SB 565**

Motor vehicle license plates; creating Sooner State ABATE special plate; creating specified and designating use of fee. **SB 55**

Motor vehicle registration; creating various special license plates. **SB 14**

Motor vehicle registration; license plates; modifying type of information required on monthly decals; deleting requirement for specified design. **SB 60**

Motor vehicles license plates; modifying and creating special license plates; creating certain revolving funds for deposit of specified revenue. **HB 1510**

Motor vehicles; creating various special plates. **SB 408**

Motor Carriers

Motor vehicles; providing definition of steerman; requiring certain license. **SB 22**

Motor Vehicles; providing definition of tillerman; requiring certain license. **SB 21**

Taxicabs; modifying definition. **SB 23**

Motor Fuel Tax

Motor Fuel Tax Code; deferral of remittance by eligible purchase; increasing remittance percentage basis. **HB 2358**

Motorcycle

Firearms; modifies the definition of motor vehicle as used regarding the carrying and storage of firearms to include motorcycles equipped with a locked accessory container. **HB 1550**

Motorcycles; headlamps; modifying allowances; updating statutory reference. **SB 53**

Registration

Motor vehicle registration; license plates; modifying type of information required on monthly decals; deleting requirement for specified design. **SB 60**

Motor vehicle registrations; creating the Motor Fuels Tax Fee; establishing fee; State Highway Construction and Maintenance Fund; apportionment. **HB 1449**

Seat Belts

REAL ID; limiting the sharing of certain information; child passenger restraint system requirements; exception for rear-facing requirement for children of physically disabled parent under certain conditions. **HB 1465**

Tag Agents

Cameras for motor license agents; expanding eligibility for camera to be furnished. **HB 1683**

Traffic Violations

Driving on roadways; use of the left-hand lane; adding restrictions. **HB 2312**

Wreckers

Nonconsensual Towing Act of 2011; creating penalty for failure to pay certain fee; deadlines for payment; budgetary standards. **HB 1842**

NATIVE AMERICANS

County property; authorizing the sale of property and agreements with tribal governments. **HB 1516**

Indian child custody proceedings; certain notice requirements. **SB 322**

Memorial roads and bridges; program to be administered by ODOT; designating various memorial roads and bridges; creating the Choctaw Code Talkers Bridge Naming Program Act. **HB 1149**

State-Tribal Gaming Act; organization licensees; modifying provisions related to authorized gaming; operating hours. **HB 1836**

OFFICERS

Dual Office Holding

Dual office holding; exemptions; county officers and positions. **HB 1759**

Officers and deputies; providing certain exception relating to dual office holding. **SB 151**

Open Records Act

Open Records Act; inspection and reproduction of records; specifying requirement for permissible delay for certain requests. **SB 191**

OIL AND GAS

Income taxes; adding to types of royalty interest owners for which certain withholding is not required. **SB 225**

Fuel

Motor Fuel Tax Code; deferral of remittance by eligible purchase; increasing remittance percentage basis. **HB 2358**

Gross Production Tax

Gross production taxes; limiting period where certain exemptions and rebates may be claimed; economically at-risk oil or gas leases; payment schedule. **HB 2377**

Gross production taxes; reduced rate; apportionment applicable to certain rate. **HB 2429**

Natural Gas

Gross production taxes; limiting period where certain exemptions and rebates may be claimed; economically at-risk oil or gas leases; payment schedule. **HB 2377**

Oil and gas; creating Oklahoma Energy Jobs Act of 2017; well spacing and drilling units; definitions; Corporation Commission jurisdiction to permit horizontal wells. **SB 867**

Oil

Gross production taxes; limiting period where certain exemptions and rebates may be claimed; economically at-risk oil or gas leases; payment schedule. **HB 2377**

Pipelines

Gas pipelines and companies;

modifying definition of gathering. **HB 1672**

Wells

Oil and gas; creating Oklahoma Energy Jobs Act of 2017; well spacing and drilling units; definitions; Corporation Commission jurisdiction to permit horizontal wells. **SB 867**

POOR PERSONS

Subpoena power; crimes against the Department of Human Services; providing subpoena power. **HB 1888**

POPULAR NAME LAWS

Agency Spending Review Act. **HB 2311**

Blue Lives Matter in Oklahoma Act of 2017. **HB 1306**

Bond Transparency Act of 2017. **HB 1949**

Caregiver Support Act. **HB 1357**

Choctaw Code Talkers Bridge Naming Program Act. **HB 1149**

Choosing Childbirth Act. **HB 1703**

Domestic Violence Court Act of 2017. **HB 1121**

Farmers Market Liability Limitation Act. **SB 595**

Freedom to Display the American Flag Act. **HB 1337**

Handgun Carry Military Age Exemption Act. **HB 1428**

Health Care Choice Act. **SB 478**

Healthy Food Financing Act. **SB 506**

Hidden Predator Act. **HB 1468**

Impaired Driving Elimination Act 2. **SB 643**

Individual Health Insurance Market Stabilization Act. **HB 2406**

Oklahoma Energy Jobs Act of 2017. **SB 867**

Oklahoma Public and Private Facilities and Infrastructure Act. **SB 430**

Out-of-State Tax Collections Enforcement Act of 2017. **HB 1427**

Patriotic Access to Students in Schools Act (PASS Act). **HB 1715**

Pension Protection Act. **HB 1162**

Public and Private Facilities and Infrastructure Act. **HB 1534**

REAL ID. **HB 1465**

REAL ID Act. **HB 1845**

School Finance Review Commission Act. **HB 1578**

Smoking Cessation and Prevention Act of 2017. **SB 845**

Tourism Development Act. **HB 2131**

Urban Gardens Grant Act. **SB 749**

PRISONS AND REFORMATORIES

Office of Juvenile Affairs; removing certain requirements; directing certification of certain facilities; permitting juvenile bureaus to enter into certain contracts. **SB 228**

Corrections Department

County jail reimbursement rate; establishing notification procedure when incarceration costs exceed minimum reimbursement rate; State Auditor to determine daily incarceration costs under certain circumstances; DOC to distribute monthly reimbursements. **HB 1483**

Crime victims; directing notification of inmate release to designated service provider; time limitation for notice; Electronic Monitoring Program; updating reference; changing agency responsible for certain notification. **HB 1680**

Death penalty; provisions of the Uniform Controlled Dangerous Substances Act inapplicable to certain entity or persons participating in the execution process. **HB 1679**

Risk assessment for offenders; requiring certain assessment be given during receiving process; DOC to develop case plan for each inmate. **SB 603**

Sex offender registration; courts to utilize level assignment categorizations; reporting

procedures; offenders to provide certain information to DHS. **SB 217**

County Jails

County jail reimbursement rate; establishing notification procedure when incarceration costs exceed minimum reimbursement rate; State Auditor to determine daily incarceration costs under certain circumstances; DOC to distribute monthly reimbursements. **HB 1483**

Service of process; procedure upon certain inmates; requiring filing of an affidavit if alternative method of process is necessary. **HB 1235**

Vending facilities on state or county property; exempting county jail commissaries from requirement to have licensed blind operators operate vending facilities. **HB 2230**

Inmates

Crime victims; directing notification of inmate release to designated service provider; time limitation for notice; Electronic Monitoring Program; updating reference; changing agency responsible for certain notification. **HB 1680**

Risk assessment for offenders; requiring certain assessment be given during receiving process; DOC to develop case plan for each inmate. **SB 603**

Service of process; procedure upon certain inmates; requiring filing of an affidavit if alternative method of process is necessary. **HB 1235**

Pardon and Parole Board

Risk assessment for offenders; requiring certain assessment be given during receiving process; DOC to develop case plan for each inmate. **SB 603**

