A photograph of the Oklahoma State Capitol building at dusk. The building is illuminated with warm yellow lights from within, highlighting the columns of the portico and the interior of the dome. The dome's top is lit with red lights, and a statue of a person stands on top. The sky is a deep blue. In the background, some construction scaffolding is visible on the left.

2018 Session in Review

Measures passed during the Second Session of the 56th Oklahoma Legislature
Charles McCall, Speaker | Oklahoma House of Representatives



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House Legal Staff
House Fiscal Staff

.....
On the cover For several days in July, a barricade-free south entrance welcomed visitors wishing to admire the newly restored south portico. The cast iron state seal and pocket doors were stripped and repainted after a paint analysis determined the original colors; extensive stone repairs were made, including several full replacements to the façade; and bird netting will prevent pigeons from roosting in the column capitals again.



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Agriculture, Environment & Wildlife

The Legislature refined existing programs and approved a potential new cash crop for Oklahoma farmers by creating a pilot program for growing hemp.

Agriculture

HB 2913 creates a pilot program that allows universities or farmers contracting with universities to cultivate certified hemp seed for research and development for industrial uses. The 2014 U.S. Farm Bill and the U.S. Industrial Hemp Farming Act of 2015 paved the way for industrial hemp farming, which was common in the Midwest until the 1930s, while active federal legislation seeks to streamline the industry further. The Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) will manage the state's pilot program and a new revolving fund will consist of all registration, lab and inspection fees paid by program participants. At least 35 other states allow the cultivation of hemp through commercial, research or pilot programs.

SB 1606 directs ODAFF to use part of its legislative appropriation for certain purposes, including \$3.4 million for Rural Fire Operational Assistance Grants.

HB 3416 and **SB 1181** both modify the Oklahoma Limitation of Liability for Farming and Ranching Act by removing provisions relating to entrance fees, thereby providing liability protection when ranch or

farm land is used for recreation with or without a usage charge.

HB 3417 and **SB 1186** both replace the Eastern Red Cedar Registry Board with the Eastern Redcedar Management Act, and transfers duties from the board to ODAFF, the Oklahoma Conservation Commission and USDA Natural Resources Conservation Service. The measure also repeals the Citizens' Auxiliary Group and a section directing ODAFF to provide support and funding to the board when available.

SB 1183 authorizes the State Board of Agriculture to issue certificates of free sale for any products within the jurisdiction of ODAFF.

HB 3370 modifies the fine for the crime of trespass on private land devoted to farming, ranching or forestry purposes. The measure sets the fine for a first offense as not less than \$750 nor more than \$2,000. The measure also modifies the fine for the crime of trespass with intent to commit waste, theft, or damage by setting the fine at not less than \$1,000 for first offense. The fine for persons convicted of a second or subsequent offense is set at not less than \$2,500.

Environment

SB 1584 authorizes the Oklahoma Capital Improvement Authority (OCIA) to issue new bonds and borrow money on the credit of income and revenue from land and property leases to generate up to \$5 million to pay for the construction, repair and rehabilitation of flood control

dams. The measure provides that debt retirement payments are to be made by the Oklahoma Conservation Commission and title to real property and improvements are to be transferred from the OCIA to the commission upon final redemption of any bonds issued to finance the project.

What is a certificate of free sale?

Certificate of free sale is required in some countries for certain kinds of goods. State governments usually supply this document, which indicates that the goods intended to export have been sold in that state. Source www.export.gov

Source: The National Agricultural Law Center

SB 1294 authorizes the Oklahoma Water Resources Board to cooperate with tribal agencies and use the tribal agencies' findings when conducting hydrological surveys and investigations. The measure also changes the maximum annual yield process to allow the board to phase in or delay the implementation of maximum annual yields if the landowners above the basin are not utilizing their equal proportional share. In addition, the measure allows well spacing on basins without a yield study.

SB 1147 modifies the Department of Environmental Quality's (DEQ) jurisdiction to include duties within the agency's scope that are

necessary to implement Oklahoma Groundwater Quality Standards.

SB 1412 limits the amount allocated to the DEQ Revolving Fund, the DEQ and the Oklahoma Tax Commission (OTC) from fees collected pursuant to the Used Tire Recycling Act. Any amount in excess of the three-year average of the revenue apportioned in fiscal years 2015, 2016 and 2017 shall be deposited into the General Revenue Fund. The three-year caps for the DEQ Revolving Fund, DEQ and OTC are \$3,079,096; \$590,293; and \$230,984, respectively.

SB 1515 clarifies the uses within the Oklahoma Water Resources Board Fee Revolving Fund.

Wildlife

HB 3353 authorizes a person in possession of a valid handgun license to carry a handgun on property designated as a wildlife refuge or wildlife management area.

HB 2997 designates the red-tailed hawk as the state raptor. Idaho is the only other state with a designated raptor emblem.

HB 2885 authorizes the Oklahoma Department of Wildlife and the State Veterinarian to grant exceptions on a case-by-case basis to the statutory prohibition against importation of cervidae from areas where chronic wasting disease exists.

HB 2917 modifies the identification requirements for proof of residency in game and fish statutes.

HB 2952 modifies the definition of aircraft, as used in the management of depredating animals, to remove the word nonexperimental.

HB 3319 modifies the amount the Department of Wildlife Conservation is authorized to charge for controlled hunt applications from an annual fee of \$5 to a one-time \$10 fee.

SB 1180 removes the requirement that the Oklahoma Wildlife Conservation Commission conduct a contest for selecting the waterfowl stamp art. ■



Criminal Justice

Criminal Justice Reform

After several years of discussion and negotiation between the principals involved in the criminal justice system, the Legislature enacted a number of criminal justice reforms that are anticipated to slow prison population growth in Oklahoma. The measures concentrate on lowering available punishments for nonviolent offenders and providing alternatives for criminal justice professionals to consider when sentencing offenders.

SB 649 provides that a previous conviction for possession of a controlled dangerous substance, or the equivalent law for possession of a controlled dangerous substance from any other jurisdiction, may not be used to enhance punishment under the second and subsequent offenses statute. The measure also removes petit larceny offenses from being used for sentence enhancement. Any person who has a previous nonviolent felony conviction crime who commits one of the crimes listed below may be punished by a term of not more than twice the maximum sentence that could have been imposed for a first conviction of the current offense. The crimes eligible for enhancement are:

- Uttering a forged prescription;
- Receiving stolen property;
- False personation;
- Unauthorized use of a motor vehicle;
- Grand larceny;

- False declaration to a pawnbroker;
- Forgery in the second degree;
- Receiving or possessing a stolen vehicle; and
- Larceny of merchandise from a retailer.

SB 650 lowers the amount of time a nonviolent offender must wait to seek an expungement from 15 years to seven years, if at least five years have passed since the completion of the sentence.

SB 689 authorizes the court imposing a sentence to modify the sentence of any offender serving life without parole for an offense other than a violent crime, if the offender has served at least 10 years of the sentence and the court finds that the best interests of the public will not be jeopardized. If the court departs from mandatory minimum sentence, the sentence may not be reduced to less than 25 percent of the mandatory term. The bill expands the use of specialized supervision in the community corrections system to include repeat offenders, offenders with a conviction for a sex crime, or domestic violence and offenders with diagnosed mental health needs.

In other provisions of the bill:

- Persons convicted of domestic violence are required to undergo an assessment for batterers;
- Persons convicted of a violent crime, or a fourth or subsequent conviction for any felony crime,

may not have their sentence suspended;

- Persons convicted of misdemeanor offenses relating to the unlawful carry or illegal transport of a firearm, or discharging a firearm, must submit to DNA testing for inclusion in the Oklahoma State Bureau of Investigation Combined DNA Index System (CODIS) database;
- A suspended sentence may not be revoked in whole for a technical violation unless a petition setting forth the grounds for such revocation is filed by the district attorney;
- Failure of an offender to pay fines and costs may not serve as a basis for revocation, excluding restitution, unless the court finds that the offender is willfully not paying;
- Prosecutions may not be deferred beyond seven years; and
- Deferred judgments may not be accelerated for a technical violation unless a petition has been filed by the district attorney.

SB 786 creates a burglary in the third-degree offense for burglary of a vehicle with intent to steal property. Punishment for burglary in the third degree is a term not exceeding five years.

SB 793 modifies the punishment for transporting or possessing with intent to distribute a controlled dangerous

substance. Existing law provides that a person may be sentenced to a term of not less than five years nor more than life in prison. For a Schedule I or II drug, the bill removes the ability of the court to impose a life sentence and provides that a person may be sentenced to up to seven years imprisonment for transporting or possessing with intent to distribute. A person convicted of a second offense may be sentenced for up to 14 years. A third or subsequent conviction can result in a sentence of up to 20 years. For a Schedule III, IV, V drug or marijuana, a person may be sentenced for up to five years. The punishment for manufacturing a controlled dangerous substance is imprisonment for not more than 10 years. A second manufacturing conviction can result in a term of between 2 to 20 years and a third offense may result in sentence of not less than 10 years to a life sentence. Finally, the measure modifies penalties for drug trafficking by removing life without parole as a sentencing option.

SB 1098 creates the Criminal Justice Reclassification Coordination Council. The 22-member council is to recommend to the Legislature:

- The classification of all felonies into appropriate categories;
- Appropriate sentence lengths for each class of felonies;
- Appropriate enhanced sentences for crimes committed after prior convictions; and
- Other appropriate changes to improve the criminal justice system in Oklahoma and ensure the public safety of its citizens.

The council is to submit a report annually by December 31 each year.

HB 2281 contains modifications relating to certain criminal offenses. The bill creates threshold amounts for the crimes of unlawful delivery of goods, embezzlement, false personation, obtaining property by trick or deception, bogus checks, forged instruments or coins, larceny of lost property, receipt of stolen

goods, theft of aircraft, automobile or construction equipment, larceny of merchandise held for sale in retail and false representation to a pawnbroker. The measure also creates graduated penalties based upon the value of the property, and establishes the theft of a firearm as a felony. To address business owner concerns, if three or more larceny offenses are committed within a 90-day period, the value of the property may be aggregated to determine the total value. Further, the measure modifies the punishment for possession of a vehicle without consent by allowing a term of imprisonment of up to two years and provides that the possession of an implement of husbandry without consent is a felony punishable by imprisonment of up to five years and up to a \$5,000 fine.

HB 2286 creates a streamlined administrative parole and a comprehensive aging and medical parole. The Department of Corrections (DOC) can submit to the Pardon and Parole Board the name of any person who has served one-fourth of the sentence or consecutive sentences imposed. Persons serving a life without parole sentence, an 85 percent sentence, or a sentence for a violent crime are not eligible for administrative parole.

The Pardon and Parole Board is to grant administrative parole if:

- The person has substantially complied with their case plan;
- The victim or district attorney has not submitted an objection;
- The person has not received a primary class X infraction within two years of the parole eligibility date;
- The person has not received a secondary class X infraction within one year of the parole eligibility date; and
- The person has not received a class A infraction within six months of the parole eligibility date.

Upon receiving administrative parole, the offender is to be supervised and managed by the DOC and is subject to all rules and regulations of parole.

Further, the Pardon and Parole Board is authorized to parole offenders who are 60 years of age or older who have served the shorter of 10 years of the term of imprisonment, or one-third of their total sentence. Offenders convicted of a violent offense, a sex offense, or an 85 percent offense are not eligible.

SB 185 requires each member of the Pardon and Parole Board to complete annual training based on guidance from organizations that provide training and technical assistance related to the probation and parole process. The annual training curriculum is to include identifying, understanding and targeting criminogenic needs, the principles of effective intervention, core correctional practices and how to support and encourage offender behavior change. The measure also requires at least two of the members the Pardon and Parole Board have five years of training or experience in mental health services, substance abuse services or social work.

SB 340 provides that if a defendant is without means to pay fines or costs, and no undue hardship would result, the municipal judge may direct the defendant to perform community service at a rate of not less than the current federal minimum wage.

To provide fair access to public defenders, **SB 1021** deletes language that creates a rebuttable presumption that any defendant who is able to post bail is not indigent and therefore ineligible for the appointment of an indigent defender. Instead, the measure directs the court to consider the ability to post bail as one factor in determining whether or not the defendant is eligible for the appointment of an indigent defender.

SB 363 authorizes special judges to release offenders not eligible for pretrial release under conditions prescribed by the judge.

HB 1124 expands the scope of the zone of safety restrictions and residency restrictions that are applied to persons subject to the provisions of the Sex Offender Registration Act to include the residence of the victim. The person subject to the restrictions is prohibited from loitering within 1,000 feet of the residence of the victim.

HB 2881 modifies the eligibility requirements for drug court by allowing for a review to determine if an offender is eligible for drug court at any time prior to disposition of the case and sentencing of the offender, including sentencing on a petition to revoke a suspended sentence or any probation violation. The measure provides that a person having been admitted to a drug court program within the previous five years does not make the offender ineligible for consideration for the program. Finally, a drug court investigation is to be conducted prior to the hearing for final determination of eligibility for the drug court program.

HB 3260 modifies the crime of stalking by adding a definition of the word *following* to include the tracking of the movement or location of an individual through the use of a global positioning system (GPS) device or other monitoring device, without the consent of the individual whose movement or location is being tracked. The measure exempts the lawful use of a GPS device or other monitoring device by a law enforcement agency or the parent of a minor child.

HB 3283 requires the Oklahoma Department of Mental Health and Substance Abuse Services to provide competency restoration services for death row defendants who are found insane because of a mental illness that causes the person to be presently unable to have a rational understanding as to why the person is being executed. The services are to be provided where the defendant is currently incarcerated. The department may designate a willing entity to provide such restoration

services, provided the entity has qualified personnel.

HB 3330 adds *family child care home*, as that term is defined in the Oklahoma Child Care Facilities Licensing Act, to the list of locations for which it is unlawful for a person subject to the registration requirements of the Oklahoma Sex Offender Registration Act to reside within a 2,000-foot radius.

HB 3370 modifies the fine for the crime of trespass on private land devoted to farming, ranching or forestry purposes. The measure sets the fine for a first offense as not less than \$750 nor more than \$2,000. The measure also modifies the fine for the crime of trespass with intent to commit waste, theft, or damage by setting the fine at not less than \$1,000 for first offense. The fine for persons convicted of a second or subsequent offense is set at not less than \$2,500.

SB 1005 requires any peace officer or employee of a district court, juvenile bureau or Office of Juvenile Affairs who has reasonable suspicion that a minor may be a victim of human trafficking and is in need of immediate protection to assume protective custody over the minor and immediately notify the Department of Human Services. The measure modifies the definitions of *forcible sodomy* and *rape* by providing that it is a violation of these acts when committed on a person who is at least 16 years of age but less than 18 years of age by a person responsible for the child's health, safety or welfare. The measure modifies the crime of lewd molestation by providing that it is a criminal act to force or require a child to defecate or urinate upon the body or private parts of another, or for the purpose of sexual gratification. The measure provides that any parent or person responsible for the child's health, safety or welfare who commits lewd molestation when the victim is at least 16 years of age but less than 18 years of age is guilty of a felony subject to not more than 10 years imprisonment.

SB 1251 provides that a bond is to be exonerated by operation of law in any case in which the defendant has been arrested on new charges in the same jurisdiction in which the bondsman or insurer has posted the appearance bond or bonds for the defendant, and the defendant has been subsequently released on his or her own personal recognizance. Bond is also to be exonerated by operation of law in any case in which there is an added charge to a case that would result in a higher fine or longer term of sentence if convicted, or an amendment to a charge that would result in a higher fine or longer term of sentence if convicted.

SB 1346 requires the court records of judgment to include the month and year of the defendant's birth date on the copy of the judgment. Current law requires only the year of the defendant's birth to be included.

Alcohol

Legislation this session focused on adapting state law in anticipation of previously enacted legislation to modernize Oklahoma's liquor laws that took effect on October 1, 2018.

SB 1173 establishes the regulatory framework to comply with alcohol modernization brought about by the approval of State Question 792 in 2016. The measure authorizes wine and spirits wholesalers who have been designated by a manufacturer as a distributor of its wine or spirits to post those products by line-item; allows a bonded warehouse license to receive and store nonalcoholic beverages; allows an applicant for a retail wine or retail beer license to maintain a separate mixed beverage, caterer, mixed beverage/caterer combination license, or an on-premise beer and wine license, if the retail wine or retail beer license is not situated within or adjacent to the same physical space where the on-premises license is maintained. To assist the Alcoholic Beverage Laws Enforcement (ABLE) Commission in performing the expected increased duties, \$5 of every employee license

fee is to be deposited in the Alcoholic Beverage Governance Revolving Fund.

SB 1332 provides that those establishments licensed prior to October 1, 2018, to sell low-point beer, and were permitted to be located within 300 feet of any school or church property, will be allowed to operate with any license in effect on October 1, 2018.

SB 1336 modifies the hours during which alcoholic beverages may be sold by prohibiting the sale of alcoholic beverages between 2 a.m. and 8 a.m. Municipalities may enact ordinances requiring such premises to be closed to the public between the hours of 2 a.m. and 6 a.m.

SB 1498 requires the Alcoholic Beverage Laws Enforcement (ABLE) Commission to mail a notice of application for a license to sell alcohol to the chief of police of a city or town. The measure provides that any political subdivision that is entitled to notice of an application for a license be considered an interested party to the proceeding and is given notice of any issuance of license and may appeal the issuance of a license.

SB 1570 authorizes counties to levy an annual occupational tax for the privilege of operating as a retailer of alcoholic beverages.

SB 1333 modifies the definition of *small brewer* to mean a brewer who manufactures less than 65,000 barrels of beer annually.

SB 1334 provides that applicants for an employee license under the provisions of the Oklahoma Alcoholic Beverage Control Act must complete a training program not later than 14 days after initial licensure.

SB 1337 allows the holder of a distiller license to sell spirits produced by the licensee for either on-premises or off-premises consumption to consumers on the distillery premises and at public events such as trade shows or festivals.

SB 1338 authorizes the holder of a brewer license to purchase wine in retail containers from the holder of a wholesaler license and to sell, offer for sale and possess wine for on-premises consumption. The bill also authorizes the holder of a winemaker license to purchase beer in retail containers from the holder of a wholesaler, beer distributor, small brewer self-distributor or brewpub self-distributor license and to sell, offer for sale and possess beer for on-premises consumption.

SB 1395 provides that if a licensed distributor possesses inventory of a brand that it is no longer authorized to distribute within this state, the inventory is to be sold to a licensed distributor authorized to distribute the brand, at a price not to exceed the total of the actual purchase price of the selling distributor plus the cost of inbound and outbound shipping to the purchasing distributor.

SB 1499 provides that an employee license may be issued and held by a person who has been convicted of a felony if such conviction was not a violent crime or a crime set forth in the Alcoholic Beverages code, and if the conviction was more than five years prior to the issuance of the license.

SB 1537 makes several modifications to the self-distribution license by expanding the authority of holders of a winemaker self-distribution license to distribute its product to other licensees. The measure removes a prohibition on direct wine shipper permit holders from shipping into the state wine otherwise available in Oklahoma. The measure requires express companies and contract carriers who deliver wine into Oklahoma to file quarterly reports on deliveries to the ABLE Commission. The measure provides that confidential wine shipment reports may be kept confidential by a public body. The measure repeals statutes relating to direct wine shipper's and direct wine consumer's permits and transporters reports to the Tax Commission.

SB 1489 modifies the eligibility on who may become a bail bondsman by removing restrictions on persons who hold a license to sell alcohol or persons who are an agent or owner of an establishment that allows for on premises consumption of low-point beer.

Firearms

Several measures were enacted to allow greater citizen access to firearms.

HB 2632 allows places of worship to establish policies regarding the possession of weapons on their property. The measure allows the use of physical or deadly force against an intruder in a place of worship when the intruder is committing or attempting to commit a felony. *Place of worship* is defined as any permanent building or space used for worship services, activities and business of the congregation.

HB 3353 authorizes a person in possession of a valid handgun license to carry a handgun on property designated as a wildlife refuge or wildlife management area.

HB 2527 allows the sheriff of any county to authorize employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act (SDA), to carry a concealed handgun when acting in the course and scope of employment within the courthouses of the county in which the person is employed. This authority to designate an employee to carry in the courthouse does not allow the employee to carry the handgun into a courtroom. The measure also allows a board of county commissioners to authorize its employees to carry a concealed handgun when acting in the course of employment on county annex facilities or grounds surrounding the county courthouse.

HB 2625 allows a retired peace officer to carry a firearm throughout the state.

HB 2889 provides that a sheriff may charge up to \$25 for the fingerprinting fee assessed for an SDA license. Current law requires the sheriff to charge \$25.

Drug Control

The Legislature continued to champion the fight against opioid abuse and other highly addictive substances. Measures were enacted to look at best practices in dealing with opioid addiction and scheduling other drugs as controlled substances.

HB 2798 creates the Opioid Fatality Review Board that will be jointly staffed by the Office of the Attorney General (OAG) and the Department of Mental Health and Substance Abuse Services. The board is tasked with several duties, including:

- Conducting case reviews of deaths of persons 18 years of age or older due to licit or illicit opioid use;
- Collecting, analyzing and interpreting state and local data on opioid overdose deaths;
- Developing a state and local database on opioid overdose deaths; and
- Exercising all incidental powers necessary and proper for the implementation and administration of the review board.

Case reviews and discussion will be conducted in executive session, with all other business conducted in accordance with the Open Meetings Act. The board must submit an annual statistical report of its findings, including any recommendations for the medical and law enforcement system.

Beginning November 1, 2018, the Center for Health Statistics at the State Department of Health will begin forwarding to the Chief Medical Examiner copies of death certificates for adults over the age of 18 when the cause of death was an overdose of licit or illicit drugs, including opioids. The medical examiner will conduct

an initial review in accordance to the criteria established by the review board and refer cases that meet the criteria for specific case review. Lastly, the measure requires the medical and law enforcement system to provide any information requested by the review board.

SB 1078 adds fentanyl to the list of substances subject to trafficking penalties. The measure provides that possession of 1 gram or more of a mixture containing fentanyl or carfentanil, or any fentanyl analogs or derivatives shall be punishable by a fine of not less than \$100,000 and not more than \$500,000.

HB 2795 directs medical facility owners that prescribe certain drugs to patients on a monthly basis to register with the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBNDD). The fee for registration is established at \$300 annually.

HB 2796 requires manufacturers and distributors who are required to register with the OBNDD make available all data required pursuant to federal law, federal rules and regulations. Beginning November 1, 2019, every manufacturer and distributor required to register is to provide all data required pursuant to federal law, federal rules and regulations on a monthly basis to the OBNDD in accordance with rules promulgated by the Director. The information maintained is to be confidential and access is limited to agents with OBNDD or the OAG, DEA Diversion Group Supervisor and multicounty grand juries properly convened.

HB 2931 requires the use of electronic prescribing for all controlled scheduled drugs. The measure exempts licensed veterinarians, practitioners who experience temporary technological or electrical failure or other extenuating circumstance that prevents the prescription from being transmitted electronically, a practitioner, other than a pharmacist, who dispenses directly to an ultimate

user, a practitioner who orders a controlled dangerous substance to be administered in a state-certified and recognized hospital, nursing home, hospice facility, a practitioner who writes a prescription to be dispensed by a pharmacy located on federal property, or a prescriber that has received a waiver or extension from the OBNDD. The measure provides circumstances under which electronic prescriptions are not to be used. The measure provides that a Schedule V controlled substance may not be filled or refilled more than 5 times after the date of the prescription. The measure delays the effective date of the requirements for electronic prescribing depending on county population.

SB 937 allows the Director of OBNDD to authorize access to the central repository by tribal law enforcement agencies.

SB 939 clarifies that the salts, isomers and salts of isomers of the drug methylphenidate (Ritalin is one of the most commonly known) are classified as Schedule II drugs.

SB 940 adds several fentanyl compounds as Schedule I dangerous drugs.

SB 1367 prohibits law enforcement from taking a person into custody based solely on the commission of an offense involving prescription drugs, if the law enforcement officer reasonably believes that the person is requesting emergency medical assistance for themselves or another due to a drug overdose.

SB 1446 places additional requirements on how doctors are to prescribe opioids and other pain management drugs. The measure:

- Requires a physician to receive not less than one hour of education in pain management or opioid use and addiction each year preceding an application for renewal of a license;
- Modifies the definition of *unprofessional conduct* by including the prescribing,

dispensing or administering opioid drugs in excess of the authorized maximum dosages;

- Provides that the failure of a registrant to access and check the central repository is grounds for disciplinary action;
- Allows OBNDD to make unsolicited notifications to the licensing boards of a pharmacist or practitioner;
- Restricts initial prescriptions for opioids to a seven-day supply;
- Requires a review of the course of treatment for any patient who is continuously prescribed an opioid or other Schedule II controlled substance for three months and requires the physician and patient to enter into a pain management agreement; and
- Requires the Insurance Department to evaluate the effect of the limits on prescriptions of opioid medication on claims paid by health insurance carriers.

Corrections

SB 1590 authorizes the Oklahoma Capitol Improvement Authority to issue up to \$116.5 million in bonds to finance the maintenance, repairs, equipment and improvements of existing Department of Corrections (DOC) facilities.

HB 1461 deletes reference to the use of American Correctional Association Standards relating to the inspection of city and county jails.

HB 2630 modifies the eligibility requirements for the Electronic Monitoring Program for nonviolent offenders. The measure:

- Provides that a nonviolent offender who has a housing offer, has been processed and received through the Department of Corrections Assessment and Reception Center and has met all requirements, may be assigned to the Electronic Monitoring Program;

- Modifies eligibility to the program by prohibiting any offender with a sentence of more than 10 years who has 24 months or more left to serve;
- Removes the restriction to allow the following to participate in the electronic monitoring program
 - » Persons convicted of trafficking in illegal drugs;
 - » Offenders who have been denied parole in the previous 12 months
 - » Inmates previously removed from the program or any other alternative to incarceration; and
 - » Persons convicted of transporting drugs with intent to distribute or possessing with intent to distribute from participating in the program.
- Requires the DOC to develop policies, rather than promulgate rules, to implement the Electronic Monitoring Program.

HB 2631 modifies the powers and duties of the Director of the DOC by

- Removing requirements that appointed wardens have a bachelor's degree and six years of professional work experience in corrections;
- Removing the requirement that correctional officers graduate from an approved training course prior to or during the first six months of employment;
- Allowing the director to designate certain correctional officers as employees who may carry firearms;
- Developing and implementing a basic training academy consisting of at least 200 hours of instruction and a firearms course of 20 hours of instruction and in-service training of at least 40 hours of continued corrections education

and annual recertification of firearms proficiency; and

- Allowing the director to enter into contracts with media or film production companies to allow the department to authorize a media or film production company to shoot commercial films at penal institutions.

HB 3393 directs all penal institutions, detention centers and county jails to use the least restrictive restraints necessary when the facility has actual or constructive knowledge that an inmate is pregnant. The measure prohibits the use of any kind of restraint when transporting an inmate who is in labor, delivering the baby, or while recuperating from the delivery. The bill creates a misdemeanor punishment for any correctional officer found guilty of using restraints on a pregnant inmate, subject to imprisonment of up to one year in the county jail, a fine of up to \$1,000 or both fine and imprisonment.

HB 3706 directs the DOC to use adequate amounts of its appropriations to maintain a per diem rate of not less than \$43.30 for private prison medium security beds during FY 2019. The measure also directs the department to use up to \$4.8 million of its appropriation to coordinate with the Office of Management and Enterprise Services in the implementation of a statewide offender management system.

SB 904 provides clarity to who is eligible to participate in community corrections by clarifying existing statutes.

SB 908 allows a correctional officer to retain possession of their service firearm upon retirement. The measure also allows the retiree to purchase the rifle, shotgun or both prior to retirement.

SB 1153 allows the DOC to keep confidential business plans and other proprietary information of businesses seeking to do business with correctional industries. ■



Economic Development & Financial Services

The Legislature enacted several measures to promote economic development and growth in the state. Important measures include incentivizing the vehicle manufacturing industry in the form of tax credits for engineers and their employers, increasing funding to the Governor's quick action closing fund, expanding eligibility for the Small Employer Quality Jobs Program and creating a partnership organization to promote the aerospace industry.

SB 1585 creates the following income tax credits designed to incentivize qualified employers and employees in the vehicle manufacturing industry, effective tax year 2019 through 2025:

- **Employer Paid Tuition Reimbursement Tax Credit** Credit is equal to 50 percent of the amount of tuition reimbursement to a qualified employee for the first through fourth year of employment.
- **Employer Payroll Tax Credit** Credit is between 5 and 10 percent of the compensation paid, up to \$12,500 for each qualified employee annually, for the first through fifth year of employment.
- **Employee Engineer Tax Credit** Credit is equal to \$5,000 per year for up to 5 years of employment as a vehicle manufacturing engineer.

The credits are applicable only to vehicle manufacturing companies in operation in Oklahoma after

the effective date of the act and the engineers employed by such firms. For each tax year, the tuition reimbursement and payroll tax credits are capped at \$3 million and the employee engineer tax credit is capped at \$2 million.

HB 3324 provides funding for the Oklahoma Quick Action Closing Fund by diverting 5 percent of all funds paid by the Oklahoma Tax Commission (OTC) to establishments that execute contracts for incentive payments pursuant to the Oklahoma Quality Jobs Program Act, Small Employer Quality Jobs Incentive Act and 21st Century Quality Jobs Act. The Quick Action Closing Fund is used by the Governor to pay for economic development and infrastructures costs related to attracting or retaining a high impact business location in Oklahoma.

SB 923 expands eligibility for incentive payments through the Small Employer Quality Jobs Incentive Act by increasing the initial employment threshold for applicant companies from 90 employees to 500 employees.

SB 897 broadens the duties of the Incentive Approval Commission by making the committee responsible for determining the eligibility of all applicants for the Oklahoma Quality Jobs Program Act. The measure also repeals statutes relating to the Saving Quality Jobs Act.

SB 1252 extends the sunset date of the Oklahoma Quality Events Incentive

Act until June 30, 2021, and deletes the requirement for conducting an economic impact study, which will no longer serve as the basis for approving projects or setting the reimbursement amount. Instead, the OTC will use actual documentation for making a determination about eligible events. The Quality Events incentive is designed to promote events that have a significant positive economic impact to the state by reimbursing a portion of state sales tax revenue generated by the event back to host cities and counties.

SB 1171 creates the Work-based Learning Program under the authority of the Governor's Council on Workforce and Economic Development. The measure directs the council to coordinate the creation of partnerships with the State Department of Education, the State Regents for Higher Education, the State Department of Career and Technology Education, the Oklahoma Board of Private Vocational Schools, the Secretary of State and businesses to establish apprenticeships and internships. The measure outlines the structure of the program and establishes procedures to register participating businesses as an active participant in the program. Registration can be done through the United States Department of Labor or through the office of the Secretary of State at a cost of \$50 for the first year and \$25 for each renewal year. The goal of the program is to generate at least 20,000 registered

apprenticeship and internship positions by the end of 2020.

HB 2911 makes changes to a college and career planning tool for high school students known as the Individual Career and Academic Plan (ICAP). The measure expands the scope of the ICAP process by directing participants to also look at postsecondary careers and opportunities within the military, apprenticeships, and career and technology programs leading to certification or licensure.

HB 2578 creates the Aerospace Commerce Economic Services Act, which establishes the Aerospace Commerce Economic Services (ACES) within the Oklahoma Department of Commerce (ODC). The purpose of ACES is to create a partnership of service providers to more effectively respond to the needs of the aviation, aerospace and defense industries in the areas of education and training, research and economic development. The measure outlines the structure of the program, authorizes the acceptance of funds to meet the mission of ACES and requires the department to partner with the Oklahoma Aeronautics Commission to implement the provisions of the act.

A companion measure to HB 2578, **SB 1607** directs the ODC to spend \$445,000 of their appropriated funds on the implementation of the Aerospace Commerce Economic Services Act. The measure also requires the department to transfer \$140,742 of appropriated funds to the Seminole State College Rural Business and Resource Center.

Certification & Licensure

HB 2933 directs an administrative body or an official with authority over occupational licensing or certification to grant a one-time, one-year waiver of fees associated with licensure or certification to a low-income applicant.

HB 2772 provides for the Oklahoma Board of Cosmetology and Barbering

to certify, rather than license, hair-braiding technicians.

SB 1141 requires all state licensing or certification authorities, including state agencies and commissions, to recognize appropriate military training for licensing or certification processes.

SB 1475 creates an Occupational Licensing Advisory Commission to review each occupational or professional licensing act in the state at least every four years and make recommendations to the Legislature.

SB 1492 extends the time frame, from 18 to 24 months, in which a deputy boiler inspector appointed in trainee status must receive a valid commission issued by the National Board of Boiler and Pressure Vessel Inspectors. The measure also requires hot water supply heaters to be inspected biennially.

Labor

HB 2935 provides that no electrical journeyman or contractor may supervise more than three apprentice electricians at once.

SB 1529 requires new, non-residential elevators to be inspected before operation begins. The bill allows an owner, operator or installer of a new residential elevator to request a voluntary inspection for compliance with the provisions of the Elevator Safety Act without becoming subject to any additional responsibilities under the act. The measure also authorizes a third-party elevator inspector to conduct state-mandated inspections.

SB 1535 modifies the definition of *residential roofing contractor work* in the Roofing Contractor Registration Act, to include buildings used for commercial purposes which have certain materials applied to their roof. The measure also exempts metal building erectors who install prefabricated engineered metal building packages and labor-only crews performing installation of certain types of materials to a sloped roof from the requirements of the act.

HB 1298 allows members of the Fire Extinguisher Industry Committee to appoint a temporary chair during a committee meeting if both the chair and vice-chair are absent.