Sex Offenders Registration Act

Sex offender registration; courts to utilize level assignment categorizations; reporting procedures; offenders to provide certain information to DHS. **SB 217**

PROFESSIONS AND

OCCUPATIONS

Oklahoma Funeral Board; providing alternative qualifications for licensure; license fees. **SB 469**

Service warranties; prohibiting automatic renewal provision in rental; exception; Rental-Purchase Act; modifying jurisdiction and venue for review. **SB 102**

Bail Bondsmen

Bail bondsmen; applications, examinations, prohibited persons; registration of license, and forfeiture; changing requirements for fingerprints and photographs. **SB 525**

Chiropractors

Chiropractic Examiners, Board of; powers of the Board; requiring certain applicants to submit to national criminal history record check. **HB 1448**

Construction Industries

Inspectors Act; modifying definitions and licensing requirements; authorizing license renewal of unemployed inspectors; defining terms. **HB 1283**

Cosmetologists

Sunset; State Board of Cosmetology and Barbering; re-creating Board; modifying termination date. **HB 1993**

Counselors

Mental Health and Substance Abuse Services, Board of; modifying Board membership. **HB 1708**

State employees; counseling for state employees; requiring certain agencies to provide employees with paid leave affected by violent or traumatic workplace events. **SB 532**

Dentists and Dentistry

State Dental Act; modifying various sections. **SB 787**

Engineers and Land Surveyors

Engineering and land surveying; licensure; modifying various provisions of Board, definitions. **HB 1282**

Health Care Providers

Mental health and substance abuse

services; peer recovery support specialist; directing Board of Mental Health and Substance Abuse to include certain employees rules for certification. **SB 734**

Nurse aides; certification requirements for nurse aides; promulgating rules. **SB 180**

Oklahoma Licensed Perfusionists Act; State Board of Examiners of Perfusionists; permitting certain screening of documents through certain methods. **SB 746**

Home Inspectors

Inspectors Act; modifying definitions and licensing requirements; authorizing license renewal of unemployed inspectors; defining terms. **HB 1283**

Licenses

Engineering and land surveying; licensure; modifying various provisions of Board, definitions. **HB 1282**

Inspectors Act; modifying definitions and licensing requirements; authorizing license renewal of unemployed inspectors; defining terms. **HB 1283**

Nursing Practice Act; modifying certain definitions; disciplinary action for person guilty of deceit or material misrepresenting of a license. **HB 1886**

Real Estate License Code; requirements for broker license; registrations; fee. **SB 266**

State Dental Act; modifying various sections. **SB 787**

Locksmiths

Alarm and Locksmith Industry Committee and licenses; updating definitions to address technology advancements; statutory references. **SB 531**

Nurses

Nurse aides; certification requirements for nurse aides; promulgating rules. **SB 180**

Nursing Practice Act; modifying certain definitions; disciplinary action for person guilty of deceit

or material misrepresenting of a license. **HB 1886**

Pharmacists

Pharmacists; authorizing pharmacist to prescribe and dispense naloxone; protocol; dispensing refill medications; quantity limitations. **HB 2039**

Physicians

Mental Health and Substance Abuse Services, Board of; modifying Board membership. **HB 1708**

Podiatric Medicine Practice Act; increasing required residency time for qualification. **SB 682**

Telemedicine; defining terms; providing confidentiality standards for delivery of services; prohibiting telemedicine encounters to prescribe certain drugs. **SB 726**

Podiatric Medical Examiners

Podiatric Medicine Practice Act; increasing required residency time for qualification. **SB 682**

Private Investigator

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

Real Estate

Real Estate License Code; requirements for broker license; registrations; fee. **SB 266**

Security Guard

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

Social Workers

Social work; directing Regents for Higher Education, Adjutant General and schools of social work to collaborate for certain purposes; promulgation of rules. **SB 690**

PROPERTY

Building codes; church accommodations; adding requirement. **SB 312**

Dissolution of marriage; excluding disability compensation from consideration in property division. **SB 653**

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

Investment of monies belonging to estates; providing exemption from investment requirements for guardians of minors or incapacitated persons if they are a registered investment advisor representative. **HB 1243**

Liens for service of personal property; modifying time for resubmission of title application. **HB 2314**

Nuisances; providing requirements to determine established date of operation for certain agricultural activities. **HB 1388**

Property; uses and trusts; modifying requirement related to annual audits. **SB 358**

Real property within municipalities; providing exception to prohibition from registering real property; abatement. **HB 1381**

Trespassing on property containing a critical infrastructure facility without permission; making certain acts of trespassing and vandalism unlawful; providing penalties. **HB 1123**

Trespassing; liability for damages committed by a trespasser; vicarious liability for person or entity that compensates trespasser. **HB 2128**

Various duties of Insurance Commissioner; modifying earnings of certain employees; giving certain documents confidential privilege; prohibiting more than a certain percentage of a company's assets from being invested in certain mortgage loans, money mortgages, and real property. **SB 431**

Abstracts

Real property documentation; retention of abstract; requiring release of abstract upon written request; title insurance; copy of schedules. **HB 2303**

Eminent Domain

Infrastructure development; creating

Oklahoma Public and Private Facilities and Infrastructure Act. **SB 430**

Land

Mental Health and Substance Abuse Services Department; real property trust; allowing certain tracts to be sold if certain determination is made. **HB 1696**

Residential

Freedom to Display the American Flag Act; creating. **HB 1337**

Titles

Real property documentation; retention of abstract; requiring release of abstract upon written request; title insurance; copy of schedules. **HB 2303**

PUBLIC BUILDINGS AND PUBLIC WORKS

American Indian Cultural Center and Museum; financing of; updating statutory reference; modifying requirements for issuance of certain obligations; deleting date requirement for deposit into American Indian Cultural Center and Museum Completion Fund. **SB 872**

Competitive Bidding Act of 1974; bid notices; modifying certain time period for posting certain bid notices. **SB 321**

Public buildings and public works; state purchasing procedures; establishing certain purchasing provisions for school districts. **SB 563**

Public competitive bidding procedures and requirements; bond requirements; time period. **HB 1599**

Veterans; modifying authority to approve certain construction contracts; Veterans Commission to delegate to Director of Department of Veterans Affairs. **SB 33**

PUBLIC FINANCE

Agency Performance and Accountability Act; creating act; creating commission; providing for certain agency audits. **HB 2311**

Consolidation of the Office of the State Bond Advisor with the Office of the State Treasurer; Council of Bond Oversight; modifying membership and selection. **HB 1583**

Debt affordability study; requiring study; presentation to Legislature and to Governor. **HB 1533**

Health laboratory; authorizing issuance of certain net amount of obligations by Capitol Improvement Authority for funding construction of a new state health laboratory for the State Department of Health. **HB 2389**

Incentive Evaluation Act; evaluation procedures; expanding actions which may be taken by Incentive Evaluation Commission. **SB 154**

Public finance; clarifying monies to be deposited to certain revolving funds; creating the 1921 Tulsa Race Riot Centennial Memorial Revolving Fund. **SB 841**

PUBLIC LANDS

Mental health; removing certain requirements from Department of Mental Health and Substance Abuse Services. **SB 688**

Commissioner of Land Office
Juvenile Affairs Office; imposing duty; assets; issuance of obligations; authorizing to sell certain property. **HB 2387**

Sales

Juvenile Affairs Office; imposing duty; assets; issuance of obligations; authorizing to sell certain property. **HB 2387**

PUBLIC SAFETY

Human trafficking; prohibiting defense through lack of knowledge of age of victim. **SB 34**