HB 2523 clarifies the process for determining base period wages in the Oklahoma Employment Security Act. The bill also clarifies how unemployment benefits apply to services performed in educational institutions across two successive academic years. Additionally, certain notices to employers must include a warning that failure to respond to the notice may affect the employer's tax rate.

Further, the measure requires that an order to deduct from unemployment benefits for child support collection be served on the appropriate state or local child support enforcement agency, as well as the Oklahoma Employment Security Commission. Finally, the measure updates language relating to food stamps and food assistance programs.

HB 1280 authorizes the Construction Industries Board (CIB) to convey information relating to the trades regulated by the CIB, enter into contracts for Career Tech programs providing trade-related instruction, and transfer funds from certain revolving funds to a separate fund for instructional use.

HB 2950 allows a scrap metal dealer to use an Internet-based reporting method if not already subject to local reporting requirements. The measure further prohibits any person to sell or purchase copper wire in 4-gauge size or larger, with certain exemptions. Finally, the bill prohibits a scrap metal dealer from providing payment for a vehicle until the certificate of ownership has been submitted to the Tax Commission or a tag agency, and the vehicle is determined not to be stolen.

HB 3070 provides that the sale of property valued less than \$1,000 to a pawnbroker, with false or altered identification or a false declaration of ownership, is a misdemeanor

punishable by a fine of not more than \$500, up to six months in county jail, or both.

SB 1411 caps the amount deposited into the Special Occupational Health and Safety fund at the three-year average of the amounts apportioned in fiscal years 2015-2017, which is approximately \$2 million.

HB 2522 appropriates \$6 million in federal funds to the Employment Security Administration Fund for the administration of the Employment Service Program and Unemployment Insurance Program.

Insurance

SB 1156 creates the Travel Insurance Act. The measure authorizes the Insurance Commissioner to issue a limited-lines travel insurance producer license, which authorizes a producer to sell, solicit or negotiate travel insurance through a licensed insurer.

SB 606 clarifies the process under which a foreign insurer may become a domestic insurer. The measure also removes the 60-day time limit on a provisional license for a captive insurance company.

SB 1103 requires all health benefit plans to cover low-dose mammography screenings.

HB 2308 authorizes the Insurance Commissioner to consolidate the offices of the Insurance Department into a single site in Oklahoma County.

SB 1485 modifies various sections of the Oklahoma Insurance Code, including:

- Clarifying language relating to an annual fee on insurers and insurance companies;
- Requiring a response to the Insurance Commissioner within 30 days of an inquiry from any person subject to the commissioner's jurisdiction;
- Clarifying that certain investment restrictions apply only to admitted assets;

- Requiring an insurer to submit a written offer of settlement or rejection of a claim within 60 days of receipt of proof of the loss;
- Requiring the amount of an endowed prepayment to a not-for-profit life care community to be independently determined in compliance with standards promulgated by the Actuarial Standards Board of the American Academy of Actuaries;
- Defining the term *qualified actuary*; and
- Updating and clarifying statutory language.

HB 2941 provides that a person appointed only as a title insurance producer shall not be considered to be a title insurer. The measure clarifies the requirement that a title insurance policy be countersigned by a person or agency engaged in the real estate title business. Finally, the measure requires every title insurance producer, title insurer, or person who conducts a real estate closing to include certain information in their filings.

HB 3151 shields an insurer or agent from liability for damages for any act or omission in performance of a Boiler and Pressure Vessel Safety Act inspection, unless the inspection is directly connected to issuance of machinery insurance. The insurer is still liable for gross negligence creating conditions that lead to injury, loss or death.

HB 3234 authorizes the Employees Group Insurance Division of the Office of Management and Enterprise Services to reject excess offerings for vision insurance when the number of bids received exceeds the statutory maximum for vision benefit company offerings.

SB 1162 revokes the authority of the Board of Directors of the Oklahoma Individual Health Insurance Market Stabilization Program to levy an assessment on health insurers and

reinsurers. In its place, the board is authorized to apply for and utilize federal funds. (A similar measure, **HB 3244**, was vetoed.)

SB 1050 repeals the Oklahoma Life, Accident and Health Insurance Broker Act. The measure also clarifies the definition of *insurance agent* within the Oklahoma Insurance Code, to mean an insurance producer appointed by a carrier to act as the carrier's agent.

SB 1142 requires certain financial statements of service warranty associations to be either audited or verified under oath, depending on certain conditions. The bill changes the method for determining whether a service warranty association is insolvent, and clarifies the definition of *net assets*.

SB 1101 establishes procedures for transfer of insurance policies from one insurer to another without the affirmative consent of policyholders.

SB 1296 requires certain funds collected pursuant to contracts for prepaid funeral benefits to be placed in interest-bearing investments.

HB 1152 allows the Insurance Commissioner to contract with a statewide association of county sheriffs to serve as the Plan Administrator for the Oklahoma Temporary Motorist Liability Plan.

Banking

SB 1493 allows supervised loan lenders to offer purchase loans at A-lender rates and terms at any location where supervised loans are made with notification to the administrator of the Department of Consumer Credit.

SB 1151 allows lenders to charge borrowers convenience fees for making payments via debit card, electronic funds transfer, electronic check or other electronic means. The fee is limited to the actual cost incurred by the lender for accepting and processing electronic payments or 4 percent of the electronic payment transaction, whichever is

less. Lenders also must notify the customer of the amount of the fee prior to completing a transaction.

Miscellaneous Business

SB 1061 prohibits a contract for residential alarm monitoring from continuing for a fixed term after its initial term expires, except on a month-to-month basis. The measure

also requires a residential alarm monitoring contract to state that the person receiving services may terminate the contract at the end of the initial term, without any cost or penalty, upon giving a 30-day notice to the provider.

SB 1520 changes requirements for the position of Administrator of the Oklahoma Liquefied Petroleum

Gas Board, allowing two years of experience with managerial responsibility or as a liquefied petroleum gas safety enforcement officer. The measure also increases the maximum fine for a violation of the act from \$500 to \$1,000, removes an exemption from permit fees for trucks transporting liquefied petroleum gas out of the state, and clarifies and updates statutory language. ■



Education

The Legislature enacted measures related to school safety, financial transparency, and created two new teaching certificates: lead and master.

Common Education

SB 1150 directs school district officers, employees and school board members to notify law enforcement of any verbal threat or threatening behavior that reasonably has the potential to endanger students, school personnel or school property. Reporters will be immune from employment discipline and civil liability when reporting in good faith. The bill also makes school employees mandatory reporters if they have reason to believe a student is a victim of abuse or neglect.

HB 2009 directs the State Department of Education (SDE) to annually publish on its website, within one click of the homepage, a report that lists all increases in wages, salaries, rates of pay or fringe benefits, and any changes to job class, excluding changes that did not result in an increase in pay for school district employees. The department must publish the information within 60 days following the submission of personnel reports certified on July 15.

HB 3221 directs the State Board of Education to adopt a timeline for transition to an electronic testing delivery system. Districts may request approval from the board to continue to use printed assessments. The measure also directs that information about Juneteenth be included in the social studies academic standards.

Juneteenth celebrates the end of slavery in Texas on June 19, 1865.

SB 929 modifies how a district's weighted membership is calculated by adding definitions for *hearing impairment, autism, traumatic brain injury and other health impairment*; removing the definition of *trainable mentally handicapped*; and adding a pupil category for autism, traumatic brain injury and other health impairment.

HB 3311 modifies state subject-matter standards for history, social studies and U.S. government by including the contents of the U.S. naturalization test. The naturalization test must be made available by the SDE in physical and electronic formats as an optional assessment tool for teachers. Subject-matter standards for U.S. government must include an emphasis on civics.

SB 1196 modifies the concurrent enrollment program for high school students by allowing eligible seniors to receive a tuition waiver equivalent to the amount of resident tuition for a maximum of 18 credit hours. Subject to the program being fully funded, eligible juniors will be entitled to receive a tuition waiver equivalent to the amount of resident tuition for a maximum of nine credit hours. The measure also deletes the requirement that the state regents establish certain application criteria for prioritizing applicants. Finally, the state regents will issue an annual report on concurrent enrollment by December 1 and make it available

on their website and the State Department of Education's website.

SB 1197 modifies student performance levels set by the Commission for Educational Quality and Accountability by changing the definition of proficiency and renames the limited knowledge and unsatisfactory levels to *basic* and *below basic*, respectively.

HB 3117 extends from 30 to 60 days the time by which a board of education must declare a seat vacant after a board member fails to complete continuing education requirements. Notification of the failure must be provided to the school district superintendent and the board member. The board member has 60 days from receipt of the notice to complete the requirements.

HB 3152 exempts a school board member of a district with an Average Daily Membership of less than 400 from the affinity or consanguinity prohibition if the member does not attend or participate in any regular or executive session of the board pertaining to the member's relative.

SJR 70 refers to a vote of the people a constitutional amendment to allow ad valorem taxes collected for a school building fund to be used for expenses associated with the general operations of a school district. Currently, a school district can levy up to 5 mills for a building fund.

Teachers

SB 960 prohibits school districts from placing additional conditions on an employee, other than the written request provided by law, to initiate or terminate any payroll deduction to a professional organization. If a district fails to terminate a payroll deduction, it must immediately reimburse the employee the amount of deductions made by the district after the employee's request to terminate, and the amount will double every 30 days until paid in full.

SB 980 creates two new teaching certificates: lead and master. The measure specifies eligibility requirements and directs the State Department of Education (SDE) to adopt rules to implement a renewal schedule and associated fees for the certificates. Lead teachers are contractually entitled to an additional 10 days of professional development to strengthen instructional leadership and to receive an annual salary supplement of at least \$3,000 or the district's daily rate of pay, whichever is higher. Likewise, master teachers are contractually entitled to an additional 15 days of professional development and an annual salary supplement of at least \$5,000 or the districts daily rate of pay, whichever is higher. The supplement is in addition to the minimum teacher salary.

The SDE will develop the application for the new certificates and make it available to school districts that will implement the new certificates as a pilot program during the 2019-20 and 2020-21 school years. The new certificates will be made available to any person who has received a recommendation from their local school board and meets eligibility criteria beginning with the 2021-22 school year. The measure directs the SDE to seek the funding necessary to administer certain provisions of the bill, including the salary supplement. However, if funding is not available the department does not have to fulfill those provisions.

HB 3309 replaces the current teacher residency program framework with an induction program for new teachers or those transitioning to a new role in their school or district. As funds are available, the SDE, in consultation with the Office of Educational Quality and Accountability, will administer the program as approved by the State Board of Education. The measure repeals a section of law pertaining to the right to a certification hearing under the current program.

Miscellaneous Education

HB 1334 clarifies that a housing authority chartered by the state qualifies as a political subdivision and allows a school board to transfer title of personal or real property to a municipal or other local housing authority.

HB 2860 modifies the SDE Oklahoma Cost Accounting System (OCAS) by showing the total compensation package of each district's superintendent. The measure directs districts to include a link to OCAS on their homepage by the 2019-20 school year, and requires SDE to promote OCAS to parents, schools and other stakeholders.

HB 3220 directs the SDE and the State Board of Career and Technology Education to promulgate rules for a competency-based certification system option specifically for teachers within technology center school districts.

HB 3222 repeals the Academic Achievement Award Program that awarded monetary prizes based on now obsolete academic performance data measures.

HB 3313 extends the sunset date for the Dyslexia and Education Task Force to July 1, 2019, and expands its membership by adding a speech-language pathologist.

HB 3592 stipulates that funds awarded under the Oklahoma Higher Learning Access Program (OHLAP) must be returned to the program if a student withdraws from a class prior

to the end of the add/drop period for the semester.

SB 880 makes the Department of Career and Technology Education responsible for the creation, sustainment and execution of the science, technology, engineering and math (STEM) subcommittee that designates STEM communities and regions.

SB 950 allows, with written authorization, certain school staff to assist a student with applying sunscreen, and permits students to self-apply sunscreen without written authorization.

SB 1015 modifies the definition of *school district employee* as defined in the Larry Dickerson Education Flexible Benefits Allowance Act by providing that employees of an educational service provider that has a contract with a school district and performs functions that would otherwise be performed by a district employee, will be considered employees for purposes of the act, unless provided for in the contract between the provider and contracting district.

SB 1198 reauthorizes the Public School Classroom Support Revolving Fund income tax checkoff.

SB 1370 requires a parent or legal guardian of a student who is under the age of 18 to meet with a school designee prior to enrollment in the core curriculum. It modifies the mathematics curriculum unit to allow for the successful completion of a one year of full-time, three-hour career and technology program leading to an industry credential/certification or college credit. The bill requires the State Board of Career and Technology Education to create a list of accepted industry-valued credentials for use with the modified mathematics curriculum unit.

SB 1398 expands the definition of, and authorized uses of, the school building fund to include operations and removes the requirement that the building and operations fund

be separate from the school district general operating fund. The measure will be effective upon passage of State Question 801.

SB 1582 transfers \$19,892,744 from the Unclaimed Property Fund to the Oklahoma Education Lottery Trust Fund to make up for the supplanting of education funds in FY 2018 appropriations.

SJR 72 gives legislative approval for the adoption of academic standards by the State Board of Education for computer science. ■



Energy & Utility Regulation

Important issues addressed by the Legislature include wind farm location requirements, groundwater and underground facilities, and preparations for the rollout of new wireless technologies.

SB 1576 and **HB 3561** prohibit construction or operation of a wind energy facility from encroaching upon or having a significant adverse impact on the mission, training or operations of any military installation.

HB 3405 expands the definition of *groundwater* in the Oklahoma Groundwater Law to include marginal water, defined as water having between 5,000 and 10,000 parts per million of dissolved solids.

SB 1388 establishes processes and procedures for a wireless service provider to install small wireless facilities and utility poles in public rights-of-way. The bill gives a wireless provider the right to collocate small wireless facilities and install, operate and replace utility

poles along, across, on, or underneath rights-of-way. Finally, the measure requires a wireless provider to comply with requirements prohibiting communication service providers from installing structures in rights-of-way in areas designated solely for underground or buried cable and facilities.

HB 3430 consolidates multiple statutes relating to petroleum product storage, inspections, and compensation for petroleum storage tank releases into a single act, to be administered by the Petroleum Storage Tank Division of the Corporation Commission.

HB 2775 sets the interest rate for proceeds from an unpaid oil and gas lease to the prime interest rate reported in the Wall Street Journal. The measure also provides that when a lease holder has not been provided an affidavit of death and heirship, the holder of the proceeds may initiate a court proceeding to determine ownership.

HB 2959 repeals a law requiring the Corporation Commission to prepare assessments of the energy needs of the state.

SB 997 clarifies the definition of an *underground facility* in the Underground Facilities Damage Prevention Act. The measure specifies that pipelines carrying gas, hazardous liquid or carbon dioxide, as described in certain sections of the Code of Federal Regulations, are regulated by the act.

HB 3536 expands the definition of *energy conservation measures* to include water-metering devices. The measure also extends the available repayment period of a lease-purchase agreement that funds an energy conservation contract, and removes a competitive proposal requirement on those contracts and agreements. The bill further removes a requirement that a state governmental entity proposing to enter into a performance-based efficiency contract consult with the State Bond Advisor first. ■



General Government

The Legislature passed several bills affecting the operation of state government. Most importantly, two bills increased the Governor's authority by converting the Oklahoma State Board of Health and the Oklahoma Tourism and Recreation Commission (OTRC) to advisory bodies.

State Government

HB 1155 requires the Office of Management and Enterprise Services (OMES) to file a quarterly report with the Governor and Legislature listing, by agency, all salary increases and changes in title or classification of employees.

HB 3036 makes the Commissioner of Health an appointee of the Governor with the advice and consent of the Senate and converts the State Board of Health into an advisory body effective January 14, 2019.

HB 3603 makes the OTRC an advisory body, transfers the commission's duties to the executive director, and makes the executive director a gubernatorial appointee.

HB 2827 modifies the procedures for filing and reviewing ballot titles of referendum and initiative petitions. The measure requires the Secretary of State to transmit a copy of the measure, the official ballot title, and proof certification requirements have been met, to the State Election Board within 10 days of the completion of review of the ballot title by the Attorney General (AG).

SB 925 amends the Oklahoma Privatization of State Functions Act by increasing the contract amount from \$100,000 to \$1 million before requiring a cost analysis. The bill requires that the analysis include a provision for the protection and retention of certain third-party revenues. The bill also modifies the employee notification, input and recommendation process.

SB 1184 transfers certain responsibilities relating to the Native American Cultural and Educational Authority Fund from the Oklahoma Department of Commerce to OMES.

SB 1564 modifies the Interlocal Cooperation Act by specifying that an Oklahoma public agency that administers federal housing programs is authorized to enter into certain agreements with the federal government and other states.

SB 1581 creates the Leave of Last Resort Bank to be administered by OMES. The bank will be available to a qualifying state employee who is unable to secure shared leave either from his or her agency or other state agencies.

The measure requires OMES to designate an employee to serve as the shared leave liaison to coordinate with state agencies and employees wishing to utilize the bank. The bank will be funded by voluntary donations of annual and sick leave from employees retiring from or leaving state service.