Sex offender registration; courts to utilize level assignment categorizations; reporting procedures; offenders to provide certain information to DHS. **SB 217**

Boats, Vessels and Watercraft
Operation of vessels; negligent operation and liability; establishing

exemption from liability under certain circumstances. **SB 160**

CLEET

CLEET-certified officers; directing to submit notification of criminal proceedings initiated against peace officer. **HB 1671**

Fees for persons convicted of criminal offenses; increasing storage fee amount for biological specimens; updating statutory reference; modifying inclusions. **SB 840**

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

Law enforcement training; making certified reserve peace officers eligible for full-time training academy under certain circumstances. **HB 1263**

Law enforcement training; modifying CLEET fees to attendees for meals. **SB 89**

Law enforcement training; modifying CLEET requirements for reentry from inactive status. **SB 88**

Law enforcement training; modifying CLEET training requirements for reserve deputy sheriffs. **SB 90**

Law enforcement training; modifying inclusions. **SB 604**

Department (DPS)

Cameras for motor license agents; expanding eligibility for camera to be furnished. **HB 1683**

Driver licenses; relating to records to be kept by Department of Public Safety; modifying inclusions; directing certain charges be collected; directing disbursement. **SB 24**

Medicaid; requiring Department of Public Safety to cooperate with Health Care Authority to establish procedures for secure electronic transmission of applicant's data. **HB 1579**

Oklahoma Law Enforcement Telecommunication System; Department of Public Safety Restricted Revolving Fund;

assessment and collection of certain costs and fees; authorizing certain expenditures. **SB 28**

Online verification of motor vehicle insurance; transferring certain responsibilities and duties for online verification system from DPS to Insurance Department; adding district attorneys to list of entities allowed access verification system. **SB 115**

Public Safety awards; creating the Oklahoma State Award Program Committee; establishing meeting requirements. **SB 324**

REAL ID; limiting the sharing of certain information; child passenger restraint system requirements; exception for rear-facing requirement for children of physically disabled parent under certain conditions. **HB 1465, HB 1845**

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules; definitions; hunting and fishing licenses. **HB 1198**

Fire Marshal

Hazardous Materials Emergency Response Commission; adding designee for State Fire Marshall. **HB 1492**

Personnel Act; changing the job title of an unclassified position within the Office of the State Fire Marshal from Fire Protection Engineer to Fire Protection Consultant. **HB 1795**

State fire marshal; redirecting certain amount of tax on fire insurance premiums; abolishing the Council on Firefighter Training; transferring duties and equipment to the State Fire Marshal. **HB 1833**

Firefighters

Military Department; permitting Adjutant General to enter into mutual aid agreements; command and control procedures; promulgation of rules. **SB 59**

State fire marshal; redirecting certain amount of tax on fire insurance premiums; abolishing

the Council on Firefighter Training; transferring duties and equipment to the State Fire Marshal. **HB 1833**

Highway Patrol

Oklahoma Highway Patrol; personnel; qualifications for certain positions. **SB 27**

Investigation Bureau (OSBI)

Criminal history records; modifying requirements; submission of fingerprints to FBI Rap Back System. **SB 303**

Fines and fees; fingerprinting fee; modifying certain fees. **SB 39**

Fines and fees; Forensic Science Improvement Revolving Fund; modifying certain fees. **SB 38**

Tax administration; certain state agencies to require certain employees to undergo specified criminal history and record searches. **SB 292**

Law Enforcement Officers

Campus security; Campus Security Act; modifying definitions. **SB 12**

County records; providing time period that certain recordings from equipment attached to law enforcement officer shall be kept. **HB 2232**

County sheriffs; modifying requirement of prior service as peace officer; removing population threshold to expand certain required qualification; defining peace officer. **HB 1259**

Driver licenses; requiring licenses to be carried and exhibited on demand; modifying certain action. **SB 52**

Firearms; felony pointing firearms; physical or deadly force against an intruder. **SB 40**

First degree murder; modifying penalty for conviction of first degree murder of law enforcement officer. **HB 1306**

Law Enforcement Retirement System; transfers and distributions. **HB 1706**

Law enforcement training; making certified reserve peace

officers eligible for full-time training academy under certain circumstances. **HB 1263**

Law enforcement training; modifying CLEET requirements for reentry from inactive status. **SB 88**

Law enforcement training; modifying CLEET training requirements for reserve deputy sheriffs. **SB 90**

Law enforcement training; modifying inclusions. **SB 604**

Oklahoma Highway Patrol; personnel; qualifications for certain positions. **SB 27**

Oklahoma Law Enforcement Telecommunication System; Department of Public Safety Restricted Revolving Fund; assessment and collection of certain costs and fees; authorizing certain expenditures. **SB 28**

Public Safety awards; creating the Oklahoma State Award Program Committee; establishing meeting requirements. **SB 324**

RETIREMENT

Firefighters Pension and Retirement System

Distributions; eligible rollover distributions; treatment of certain mandatory distributions. **HB 1705**

Justices and Judges, Uniform Retirement System

Public retirement systems; Uniform Retirement System for Justice and Judges; Public Employees Retirement System; benefits; elected officials; surviving spouse. **HB 1704**

Law Enforcement Retirement System

Law Enforcement Retirement System; transfers and distributions. **HB 1706**

Retirement and disability benefits. **HB 1163**

Pension

State Pension Commission; appointees. **HB 2034**

Police Pension and Retirement

Police Pension and Retirement

System; rollover distributions; plan-to-plan transfers. **HB 1119**

Public Employees Retirement System

Public retirement systems; Uniform Retirement System for Justice and Judges; Public Employees Retirement System; benefits; elected officials; surviving spouse. **HB 1704**

Retirement boards; adding State Treasurer to OPERS and OTRS Board of Trustees. **SB 242**

Teachers Retirement System

Alternative Retirement Plan for Comprehensive Universities Act; modifying definitions; election time period of employees; procedures with respect to termination of participation; modifying provisions related to the treatment of certain service credit in the Teachers' Retirement System. **SB 423**

Pension Protection Act; Teachers' Retirement System; retirement eligibility. **HB 1162**

Retirement boards; adding State Treasurer to OPERS and OTRS Board of Trustees. **SB 242**

Teachers retirement; allowing certain retired teachers to return at full pay. **SB 428**

STATE GOVERNMENT

Bond Transparency Act of 2017; publication by local governments; bond issues; use of proceeds; Internet access. **HB 1949**

Infrastructure development; creating Oklahoma Public and Private Facilities and Infrastructure Act. **SB 430**

Insurance; duties of the Attorney General; updating statutory references. **SB 673**

Military Department; permitting Adjutant General to enter into mutual aid agreements; command and control procedures; promulgation of rules. **SB 59**

Oklahoma Indigent Defense System; making appropriation nonfiscal;

making appropriation exempt from certain limits. **SB 834**

State Accrediting Agency; re-creating agency; modifying termination date. **HB 1992**

State Pension Commission; appointees. **HB 2034**

Water quality; adding definitions; state agencies to issue permits for wastewater; modifying prohibitions against construction work; DEQ to issue permits for certain pilot projects. **HB 1485**

Auditor and Inspector

County jail reimbursement rate; establishing notification procedure when incarceration costs exceed minimum reimbursement rate; State Auditor to determine daily incarceration costs under certain circumstances; DOC to distribute monthly reimbursements. **HB 1483**

County officers and public records; updating language regarding storage of records; county audits; publication on website. **SB 48**

Audits

Agency Performance and Accountability Act; creating act; creating commission; providing for certain agency audits. **HB 2311**

County officers and public records; updating language regarding storage of records; county audits; publication on website. **SB 48**