SB 114 modifies the administration of the District Court Revolving Fund by transferring allocation responsibilities from the district courts to the Supreme Court.

SB 1261 repeals the several sections of law related to the Oklahoma Capital Complex Centennial Commission and the Oklahoma Centennial County Courthouses Preservation Act.

HB 3375 authorizes the offering of new games under the State Tribal Gaming Act. Tribes may begin offering non-house banked table games such as craps and roulette by submitting a written supplement to an existing gaming compact with the state. The agreement requires a tribe to pay 10 percent of the monthly net wins from the operation of non-house banked table games to the state, of which 88 percent goes to education and 12 percent to the General Revenue Fund.

HB 3538 authorizes the Oklahoma Lottery Commission to sponsor a web application to allow entries for lottery-sponsored promotions and second-chance drawing promotions to be submitted by lottery players.

SB 1134 allows officers and employees of the Oklahoma Lottery Commission to purchase lottery tickets for the purpose of conducting investigations that are approved in advance by the executive director of the commission. Any winnings associated with a lottery ticket purchased in association with an

investigation will not be awarded to the employee.

SB 1303 allows the board of trustees of the Oklahoma Lottery Commission to modify its rules to authorize the purchase of lottery tickets by debit card.

SB 1584 authorizes the Oklahoma Capital Improvement Authority (OCIA) to issue new bonds and borrow money on the credit of income and revenue from land and property leases to generate up to \$5 million to pay for the construction, repair and rehabilitation of flood control dams. The measure provides that debt retirement payments are to be made by the Oklahoma Conservation Commission and title to real property and improvements are to be transferred from the OCIA to the commission upon final redemption of any bonds issued to finance the project.

HB 3712 restores funds appropriated from the State Highway Construction and Maintenance Fund and the Oklahoma Railroad Maintenance Revolving Fund in the general appropriations bill, **SB 1600**, by transferring fixed dollar amounts of sales tax revenue collected in August, September and October of this year that is supposed to be credited to the General Revenue Fund. A total of \$80 million will be appropriated to the State Highway Construction and Maintenance Fund and \$12 million will be appropriated to the Oklahoma Railroad Maintenance Revolving Fund.

HB 3598 requires the Agency Performance and Accountability Commission to contract with the AG for legal services.

SB 1566 authorizes the Oklahoma Tourism and Recreation Department, Oklahoma Historical Society, State Department of Education and Oklahoma Department of Transportation to work together to develop educational programs and materials for schools that promote Oklahoma historical sites, tourism and heritage preservation. These

selected agencies may use agency funds and solicit private funding and donations to implement projects.

SB 1579 creates the Oklahoma Tourism and Recreation Department Reimbursement and Donation Revolving Fund, which will consist of donations, insurance reimbursements, Federal Emergency Management Agency payments and other reimbursement monies received by the Oklahoma Tourism and Recreation Department.

HB 3473 designates the song “I Can Only Imagine” by MercyMe as the official inspirational state song.

County and Municipal Government

The Legislature passed multiple bills relating to county government. One measure authorizes political subdivisions to display replicas of historical documents on public property. Another measure will allow county governments to adopt performance-based salary adjustment programs.

HB 2177 authorizes counties, municipalities, schools and all other political subdivisions to display replicas or statues of historical documents such as the Ten Commandments, Magna Carta, and Bill of Rights on public property. In addition, the measure authorizes the Oklahoma AG to provide legal defense to a political subdivision in the event that the display is challenged in a court of law.

HB 1120 authorizes a county sheriff to contract with a statewide association of county sheriffs to administer contracts with third parties attempting to locate persons of their outstanding misdemeanors or failure-to-pay warrants. The measure authorizes sheriffs contracting with an association to assign their rights and duties regarding the contracts to the association.

HB 3318 authorizes a board of county commissioners to sell real property without adherence to existing

bidding procedures, or to auction for an amount that is less than market value if previous bidding periods have been exhausted without success.

SB 279 allows a county sheriff to contract with any public or private entity engaged in the business of transporting prisoners.

HB 3085 authorizes county government entities to adopt performance-based salary adjustment programs for county employees and prohibits any performance-based adjustment from exceeding 5 percent of an employee’s annual salary for “meets standards” or 10 percent of an employee’s annual salary for “exceeds standards” and limits the adjustment to one per year.

SB 220 authorizes a board of county commissioners to establish a county employee benefit program to encourage performance in the workplace. The bill allows the board to expend money on awards for presentation to certain employees.

HB 3347 modernizes county and municipal budget hearing notice procedures by expanding publishing requirements to include the governmental entity’s website. Current law only requires public notice to be posted in a newspaper of general circulation.

HB 3470 directs that funds received from a contract between a county and the Department of Justice, the Department of Corrections, or any municipality for the care of detainees in the county jail be deposited in the Sheriff’s Service Fee Account. Current law requires the funds to be deposited in a separate revolving fund with the county treasurer. Further, the bill authorizes the sheriff to use the funds for capital expenditures.

SB 1327 authorizes a county clerk to contract with an outside law firm for legal services upon approval of the board of county commissioners.

SB 1042 modifies a term related to municipal finances by replacing the word *compilation* with *preparation*.

SB 1044 adds road and bridge construction to the list of services that must follow certain county government requisition procedures. The measure also directs that nothing prohibits a county from providing material and service bid requests on their 12-month bid list to all road and bridge projects and contracts.

SB 1403 adds fire protection districts to the list of political subdivisions authorized to hold elections on certain dates.

HB 2581 authorizes any portion of a fire protection district to withdraw from the district by filing a petition containing the names of more than 51 percent of the homeowners with 3 acres or less. Current law authorizes withdrawal for homeowners with 1 acre or less.

HB 2629 modifies the procedure for filing and retaining purchase orders that counties must follow.

HB 3083 authorizes a board of county commissioners to trade in equipment to a vendor or on statewide contract by acquiring used equipment values.

HB 3129 adds road and bridge construction to the list of services that must follow certain county government requisition procedures and increases the cap on certain purchasing procedures from \$10,000 to \$15,000.

HB 3472 repeals requirements that a county sheriff must inspect county buildings and provide an annual report to the board of county commissioners.

Retirement

The Legislature passed several measures affecting each of the state's six retirement systems. Most notably, HB 1340 amended the Oklahoma Pension Legislation Actuarial Analysis Act, commonly known as OPLAAA, to allow for one-time retirement benefit increases to certain retired members of each of the state's pension systems.

HB 1340 modifies the definition of *nonfiscal retirement bill* as found

in OPLAAA to allow one-time retirement benefit increases to retired members of the state's public retirement systems under certain conditions.

The bill also directs the state's public retirement systems to provide a one-time distribution of at least 2 percent to members who have been retired for at least five years as of October 1, 2018. Likewise, the bill prohibits increases to members with at least 20 years of service from being less than \$350.

The distribution will be made to members of the following systems:

- Oklahoma Firefighters Pension and Retirement System;
- Oklahoma Police Pension and Retirement System;
- Oklahoma Law Enforcement Retirement System;
- Uniform Retirement System for Justices and Judges;
- Teachers' Retirement System of Oklahoma; and
- Oklahoma Public Employees Retirement System (OPERS).

Finally, the measure prohibits one-time benefit increases from being authorized more than once every two years.

SB 527 modifies the definition of *nonfiscal retirement bill* as found in OPLAAA. The new definition allows the purchase of up to two years of service credit by a participant at actuarial cost. The credit could only be used for reaching normal or early retirement date. In addition, it would allow members of the Oklahoma Law Enforcement Retirement System who were disabled in the line of duty who had not completed 20 years of service to have their benefit calculated at 20 years. Finally, the new definition would allow elected officials appointed on or after November 1, 2018, who had previous service with OPERS defined benefit program prior to November 1, 2015, to remain a participant in that program.

HB 2516 modifies OPERS by requiring the employer of a member who receives additional service from unused sick leave to reimburse the system for the cost of the additional benefit. This applies to members who joined on or after November 1, 2012.

HB 2553 makes changes to the Oklahoma Teachers' Retirement System by authorizing the termination of its tax-sheltered annuity program, makes administrative changes in the disability benefit provided under the system and removes redundant language.

HB 2515 makes changes to the Oklahoma Police Pension and Retirement System to ensure that it remains an IRS qualified plan.

HB 2517 makes changes to the Oklahoma Law Enforcement Retirement System to ensure that it remains an IRS qualified plan.

Elections

HB 2082 requires the general election for every school district and technology center school district to be conducted on the first Tuesday of April. The measure directs that if only two candidates qualify to have their names appear on the ballot then both candidates will appear on the general election ballot. Additionally, if more than two file for the office, a primary election will be held and a candidate receiving more than 50 percent will be elected to the office. If no candidate receives more than 50 percent, the top two candidates will advance to the general election.

SB 1130 modifies the terms and salaries of the secretaries of the county election boards. Beginning on May 1, 2019, the terms increase from two to four years. The salaries increase in two steps with the first beginning on May 1, 2019, and ending on April, 2023, and the second beginning on May 1, 2023. The map on the next page shows the number of registered voters per county. The table shows the salary steps and corresponding number of registered voters.

SJR 66 sends to a vote of the people an amendment to the state constitution that, if approved, would provide for the joint nomination and election of candidates for Governor

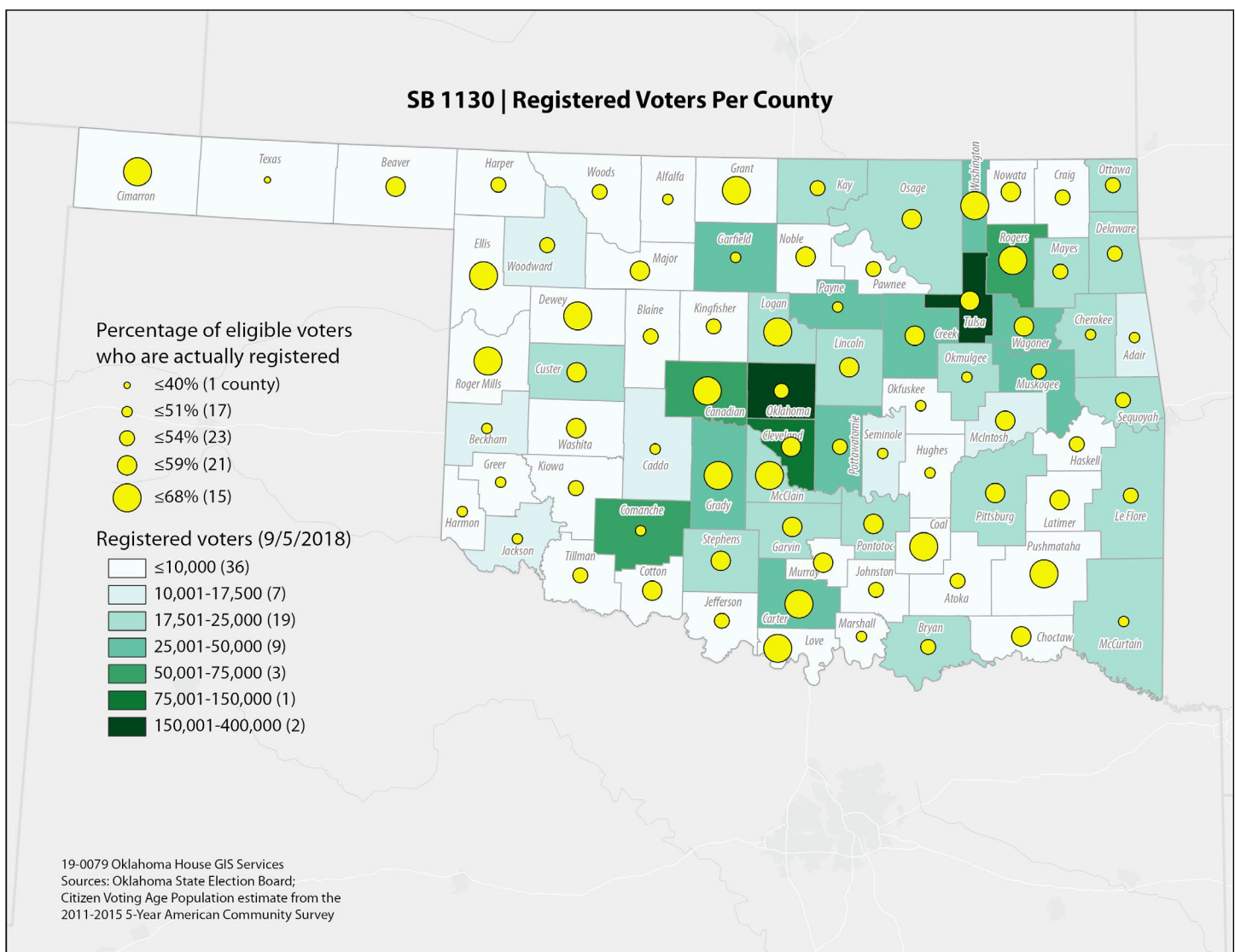
and Lieutenant Governor beginning with the General Election in 2026.

SB 350 provides that any recognized political party will continue to be recognized if a candidate of that party

for statewide elected office receives at least 2.5 percent of the total votes cast for the office in either of the preceding two general elections.

HJR 1043 authorizes a delegation of commissioners to participate in a gathering of states to prepare for an Article V Convention, at which time amendments to the U.S. Constitution would be proposed to require a balanced federal budget or otherwise impose restraints on federal spending, to limit the power and jurisdiction of the federal government, and limit the terms of office for federal officials and members of Congress. The measure provides for the appointment of commissioners by the Speaker of the House and the President Pro

Registered Voters	Step 1 salary (5/19/2019)	Step 2 salary (5/1/2023)
0-10,000	\$26,295	\$30,000
10,001-15,000	\$27,269	\$31,087
15,001-17,500	\$31,975	\$36,452
17,501-25,000	\$35,846	\$40,864
25,001-50,000	\$43,662	\$49,774
50,001-75,000	\$55,023	\$62,726
75,001-150,000	\$61,645	\$70,275
150,001 or more	\$68,260	\$77,817



Tempore of the Senate and defines their roles and responsibilities.

HJR 1029 disapproved certain proposed amendments to Ethics Commission Rules that would have:

- Imposed greater restrictions on the use of surplus funds of a candidate committee; and
- Prohibited individuals who served in an elected state office or as a chief administrative

officer of a state agency from lobbying the Legislature and certain other state entities for a period of two years after the individual leaves state service.

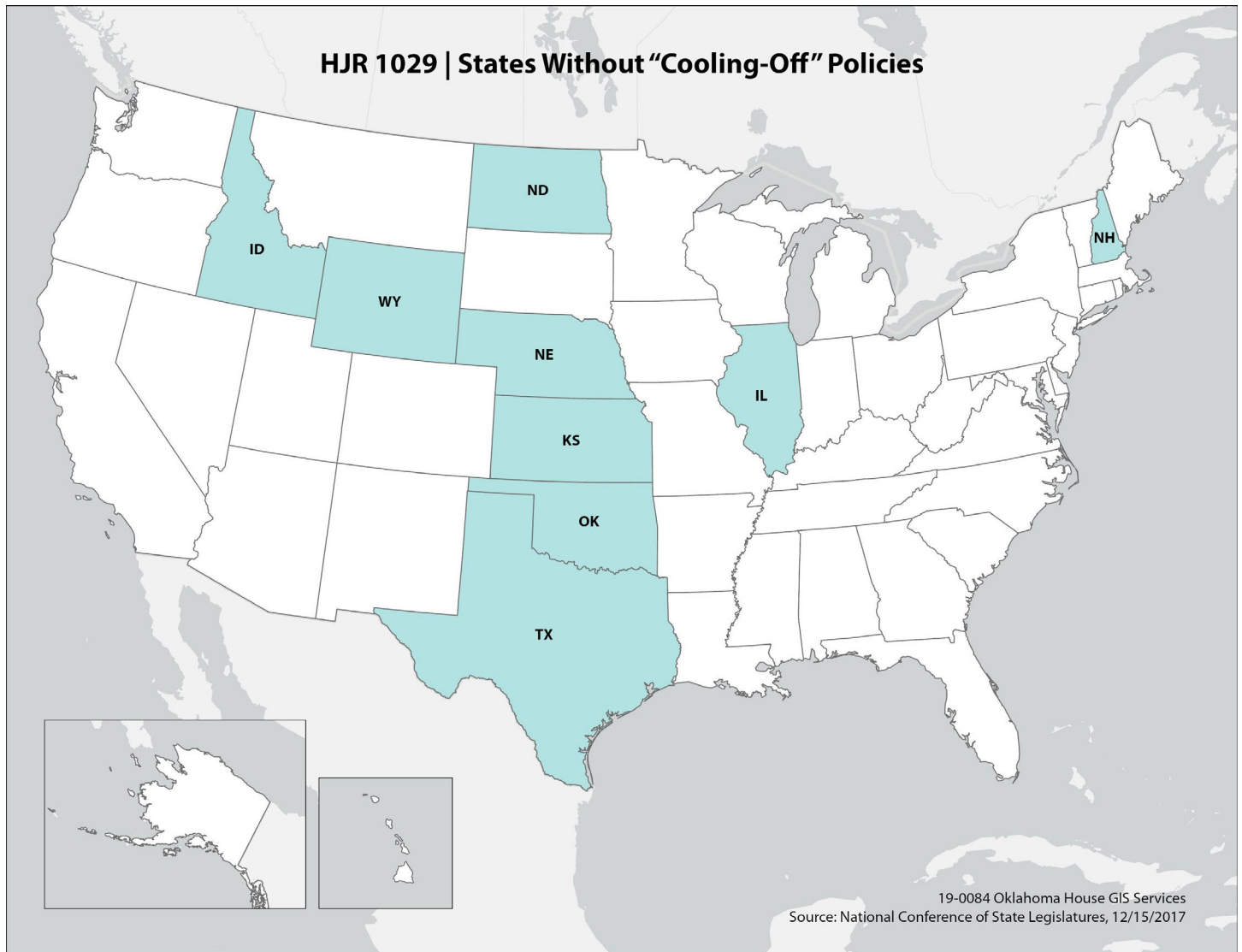
These are commonly known as “cooling off” or “revolving door” policies. The map below shows which states do not have a “cooling-off” policy.