Out-of-State Tax Collections Enforcement Act of 2017; establishment and maintenance of out-of-state field offices within the Tax Commission; staffing levels; defining term. **HB 1427**

Capitol Improvement Authority

Health laboratory; authorizing issuance of certain net amount of obligations by Capitol Improvement Authority for funding construction of a new state health laboratory for the State Department of Health. **HB 2389**

Juvenile Affairs Office; imposing duty; assets; issuance of obligations;

authorizing to sell certain property. **HB 2387**

Competitive Bidding

Competitive Bidding Act of 1974; bid notices; modifying certain time period for posting certain bid notices. **SB 321**

Public buildings and public works; state purchasing procedures; establishing certain purchasing provisions for school districts. **SB 563**

Public competitive bidding procedures and requirements; bond requirements; time period. **HB 1599**

Employees

Personnel Act; changing the job title of an unclassified position within the Office of the State Fire Marshal from Fire Protection Engineer to Fire Protection Consultant. **HB 1795**

Public Safety awards; creating the Oklahoma State Award Program Committee; establishing meeting requirements. **SB 324**

State Employee Assistance Program; transferring administration to Department of Mental Health and Substance Abuse Services. **HB 1555**

State employees; counseling for state employees; requiring certain agencies to provide employees with paid leave affected by violent or traumatic workplace events. **SB 532**

Tax administration; certain state agencies to require certain employees to undergo specified criminal history and record searches. **SB 292**

Health Department

Residential Care Act; applications for licensure; inspections and investigations; reducing required annual inspections; providing for announced inspections; directing promulgation of rules. **SB 774**

State Department of Health; expanding required signage; contents to include certain notice; pregnancy assistance; deleting certain funding provisions; directing

Department to publish certain information online. **SB 30**

Historical Society

1921 Tulsa Race Riot; creating Centennial Memorial revolving fund. **SB 17**

Historical societies and associations; authorizing OHS Board of Directors to enter into certain contracts and create endowment; limiting use of proceeds. **SB 237**

Investigation Bureau (OSBI)

Criminal history records; modifying requirements; submission of fingerprints to FBI Rap Back System. **SB 303**

Opiate antagonists; permitting certain employees of the OSBI to administer. **SB 77**

Juvenile Affairs, Office of

Juvenile Affairs Office; imposing duty; assets; issuance of obligations; authorizing to sell certain property. **HB 2387**

Legislature

Corporation Commission assessments; utility regulation; assessments; budgetary limits. **HB 1860**

Debt affordability study; requiring study; presentation to Legislature and to Governor. **HB 1533**

Incidence impact analysis on tax legislation; requiring analysis of certain legislative measures by Tax Commission. **HB 2209**

Scenic rivers; declaring purpose of Scenic Rivers Act; updating statutory references. **SB 668**

Medical Examiner, Office of Chief

Office of the Chief Medical Examiner; autopsy reports; requiring redaction of certain information for certain period; providing exceptions. **SB 207**

Mental Health and Substance Abuse Services Department

Mental Health and Substance Abuse Services Department; real property trust; allowing certain tracts to

be sold if certain determination is made. **HB 1696**

State Employee Assistance Program; transferring administration to Department of Mental Health and Substance Abuse Services. **HB 1555**

Office of Management and Enterprise Services

Authorizing creation of a petty cash fund for the Military Department; director of OMES to establish certain procedures. **SB 234**

Juvenile Affairs Office; imposing duty; assets; issuance of obligations; authorizing to sell certain property. **HB 2387**

State Employee Assistance Program; transferring administration to Department of Mental Health and Substance Abuse Services. **HB 1555**

State information technology; modifying duties of Chief Information Officer; modifying purchasing procedures for information technology assets. **SB 105**

Open Meetings Act

Creating the School Finance Review Commission Act; creating act; creating task force; creating Commission. **HB 1578**

Criminal justice reform; creating task force to analyze fines, fees and court costs assessed throughout process. **SB 342**

Public meetings; establishing provisions for certain notice on Internet sites. **SB 403**

Schools; creating a task force to study and make recommendations on school district operations; subjecting to Open Meetings Act. **SB 514**

Open Records Act

Open Records Act; inspection and reproduction of records; specifying requirement for permissible delay for certain requests. **SB 191**

Purchasing

Educator contracts; allowing the State Department of Education to

contract with educators for certain services; exemptions. **SB 45**

Public buildings and public works; state purchasing procedures; establishing certain purchasing provisions for school districts. **SB 563**

State information technology; modifying duties of Chief Information Officer; modifying purchasing procedures for information technology assets. **SB 105**

Rehabilitation Services Department

Department of Rehabilitation Services; authorizing transfer of funds; providing procedures; certain exemption. **SB 80**

Department of Rehabilitation Services; directing certain use of Rehabilitation Services Disbursing Fund; use of funds. **SB 733**

Vending facilities on state or county property; exempting county jail commissaries from requirement to have licensed blind operators operate vending facilities. **HB 2230**

State-owned Property

Juvenile Affairs Office; imposing duty; assets; issuance of obligations; authorizing to sell certain property. **HB 2387**

State parks; rates for services; removing requirement for certain fee allocation. **SB 153**

Treasurer's Office

Consolidation of the Office of the State Bond Advisor with the Office of the State Treasurer; Council of Bond Oversight; modifying membership and selection. **HB 1583**

Retirement boards; adding State Treasurer to OPERS and OTRS Board of Trustees. **SB 242**

Veterans Affairs Department

Department of Veterans; establishing a State Veterans' Cemetery System. **SB 543**

Mental health and substance abuse services; peer recovery support specialist; directing Board of Mental

Health and Substance Abuse to include certain employees rules for certification. **SB 734**

Veterans registry; requiring the Department of Veterans Affairs to create registry; promulgate rules; definitions; hunting and fishing licenses. **HB 1198**

Veterans; clarifying certain standards relating to collection of payments from patients. **SB 57**

Veterans; directing the Department of Veterans Affairs to create a registry for all service-disabled veterans every four years. **SB 456**

Wildlife Conservation Department

Hunting license fees for certain nonresident youth; modifying fees; Department of Wildlife to submit report. **SB 635**

STATUTES AND REPORTS

Alarm and Locksmith Industry Committee and licenses; updating definitions to address technology advancements; statutory references. **SB 531**

Alcoholic beverages; merging, reenacting and repealing duplicate sections. **SB 486**

Alcoholic beverages; modifying hours during which certain beverages may be sold; updating statutory references. **SB 411**

American Indian Cultural Center and Museum; financing of; updating statutory reference; modifying requirements for issuance of certain obligations; deleting date requirement for deposit into American Indian Cultural Center and Museum Completion Fund. **SB 872**

Children; Child Abuse Multidisciplinary Account; extending submission date of certain report; increasing authorized administrative costs; updating statutory reference. **SB 829**

Concentrated Animal Feeding Operations Act, updating statutory

references; providing exemption from setback requirements. **SB 147**

County officers and public records; updating language regarding storage of records; county audits; publication on website. **SB 48**

Crime victims; directing notification of inmate release to designated service provider; time limitation for notice; Electronic Monitoring Program; updating reference; changing agency responsible for certain notification. **HB 1680**

Fees for persons convicted of criminal offenses; increasing storage fee amount for biological specimens; updating statutory reference; modifying inclusions. **SB 840**

Insurance; amending certain requirements related to service warranties. **SB 427**

Insurance; duties of the Attorney General; updating statutory references. **SB 673**

Modifying certain responsibility of guardian ad litem; clarifying party to make certain determination; updating statutory reference. **SB 50**

Motorcycles; headlamps; modifying allowances; updating statutory reference. **SB 53**