HB 2592 allows the immediate family members of law enforcement

personnel to keep residence and mailing address information that is normally public record available from the local election board confidential pursuant to rules promulgated by the State Election Board.

Administrative Rules

HB 3525 recreates the Oklahoma State Board of Examiners for Long-Term Care Administrators to 2022 in accordance with the provisions of the Oklahoma Sunset Law. ■





Health & Human Services

The most notable measure the Legislature passed this session made the Commissioner of Health for the Oklahoma State Department of Health (OSDH) a gubernatorial appointee and changed the State Board of Health to an advisory body.

Health

HB 3707 directs the Department of Mental Health and Substance Abuse Services to use at least \$2 million of the funds appropriated to it in the general appropriations bill, along with certain federal matching funds, to begin restoring psychiatric inpatient, substance abuse residential, psychologist and agency-based therapy provider reimbursement rates by 3 percent.

HB 3581 modifies the duties and responsibilities of the Office of Accountability Systems within the OSDH by ensuring the office reports to, and is under the supervision of, the State Board of Health. Matters involving the Commissioner of Health and concerns of fraud, abuse, deficiencies and other serious problems at the department may be reported directly to the board without providing notice to the commissioner.

HB 3584 modifies the composition of the State Board of Health by requiring not less than two members of the board to have at least five years of executive leadership experience in a health-related business or industry. Their education and experience must include fiduciary, legal, business

planning or operational decision-making authority.

SB 1383 updates the Oklahoma Chiropractic Act by:

- Changing the issuance of renewal licenses from January 1 to July 1;
- Stipulating the forfeiture, nonrenewal, surrender or voluntary relinquishment of a license does not bar the chiropractic board from proceeding with any investigation, action or proceeding to revoke, suspend, condition or limit a licensee's license or fine them;
- Modifying requirements for licensure including appearing before the board for a personal interview if requested;
- Stipulating under what conditions the board may deny or impose probationary conditions upon an applicant;
- Expanding the timeframe for the board to approve or reject a continuing education seminar from 30 to 60 calendar days;
- Providing that the board may require a licensee to make up continuing education hours in the succeeding year as condition for license renewal when the continuing education requirements are waived for any given year; and
- Prohibiting a chiropractic physician who is not in

compliance with state income tax law from renewing their license.

A related measure, **SB 1526**, increases the chiropractic license fee from \$225 to \$275.

SB 956 makes several changes to the Oklahoma Pharmacy Act, including:

- Authorizing pharmacists to dispense prescriptions for non-controlled drugs prescribed by an advanced practice nurse or physician assistant who is not located in Oklahoma if they are licensed in the state in which they are actively prescribing;
- Specifying that pharmacists may only dispense prescriptions for controlled dangerous substance prescribed by an advanced practice nurse or physician assistant licensed in Oklahoma and supervised by an Oklahoma-licensed practitioner;
- Stipulating that the Executive Director of the pharmacy board will serve as the chief administrative officer for the agency, the chief executive officer of the board, and may serve as the chief inspector if certified as a peace officer;
- Authorizing the board to approve pilot projects designed to utilize new or expanded technology or processes and provide patients with better products or services in a safer and more efficient manner;

- Exempting labeling requirements for dialysate that is sold, dispensed or delivered in its original, sealed packaging;
- Allowing a tribal health organization to send a filled prescription to an Indian Health Service (IHS) pharmacy for pick up by an IHS or tribal pharmacy; and
- Stipulating that a provider who prescribes or administers an opiate antagonist in a manner consistent with treating an opiate overdose is protected against liability under the Good Samaritan Act.

HB 2759 makes several changes to the State Dental Act. The measure:

- Requires mobile dental clinics to register with the board and display a permit or designation of registration in plain view;
- Requires applicants requesting an emergency temporary license to submit a letter explaining the exigent circumstances; and
- Provides that the granting of a temporary license will be at the sole discretion of the president of the dental board.

Beginning January 1, 2019, dental assistants will be required to complete an infection control class approved by the board within one year from the date of receipt of their permit. Current permit holders will have until December 31, 2019, to complete the class. The measure changes when licensee and permit holders, except for resident, fellowship, and student intern permits, have to submit their renewal applications from the first day in January to the last day in December. Licenses and permits issued by the board will take effect on January 1. Beginning in 2020, proof that continuing education requirements have been met must be submitted at the end of each two-year period. In addition, the measure requires dental assistants to complete two hours of infection control.

Additionally, the measure:

- Stipulates that if a complaint made to the board is anesthesia-related, the president may, at his or her discretion, add one or more members of the anesthesia committee to the investigative and review panels;
- Clarifies that the board retain jurisdiction over any person that does not renew their license while an investigation is pending;
- Reduces the cost of a permit to operate a commercial dental laboratory from \$300 to \$200;
- Establishes a permit fee of between \$200 and \$400 for mobile dental clinics; and
- Allows a dentist to petition the board to temporarily exempt them from the malpractice liability insurance requirement due to health, injury, or other personal exigent circumstance during the year.

HB 2518 stipulates that in any proceeding in which the nursing board is required to serve an order on an individual, the board may send the material to the address of record. If the order is returned as undeliverable, and there is no record of a change of address being made, the order and any subsequent material relating to the same matter will be deemed by the court as having been legally served. Additionally, if an individual applying for a multistate license has been enrolled in the FBI's Rap Back Service since the issuance of the initial multistate license, the individual will not be required to undergo another criminal history background check.

SB 972 directs the Oklahoma Health Care Authority to examine the feasibility of a state plan amendment to the Medicaid program for diabetes self-management training (DSMT). The authority must submit a report to the Governor and Legislature by December 1, 2018, that outlines the cost estimates, clinical findings, reviews of pilot projects and research from other states on the effectiveness

of DSMT. If the report is favorable, the authority is required to draft a state plan amendment for DSMT, provided funding is available.

SB 1267 prohibits providers who have been convicted of trafficking fetal body parts from receiving reimbursement from Medicaid or any other federal or state program unless five years or more has passed since the conviction and the provider can demonstrate that they no longer traffic fetal body parts. Within 60 days of receiving a complaint, the Health Care Authority must publish its investigative findings and issue a determination as to whether a provider convicted in trafficking fetal body parts has been receiving reimbursements.

HB 2932 directs the Oklahoma Health Care Authority to obtain a waiver from the Centers for Medicare and Medicaid Services that would allow the state to implement work requirements on individuals receiving SoonerCare, except those under 18 years of age, over 50 years of age, certified as mentally or physically disabled, pregnant women and caretakers of a child under the age of one. The work requirements will mirror those of the Supplemental Nutrition Assistance Program.

HB 2987 expands the Oklahoma Medical Loan Repayment Program to include physician assistants. Stipends will no longer be a condition for funding under the program. It gives the Physician Manpower Training Commission the discretion to waive the maximum rural population criteria currently in statute. Lastly, it modifies the amount a student must repay under the Nursing Student Assistance Program if they fail to fulfill their contractual obligation by charging a one-time liquidated damage assessment of 5 percent of the total amount dispersed and the commission will prorate the amount to be repaid if the student partially fulfills their obligation.

HB 3336 creates the Physical Therapy Licensure Compact in order

to grant multistate compact licenses to physical therapists. The compact will become effective when it is signed into law by ten states. The measure:

- Establishes requirements for state participation in the compact including, but not limited to, having a mechanism in place for receiving and investigating complaints about licensees and implementing a criminal background check requirement;
- Establishes requirements for licensees to participate in the compact including, but not limited to, possessing a license in the licensee's home state and the removal of a licensee's compact privilege;
- Provides options for active duty military personnel, or their spouse, to designate their home state;
- Establishes a commission for compact member states, but it does not waive the sovereign immunity of the compact states; and
- Authorizes the commission to establish a coordinated database and reporting system to contain licensure, adverse action and investigative information on all licensees.

SB 1052 provides that a private facility or organization that provides services for the alcohol or drug dependent for no more than 36 months may be certified by the Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services or its board. It exempts licensed alcohol and drug abuse counselors in private practice from the provisions of the Oklahoma Alcohol and Drug Abuse Services Act. Lastly, the measure provides for licensure by endorsement for social workers and licensed professional counselors.

SB 1074 updates the Speech-Language Pathology and Audiology Licensing Act by:

- Providing that anyone not holding credentials for independent practice will carry the designation of assistant and be required to work under supervision;
- Permitting the Board of Examiners for Speech-Language Pathology and Audiology to authorize the executive secretary to issue a temporary license upon verification that an applicant meets all requirements; and
- Specifying that the board conduct meetings in accordance with the Open Meeting Act.

SB 1594 recodifies certain provisions relating to the Tobacco Master Settlement Agreement.

Miscellaneous Health

HB 3096 makes permissive the requirement to create a city-county health department once a certain population threshold is met.

HB 2843 requires healthcare entities that provide diagnostic treatment services for cancerous diseases and precancerous conditions to report certain data and information to the state tumor registry. Previously, reporting was voluntary.

HB 3017 provides that the Department of Mental Health and Substance Abuse Services, rather than the Office of Management and Enterprise Services, is responsible for promulgating rules to implement debriefing and counseling services for state employees who experience or witness a traumatic event in the workplace.

HB 3037 permits an epinephrine auto-injector to be prescribed to an authorized individual. It permits an authorized individual to provide or administer an epinephrine auto-injector in the same manner as an authorized entity.

HB 3115 requires individuals who apply for an optometry license to submit to, and pay the costs for, a national criminal history background check.

SB 1116 amends the Governmental Tort Claims Act to include licensed mental health professionals contracting with the Department of Mental Health and Substance Abuse Services to provide mental health or substance abuse treatment services as employees of the state.

Children and Families

HB 3708 directs the Department of Human Services (DHS) to use part of its legislative appropriation to:

- Restore adoption subsidy payments and foster care rates to 2017 levels;
- Increase the salaries of Child Welfare Specialists;
- Provide additional services and programs for persons with developmental disabilities in an effort to reduce the size of the Developmental Disabilities Services Division Waiting List;
- Increase adoption subsidy payments and foster care provider rates by 5 percent;
- Increase foster care and therapeutic foster care provider rates by 5 percent;
- Increase provider rates for child welfare contract group homes by 7 percent;
- Increase the ADvantage program provider rates by 7 percent; and
- Increase by 7 percent the provider rates for Developmental Disabilities Services, Community Waiver, Homeward Bound Waiver, In-Home Supports Waivers for adults and children, State-funded Group Home, State-funded Assisted Living, and State-funded Employment and Vocational Services.

HB 3104 clarifies that health care professionals, including midwives, must report to DHS any infant who has been diagnosed with Neonatal Abstinence Syndrome or Fetal Alcohol Spectrum Disorder. DHS is directed to develop a plan of safe care to address the health and substance

use treatment needs of an infant and affected family member or caregiver when it receives a referral that an infant has been diagnosed with Neonatal Abstinence Syndrome or a Fetal Alcohol Spectrum Disorder, but the referral is not accepted for investigation. Finally, the bill authorizes district courts to establish a Zero to Three Court Program with the goal of reducing the amount of time it takes to establish permanency for children 36 months of age or younger, reducing incidences of repeat maltreatment and promoting effective coordination among various providers and resources.

HB 2259 modifies the reporting requirements for suspected child abuse or neglect by requiring that every person who has reason to believe that a child is being abused or neglected report the matter to the Department of Human Services (DHS) *immediately* rather than *promptly*. The measure further specifies that every teacher of children under the age of 18 who believes that a child is a victim of abuse or neglect report the matter to DHS immediately and that a teacher who believes a student age 18 or older is a victim of abuse or neglect to report the matter immediately to law enforcement.

HB 2552 establishes certain rights for children in DHS custody with regard to their placement, safety, privacy, communication, and personal growth. The measure also directs DHS and child-placing agencies to develop grievance procedures for children in custody.

SB 1135 requires the court, prior to appointing a guardian of a minor, to receive a national criminal background check, a search of the sex offender registration list and a search of the DHS child abuse and neglect registry for the prospective guardian and all other household members 18 years of age and older. The measure allows the department to charge a fee up to \$35 for each search.

SB 979 modifies what qualifies as health care coverage in a medical

support order to include government medical assistance or health plan. The measure also modifies under what conditions the responsible parent will be ordered to pay cash medical support to include when the only plan available is a governmental medical assistance program or health plan, or a party shows evidence of domestic violence or child abuse that makes an order for health care coverage inappropriate.

Four measures addressed licensed child care. **HB 2524** requires DHS to promulgate rules establishing an anonymous complaint system for reporting allegations that a department employee retaliated against a child care facility or facility employee. **HB 2691** requires the child care facilities advisory committee within DHS to designate two people to serve on the department's Stars Administrative Review Panel, at least one of whom must be the owner or operator of a licensed child care center. The measure also prohibits child care facilities from allowing children to be left in the care of any person under the age of 18 years of age without supervision or 16 years of age with supervision, as provided by DHS rules. **HB 2692** allows the director of a child care center to qualify as a master teacher and provides that anyone replacing a master teacher at a facility will be given a one-year probationary period in which to fulfill the educational requirements established by DHS. The department may extend the probationary period for another year if the individual is actively pursuing master teacher status. **SB 907** adds summer and after-school programs for children four years of age or older that are affiliated with a national nonprofit organization to the list of programs exempt from the provisions of the Child Care Facilities Licensing Act.

SB 1081 establishes the Children's Trust Fund of Oklahoma to be administered by the Oklahoma Commission on Children and Youth. The fund will consist of donations

and interest earned on investments, as directed by the State Treasurer. Grants from the fund will be made available for the development and evaluation of innovative programs, activities or research that will improve child well-being and reduce adverse childhood experiences.

HB 2866 requires any new or increased fee related to the collection of child support by DHS to be approved by the Legislature.

Seniors and Long-term Care

HB 3064 directs the Attorney General's (AG) office to establish a Vulnerable Adult Abuse, Neglect and Exploitation Report in a format accessible to the public. The report will include a list of defendants prosecuted by the AG's office and found guilty of abuse, exploitation or neglect of elderly or vulnerable adults in the last 12 months.

In an effort to reduce potential trauma to a victim and improve the quality of investigations, **SB 993** provides that an investigation of allegations of abuse, neglect or exploitation of an elderly or vulnerable adult be conducted jointly by DHS and law enforcement when feasible. The measure further requires that investigators be suitably trained in interview techniques and conduct investigations at the appropriate developmental age level of the victim.

SB 1228 requires nursing facilities that provide contracted hospice services to provide residents, upon request, with a choice of at least three providers within a 50-mile radius of the facility.

HB 3328 creates the Commission on the Prevention of Abuse of Elderly and Vulnerable Adults. The commission is directed to study and make recommendations for changes to state policies and programs to better provide services to individuals at risk of abuse, neglect or exploitation under existing adult guardianship laws and to report its recommendations by December 1, 2019.

HB 3289 creates the Long-term Care Services and Supports Advisory Committee to develop a long-range plan for sustainable funding of future long-term care service needs in the state. The measure requires the plan be published by November 1, 2019.

HB 3582 directs the Department of Human Services (DHS) to survey Advantage waiver recipients and applicants to evaluate the current eligibility criteria as compared to a medical eligibility determination system. Results of the survey will be provided to the House and the Senate by the end of the year.

Miscellaneous Health and Human Services

HB 1244 directs the Department of Rehabilitation Services, subject to the availability of funds, to establish a program to increase the availability of support service providers (SSPs) in the deaf-blind community. The program would provide grants to SSPs and related organizations that provide services for deaf-blind adults and children. The measure also directs the department to develop a certification requirement and training programs for SSPs and related organizations.

HB 1270 require the Oklahoma Health Care Authority to contract with an independent vendor(s) to verify aspects of an individual's initial eligibility for Medicaid and

to report information quarterly that might affect recipients' continued eligibility. (These provisions do not apply to individuals eligible under the Tax Equity and Fiscal Responsibility Act of 1982 and those with intellectual disabilities receiving Home and Community Based Medicaid waiver services.) The contracted service must result in annualized savings that exceed the annual cost of the contract. Finally, the measure requires applicants to complete an identity authentication process.