Multiple versions of statutes; amending, merging, consolidating and repealing multiple versions of statutes. **SB 833**

Oklahoma Aeronautics Commission; adding administrative inspection duties; updating statutory language. **SB 254**

Oklahoma Higher Learning Access Act; modifying certain income qualification; directing the State Regents for Higher Education to establish maximum limit on courses; updating references. **SB 529**

Passport to Financial Literacy Act; modifying areas of instruction of personal financial literacy education; updating statutory language. **HB 1694**

Reading Sufficiency Act; modifying school years during which students who score at certain level on the third-grade assessment may be evaluated for probationary promotion; modifying school year for which reading proficiency requirements apply; updating statutory citation. **SB 84**

Scenic rivers; declaring purpose of Scenic Rivers Act; updating statutory references. **SB 668**

Sorghum Resources Act; requiring unexpended balance to transfer to General Revenue Fund at certain date; modifying definitions; updating references; repealer. **HB 1431**

State Banking Commissioner; making a voting member of Consumer Credit Commission; authorizing certain meetings; relating to the Securities Commission; modifying references. **SB 468**

SUNSET LAW

Archives and Records Commission; re-creating Commission. **HB 1991**

Energy Resources Board; re-creating Board; modifying termination date. **HB 1995**

Partnership for School Readiness Board; re-creating Board; modifying termination date. **HB 1996**

Real Estate Commission; re-creating Commission; modifying termination date. **HB 1998**

State Accrediting Agency; re-creating agency; modifying termination date. **HB 1992**

Sunset; State Board of Cosmetology and Barbering; re-creating Board; modifying termination date. **HB 1993**

TAXATION

Insurance premium tax; exemption of certain entities from surplus lines coverage. **SB 438**

Motor vehicle taxes and fees; apportionment; conforming basis for apportionment to schools and

counties with specified limitations.
SB 476

State fire marshal; redirecting certain amount of tax on fire insurance premiums; abolishing the Council on Firefighter Training; transferring duties and equipment to the State Fire Marshal. **HB 1833**

Task Force for the Study of the Oklahoma Tax Code; membership; duties. **HB 1856**

Ad Valorem

Ad valorem tax exemptions; repealing exemption of pulp, paper, tissue and paper board. **SB 293**

Ad valorem tax; authorizing specified facilities to delay start of ad valorem exemption period; requirements; procedures; beginning date. **HB 2351**

Ad valorem tax; notice of delinquent taxes; requiring county treasurer to provide specified notice under certain circumstances. **SB 91**

Audits

Municipal finances; procedures related to auditing requirement. **SB 354**

Out-of-State Tax Collections Enforcement Act of 2017; establishment and maintenance of out-of-state field offices within the Tax Commission; staffing levels; defining term. **HB 1427**

Property; uses and trusts; modifying requirement related to annual audits. **SB 358**

Credits

Income tax credit; allocation and calculation of caps for Oklahoma Equal Opportunity Education Scholarship Act. **SB 445**

Income tax credits; credits for electricity generated by zero-emission facilities. **HB 2298**

Income tax; extending time period during which certain tax credits for aerospace industry may be claimed. **SB 120**

Tourism Development Act; creating; establishing framework for Tourism

and Recreation Department to offer sales tax credits to companies for creating or expanding tourism attractions in the state. **HB 2131**

Estate Tax

Estate tax liens; extinguishment certain lien after a certain time period. **HB 1327**

Franchise Tax

Franchise tax payments and reporting; modifying due date and delinquency date. **HB 2356**

Franchise tax procedures; reinstatement fee amount for suspension of certain rights. **HB 2357**

Gross Production Tax

Gross production taxes; limiting period where certain exemptions and rebates may be claimed; economically at-risk oil or gas leases; payment schedule. **HB 2377**

Gross production taxes; reduced rate; apportionment applicable to certain rate. **HB 2429**

Incentives

Compete with Canada Film Act; modifying maximum amount of incentive payments. **HB 2344**

Incentive Evaluation Act; evaluation procedures; expanding actions which may be taken by Incentive Evaluation Commission. **SB 154**

Income Tax

Enforcement of state tax laws; noncompliance procedures; scope of procedures by the Tax Commission. **HB 2343**

Income tax checkoff donations; Folds of Honor Scholarship Program; reauthorization. **HB 1423**

Income tax credit; allocation and calculation of caps for Oklahoma Equal Opportunity Education Scholarship Act. **SB 445**

Income tax; certain actions declared null and void; marginal income tax rate change subject to certain requirement; repealing specified rate change. **SB 170**

Income tax; extending time period during which certain tax credits for aerospace industry may be claimed. **SB 120**

Income taxes; adding to types of royalty interest owners for which certain withholding is not required. **SB 225**

Tax Code; provisions related to standard deduction; income tax return filing; requirements. **HB 2348**

Motor Fuel Tax

Motor Fuel Tax Code; deferral of remittance by eligible purchase; increasing remittance percentage basis. **HB 2358**

Motor vehicle registrations; creating the Motor Fuels Tax Fee; establishing fee; State Highway Construction and Maintenance Fund; apportionment. **HB 1449**

Rebate

Gross production taxes; limiting period where certain exemptions and rebates may be claimed; economically at-risk oil or gas leases; payment schedule. **HB 2377**

Refund

Income tax refund donations; reauthorizing income tax checkoff for Wildlife Diversity Program; creates an income tax checkoff for the Emergency Responders Assistance Program; revolving fund; providing for fund expenses. **HB 1392**

Sales Tax

Enforcement of state tax laws; noncompliance procedures; scope of procedures by the Tax Commission. **HB 2343**

Motor vehicle tax; sales tax exemptions for motor vehicle sales; exemptions subject to other tax; reducing exemption amount. **HB 2433**

Out-of-State Tax Collections Enforcement Act of 2017; establishment and maintenance of out-of-state field offices within the Tax Commission; staffing levels; defining term. **HB 1427**

Sales and use tax deductions; repealing certain deductions from sales tax collections and use tax collections. **HB 2367**

Sales tax; modifying application of certain exemption; extending exemption to certain contractors; requiring certification. **SB 235**

Sales tax; modifying sales exempt from taxation; exempting sales to or by certain organizations; modifying application of sales tax exemption for purposes of promotion of the state by Oklahoma Tourism and Recreation Department. **SB 353**

Sales tax; providing exemption for certain nonprofit organizations providing services to victims of violence. **SB 189**

Tax Commission

Alcoholic beverages; modifying provisions relating to sale, regulation, licensing, distribution, marketing and taxation of alcoholic beverages. **SB 646**

Enforcement of state tax laws; noncompliance procedures; scope of procedures by the Tax Commission. **HB 2343**

Incidence impact analysis on tax legislation; requiring analysis of certain legislative measures by Tax Commission. **HB 2209**

Out-of-State Tax Collections Enforcement Act of 2017; establishment and maintenance of out-of-state field offices within the Tax Commission; staffing levels; defining term. **HB 1427**

Tax administration; certain state agencies to require certain employees to undergo specified criminal history and record searches. **SB 292**

Tourism Development Act; creating; establishing framework for Tourism and Recreation Department to offer sales tax credits to companies for creating or expanding tourism attractions in the state. **HB 2131**

Uniform Tax Procedure Code; voluntary disclosure agreements;

waiver of penalty; waiver of interest. **HB 2252**

Voluntary Disclosure Initiative; authorizing Tax Commission to establish; prescribing requirements; tax compliance and education program. **HB 2380**

Tax Procedure

Enforcement of state tax laws; noncompliance procedures; scope of procedures by the Tax Commission. **HB 2343**

Franchise tax procedures; reinstatement fee amount for suspension of certain rights. **HB 2357**