HB 2825 directs DHS to explore opportunities to enhance community partnerships for the purpose of linking recipients of the Temporary Assistance to Needy Families (TANF) program with career and technology education and training programs.

HB 2826 directs DHS, if funding is available, to explore the use of technology to support the work activities, training and other services provided to TANF recipients, including an online portal for reporting their employment, education and training activities.

HB 3300 requires DHS to develop and disseminate a form to all providers of group home services, residential services, and vocational and employment services for incapacitated persons or vulnerable adults. The form, which must be

signed and witnessed, is to notify caretakers that they may be prosecuted for having sexual contact with someone in their care.

SB 830 requires the DHS director to establish procedures for conducting appropriate background and record searches of individuals prior to, and if necessary, during their employment with the department.

SB 1140 prohibits private child-placing agencies from being required to participate in any placement of a child that violates the agency's written religious or moral convictions or policies. The bill further prohibits DHS from denying or revoking an agency's license, and prohibits a state or local government entity from denying a grant or contract to an agency, based on its refusal to participate in a child placement that violates its policies.

SB 1516 requires the State Board of Health to request, in its hospital license and renewal applications, verification of compliance with the statutory provisions regarding lay caregivers.

SB 1517 creates the Task Force on Trauma-Informed Care to recommend options and strategies for implementing a coordinated approach to preventing trauma in children, as well as interventions for children and families who are at risk of experiencing trauma. ■



Judiciary

Judiciary issues this session covered a wide ranges of topics including indigent defenders, self-storage liens, service-animal fraud and workers' compensation.

To provide fair access to public defenders, **SB 1021** deletes language that creates a rebuttable presumption that any defendant who is able to post bail is not indigent and therefore ineligible for the appointment of an indigent defender. Instead, the measure directs the court to consider the ability to post bail as one factor in determining whether or not the defendant is eligible for the appointment of an indigent defender.

SB 1503 increases, from 10 days to 20 days, the minimum amount of time that a party has to respond to an amended pleading after the service of the amended pleading.

HB 3284 modifies the condition in which the court clerk is to remit a portion of any bond filing fees paid by a defendant. Currently, \$25 of each \$35 fee collected is transferred to the Sheriff's Jail Fund or a special revenue fund of the entity operating a jail. The measure makes the transfer of fees contingent upon the defendant being booked into a jail, instead of sentenced to jail.

SB 1116 amends the Governmental Tort Claims Act to include licensed mental health professionals contracting with the Department of Mental Health and Substance Abuse Services to provide mental health or

substance abuse treatment services as employees of the state.

SB 1118 updates filing requirements for medical liens by removing the requirement that statements be submitted to the county clerk in an itemized format.

SB 1273 modifies the Self-Service Storage Facility Lien Act. The measure:

- Limits the liability of a self-service storage facility owner for any claim for loss to stored property at the amount or limit contained in a rental agreement;
- Allows an owner to charge a late fee, up to \$20 or 20 percent of unpaid rent, whichever is greater, for each period that the tenant does not meet the payment schedule;
- Allows a self-storage owner to have any stored vehicles, watercrafts or trailers towed from the facility after 60 days of nonpayment and limits the liability of the owner once the tow company takes possession of the property;
- Modifies notice requirements for enforcement actions by allowing the notice to be sent by electronic mail if mutually agreed between the owner and occupant in the rental agreement or in an addendum to the rental agreement; and
- Establishes alternate methods for public notice of sale and

allows a sale to take place on a publicly accessible website.

SB 1299 updates the Oklahoma Discovery Code and merges duplicate sections of law that were enacted during the 2017 session. The affected language modified procedures for requesting production and inspection of documents in the possession, custody or control of the responding party.

SB 1602 reauthorizes the transfer of \$5 million from the Oklahoma Court Information System Revolving Fund to the District Court Interagency Reimbursement Fund upon a request from the Administrative Director of the Courts.

Property

HB 3281 provides that in a forcible entry and detainer lawsuit the plaintiff may pursue a money judgment through a separate action for unpaid rent or any other monetary relief if the court only renders a judgment for restoration of possession of the premises.

HB 1826 requires a copy of all recorded covenants and restrictions associated with a real estate development be provided to the buyer during the closing process. Current law requires this information to be provided upon request. The measure also increases, from \$10 to \$25, the amount that can be charged for copies.

In response to growing service-animal fraud, the Legislature enacted **HB 3282**, which allows

a landlord to request supporting documentation from a tenant who submits a request to maintain an assistance animal, if the disability or need for an assistance animal is not readily apparent. The measure also establishes a rebuttable presumption that supporting documentation that was acquired through purchase, or exchange of funds for goods and services, is fraudulent and authorizes a landlord to independently verify the authenticity of the any supporting documentation provided. The bill further provides civil immunity to a landlord for injuries caused by a tenant's assistance animal while on the landlord's property. If a tenant is found to have knowingly made false claims about his or her disability in order to maintain assistance animal, the landlord may use the remedies provided for in the Oklahoma Landlord and Tenant Act and receive up to \$1,000 in damage fees if an eviction order prevails in court.

Workers' Compensation

SB 1249 allows individuals exempt from coverage under the Administrative Workers' Compensation Act (AWCA) to execute an Affidavit of Exempt Status. Execution of the affidavit establishes a rebuttable presumption that the executor is not an employee for the purposes of the AWCA and therefore is not eligible to seek workers' compensation benefits against any contractor for which the individual does subcontracted work. The Workers' Compensation Commission is responsible for processing applications and may charge up to \$50 per individual or business entity for filing an affidavit, which is valid for two years. The bill also establishes penalties for knowingly providing false information on an executed affidavit, which is a misdemeanor punishable by a fine up to \$1,000.

HB 2722 amends the definition of *employee*, as it relates to the AWCA, to exclude any person who is

employed in ranching by an employer who has a gross annual payroll in the preceding calendar years of less than \$100,000 or any person employed in ranching that does not operate motorized machines. The exemption of individuals employed in agricultural, ranching or horticulture jobs applies to any period of time for which the employment existed, even if the person is employed in other activities for which the exemption does not apply. In these cases, the employer is only required to obtain workers' compensation coverage for the period of time that the employee engages in nonexempt activities.

HB 2993 transfers excess proceeds from any security released to pay claims associated with an impaired self-insurer to the Self-Insurance Guaranty Fund. The Self-Insurance Guaranty Fund Board may then use these excess funds as a credit against the assessment required to be paid by each self-insurer and group self-insurer association. ■



Public Safety

A broad range of subjects were addressed in the public safety arena this session, including a pilot program to reduce court costs associated with speeding infractions, improved law enforcement training, and tag agency operations.

SB 1203 modifies the fine and costs associated with speeding 1 to 10 mph over the posted speed limit. After the effective date of the measure, the fine is established at \$5 and the costs and fees are not to exceed \$95. After November 1, 2022, the fines and associated costs will revert to the current level. The measure apportions the fines and costs.

HB 2643 and **SB 1091** remove a provision regarding the ability of the district attorney to seek enhanced punishment against a DUI offender before the defendant can be ordered to participate in additional requirements. The change is made to comply with federal requirements in order for the Oklahoma Department of Transportation (ODOT) to continue to receive federal funds.

HB 2702 modifies the existing littering law by providing that any person convicted of dumping any item of furniture, or item that exceeds 50 pounds, is to be punished by a fine of not less than \$1,000 nor more than \$6,500 or by imprisonment in the county jail for not more than 60 days, or by both fine and imprisonment. The measure increases the state traffic citation amount that may be assessed to a person caught dumping from \$400 to \$500 and provides

that if the citation was issued by a county officer, the funds that would otherwise be paid into the littering reward program are to be transferred to the general fund of the county of the law enforcement officer issuing the citation.

HB 3290 modifies the requirement to drive in the left-hand lane by providing that driving in the left lane is not prohibited within the city limits of a municipality as long as the roadway is not part of the Interstate Highway System.

SB 224 requires a youthful offender to be represented by counsel at every hearing or review until their case is completed or dismissed. Additionally, the court is required to advise the child's counsel, along with certain others, of the factual contents and conclusion of reports before making an order of disposition. The bill also:

- Requires records to be confidential and sealed if submitted to the court during a hearing for certification as a youthful offender or for imposition of an adult sentence;
- Authorizes the Office of Juvenile Affairs (OJA) to recommend that a youthful offender be returned to OJA custody at the age of 18.5 years, until the age of 19, to complete the reintegration phase of the treatment program; and
- Caps the salary of any employee of a county juvenile bureau other

than its director at 85 percent of that of Class A county officers.

SB 900 clarifies the definition of *offender* in the Delayed Sentencing Program for Young Adults to include a person adjudicated as a juvenile delinquent or youthful offender. The measure also directs the Department of Corrections, upon an offender's completion of the program, to notify the sheriff of the county originating the order. The bill further directs that the sheriff to take custody of the offender.

HB 3086 provides that employees hired at the Southwest Oklahoma Juvenile Center after June 1, 2020, be considered unclassified and term-limited. Those employees may be transitioned into non-term-limited employment after the initial term expires.

SB 1066 authorizes a court to order an extra 180 days deferral of delinquency adjudication proceedings if the court determines a child has made satisfactory progress in the diversion program, and that the extension is necessary to accomplish treatment goals.

HB 2539 exempts vehicles owned by the Office of Juvenile Affairs from the requirement that state-owned vehicles display the words *State of Oklahoma* and the name of the agency that owns the vehicle.

SB 898 allows a public body to meet in executive session to discuss matters involving safety and security at state penal institutions or correctional

facilities. The measure also allows the Board of Corrections to meet in executive session when discussing contract negotiations. No person who may profit directly or indirectly from a proposed action under consideration may be present or participate in the executive session.

SB 912 exempts agriculture motor vehicles engaged in intrastate commerce from electronic logging devices and hours of services as mandated by the U.S. Commercial Motor Vehicle Safety Enhancement Act.

Training and Education

HB 2882 allows any state-supported technology center school operating under the State Board of Career and Technology Education or any higher education institution in this state to, upon application and approval of the Council on Law Enforcement Education and Training (CLEET), offer courses of study for law enforcement certification, basic peace officer certification academies and other law-enforcement-related training. Any courses or training offered must meet minimum standards established for peace officers and meet all applicable eligibility requirements for students to receive benefits pursuant to any of the federal G.I. bills. The measure also allows CLEET to conduct basic peace officer certification academies and other law enforcement training for individuals who are neither commissioned nor appointed by a law enforcement agency.

HB 2651 allows the Commissioner of Public Safety to require the course of study for Class A, B or C commercial licenses to include training on the recognition, prevention and reporting of human trafficking. The commissioner is to regularly review and update the training to take into account changes and trends in human trafficking.

SB 1023 allows CLEET to train individuals who are noncommissioned or not currently employed by law

enforcement agencies in exchange for tuition.

Operating Motor Vehicles

HB 1152 allows the Insurance Commissioner to contract with a statewide association of county sheriffs to serve as the Plan Administrator for the Oklahoma Temporary Motorist Liability Plan.

HB 1560 allows the Commissioner of Public Safety, in consultation with the Department of Transportation specifying the highways to be used, to issue special permits for vehicles and loads exceeding 13.5 feet in height.

HB 2635 provides that a Department of Public Safety (DPS) motor vehicle report is not a public civil record and is not subject to expungement.

SB 1089 modifies weight limits for vehicles operating under special permits by requiring dual wheels for any vehicle moving loads between 22,000 pounds and 23,000 pounds and requiring a minimum weight capacity rating of 20,000 pounds for the steering axle of any vehicle moving loads greater than 23,000 pounds. The measure modifies size and weight restrictions for oversize or overweight vehicles used for specialized transportation within a 30-mile radius of the Port of Catoosa.

SB 1114 designates certain routes as high-wide corridors and requires persons to obtain a high-wide permit from the DPS when operating on a designated high-wide route.

Registration

SB 1339 modifies the information required on a registration application by including the make, model and color of the vehicle. The measure also requires the license plates of a vehicle be retained by seller of a motor vehicle when registration is transferred. The owner of the license plate may transfer the license plate to another vehicle of the same registration class.

HB 3278 states that if an applicant for a motor license agency is assuming

the location of an existing or operating agency, the current agent may submit a letter of resignation contingent upon the appointment of the applicant, regardless of the population of the municipality in which the agency is located. The measure prohibits the appointment of any motor license agent who is related to any member or employee of the Oklahoma Tax Commission (OTC). In addition, the bill allows a member or former member of the Legislature or relative to become a motor license agent. A related measure, **SB 1439**, modifies the method of selecting applicants for motor license agents. The measure requires that in counties with a population of more than 30,000, the operation of a motor license agency be the primary source of income for the agent. The measure allows the OTC to determine the number of motor license agents necessary to carry out the provisions of the Motor Vehicle License and Registration Act. The map on the next page shows county population.

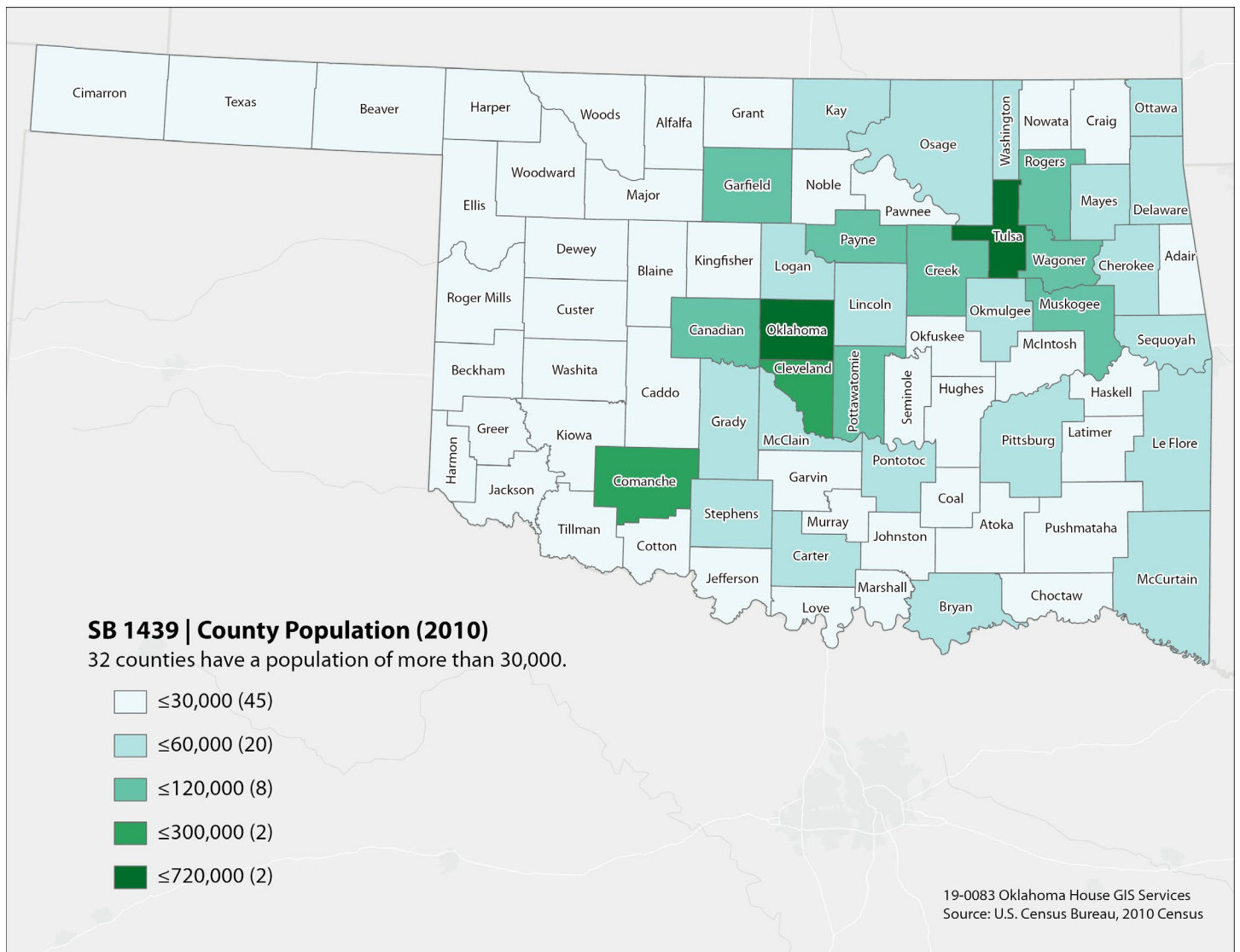
Miscellaneous Public Safety

HB 2634 provides that any employee of the DPS appointed to the position of Commissioner has the ability to return to the previous position of the employee without any loss of rights, privileges or benefits immediately upon completion of the duties as commissioner.

HB 3131 allows the DPS to use either black or white patrol units.

HB 3709 transfers \$100,000 from the AG's Evidence Fund to the Legal Services Revolving Fund to provide additional funding for domestic violence programs. This will increase the amount of funds passed through the AG's Office for domestic violence programs to more than \$1 million.