Tax administration; certain state agencies to require certain employees to undergo specified criminal history and record searches. **SB 292**

Uniform Tax Procedure Code; voluntary disclosure agreements; waiver of penalty; waiver of interest. **HB 2252**

Voluntary Disclosure Initiative; authorizing Tax Commission to establish; prescribing requirements; tax compliance and education program. **HB 2380**

Use Tax

Motor vehicle tax; sales tax exemptions for motor vehicle sales; exemptions subject to other tax; reducing exemption amount. **HB 2433**

Sales and use tax deductions; repealing certain deductions from sales tax collections and use tax collections. **HB 2367**

Vehicle Excise Tax

Motor vehicle tax; sales tax exemptions for motor vehicle sales; exemptions subject to other tax; reducing exemption amount. **HB 2433**

TELECOMMUNICATIONS AND TECHNOLOGY

Bid proposals; authorizing county purchasing agents to solicit bid proposals by email. **HB 2251**

Child pornography or obscene material; clarifying procedures related to the destruction of obscene material or child pornography. **HB 1811**

County documents; microfilming of certain documents. **HB 1189**

County officers and public records; updating language regarding storage of records; county audits; publication on website. **SB 48**

County records; providing time period that certain recordings from equipment attached to law enforcement officer shall be kept. **HB 2232**

Crime victims; directing notification of inmate release to designated service provider; time limitation for notice; Electronic Monitoring Program; updating reference; changing agency responsible for certain notification. **HB 1680**

Criminal acts committed by persons with mental illness or mental defect; adding definition; authorizing videoconferencing of certain proceedings. **HB 1335**

DNA samples; deleting specific misdemeanor crimes from DNA fee requirement. **HB 1609**

Elections; authorizing system for electronically updating voter registration information. **SB 360**

Employment Security Act of 1980; providing for credit for taxable wages; updating language and statutory citations; creating fund; repealing provision relating to group employer accounts; creating the OESC. **HB 1110**

Insurance; allowing for electronic delivery of insurance policy documents; defining terms. **SB 372**

Medicaid; requiring Department of Public Safety to cooperate with Health Care Authority to establish procedures for secure electronic transmission of applicant's data. **HB 1579**

Oklahoma Law Enforcement Telecommunication System;

Department of Public Safety
Restricted Revolving Fund;
assessment and collection of certain
costs and fees; authorizing certain
expenditures. **SB 28**

School District Transparency Act;
information to be included in certain
database; calculation for certain
information. **HB 1201**

Schools; requiring Commission for
Teacher Preparation to adopt rules
relating to digital technologies for
program accreditation. **HB 1576**

State information technology;
modifying duties of Chief
Information Officer; modifying
purchasing procedures for
information technology assets.
SB 105

Student records; providing that
certain information be stored in
single- or multiple-file format;
transcript definition. **HB 1506**

Telemedicine; defining terms;
providing confidentiality standards
for delivery of services; prohibiting
telemedicine encounters to prescribe
certain drugs. **SB 726**

Cell Phones

Domestic abuse; authorizing transfer
of wireless telephone number under
certain circumstance. **HB 1466**

Internet

Bond Transparency Act of 2017;
publication by local governments;
bond issues; use of proceeds;
Internet access. **HB 1949**

Commencement of action based on
website accessibility claim; petitions;
requirements. **HB 1429**

Department of Human Services;
criminal history checks; requiring
search of certain registries prior
to issuance of certain licensing;
broadening scope of Child Care
Restricted Registry. **SB 717**

Online verification of motor vehicle
insurance; transferring certain
responsibilities and duties for online
verification system from DPS to
Insurance Department; adding
district attorneys to list of entities

allowed access verification system.
SB 115

Public meetings; establishing
provisions for certain notice on
Internet sites. **SB 403**

State Department of Health;
expanding required signage;
contents to include certain notice;
pregnancy assistance; deleting
certain funding provisions; directing
Department to publish certain
information online. **SB 30**

TORTS

Damages

Trespassing; liability for damages
committed by a trespasser; vicarious
liability for person or entity that
compensates trespasser. **HB 2128**

Negligence

Operation of vessels; negligent
operation and liability; establishing
exemption from liability under
certain circumstances. **SB 160**

TOURISM AND RECREATION

Tourism Development Act; creating;
establishing framework for Tourism
and Recreation Department to
offer sales tax credits to companies
for creating or expanding tourism
attractions in the state. **HB 2131**

Parks

State parks; rates for services;
removing requirement for certain fee
allocation. **SB 153**

Tourism and Recreation Department/Commission

Sales tax; modifying application
of certain exemption; extending
exemption to certain contractors;
requiring certification. **SB 235**

TRANSPORTATION

Bus Passenger Safety Act; removing
certain prohibitions; making
exception. **SB 397**

Municipal streets and roads;
modifying certain population
requirement. **HB 1464**

Transportation network companies;
transportation network drives;
providing that certain displays

shall not alter certain relationships;
modifying online status. **SB 631**

County Roads and Bridges

Cooperative Circuit Engineering
Districts Board; modifying
various board appointment, plan
development and consultation
authorities. **HB 1108**

Hay harvesting; authorizing counties
to issue permits to harvest hay along
the right-of-way of highways and
roads; requiring certain consent;
providing exemption from permit
fee. **HB 1305**

Utility relocation in rights-of-way;
right-of-way acquisition; adding
certain exemption for certain fund
match. **SB 85**

Memorial Bridges

Memorial Bridges; designating the
CPL Wilfred Flores Jr Memorial
Bridge; designating the SPC Cody
Levi Cookson Memorial Bridge.
SB 94

Memorial roads and bridges;
program to be administered
by ODOT; designating various
memorial roads and bridges;
creating the Choctaw Code Talkers
Bridge Naming Program Act.
HB 1149

Memorial Highways

Designating the Bobby Jo Cudd
Memorial Highway; Patrolman
Justin Terney Memorial Highway;
Deputy Sheriff David Wade
Memorial Highway. **SB 166**

Memorial highways; designating the
LCPL Trevor A. Roberts Memorial
Highway; Representative David
Brumbaugh Memorial Bridge.
SB 642

Memorial roads and bridges;
program to be administered
by ODOT; designating various
memorial roads and bridges;
creating the Choctaw Code Talkers
Bridge Naming Program Act.
HB 1149

State Roads and Bridges

Hay harvesting; authorizing counties
to issue permits to harvest hay along
the right-of-way of highways and

roads; requiring certain consent; providing exemption from permit fee. **HB 1305**

Memorial highways; designating the LCPL Trevor A. Roberts Memorial Highway; Representative David Brumbaugh Memorial Bridge. **SB 642**

Motor vehicle registrations; creating the Motor Fuels Tax Fee; establishing fee; State Highway Construction and Maintenance Fund; apportionment. **HB 1449**

Utility relocation in rights-of-way; right-of-way acquisition; adding certain exemption for certain fund match. **SB 85**

Transportation Department

Hay harvesting; authorizing counties to issue permits to harvest hay along the right-of-way of highways and roads; requiring certain consent; providing exemption from permit fee. **HB 1305**

Memorial roads and bridges; program to be administered by ODOT; designating various memorial roads and bridges; creating the Choctaw Code Talkers Bridge Naming Program Act. **HB 1149**

Public competitive bidding procedures and requirements; bond requirements; time period. **HB 1599**

Turnpike Authority

Public competitive bidding procedures and requirements; bond requirements; time period. **HB 1599**

TRUSTS AND POOLS, PUBLIC

Mental Health and Substance Abuse Services Department; real property trust; allowing certain tracts to be sold if certain determination is made. **HB 1696**