SB 1266 exempts employees of custom harvester operations from the requirement of obtaining a hazardous material endorsement for their commercial Class A license. ■





Revenue & Taxation

Following significant tax reforms in the Second Special Session, the Legislature continued its efforts to improve budgeting practices and give voters the option to create a fund to save a portion of revenue from gross production tax collected each year.

SJR 35 refers to a vote of the people a constitutional amendment to create the Oklahoma Vision Fund, which, if approved, will receive an apportionment of 5 percent of revenue from gross production taxes on oil and gas beginning July 1, 2020. For each fiscal year thereafter, the apportionment will grow by .02 percent. Monies deposited to the fund will be invested by the State Treasurer with 4 percent of the average annual principal apportioned to the General Revenue Fund annually.

SB 1583 modifies the criteria for deposits to be made to the Revenue Stabilization Fund. The measure increases, from \$5.73 billion to \$6.6 billion, the minimum amount that must be certified by the State Board of Equalization as having been deposited in the General Revenue Fund before deposits to the Revenue Stabilization Fund are initiated.

HB 2253 tightens up eligibility for an aircraft excise tax exemption by modifying the definition of *commercial airline* to exclude air carriers that operate under Part 135 of the Code of Federal Regulation for less than 50 percent of its annual operations and air carriers chartered by the aircraft owner or a business in which the aircraft owner holds a

majority interest. The measure also requires aircraft owners to submit an annual report to the Oklahoma Tax Commission (OTC) detailing the operations of the aircraft.

HB 3713 relates to motor fuel taxes levied on gasoline and diesel imported into the state through the fuel supply tanks of a motor vehicle being used for commercial purposes. The measure updates reference to how the tax is determined by tying the motor fuels import rate to the motor fuels consumption rate stated in the Motor Fuel Tax Code.

SB 893 established an annual cap equal to \$500,000 for the zero-emission facilities electricity production tax credit effective tax year 2019. The cap is only applicable to credits that are earned from electricity produced by means of water, sun or geothermal energy. The measure 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 \$500,000 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. Unused credits may be carried over until they are fully used. The OTC is also required to submit an annual report to the Secretary of Energy and Environment, the Governor and Legislature summarizing the amount of credits allowed each year. Within

60 days of receiving the report from the OTC, the Secretary of Energy and Environment is required to submit recommendations for changes to the tax credit to the Governor and the Legislature.

SB 883 relates to a tax credit for guaranty fees paid to the Small Business Administration by a state banking association, national banking association or credit union domiciled in the state. The measure extends the sunset date of the credit from January 1, 2019, to January 1, 2022.

SB 1059 updates definitions in the Ad Valorem Tax Code to be consistent with terms and definitions relating to ad valorem tax in the Oklahoma Constitution. The measure also updates and clarifies requirements for notifying a taxpayer when an assessor increases the valuation of real or personal property subject to ad valorem tax.

HB 3156 makes several changes to the administrative functions of the OTC. The measure:

- Removes the requirement for notices regarding a city or town's decision to call for regular municipal elections be provided to the commission;
- Increases, from \$10,000 to \$25,000, the maximum amount of tax liability that can be compounded, settled, compromised or abated through an agreement with the

commission without judicial approval;

- Establishes an administrative process and timeline to allow any person from whom contraband cigarettes, tobacco products and associated materials were seized to request a hearing with the commission or Attorney General to explain why the seized property should not be forfeited and destroyed; and
- Changes the due date for the annual withholding tax reconciliation return from February 28 to January 31.

HB 3372 relates to the administration of documentary stamp tax collections and training and support from the Oklahoma State University Center for Local Government Technology (OSU-CFLGT) to counties. The measure:

- Adds cadastral mapping as a required academic unit for advanced accreditation of individuals involved in the actual appraisal of property;
- Directs the OSU-CFLGT to work with the County Assessors' Association, to provide the administration of the computer-assisted mass appraisal (CAMA) software system to any county that currently uses or wishes to use the software;
- Creates the County Government Education-Technical Revolving Fund and provides that all

expenses incurred by the OSU-CFLGT for administering accreditation requirements and CAMA software to counties is to be paid from the newly created fund;

- Transfers all powers, duties, responsibilities, property, assets, liabilities, fund balances, encumbrances and obligations of the ad valorem division of the Oklahoma Tax Commission relating to the CAMA system to OSU-CFLGT;
- Transfers all monies remaining in the CAMA Implementation Revolving Fund to the County Government Education-Technical Revolving Fund;
- Modifies the apportionment of documentary stamp tax collections by diverting \$500,000 plus 3 percent of collections that is currently apportioned the General Revenue Fund to the County Government Education-Technical Revolving Fund;
- Apportions 10 percent of funds deposited into the County-Government Education Technical Revolving Fund to the Oklahoma Cooperative Extension Service beginning FY 2020;
- Apportions 88.5 percent of funds deposited into the County Government Education Technology Revolving Fund to the OSU-CFLGT beginning fiscal year 2020; and

- Establishes a reserve account within the County-Government Education-Technology Revolving Fund and caps the balance for the reserve account at \$2 million.

HB 3225 directs the OTC to publish tax credit data on its website. The information must be available free of charge, downloadable and offer users the ability to sort and search the data. The bill also sets minimum standards for what type of information must be disclosed about each tax credit.

HB 2716 reauthorizes an income tax check off for the Oklahoma Pet Overpopulation Fund effective January 1, 2019.

SB 1166 reauthorizes an income tax checkoff for court appointed special advocates. The measure also strikes language that required contributions to the fund to be distributed to all court appointed special advocate programs in the state.

SB 943 creates an income tax checkoff for the benefit of the Oklahoma AIDS Care Revolving Fund effective tax year 2019.

HB 3715 relates to income received as a shareholder of a deferred foreign income corporation and the payment of taxes on such income. The measure allows a taxpayer that elects to pay federal income tax due on the income in installments to also pay state income tax due on the income in installments. ■



Transportation

Three measures, **HB 2519**, **SB 894** and **SB 1490**, create the following highway and bridge memorial designations:

- 2nd Lt Faythe McGinnis Memorial Highway;
- Chief John Hansen Memorial Bridge;
- Eugene Woodrow Wicker Memorial Highway;
- Deputy Sheriff Douglas Hanna Memorial Bridge;
- James Robert “Bob” Kalsu Memorial Bridge;
- LCpl Geoffrey Fisher, USMC Memorial Bridge;
- Michael “Mike” Dale Russell Memorial Bridge;
- Nancy Randolph Davis Memorial Highway;
- PFC Jackie Lindell Elston Memorial Bridge;
- Robert B. Robison Memorial Highway;
- Sergeant Jeffrey Lee Drake Memorial Highway;
- Silver Star Recipient Captain John Lee Prichard Memorial Bridge;
- SSG Christopher Michael Hake Memorial Bridge;
- SSGT Jason R. Hendrex Memorial Bridge;
- Technical Sergeant Allen Chandler, Jr. Memorial Highway;

- Trooper Houston F. “Pappy” Summers Memorial Bridge; and
- Veterans’ Memorial Bridge.

In addition to new memorial designations, **SB 1490** modifies the name of the existing Pearl Harbor Veterans Memorial Highway by replacing the word *veterans* with *survivors*. Further, the measure clarifies the location of the Bill Milroy Memorial Bridge, and **SB 894** changes the location of the Joseph Oklahombi Memorial Bridge.

HB 2548 modifies the name of the MSG Joshua Wheeler, U.S. Army Delta Force Memorial Highway in Sequoyah County by removing reference to Delta Force.

HB 2650 requires *merge now* traffic-control devices to be placed in accordance with the standards set by the Federal Highway Administration’s Manual on Uniform Traffic Control Devices. Current law requires the device to be placed no greater than one mile nor less than 1,500 feet in advance of a highway construction or maintenance zone.

HB 2663 creates the Former Legislator License Plate. Fees from the plate will be deposited in the Oklahoma Historical Society Capital Improvement and Operations Revolving Fund.

HB 2921 requires the Transportation Commission to submit an annual waiver to the U.S. Department of Transportation requesting exception from federal regulations preventing

the sale of surplus land owned by the commission for less than fair market value.

HB 2923 modifies the Competitive Bidding Act by authorizing the Oklahoma Department of Transportation (ODOT) and the Oklahoma Turnpike Authority (OTA) to electronically publish bids.

HB 3089 clarifies that land purchases by the OTA do not include groundwater rights.

HB 3373 and **SB 892** create the following specialty license plates:

- A Brotherhood Aiming Toward Education of Oklahoma (ABATE);
- Bethany Public Schools Foundation;
- Cystic Fibrosis;
- Daughters of the American Revolution;
- Down Syndrome Association of Central Oklahoma;
- Downed Bikers Association;
- Eagle Scout;
- Elk City Education Foundation;
- Extraordinary Educators;
- Folds of Honor Supporter;
- Navajo School Foundation;
- Oklahoma Institute for Child Advocacy;
- Oklahoma Music Hall of Fame Inc.;
- Pittsburg State University;

- Pride of Oklahoma Marching Band;
- Sons of the American Revolution;
- Southeast Spartans;
- Special Forces Association;
- Spirit of Oklahoma State Marching Band; and
- Techlahoma Foundation.

HB 3374 authorizes the Oklahoma Tax Commission (OTC) to contract with a private vendor that has experience in the marketing and sale of personalized and special license plates. The bill directs the OTC to establish administrative fees, in addition to registration fees already established, to recover the costs associated with the contract and implementation of the measure.

Additionally, the bill allows the OTC to approve the designs and

color combinations for the new personalized, nonpersonalized, and special plates that will be marketed and sold by the vendor and such designs will remain the property of the OTC.

HB 3376 exempts the Commissioners of the Land Office from the requirements of the Fleet Management Division.

HB 3388 updates antiquated language to require a railroad company to construct and maintain crossings in accordance with the U.S. Department of Transportation's Railroad-Highway Grade Crossing Handbook. Failure to comply can result in a contempt proceeding before the Oklahoma Corporation Commission.

HB 3576 creates the Oklahoma State Safety Oversight Program to be overseen by the ODOT. The bill

directs the department to develop and enforce standards for all public transportation rail systems, such as streetcars, that are not administered by the Federal Railroad Administration.

HB 3712 restores funds appropriated from the State Highway Construction and Maintenance Fund and the Oklahoma Railroad Maintenance Revolving Fund in the general appropriations bill, **SB 1600**, by transferring fixed dollar amounts of sales tax revenue collected in August, September and October of this year that is supposed to be credited to the General Revenue Fund. A total of \$80 million will be appropriated to the State Highway Construction and Maintenance Fund and \$12 million will be appropriated to the Oklahoma Railroad Maintenance Revolving Fund. ■



Veterans & Military Affairs

Reflecting the Legislature's commitment to those who serve in uniform and their families, action was taken to develop a new long-term care facility, to establish programs specifically for women veterans, and to ease the transition from life in the armed services back to civilian life.

HB 3042 directs the Oklahoma Department of Veterans Affairs (ODVA) to develop and construct a long-term care facility for the purpose of assuming the operations of the veterans' center currently located in Talihina. The department may construct new facilities or refurbish facilities on property currently owned by the state or property purchased or donated from other sources. The location of this facility

is to be determined by the Oklahoma Veterans Commission.

SB 922 directs the ODVA to establish the Oklahoma Women Veterans Program. The program is directed to assess the needs of women veterans, make recommendations to the executive director regarding improvement of benefits and services to women veterans, and incorporate issues concerning women veterans in department planning.

SB 1053 authorizes the ODVA to obtain certification to accept payments from Medicare and Medicaid programs.

SB 1141 requires all state licensing or certification authorities, including state agencies and commissions,

to recognize appropriate military training for licensing or certification processes.

SB 931 authorizes the ODVA to accept gifts and donations, to hold funds or property received as gifts outright or in trust, or to invest them. The department is directed to use best efforts to comply with the terms of any conditional gifts. Finally, the measure prohibits any special consideration to be given by a state veterans' home due to any pledged or prior gift.

SB 932 allows for an employee of the ODVA or the Oklahoma Military Department to be granted administrative leave for certain volunteer activities in service to veterans. ■



Appendix I

Summary of Vetoes

The Governor vetoed 17 bills during the Second Session of the 56th Legislature. Below, you will find a summary of each bill vetoed and an excerpt of the Governor's veto message.

HB 1401 would have created the statutory version of the Oklahoma Vision Fund and create a new apportionment of revenue from gross production taxes on oil and gas beginning July 1, 2020.

Governor's Veto Message

"While I believe that HB1401 is well intentioned, it raises some significant concerns... The amount deposited is to increase by 0.2% each subsequent year but sets no cap on the percentage of total actual revenue that is to be diverted away from current appropriations and general revenue into the fund.

Presumably, by not having a cap in place, future legislatures would see an ever increasing amount of monies being diverted into this fund and away from funds, like the Energy Stabilization Fund, which currently receives monies from gross production taxes..."

HB 1568 would have established a program within the Oklahoma Department of Commerce to allow the state to purchase outstanding tax credits in order to reduce the debt burden of the state.

Governor's Veto Message

"HB 1568 is an inappropriate attempt to take an existing economic incentive and change it to a cash payment. The challenges we have experienced over the last several years managing the cost and cash outlay of the refundability of wind

tax credits gives pause to acting on this measure... While there appears to be an attempt to build safeguards into the program, there are no objective standards and no metrics for adjudicating performance."

HB 1608 allows a full-time appointed peace officer who is CLEET certified to carry a personal rifle or shotgun anywhere in the state, while on duty and off duty. The Governor pocket vetoed the legislation without comment.

HB 2661 would have moved Oklahoma Native American Day from the third Monday in November to the second Monday in October.

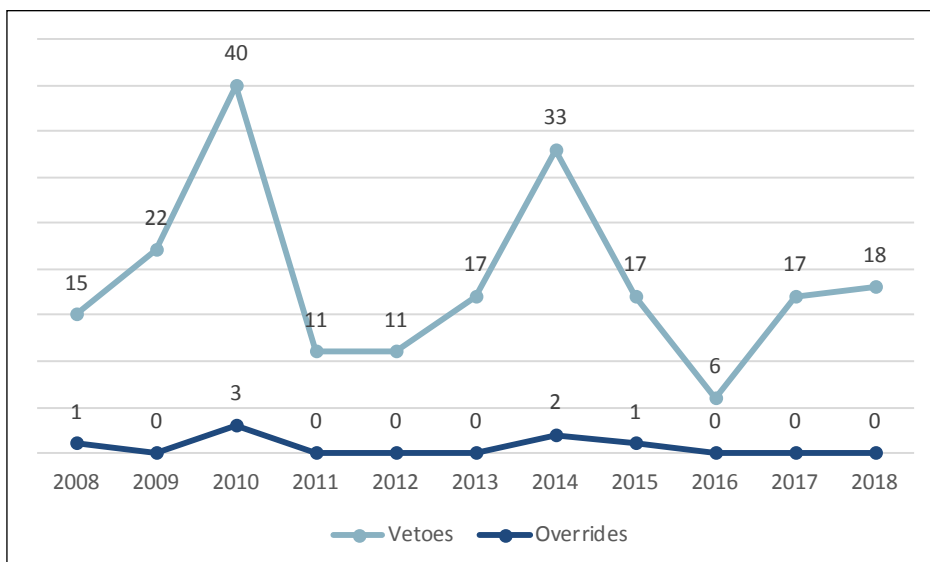
Governor's Veto Message

"I believe combining a new Native American Day designation with the current Columbus Day holiday could be viewed as an intentional attempt to diminish the long-standing support of November being proclaimed annually as Native American Heritage Month in Oklahoma, and the third Monday in November as "Oklahoma Native American Day" as defined in 25. O.S. 2011, Section 90.12."

HB 3053 would have prohibited a voter from verbally disclosing how they voted while in the election enclosure, but allow a digital image of the voter's marked ballot to be taken and shared with others.

Governor's Veto Message

"I am concerned how this will potentially open up the voting process for voter intimidation and propaganda



electioneering. Before Oklahoma takes this step to allow wholesale publication of a voter's marked ballot, legislation should contain stronger provisions prohibiting or regulating voter intimidation ..."

HB 3244 would have repealed all sections of the Oklahoma Individual Health Insurance Market Stabilization Act, originally enacted in 2017.

Governor's Veto Message

"... I am concerned this bill completely repeals [Marketplace Stabilization Act]. The MSA was created just last year as a response to the high increases in insurance premiums as a result of the change in health care by the Affordable Care Act, also known as Obamacare. Since the current MSA has a sunset of June 6, 2019, I believe it is premature to eliminate the act. Full elimination of the MSA potentially exposes our citizens to higher insurance premiums and takes away an option to stabilize the insurance market..."

SB 86 would have required the Oklahoma Department of Transportation to conduct an economic impact study on an affected municipality prior to any new state highway construction project that would bypass the municipality.

Governor's Veto Message Excerpt

"I am vetoing SB 86 because this bill transfers the decision making on state transportation projects from the state Department of Transportation (ODOT) to local municipalities."

SB 337 would have established additional reporting requirements for out-of-state vendors making sales of tangible personal property to consumers in the state.

Governor's Veto Message

"The language in SB 337 is duplicative to HB 1019xx, passed during special session, that requires remote sellers making sales into this state that do not collect tax to file an annual statement with the Oklahoma Tax Commission identifying each customer and their

Oklahoma purchases during the preceding calendar year..."

SB 1128 would have required a physician to conduct additional testing and documentation prior to issuing an initial prescription for an opioid drug exceeding a seven-day supply for treatment of acute pain.

Governor's Veto Message

"While SB 1128 contains patient safeguards, such as a requirement that the doctor document the medical necessity of the prescription, the bill ultimately provides an exception to the opioid pill limits contained in SB 1446."

SB 1190 would have modified reading performance levels for promotion and retention related to the Reading Sufficiency Act.

Governor's Veto Message

"When reviewing SB 1190, I had significant concern that the criteria moved from the traditional reporting of the RSA from four-tiered bands to two-tiered bands, creating a pass-or-fail system. This process will mask student performance from parents, school performance communities, and state policy leaders. With a pass-or-fail system, parents, community members and state education policy makers will not be able to understand if a school is missing the pass level by a point or by significant margins... In addition to the concern above, the language in SB 1190 does not require a certain performance level (achievement band) to be achieved for promotion of students to the fourth grade, but rather left the education standard based on "the criteria established by the Commission for Educational Quality and Accountability."

SB 1212 would have allowed any person who is at least 21 years of age, or a person who is at least 18 years of age and in the military, to carry a firearm concealed or unconcealed if the person is not otherwise disqualified from possessing or purchasing a firearm.

Governor's Veto Message

"... I believe the firearm requirements we currently have in state law are few and reasonable. SB 1212 eliminates the training requirements for persons carrying a firearm in Oklahoma. It reduces the level of the background check necessary to carry a gun... SB 1212 eliminates the current ability of Oklahoma law enforcement to distinguish between those carrying guns who have been trained and vetted and those who have not."

SB 1221 would have required members of the Pardon and Parole Board to complete annual training based on guidance from organizations that provide training and technical assistance related to the probation and parole process. The measure also modified the requirements for eligibility to be a Pardon and Parole Board member and required at least two members of the Board to have 5 years of training or experience in mental health services, substance abuse services or social work.

Governor's Veto Message

"Senate Bill 1221, also known as the Alyssa Wiles Juvenile Life Without Parole Sentencing Act, has provisions that, are in my opinion, in violation of the United States Supreme Court decision *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed.2d 407. That decision was followed by the Oklahoma Court of Criminal Appeals in its decision rendered May 10, 2018, in *Roberts A. Stevens v. The State of Oklahoma*, Case No. PC-2017-219."

I veto the legislation and allow the Oklahoma legislature to properly address this issue in light of this recent ruling."

SB 1251 would have provided that a bond is to be exonerated by operation of law in any case in which the defendant has been arrested on new charges in the same jurisdiction in which the bondsman or insurer has posted the appearance bond or bonds for the defendant, and the defendant has been subsequently released on his or her own personal recognizance.

Bond was also to be exonerated by operation of law in any case in which there is an added charge to a case that would result in a higher fine or longer term of sentence if convicted, or an amendment to a charge that would result in a higher fine or longer term of sentence if convicted.

Governor's Veto Message

"The language in subparagraph F, page 3, does not adequately protect the public in situations where the defendant is not in custody and the bond is exonerated by operation of law."

SB 1280 would have authorized the Board of Podiatric Medical Examiners and the State Board of Examiners of Perfusionists to approve applications by circularization with applications ratified at a subsequent meeting of the respective boards.

Governor's Veto Message

"I am concerned that SB 1280 erodes the intent of the Open Meeting Act through its creation of a new process by a licensing board to approve podiatric license applications between regular board meetings. This procedure would bypass the public's protection of transparency provided by the Open Meeting Act."

SB 1287 would have modified the definition of *bullying* as used in the School Safety and Bullying Prevention Act.

Governor's Veto Message

"I vetoed this bill because the new definition of "bullying" in this bill

is not as strong and protective of students as the current language of the law. It is important that students be protected from "harassment, intimidation and threatening behavior" of the current law and this bill removes all of these types of behavior.

I vetoed this bill for efficiency and cost savings because it is important to continue to give local school districts the flexibility to combine the Healthy and Fit School Advisory Committee with the Safe School Committee."

SB 1337 would have allowed the holder of a distillers license to sell spirits produced by the licensee for either on-premises or off-premises consumption to consumers on the distillery premises and at public events such as trade shows or festivals.

Governor's Veto Message

"I vetoed this bill because in amending 37A O.S. Supp. 2017 Section 2-103, this bill fails to address the status of those licenses such as small farm wineries or small craft brewers whose licenses have production caps put in place. This bill does not provide any cap on production."

SB 1400 would have consolidated the Oklahoma Department of Commerce as division of the Office of the Lieutenant Governor.

Governor's Veto Message

"Oklahoma Constitution Art. 6, Section 2, confers on the Governor, the Supreme Executive Power on the Governor. It is totally inconsistent with this Constitutional authority to have the Director of the Commerce Department appointed by the Lieutenant Governor, as Senate Bill 1400 prescribes..."

SB 1442 would have modified the requirements placed upon the Department of Corrections, the county sheriff and the county clerk regarding the reimbursement by the Department of Corrections for inmates held in the county jail after sentencing.

Governor's Veto Message

"The author of the bill says it is needed because of an attorney general's opinion. It is noteworthy that the same opinion recognizes that without a timeline the counties have no incentive to timely notify DOC they are holding its prisoner. Although the bill strikes the timeline, it makes no effort to provide an alternative solution other than placing the transmittal responsibility on the county court clerk to incentivize counties to provide DOC with the required notice, which would save the state substantial money... The law needs further amendment to require the judgement and sentence to be filed and immediately delivered to the Department of Corrections by the Court Clerk and a financial penalty to the Court Clerk if the transmittal does not occur within 5 days." ■



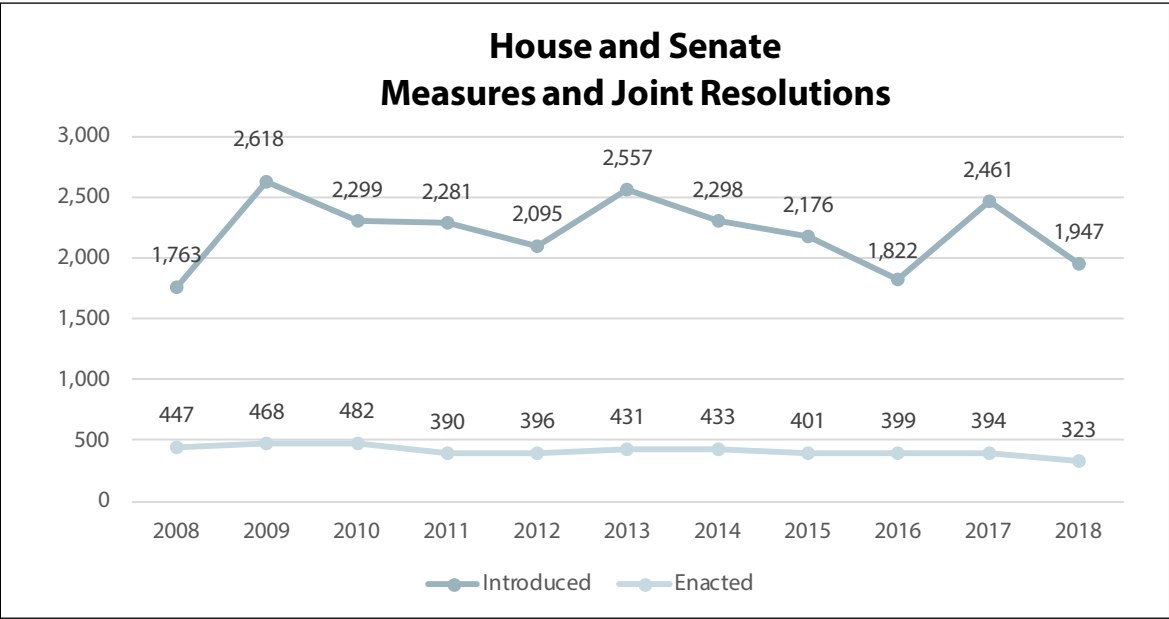
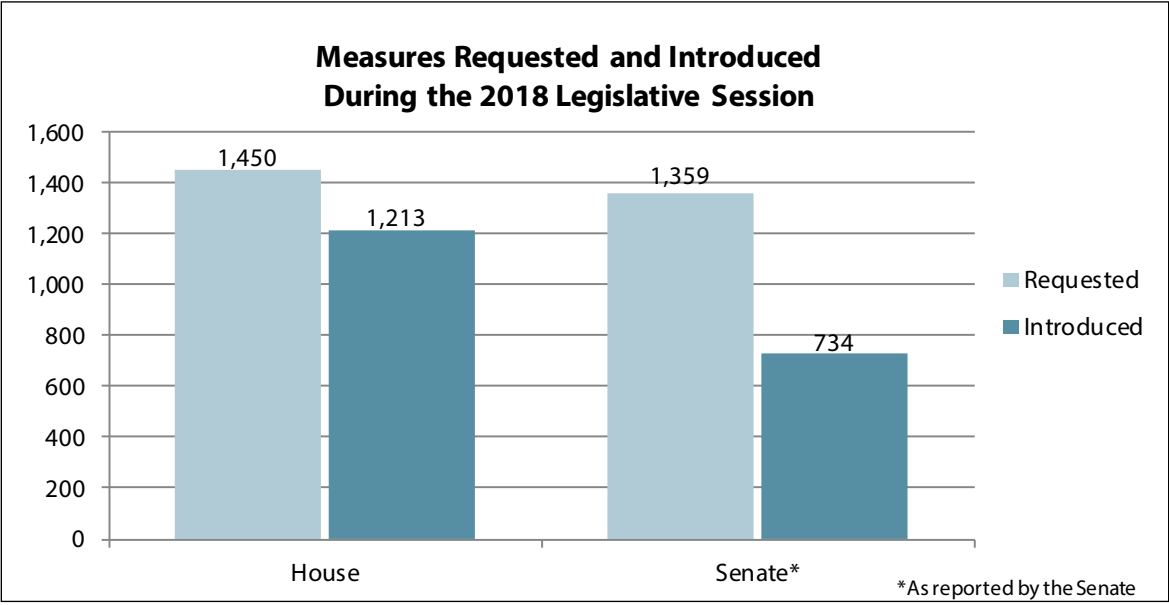
Appendix II

Legislative Production

	House Bills	House Joint Resolutions	Senate Bills	Senate Joint Resolutions
Requested	1,450	49	1,359**	**
Introduced	1,213	32	734	25
Sent to Opposite Chamber	266	2	326	7
Conference Granted	23	2	33	1
Sent to Governor	170	1	171	0
Approved by Governor	164	1	159	0
Filed with Secretary of State	0	1	0	4
Vetoed	6*	0	12	0

*includes pocket veto of HB 1608

**as reported by the Senate,
includes SJRs





Appendix III

State Questions

The purpose of this appendix is to provide the ballot titles of the state questions placed on the November 6, 2018, general election ballot. State questions are placed on the ballot either by legislative referendum or by the initiative petition process. State Questions, 794, 798, 800, and 801 were referred by the Legislature and State Questions 793 was submitted through the initiative petition process.

The Oklahoma Constitution (see Sections 1-6 of Article 5 and Sections 1 and 2 of Article 24) and Title 34 of the Oklahoma Statutes provide for both the initiative and referendum petition procedures. These procedures come under the concept of a direct democracy in that the people, who ultimately are vested with legislative authority, may promulgate laws. The four state questions that came about as a result of the legislative referendum process will require the approval of a majority of voters for it to become law. Legislative referendums are placed on the general election ballot unless a special election provision is added, which requires a two-thirds vote of both chambers.

The initiative petition process gives registered voters the right to propose measures to amend Oklahoma's statutes or constitution. Initiative petitions proposing legislative (nonconstitutional) measures must contain the valid signatures of at least 8 percent of the total number of votes cast in the last general election for the state office receiving the highest number of votes at that election for the question to be placed on the election ballot. Initiative petitions seeking to amend the Oklahoma Constitution must contain the valid signatures of at least 15 percent of the total number of votes cast in the last general election for the state office receiving the highest number of votes at that election for the petition to be placed on the election ballot.

State Question 793

Right of optometrists and opticians to practice in a retail mercantile establishment (Initiative)

This measure adds a new Section 3 to Article 20 of the Oklahoma Constitution. Under the new Section, no law shall infringe on optometrists' or opticians' ability

to practice within a retail mercantile establishment, discriminate against optometrists or opticians based on the location of their practice, or require external entrances for optometric offices within retail mercantile establishments. No law shall infringe on retail mercantile establishments' ability to sell prescription optical goods and services. The Section allows the Legislature to restrict optometrists from performing surgeries within retail mercantile establishments, limit the number of locations at which an optometrist may practice, maintain optometric licensing requirements, require optometric offices to be in a separate room of a retail mercantile establishment, and impose health and safety standards. It does not prohibit optometrists and opticians from agreeing with retail mercantile establishments to limit their practice. Laws conflicting with this Section are void. The Section defines "laws," "optometrist," "optician," "optical goods and services," and "retail mercantile establishment."

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO

State Question 794

Crime Victim's Rights (SJR 46, 2017)

This measure amends the provision of the Oklahoma Constitution that guarantees certain rights for crime victims. These rights would now be protected in a manner equal to the defendant's rights. The measure would also make changes to victim's rights, including

- (1) expanding the court proceedings at which a victim has the right to be heard;
- (2) adding a right to reasonable protection;
- (3) adding a right to proceedings free from unreasonable delay;
- (4) adding a right to talk with the prosecutor; and

(5) allowing victims to refuse interview requests from the defendant's attorney without a subpoena.

The Oklahoma Constitution currently grants victims' rights to crime victims and their family members. This measure would instead grant these rights to crime victims and those directly harmed by the crime. Victims would no longer have a constitutional right to know the defendant's location following arrest, during prosecution, and while sentenced to confinement or probation, but would have the right to be notified of the defendant's release or escape from custody.

Under this measure, victims would have these rights in both adult and juvenile proceedings. Victims would be able to assert these rights in court, and the court would be required to act promptly.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO

State Question 798

Governor and Lieutenant Governor to be elected jointly (SJR 66)

This measure will add a provision to the Oklahoma Constitution to change the manner in which the Governor and Lieutenant Governor are elected. Currently, voters cast one vote for their preferred candidate for Governor and a separate vote for their preferred candidate for Lieutenant Governor. Under this measure, if approved, candidates for Governor and Lieutenant Governor from the same party will run together on a single ticket and voters will cast one vote for their preferred ticket.

The measure requires the Legislature to establish procedures for the joint nomination and election of candidates for Governor and Lieutenant Governor. If passed, this new election format will be used beginning in the 2026 general election cycle.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO

State Question 800

Oklahoma Vision Fund (SJR 35)

This measure would create a new fund called "The Oklahoma Vision Fund" in the Oklahoma Constitution. Money could be appropriated to the Fund. Beginning July 1, 2020, five percent (5%) of gross production taxes on both oil and gas would be deposited into the Fund. After that fiscal year, the percentage would increase by two-tenths percentage points each year. Other monies could be deposited into the Fund if provided by law. The State Treasurer would deposit four percent (4%) of the principal amount of the Fund into the State General Revenue Fund each year. The Fund would be subject to an investment standard known as the prudent investor rule. The Fund could be invested in stocks and similar securities. Not more than five percent (5%) of the monies in the Fund could be used for payment of debt obligations issued by the State of Oklahoma, state government entities or local government entities.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO

State Question 801

Ad valorem usage for school districts (SJR 70)

This measure amends Section 10 of Article 10 of the Oklahoma Constitution. It expands the uses permitted for certain ad valorem taxes levied by a school district. Currently, tax revenue is placed in a building fund. The fund is changed to allow use for operations. The operations would be those deemed necessary by a school district.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO ■



Bill Subject Index

ABUSE

Vulnerable adults; requiring joint investigations under certain circumstances; requiring interviews with certain persons. **SB 993**

Child

Child abuse or neglect reporting requirements; specifying teachers be required to report cases of abuse or neglect; time limitation. **HB 2259**

Directing officers and school employees to notify law enforcement of certain activities; requiring school employees to make report to the Department of Human Services; requiring reports be made via hotline. **SB 1150**

Drug and Alcohol

Controlled dangerous substances; requiring manufacturers and distributors to make certain data available for review to the Director of the State Bureau of Narcotics and Dangerous Drugs Control. **HB 2796**

Opioid Overdose Fatality Review Board; executive sessions; powers and duties; promulgation of rules; annual report. **HB 2798**

Opioids; directing medical facility owners that prescribe certain drugs on a monthly basis to register with the State Bureau of Narcotics and Dangerous Drugs Control. **HB 2795**

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