Property; uses and trusts; modifying requirement related to annual audits. **SB 358**

UNIFORM ACTS

Building codes; church accommodations; adding requirement. **SB 312**

Uniform Controlled Dangerous Substances Act; powers and duties of the Director of the Bureau of Narcotics and Dangerous Drugs Control; increasing hours of mandatory training for reserve special agents; expanding schedules to include certain substances. **SB 770**

UTILITIES

Corporation Commission assessments; utility regulation; assessments; budgetary limits. **HB 1860**

Underground Facilities Damage Prevention Act; public agency definition; application of certain required notification of damage. **HB 1376**

Utility relocation in rights-of-way; right-of-way acquisition; adding certain exemption for certain fund match. **SB 85**

Electric

Income tax credits; credits for electricity generated by zero-emission facilities. **HB 2298**

Wind energy; specifying certain terms, intent of building a wind facility. **SB 593**

Telecommunications

Common carriers; message carriers; telegraph companies; repealers. **HB 1003**

VOTE OF THE PEOPLE

Constitutional Amendment

Constitutional amendment; expanding certain rights of victims of criminal acts. Ballot title. **SJR 46**

WATERS AND WATER RIGHTS

Water quality; adding definitions; state agencies to issue permits for wastewater; modifying prohibitions against construction work; DEQ to issue permits for certain pilot projects. **HB 1485**

Department of Environmental Quality

Environmental agencies; authorizing DEQ and Corporation Commission to administer oil and gas programs. **SB 287**

Scenic Rivers

Scenic rivers; declaring purpose of Scenic Rivers Act; updating statutory references. **SB 668**

WILLS AND SUCCESSION

Intestate Succession

Affidavits of heirship; increasing allowable amount for certain transfers by banks or credit unions; creating offense; punishment for certain violation. **SB 64**

Probate Procedure

Affidavits of heirship; increasing allowable amount for certain transfers by banks or credit unions; creating offense; punishment for certain violation. **SB 64**

WORKERS' COMPENSATION

Occupational Health and Safety Standards Act; clarifying payment and requirement procedures apply to the Workers' Compensation Commission. **HB 24 ■**



Bill Number Index

House Bills

| | | | | | |
|--------------|----|--------------|--------|--------------|----|
| HB 1003..... | 36 | HB 1376..... | 21 | HB 1606..... | 39 |
| HB 1005..... | 7 | HB 1381..... | 25 | HB 1607..... | 49 |
| HB 1006..... | 31 | HB 1388..... | 1 | HB 1609..... | 38 |
| HB 1104..... | 38 | HB 1392..... | 4 | HB 1620..... | 29 |
| HB 1108..... | 24 | HB 1394..... | 7 | HB 1621..... | 11 |
| HB 1110..... | 9 | HB 1395..... | 13 | HB 1622..... | 15 |
| HB 1119..... | 25 | HB 1423..... | 45 | HB 1623..... | 17 |
| HB 1121..... | 5 | HB 1427..... | 43 | HB 1667..... | 49 |
| HB 1123..... | 5 | HB 1428..... | 38 | HB 1668..... | 17 |
| HB 1127..... | 7 | HB 1429..... | 35 | HB 1670..... | 50 |
| HB 1149..... | 46 | HB 1431..... | 2 | HB 1671..... | 38 |
| HB 1162..... | 25 | HB 1448..... | 30 | HB 1679..... | 7 |
| HB 1163..... | 25 | HB 1449..... | 39, 42 | HB 1680..... | 7 |
| HB 1169..... | 10 | HB 1464..... | 23 | HB 1681..... | 46 |
| HB 1188..... | 18 | HB 1465..... | 37 | HB 1683..... | 39 |
| HB 1189..... | 25 | HB 1466..... | 5 | HB 1693..... | 15 |
| HB 1193..... | 3 | HB 1468..... | 5 | HB 1694..... | 16 |
| HB 1197..... | 48 | HB 1470..... | 34 | HB 1696..... | 32 |
| HB 1198..... | 48 | HB 1478..... | 7 | HB 1703..... | 28 |
| HB 1201..... | 18 | HB 1483..... | 6 | HB 1704..... | 25 |
| HB 1202..... | 18 | HB 1485..... | 3 | HB 1705..... | 26 |
| HB 1206..... | 18 | HB 1491..... | 31 | HB 1706..... | 26 |
| HB 1210..... | 49 | HB 1492..... | 3 | HB 1708..... | 32 |
| HB 1219..... | 19 | HB 1501..... | 4 | HB 1715..... | 17 |
| HB 1233..... | 11 | HB 1506..... | 19 | HB 1720..... | 12 |
| HB 1235..... | 36 | HB 1510..... | 47 | HB 1755..... | 19 |
| HB 1243..... | 32 | HB 1516..... | 24 | HB 1759..... | 24 |
| HB 1259..... | 38 | HB 1533..... | 22 | HB 1760..... | 17 |
| HB 1263..... | 38 | HB 1534..... | 24 | HB 1789..... | 15 |
| HB 1282..... | 10 | HB 1540..... | 40 | HB 1790..... | 19 |
| HB 1283..... | 10 | HB 1550..... | 38 | HB 1795..... | 23 |
| HB 1302..... | 41 | HB 1552..... | 49 | HB 1811..... | 7 |
| HB 1304..... | 1 | HB 1553..... | 49 | HB 1819..... | 12 |
| HB 1305..... | 23 | HB 1555..... | 22 | HB 1823..... | 35 |
| HB 1306..... | 7 | HB 1559..... | 38 | HB 1824..... | 12 |
| HB 1324..... | 5 | HB 1570..... | 34 | HB 1825..... | 36 |
| HB 1327..... | 45 | HB 1576..... | 18 | HB 1833..... | 41 |
| HB 1335..... | 7 | HB 1578..... | 18 | HB 1836..... | 14 |
| HB 1337..... | 25 | HB 1579..... | 32 | HB 1837..... | 43 |
| HB 1357..... | 31 | HB 1583..... | 22 | HB 1842..... | 39 |
| HB 1371..... | 36 | HB 1599..... | 22 | HB 1843..... | 30 |
| | | HB 1601..... | 2 | HB 1844..... | 21 |

| | |
|--------------|----|
| HB 1845..... | 37 |
| HB 1856..... | 43 |
| HB 1858..... | 44 |
| HB 1860..... | 21 |
| HB 1875..... | 17 |
| HB 1886..... | 29 |
| HB 1887..... | 30 |
| HB 1888..... | 36 |
| HB 1894..... | 28 |
| HB 1912..... | 30 |
| HB 1913..... | 50 |
| HB 1949..... | 24 |
| HB 1952..... | 18 |
| HB 1957..... | 19 |
| HB 1968..... | 31 |
| HB 1991..... | 26 |
| HB 1992..... | 26 |
| HB 1993..... | 26 |
| HB 1994..... | 2 |
| HB 1995..... | 26 |
| HB 1996..... | 26 |
| HB 1998..... | 26 |
| HB 2008..... | 17 |
| HB 2034..... | 25 |
| HB 2039..... | 28 |
| HB 2128..... | 34 |
| HB 2131..... | 9 |
| HB 2155..... | 15 |
| HB 2156..... | 18 |
| HB 2157..... | 18 |
| HB 2178..... | 13 |
| HB 2179..... | 46 |
| HB 2181..... | 19 |
| HB 2186..... | 41 |
| HB 2209..... | 43 |
| HB 2211..... | 24 |
| HB 2230..... | 41 |
| HB 2231..... | 24 |
| HB 2232..... | 24 |
| HB 2234..... | 12 |
| HB 2236..... | 12 |
| HB 2247..... | 30 |
| HB 2251..... | 24 |
| HB 2252..... | 43 |
| HB 2273..... | 28 |
| HB 2275..... | 36 |
| HB 2276..... | 36 |
| HB 2284..... | 35 |
| HB 2298..... | 21 |
| HB 2303..... | 12 |
| HB 2310..... | 23 |
| HB 2311..... | 22 |
| HB 2312..... | 39 |
| HB 2314..... | 36 |
| HB 2324..... | 1 |
| HB 2343..... | 43 |
| HB 2344..... | 44 |

| | |
|---------------|--------|
| HB 2348..... | 42 |
| HB 2351..... | 44 |
| HB 2356..... | 44 |
| HB 2357..... | 43 |
| HB 2358..... | 45 |
| HB 2360..... | 44 |
| HB 2361..... | 43 |
| HB 2367..... | 45 |
| HB 2377..... | 20 |
| HB 2380..... | 43 |
| HB 2386..... | 18 |
| HB 2387..... | 31 |
| HB 2389..... | 28 |
| HB 2392..... | 3 |
| HB 2395..... | 4 |
| HB 2406..... | 11 |
| HB 2423..... | 11 |
| HB 2429..... | 20 |
| HB 2433..... | 39, 42 |
| HJR 1028..... | 18 |

Senate Bills

| | |
|------------|----|
| SB 2..... | 50 |
| SB 12..... | 18 |
| SB 14..... | 47 |
| SB 15..... | 19 |
| SB 17..... | 14 |
| SB 21..... | 41 |
| SB 22..... | 41 |
| SB 23..... | 41 |
| SB 24..... | 39 |
| SB 25..... | 41 |
| SB 26..... | 41 |
| SB 27..... | 38 |
| SB 28..... | 41 |
| SB 29..... | 19 |
| SB 30..... | 28 |
| SB 33..... | 48 |
| SB 34..... | 7 |
| SB 35..... | 38 |
| SB 36..... | 37 |
| SB 38..... | 7 |
| SB 39..... | 7 |
| SB 40..... | 38 |
| SB 42..... | 48 |
| SB 45..... | 18 |
| SB 46..... | 50 |
| SB 47..... | 47 |
| SB 48..... | 24 |
| SB 50..... | 32 |
| SB 52..... | 41 |
| SB 53..... | 41 |
| SB 55..... | 47 |
| SB 57..... | 48 |
| SB 59..... | 48 |
| SB 60..... | 41 |

| | |
|-------------|-------|
| SB 64..... | 13 |
| SB 77..... | 7 |
| SB 80..... | 32 |
| SB 84..... | 17 |
| SB 85..... | 21 |
| SB 88..... | 38 |
| SB 89..... | 38 |
| SB 90..... | 38 |
| SB 91..... | 45 |
| SB 94..... | 47 |
| SB 102..... | 36 |
| SB 105..... | 23 |
| SB 115..... | 12 |
| SB 116..... | 36 |
| SB 117..... | 11 |
| SB 120..... | 9 |
| SB 145..... | 26 |
| SB 147..... | 1 |
| SB 148..... | 26 |
| SB 151..... | 19 |
| SB 153..... | 14 |
| SB 154..... | 45 |
| SB 160..... | 35 |
| SB 166..... | 47 |
| SB 170..... | 42 |
| SB 174..... | 41 |
| SB 180..... | 30 |
| SB 189..... | 45 |
| SB 191..... | 22 |
| SB 206..... | 50 |
| SB 207..... | 41 |
| SB 211..... | 40 |
| SB 217..... | 6 |
| SB 225..... | 45 |
| SB 227..... | 48 |
| SB 228..... | 31 |
| SB 229..... | 30 |
| SB 230..... | 47 |
| SB 231..... | 19 |
| SB 233..... | 48 |
| SB 234..... | 48 |
| SB 235..... | 45 |
| SB 237..... | 14 |
| SB 242..... | 25 |
| SB 244..... | 16 |
| SB 245..... | 51 |
| SB 252..... | 37 |
| SB 254..... | 46 |
| SB 266..... | 11 |
| SB 273..... | 8 |
| SB 286..... | 8 |
| SB 287..... | 3, 20 |
| SB 288..... | 38 |
| SB 292..... | 22 |
| SB 293..... | 45 |
| SB 297..... | 41 |
| SB 301..... | 16 |

| | | | | | |
|-------------|----|-------------|-------|-------------|--------|
| SB 303..... | 41 | SB 479..... | 21 | SB 715..... | 51 |
| SB 312..... | 24 | SB 486..... | 41 | SB 717..... | 31 |
| SB 321..... | 23 | SB 493..... | 10 | SB 718..... | 32 |
| SB 322..... | 32 | SB 495..... | 12 | SB 723..... | 31 |
| SB 323..... | 26 | SB 506..... | 2 | SB 726..... | 28 |
| SB 324..... | 41 | SB 508..... | 28 | SB 727..... | 30 |
| SB 326..... | 3 | SB 514..... | 18 | SB 730..... | 48 |
| SB 342..... | 5 | SB 525..... | 13 | SB 733..... | 31 |
| SB 347..... | 24 | SB 529..... | 16 | SB 734..... | 30 |
| SB 353..... | 45 | SB 531..... | 11 | SB 741..... | 29 |
| SB 354..... | 25 | SB 532..... | 22 | SB 746..... | 30 |
| SB 357..... | 19 | SB 543..... | 48 | SB 748..... | 33 |
| SB 358..... | 13 | SB 563..... | 25 | SB 749..... | 2 |
| SB 360..... | 26 | SB 565..... | 47 | SB 765..... | 28 |
| SB 370..... | 21 | SB 593..... | 21 | SB 769..... | 9 |
| SB 372..... | 12 | SB 595..... | 3, 35 | SB 770..... | 39 |
| SB 397..... | 38 | SB 600..... | 19 | SB 773..... | 29 |
| SB 403..... | 25 | SB 603..... | 5 | SB 774..... | 31 |
| SB 408..... | 47 | SB 604..... | 38 | SB 784..... | 51 |
| SB 411..... | 40 | SB 631..... | 46 | SB 787..... | 29 |
| SB 423..... | 25 | SB 632..... | 16 | SB 799..... | 51 |
| SB 424..... | 51 | SB 635..... | 4 | SB 811..... | 33 |
| SB 425..... | 19 | SB 637..... | 51 | SB 813..... | 30 |
| SB 426..... | 3 | SB 642..... | 47 | SB 816..... | 29 |
| SB 427..... | 13 | SB 643..... | 37 | SB 819..... | 31 |
| SB 428..... | 25 | SB 645..... | 32 | SB 828..... | 33 |
| SB 430..... | 24 | SB 646..... | 39 | SB 829..... | 33 |
| SB 431..... | 13 | SB 652..... | 30 | SB 833..... | 23 |
| SB 433..... | 47 | SB 653..... | 36 | SB 834..... | 8 |
| SB 438..... | 12 | SB 661..... | 35 | SB 835..... | 35 |
| SB 445..... | 45 | SB 668..... | 3 | SB 840..... | 8, 50 |
| SB 456..... | 48 | SB 673..... | 12 | SB 841..... | 45 |
| SB 467..... | 13 | SB 682..... | 29 | SB 845..... | 27, 42 |
| SB 468..... | 13 | SB 688..... | 32 | SB 867..... | 20 |
| SB 469..... | 10 | SB 690..... | 19 | SB 870..... | 31 |
| SB 474..... | 39 | SB 692..... | 8 | SB 872..... | 14 |
| SB 476..... | 44 | SB 697..... | 51 | SJR 46..... | 6 |
| SB 478..... | 11 | SB 712..... | 41 | | |